

# AN HONEST MISTAKE

*by Rabbi Eliyahu Hoffmann*

Parshas Behar contains the prohibition of Ona'ah, causing financial harm to others. "When you make a sale to your fellow, or purchase from him, do not cause [financial] harm to one another." (25:14) The Gemara (Bava Metzia 49b) explains this to be a prohibition against the seller to (substantially) overcharge the purchaser for his merchandise (unbeknownst to the purchaser), and against the buyer to substantially underpay for his purchase, unbeknownst to the merchant. "Substantial," in this context, refers to at least a sixth more or less than the market (retail) price. [The laws of ona'ah are both complex and fascinating. A full discussion of them is beyond the scope of this column. The reader is encouraged to study the sources: Talmud ibid., Shulchan Aruch, Choshen Mishpat chapter 227.]

In Frankfurt, there lived a powerful and well connected nobleman, who was also very wise and knowledgeable. Indeed, his knowledge even extended to the fields of Halacha and Talmudic studies. One day, he came across the celebrated sage Rabbi Nassan Adler zt"l, famed Rebbe of the Chasam Sofer. "Esteemed Rav," said the nobleman, "I have for you a Talmudic query, and I hope you can be of assistance. The Gemara (Bava Kamma 113b) tells the story of Shmuel, the famous Talmudic sage, who once came to purchase what was ostensibly a copper vessel from a gentile merchant. Shmuel, however, realized that in fact the vessel was one of gold. Instead of informing the merchant of his error, the Gemara relates, Shmuel went ahead and made the purchase at the price of 4 zuz, which was set on the mistaken assumption that the vessel was one of copper. Furthermore, the Gemara relates, Shmuel 'swallowed up' (this is the Gemara's wording - 'Hivliah' in Hebrew) an additional zuz (it appears the merchant didn't notice the missing zuz), thus further cheating the poor merchant out of another zuz, and bringing the final price down to only three zuz! Now tell me, esteemed Rabbi, and please be honest: Is this ethical? Would Shmuel have gone through with such a fraudulent purchase had the merchant been Jewish? Is such the example of one of the greatest and most celebrated Talmudic sages?! After reading this story, I must tell you, I no longer wondered why it is that the Jews are so despised by their gentile neighbours - if this is the way they treat them! Does not your Torah forbid the purchaser to underpay, just as it forbids the seller to overcharge?"

"Ah," Rav Adler began, "you have asked a wise and perceptive question. However, were that you understood the deep-rooted ethics and true wisdom of our venerable sages, you might have realized that you have completely misunderstood the Gemara. Indeed, from this Gemara itself we see just how ethical and honest Shmuel truly was!

"Firstly, allow me to point out that in many other places in the Talmud, 'swallowing up' a zuz does not mean to subtract a zuz (as Rashi explains it here) - it means to add-on a zuz! For instance, in Masseches Sukkah (39a), the Gemara describes the procedure of buying an esrog in the Shemittah year (during which farmers are commanded to leave their fields unworked, and are forbidden to charge for their fruits and produce). The farmer, if necessary, says the Talmud, can 'swallow up' an additional zuz in the price of the lulav, and thus by overcharging for the lulav, recover some of his costs for the esrog. In many other cases we find that to 'swallow up' money means to add-on, and not subtract, money."

"Indeed," agreed the nobleman. "But even as you say, Shmuel payed only one more zuz. Paying five zuz for a vessel of gold on the premise that the same vessel of copper would have been worth four still amounts to nothing less than highway robbery!"

"Wait," continued Rav Adler, "I'm not finished. Now why, you ask, did Shmuel 'swallow' one more zuz into the purchase price? You see Shmuel immediately recognized that the vessel was one of gold, and that the merchant, in charging for it the price of copper, was making a monumental mistake. Yet this completely mystified Shmuel. Surely, if the merchant had purchased the vessel from one of his suppliers, he would have paid far more than four zuz for it, even at the wholesale price. How then could he make such a blatant error?!"

"Shmuel understood that there were two possible resolutions to this conundrum. Either the vessel was stolen, and thus the 'merchant' was completely unaware of its true nature. Or, perhaps he had acquired it through honest means - perhaps a present or inheritance. Shmuel realized that before he pointed out to the merchant his error, he must first ascertain the answer to this question. You see, if the vessel were stolen, Shmuel would do his best to find its true owner. However, having done so, he would of course ask the owner to reimburse him for the amount it cost him to buy it back. If he were to inform the merchant of its true nature, he would undoubtedly charge him far more money, which would ultimately be the loss of its true owner. But if the merchant had come by the vessel through honest means, then indeed, he deserved to be informed that the vessel was of gold, and to be paid accordingly. This was Shmuel's dilemma: How could he find out - without tipping him off?

"Shmuel devised a test. Acting as if he didn't notice, he slipped an additional zuz into the four zuz they had agreed upon. What would the merchant do when he realized Shmuel had 'accidentally' overpaid? If he pointed out the error, and gave the zuz back, it showed he was an honest and G-d fearing man, and certainly he had come by the vessel through honest means. But if he failed to point out Shmuel's error, and slyly pocketed the windfall, then he was surely a dishonest man, and the vessel too had come to him through unscrupulous means. When, indeed, the merchant stealthily snatched up the extra zuz, Shmuel had his answer, and left to begin looking for the real owner of the vessel. So please, next time, before you consider questioning the morals of our holy Sages, make sure you have truly understood the story..."

While certainly not the simple understanding of the Gemara, Rav Adler's explanation gives us insight into the high moral and ethical standard by which he felt our Sages conducted their business dealings, with both Jew and gentile alike. When a Jew holds himself to a higher standard, thereby demonstrating in a tangible way the results of a Torah education, even the nations of the world exclaim, "Surely a wise and discerning people is this great nation! (Devarim/Deuteronomy 4:6)"

Have a good Shabbos.

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