

GENEIVAS DAAS

Honored Rebbeim, Parents, Grandparents, Relatives, and Friends:

Some of you may remember that at Moshe's Bar Mitzvah he talked about whether or not it was OK to play ball on the Sabbath. Avrami's Bar Mitzvah droscha was concerned with how to observe the Sabbath while on the space shuttle while Akiva, spoke about the whether or not it was OK to ride scooters to the Synagogue on the Sabbath. I had thought about saving myself some work and talking about playing ball on the space shuttle while riding a scooter on Shabbos but decided that it would be better if I picked something new.

So today I will be talking about *geneivas daas* which translates as "stealing someone's mind" but which really means creating a false impression. It is a violation of the Torah according to many Rishonim, the medieval commentators, and is serious enough that our sages referred to it in a Tosefta in Baba Kama as the worst type of theft. It can happen very easily in everyday life: during a job interview, when someone writes a resume, when someone goes out on a date, or, as we shall see, even when someone invites people to a Bar Mitzvah celebration. Now, we all know the real reason that Moshe talked about ball playing because he wanted to play ball on Shabbos and Akiva talked about scooters because he wanted to use his scooter on Shabbos, I hope you understand that I did not pick this topic because I want to mislead people on Shabbos. I picked the topic because this week's Torah reading talks about how Lavan, who was one of the most dishonest human beings of all time, unfairly accused Yaakov, who was one of the most honest human beings of all time, of deliberately misleading him. Please see the

commentary of the Ramban Breishis 30:37 for an explanation as why Yaakov did not do anything wrong .

Let's get started with an excerpt from the Babylonian Talmud, Tractate Chulin Folio 94a:

First just a little background, Rebbe Meir was one of the greatest Rabbis of his generation. He was a student of Rabbi Akiva and lived during the Roman occupation of Israel and supported the Bar Kochba revolt against the Emperor Hadrian in the year 135] *It was taught in a baraisa. Rebbe Meir used to say: A person should not urge his fellow to dine with him when he knows that he will not (accept his invitation to dinner)dine. Nor should he make numerous offerings of gifts when he knows that he will not accept (those offers).* I will call this case #1. The Gemorah continues *Nor should he open for a guest fresh barrels (of wine) that have already been sold to a shopkeeper unless he tells that guest that he already sold them.* I will explain what this means in a few minutes but for now let's call this case #2. Now comes case #3 *Nor should he say to (his guest) "anoint yourself with oil when he is really offering oil from an empty flask. If however, he makes this offer to honor the guest, it is permitted.*

Now, there's a problem. Case #1 says that if you know for a fact that someone is not going to accept your invitation to dinner, then it is insincere and deceitful for you to insist that he comes. The assumption here, though, is that you at least really do have food to offer. Case #3 says that if you don't have anointing oil ie "food" , you are not allowed to offer it to someone who you know will refuse your offer. In other words, case #3 seems completely unnecessary. If it's misleading for me to

offer someone something I have when I know that he will not accept it, isn't it obvious that it's more misleading to offer that same person something I don't have? Why then did the great Rebbe Meir feel it necessary to mention both cases?

The Shulchan Aruch Harav, explains as follows: Case #1 deals with a situation where the ONLY reason that the host invited the guest is because he knew that the guest would not come. In other words, if there was a chance that the guest would actually accept the invitation, there would be no invitation. In case #3, the host would have been happy to provide the guest with oil – if he had any – but since he does not have any, it is deceptive for him to make the offer.

Therefore according to the *Shulchan Aruch HaRav*, a person is guilty of *geneivas daas* when (1) he invites someone ONLY BECAUSE he knows the person won't come. (This is probably a good time for me to remind everybody that I am really happy that you are here!) (2), he invites someone under false pretext. There is no oil or food but he makes the offer anyway because he is safe in the knowledge that the guest will not accept the offer.. (I guess I should also let everyone know that there really IS food downstairs!)

On the plus side, according to this opinion, I would be allowed to keep inviting someone I liked but who I knew will not accept the invitation.

The Meiras Einayim, a 17th century commentator on Choshen Mishpat in the code of Jewish Law, disagrees. According to the Meiras Einayim, in Case #1 I am allowed - even encouraged - to extend an invitation to someone who I know will not be able to accept the invitation - once , twice, maybe even three times because it makes that person feel good. After that it becomes *geneivas daas*. So, I get a pass for two invites. On the negative side, if I like the person, I can't keep nagging him to come. With the case of the empty oil flask, I am not allowed to make that

deceptive offer even once –The only exception would be if the offer were done publicly and somehow the person would be more respected by his other friends. That is the meaning of “*If however, he does it for his honor, it is permitted.*” Putting all this together, we come to the following conclusions:

- I can't invite someone to my Bar Mitzvah if I don't really want him or her to come
- I can invite and encourage someone who I want to come a few times even if I know he won't come because it will make that person feel wanted but I can't keep on doing that.
- I can't invite anybody to join in the Bar Mitzvah feast under any circumstances if there IS no feast. No matter how good my intentions may be.
- Here is more practical example: If I really don't have a place for them to stay, just because it is unlikely they'll accept the invitation, I certainly can't encourage someone from out of town to come to the Bar Mitzvah

Now let's go to case #2: Remember that Rebbe Meir also said:

“Nor should he open for a guest fresh barrels (of wine) that have already been sold to a shopkeeper unless he tells that guest that he already sold them”

In the times of ancient Israel, wine was sold by the barrel and once you opened that barrel, it would start to turn to vinegar. So if you opened a whole barrel in order to give someone a cup of wine, it was a very big deal. It meant that you really cared so much about making that person happy that you were willing to lose a whole barrel of wine.

Now, sometimes what people did was to make arrangements to sell the remaining wine to a store or tavern beforehand so that there would not be a big financial loss. Rebbe Meir says that there is absolutely nothing wrong with doing that provided you let your guest know that you made that arrangement and that is why you are OK with opening a new barrel.

Bottom line: Your guest should not think that you are doing more for him than you really are doing. If he thinks you opened the barrel especially for him, he will feel grateful to you and that gratitude is not deserved. That would be *geneivas hadaas*.

Based on this case, we can learn a couple of practical halachos. :

- If a person buys a gift on sale, he is not allowed to give that gift to someone with the original pre-sale price tag on it and create the impression that he spent more for it than he really did.
- In my father's opinion, "regifting" is therefore allowed. Regifting is when one person receives a gift that he doesn't need or like very much and simply passes it on to someone else. The person who receives the gift may think that the giver took the time and went to the trouble and expense of buying a gift for him. The recipient will feel gratitude that the giver does not deserve. There is also the real danger that that gift will get passed on from one person to the next and end up with the original purchaser – that does not have to do with *genievas daas* but everyone is in a lot of trouble. So let me assure everyone that whatever I get from you, stays with me.

I would like to conclude this discussion with a one last excerpt from the Babylonian Talmud, Tractate Chulin Folio 95a, that lays out a very important principle.

Quote “Like the incident of Mar Zutra the son of Rav Nachman who was going from Sichra to Bei Mechuza and Rava and Rav Safra who was coming to Sichra.End Quote [So Rabbi A is walking from Rockville to Potomac and Rabbis B and C are walking from Potomac to Rockville] They met each other [on the road][Mar Zutra [Rabbi A] thought] that they were coming to greet him. He said to them “Why was it necessary for the Rabbis to trouble themselves and come so far” Rav Safra [Rabbi B] said to him, “We did not know the master was coming (but) had we known we would have troubled ourselves even more.”

Rava [Rabbi C] said to Rav Safra [Rabbi B] “ What is the reason that you said this to him and disheartened him so ?” [In other words, you should not have said anything and let him think and feel good that we came out specifically to greet him. You poured cold water all over him]

(Rav Safra)[Rabbi B] said to (Rava)[Rabbi C] “ But had I not said so, we would be misleading him (into thinking that we came to honor him) [and we would have been guilty of gneivas daas] Rava [Rabbi C] replied “it is he who misled himself” (and we are under no obligation to correct his mistake)”

Now this really starts to make things more complicated. In the case when Shimon mistakenly thinks that Reuven did something very good, how do we determine whether Reuven or Shimon has responsibility for the deception? Rashi and Tosfos, the great medieval commentators on the Talmud disagree on this point. Rashi is of

the opinion that so long as Rav Safra and Rava (Rabbis B and C) didn't actually say to Mar Zutra (Rabbi A) "I came out to greet you" then they are off the hook. Tosfos disagrees and says that it is more complicated than simply relying on what someone says. Rather, it depends on the specific circumstances surrounding the event – and what people usually do in a certain society. In the case of Mar Zutra, Rava, and Rav Safra (Rabbis A, B, and C), it was unreasonable for Mar Zutra to think that Rava and Rav Safra would go to that much trouble to greet him.

Therefore, they were under no obligation to set him straight – especially because they would have been willing to go great lengths to greet him anyway - had they known that Mar Zutra was heading their direction. According to Tosfos, the case of the wine barrel (Case #2), however, is different. Though wine is expensive, it is NOT unreasonable for a close friend to think his host would go to the trouble of opening a new barrel just for him. Because of that, the host must tell his guest the truth – even if he would have been willing to open it for him anyway.

In fact, this is exactly the ruling of the code of Jewish Law in Choshen Mishpat Chapter 228 Paragraph 6.

So how do we apply this halacha?: Is it OK to put our best foot forward to make a good first impression? If a person applies for a job, should he or she make a point of showing bad qualities in the interest of avoiding *geneivas hadaas*?

I think the answer to that questions is obvious – it's certainly OK to put your best foot forward. ,First, by doing so, you are showing respect and giving honor to the person you want to impress. We remember that Rebbe Meir said *If however, he does it for his honor, it is permitted*. Second, it is a reasonable expectation in our

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society that people try extra hard to make a good first impression, and third by acting nicely on the outside , a person can actually become nice.

There is a story that is told about a young man who told the Lubavitcher Rebbe zt'l that he was afraid to marry his fiancé because she thought he was a very special and giving person and he knew he wasn't. The Rebbe told him to get married and to keep on pretending that he was nice and that it would be their special secret that he was really a fake

Thank you all for coming

I would like to thank the Roths, Novices, and Singers and all of the extended family for making the long trip.

I would like to thank Darren Schneider for teaching me how to lein

I would like to thank Rabbi Hes for teaching me this year and last and being a great role model for me

Thank you Grandma for making the long trip and having so much fun whenever you come

Thank you Grandpa for watching over me and making sure I am happy and safe

Thank you Saba and Safta for teaching me how to act and always having a place full of ice cream right down the block.

Thank you Batya for the time you were here - you were like a second mother and now that you're away whenever you come you're still a second mother

Thank you Aaron for having fun with us and coming into the family

Thank you Moshe for coming even after you said you wouldn't and working on my mussaf with me

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Thank you Avrami for getting my black hats with me and learning with me whenever you came (there is a reason my grades have dropped between this year and last)

Thank you Akiva for driving me in and out of school every day and getting my suit with me even though you got nothing

Thank you Dude for always having fun with me playing football, basketball, or whatever sport it is

Thank you Daddy for learning with me, teaching me my math , helping me not fail and helping me with my speech

Thank you Mommy for making supper doing laundry helping me with whatever I need and being a great mother

Achron achron chaviv I would like to thank Hashem for watching over me and guiding me to do what is right