

# GENEIVAS DAAS PART 4

*by Rabbi Yehonasan Gefen*

Last week we discussed the opinion of the Rambam about geneivas daas, and whether it is a Torah or Rabbinical prohibition.

This week, we discuss the reasons for the prohibitions: There are a number of opinions on this issue: The Ritva learns the prohibition (issur) from 'Do not steal', and brings the Tosefta in Bava Kama, that says that there are three types of stealing, and 'gonev daat habrios' (deceiving people) is the worst of them all. This also seems to be the opinion of the Smag and Smak. From the Rambam, it seems that when monetary loss is involved, the issur is based on the prohibition to not steal. However, when there is no monetary loss, the source of the issur is the prohibition to not lie, because he ends the sentence there, writing that one should speak truthfully.

The Shaarei Teshuva includes one who is gonev daat as being in the group of liars. He stresses that this type of 'geneiva' is worse than regular stealing. This is because since he is not stealing his fellow's money, rather his daat (ie. tricking him), it is as if he believes that HaShem doesn't know his thoughts.

The Tur and Shulchan Aruch (Choshen Mishpat, Simun 228) bring this law together with that of onaah (this literally means afflicting, and in this case refers to harming someone monetarily by deliberately overcharging or underpaying them), implying that its source is onaah and not stealing.

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*1. This article is based on a talk given by Rabbi David Genish, Shlita, Rabbi of Kehillat Meam Loez.*

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