

Have You Ever Wondered...

In the Zechus of a Refuah Shleima of my Rabbeim, Rav Shmuel Kamenetzky shlita, and the great rabbi of the generation, Rav Moshe Heinemann Shlita, the great rabbi of the generation, Rav Moshe Heinemann Shlita, the great rabbi of the generation.

Q: Is there a הלכה that requires one to support a Jewish-owned business by purchasing either goods or services? If yes, how far does one need to go to give business to his fellow אייד?

A: Aside for the mandate to strive to do business with תלמידי חכמים, which the Rambam (*De'os* 6:2) states is a fulfillment of ובו תדבק (*Devarim* 10:20), to cleave to *Talmidei Chachomim*, there is also a מצוה to give preference to a fellow Jew over an אינו יהודי.

It says in the Torah (*Vayikra* 3:1):

וכי-תמכרו ממכר לעמיתך או קנו מיד עמיתך

When buying or selling to other Jews, don't overcharge your fellow Jew.

Rashi brings from the *Sifra* (3:1) that:

אם באת למכור - תמכור לישראל חברך

וכן אם באת לקנות - תקנה מישראל חברך

One should strive to give preference in business to a fellow Jew.

It is noteworthy that the Rambam and *Shulchan Aruch* do not mention this הלכה. However, it is cited by the תשובות רמ"א (in responsa 9) and by several פוסקים before (*Rashbatz* 3:151, *Chinuch* 337) and after him.

There are many (Chasam Sofer *CM* 79, *Pesachim* 21b, *Minchas Yitzchok* 3:129, *Teshuvos V'Hanhagos* 2:724) that take the Rama at face value and understand that it is an absolute Torah obligation to purchase from a Jewish establishment.

Others explain that it is not a חיוב, but a lesson in ארץ, the proper way to behave. The *Pesikta* itself (*Vayikra* 25:14) seems to imply that it is not "strict *Halacha*" but an act of piety, encouragement, good advice and ultimately the right thing to do. This is perhaps the reason why it is omitted from many early authorities.

The Chofetz Chaim in *Ahavas Chessed* (*Mitzvas Halva'ah* 5:6) talks about this *mitzvah* and understands that this is not limited to purchases, but applies to rentals, services, and hiring employees as well. Therefore, one should purchase a washing machine from a Jewish store and use a Yiddish dentist rather than עכ"ר, with all things being equal.

The Chofetz Chaim (ibid. 1 / 5:5-7 and note 9) understands in the aforementioned *Teshuvos Rama* that this all holds true when the prices are the same or there is only a small discrepancy in prices, meaning it will be for the consumer only a small additional expense. If, however, the item is more expensive at the Yid's store to the degree that one would usually be מקפיד on, i.e., a substantial discrepancy, then the ruling of the ספרא does not apply and one is not מחוייב to buy from that אייד.

Defining what constitutes a הפסד, is not clear. The *Minchas Yitzchok* (3:129) wants to suggest that the calculation of "a little" depends on what is considered מרובה הפסד, a considerable loss regarding איסור והיתר (prohibitions), namely that it is a שתות (approximately 16.67%). However, Rav Moshe Feinstein (*Igros* 3:93) is of the opinion that "loss" is not quantifiable by percentages, but rather to the wealth of the consumer. Therefore, for Reichman, \$200k,

for Heinemann \$3.50!

They say over a story about a little girl who came to Rav Yisroel Yaakov Fischer, *zt"l*, holding a cracked egg which contained a blood spot. She asked if after the blood is removed, can the rest of the egg still be consumed? Dayan Fischer asked her where she lived. The girl responded "in the Sharei Chessed neighborhood of ירושלים." Rav Fischer was taken back. "You just walked 45 minutes all the way to Zichron Moshe to ask about the kashrus of a single egg? If so, for you it must be a הפסד מרובה and the egg is permitted after the blood is removed."

It makes sense to say that personal circumstances can also make a difference and should be taken into consideration. For example, for a store owner who is always buying and selling, a small increase in price can add up very quickly and the הלכה may be different for him than a regular consumer.

Rav Moshe Heinemann, *shlit"a*, adds other variables that would make it okay to shop elsewhere. The general rule is that the presentation needs to be equal or at least similar.

Examples include:

-If the Yid's store is 15 minutes away vs. a local grocery that is around the corner, 2 minutes away

-If the return policy is more favorable by the אינו יהודי in that it can be returned if damaged or you change your mind, with no questions asked vs. a final sale in the Jewish store

-If the non-Jewish-owned store has ample parking vs. a Jewish store for which one needs to drive around the block several times in order to find a spot

I would like to add two caveats to the above topic that I saw brought in the *poskim*:

-The preference to do business with fellow אייד is only if you are dealing with an identical product. If there are two pizza shops that are equally כשר, one is owned by a Jew and one by a gentile, and you prefer the taste of one over the other, you are not expected to buy something you do not like as much.

-I heard from Rav Heinemann that in a situation where the Jewish establishment is suffering financially and barely afloat, or in a situation where a pauper can not find work, a person is encouraged to fulfill a special מצוה to help patronize the store or hire that עני. In fact, *Shulchan Aruch* (*YD* 249:6) lists this type of charity as the highest level of צדקה. In this case, one can then deduct the difference in price from *Tzedaka* money (see *Teshuvos V'Hanhagos* 2:477).

When I lived in *Eretz Yisroel*, new large supermarkets were sprouting up and threatening the existence of some local neighborhood מכולות. Rav Yitzchok Berkowitz, *shlit"a*, got up and announced that these little stores have been there for years and are the complete source for פרנסה of the בנייה. "I cannot tell a person where to shop and spend his money, but those who do make it a point to keep the makolet going can use מעשר כספים for the amount that they spent extra."

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