



Onaat Devarim

In the fourth *perek* we learnt about the prohibition of *onaah* – fraud. The *Mishnah* (4:10) teaches that there is another type of *onaah* that relates to words and the *Mishnah* brings three examples. The first is if someone asks the price of product from a merchant when he has no interest in purchasing that product. The second is if he reminds a *baal teshuva* of his past misdeeds. Finally, if someone draws the attention of a child of converts to his parent's roots. We shall try to understand this *Mishnah*.

The *Gemara* derives the prohibition of *onaat devarim* from the *pasuk* that discusses monetary *onaah*. The *Shaarei Teshuva* explains the meaning of the common term *onaah* is causing suffering or tormenting. He cites the *pasuk*, “*ve'achalti et mona'yich et besaram*” – “I will feed your tormentors their own flesh” (*Yeshaya* 49:26). Understanding *onaah* in that way leaves room for an even further expanding understanding of the prohibition.

The *Rambam* (*Mechira* 14:14) rules that one would violate this prohibition if a posed a question in matters of *chochma* to someone that would be not able to answer it. The *Magid Mishneh* explains that even though this case is not listed explicitly, it is a logical corollary.

The *Ohr Sameach* explains that this case is found in *Bava Batra* (81b), where *R' Shimon ben Elyakim* asked *R' Eliezer* the reason behind a debate between *R' Meir* and the *Chachamim*. *R' Eliezer* respond, “this is a matter that the *Rishonim* did not present an explanation, and you ask me in the *Beit Hamidrash* to embarrass me”. This would imply that it stems from the embarrassment caused.

Interestingly however, when the *Shulchan Aruch HaRav* (CM, *Onaah* 28) also cites this halacha, he explains that it is prohibited due to the anguish caused in the victim's heart, even if he did not speak disparagingly, calling him names or embarrass him. In other words, the damage done in the inner

world is what underlies this prohibition. That is why he explains that if one spoke *lashon harah* or cursed his friend, aside from the violating the prohibition those things entail, one would also transgress *onaat devarim*.

Let us return to our *Mishnah*. What is wrong with asking a shopkeeper from the price of a product if he has no intention of buying the product. The *Meiri* explains that the issue is that since the “purchaser” does not disclose that he really has no interest purchasing the product, the seller will continue to reduce the price assuming it is part of some negotiation. An observer might then step in at that lower price causing the seller to suffer a financial loss. It would seem that the issue is his cause another a loss through his words. That is indeed how the *Meira* explains “*onaah be'devarim*” – causing another a loss through is words. That is indeed how some understand the position of the *Meiri*

Nevertheless, that *Meiri* adds that even if there was no one else in the store at the time, he would still violate “*onaat devarim*”. That is because he took the attention of the store owner and caused him disappointment having thought he was going to make a sale.¹

Indeed, we find that the *Meiri* understands that the there are two additional categories of *onaah*. *Onaah be'devarim* and *onaat devarim*. Even within *onaat devarim* however, we have found that it is broken into two types. There is the more direct pain caused (embarrassing) and the deeper indirect distress that can be caused.

Indeed, this explains the necessity for the three examples brought in our *Mishnah*. The first case regarding the shop keeper is where his speech could have caused direct loss. The second relating to the *baal teshuva* is where one embarrasses him drawing his attention to his past misdeeds. And the final case, relates the distress he might cause, when highlighting his ancestry, for which he is not to blame.

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¹ This understanding of *onaat devarim* appears to align with the understanding of *onaat devarim* presented above in the name of the *Shulchan Aruch HaRav*. Nevertheless, when the *Shulchan Aruch HaRav* brings this case, he provides a different explanation. He explains that the

issue is the pain the storekeeper will feel later, once he understands that the “customer” only intended to mislead him.

Revision Questions

בבא מציעא ד' ט' – ה' י'

- What are the four things to which *ona'ah* does not apply? (ד': ט')
- For what other three laws are these things unique? (ד': ט')
- What three things does *R' Yehuda* add to the list? (ד': ט')
- Provide two examples of *ona'at devarim*? (ד': י')
- Can a wine seller water down his wine? (ד': י"א)
- Can a grain seller sell grain from multiple sources as one unit? (ד': י"ב)
- What marketing tactic does *R' Yehuda* prohibit? (ד': י"ב)
- Can one fix up an old product and sell it as new? (ד': י"ב)
- What example does the *Mishnah* provide for *neshech*? (ה': א')
- What example does the *Mishnah* provide for *tarbit*? (ה': א')
- Can someone rent out an object at a discounted rate to the person who lent him money? (ה': ב')
- What are *marbin al ha'sachar* and *marbin al ha'mecher* and explain why one of the two is permitted while the other is not? (ה': ב')
- What can be problematic about giving a down payment on a property where the full purchase is conditional on completing the payment? (ה': ג')
- Who lent money using a field as collateral and why did the *Chachamim* permit it? (ה': ג')
- Why is it problematic to give a product to a merchant to sell agreeing that they will split the profit if sold above its value or split the losses? (ה': ד')
- How can this problem be avoided? (ה': ד')
- For which items does the problem discussed in the previous question not apply? (ה': ה')
- Based on the previous three question, what innovation does *R' Shimon ben Gamliel* believe can be employed to avoid this problem? (ה': ה')
- What does the *Mishnah* mean when it says "*mafriz al sadehu*" and is it permitted? (ה': ה')
- What is the nature of a deal where one party gives another "iron sheep" and why is it prohibited? (ה': ו')
- From whom can one charge interest? (ה': ו')
- Can a person purchase produce from another to be collected at a later date:
 - At an agreed price if the price of the produce has not been released?
 - At the current price of the produce? (ה': ז')
- What is the exception to the first case in the previous question? (ה': ז')
- What is different about purchasing manure? (ה': ז')
- Can one stipulate in a permissible purchase where he will collect the product later, that if the price drops he will pay the lower price? (ה': ז')
- What does *R' Yehuda* maintain regarding one who does not make this stipulation and the price falls? (ה': ז')
- To whom can one lend *chittin be'chittin* and why? (ה': ח')
- Why is it ordinarily prohibited? (ה': ט')
- What is the other general exception? (ה': ט')
- When is it problematic to say to a friend "help me with my work and I will help you with yours"? (List two cases) (ה': ט')
- According to *Rabban Gamliel* can one send a thank you present to someone who lent them money? (ה': י')
- According to *R' Yehuda* how can words amount to interest? (ה': י')

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13 October י"א תשרי	14 October י"ב תשרי	15 October י"ג תשרי	16 October י"ד תשרי	17 October ט"ו תשרי	18 October ט"ז תשרי	19 October י"ז תשרי
Bava Metzia 5:11-6:1	Bava Metzia 6:2-3	Bava Metzia 6:4-5	Bava Metzia 6:6-7	Bava Metzia 6:8-7:1	Bava Metzia 7:2-3	Bava Metzia 7:4-5

