

CAVEAT EMPTOR

Latin for "let the buyer beware." A doctrine that often places on buyers the burden to reasonably examine property before purchase and take responsibility for its condition.

Especially applicable to items that are not covered under a strict warranty. See, e.g. SEC v. Zandford, 535 U.S. 813 (2002).

David Ball - Riding With Private Malone Lyrics

I was just out of the service thumbing through the classifieds
When an ad that said: "Old Chevy" somehow caught my eye
The lady didn't know the year, or even if it ran
But I had that thousand dollars in my hand

It was way back in the corner of this old ramshackle barn
Thirty years of dust and dirt on that green army tarp
When I pulled the cover off, it took away my breath
What she called a Chevy was a sixty six Corvette

I felt a little guilty as I counted out the bills
But what a thrill I got when I sat behind the wheel

Had it not been written, justice would have required it to be written. For it is not right to acquire people's property by way of lying and deceit. Rather, everyone should attain by his toil to that which God has graciously bestowed on him, in truth and honesty. For each and every one there will be a gainful benefit in this condition: for just as one will not wrong others, others will equally not wrong him. And even if one person should know how to cheat more than other people, perhaps his sons will not be so, and people will wrong them. Consequently, matters turn out equally for all, and it is of great benefit in the civilizing settlement of the world, which the Eternal Lord, blessed is He, formed to be settled.

Gemara A Baraisa cites the verse that forbids verbal wronging:

תנו רבנן - The Rabbis taught in a Baraisa: לא תזנו איש את עמיתו - The Torah states: AND A MAN SHALL NOT WRONG HIS FELLOW.^[13] באונאת דברים הכתוב מדבר - THE VERSE IS DISCUSSING VERBAL WRONGING.

The Baraisa continues:

אתה אומר באונאת דברים - Do YOU indeed SAY that the verse deals WITH VERBAL WRONGING, או אינו אלא באונאת ממון - OR IS IT NOT RATHER dealing WITH MONETARY WRONGING (i.e. price fraud)?

The Baraisa answers:

כשהוא אומר, וכי תמכרו ממכר לעמיתך או קנה מיד עמיתך - WHEN [THE VERSE] STATES:^[14] IF YOU SELL SOMETHING TO YOUR FELLOW, OR BUY FROM THE HAND OF YOUR FELLOW, one man shall not wrong his brother, הרי אונאת ממון אמור - WRONGING IN MONETARY MATTERS IS ALREADY MENTIONED. הא מה אני מקיים לא תזנו איש את עמיתו - HOW, THEN, DO I EXPLAIN the verse AND A MAN SHALL NOT WRONG HIS FELLOW? It must deal WITH VERBAL WRONGING.

The Baraisa cites several examples of verbal wronging:

הא כיצד - HOW SO? אם היה בעל תשובה - IF SOMEONE WAS A PENITENT, אל יאמר לו - ONE SHOULD NOT SAY TO HIM, זכור את עונותיך הרשונות - "REMEMBER YOUR PAST DEEDS." אם היה בן גרים - IF SOMEONE WAS DESCENDED FROM PROSELYTES, אל יאמר לו זכור מעשה אבותיך - ONE SHOULD NOT SAY TO HIM, "REMEMBER THE DEEDS OF YOUR FOREFATHERS." אם היה גר ובא - IF SOMEONE WAS A PROSELYTE WHO CAME TO STUDY TORAH, אל יאמר לו - ONE SHOULD NOT SAY TO HIM: פה שאכל

Bawa Metza 58b

Seder Hachinuch
mitva 337

Is it appropriate for A MOUTH THAT once ATE NEVEILOS AND TREIFOS, VERMIN AND CRAWLING CREATURES to now COME TO LEARN TORAH THAT WAS COMMUNICATED BY THE MOUTH OF THE ALMIGHTY? IF SOMEONE HAD SUFFERING VISITED UPON HIM, OR IF SOMEONE HAD DISEASES VISITED UPON HIM, OR IF SOMEONE BURIED HIS CHILDREN, ONE SHOULD NOT SAY TO HIM IN THE WAY THAT THE COLLEAGUES OF JOB SAID TO HIM: "COULD NOT YOUR FEAR [OF HASHEM] HAVE GIVEN YOU YOUR CONFIDENCE YOUR HOPE, THE INTEGRITY OF YOUR WAYS? DO RECALL WHO IS THE INNOCENT THAT WAS EVER LOST WITHOUT A TRACE." IF DONKEY DRIVERS WERE SEEKING in search of work GRAIN FROM SOMEONE so that they could transport it, HE SHOULD NOT SAY TO THEM, "GO TO SO-AND-SO WHO SELLS GRAIN" - WHEN HE KNOWS THAT [THIS PERSON] NEVER SOLD GRAIN in his life. R' YEHUDAE SAYS: A PERSON SHOULD NOT even EYE MERCHANTISE WHEN HE DOES NOT HAVE MONEY to buy it.

The Baraisa notes that the Torah juxtaposes the prohibition against verbal wronging with the obligation to fear God, and explains why:

FOR THE MATTER DEPENDS ON a person's INTENT, which is hidden from other mortals. AND concerning ANY MATTER THAT DEPENDS ON THE

person's INTENT, IT IS STATED: AND YOU SHALL FEAR YOUR GOD.

The Gemara cites some Tannaic teachings about the gravity of verbal wronging:

R' Yochanan said in the name of R' Shimon ben Yochai: Verbal wronging is a greater sin than monetary wronging (i.e. price fraud). For concerning this, i.e. verbal wronging, it is stated: And you shall fear your God, whereas concerning this, i.e. monetary wronging, it is not stated: And you shall fear your God. And R' Elazar says that verbal wronging is more serious for another reason: This (i.e. verbal wronging) affects his (the victim's) very self, whereas this (i.e. monetary wronging) affects only his (the victim's) money. R' Shmuel bar Nachmani said: With this, i.e. monetary wronging, restitution is possible; but with this, i.e. verbal wronging, restitution is not possible.

Baraita 56b

Rebbi Goldin
Unlocking the Torah Text
pg 233

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For Rava expounded as follows: What is the meaning of that which is written: ... קרעו ... But when I limped, they [my enemies] rejoiced and gathered... they tore at me and would not be silenced? Thus said King David before the Holy One, Blessed is He: Master of the Universe! It is well known to You that if [my enemies] were to tear my flesh, my blood would not flow to the ground, for it has drained from the surface because of their taunts about my sin. And not only do they taunt me in their spare time, but even when they are engrossed in the study of Negaim and Ohalos, they say to me tauntingly, "David, if someone cohabits with another man's wife, with which form of execution is he put to death?" His execution is by strangulation, but he still has a share in the World to Come. However, one who shames his fellow person in public (as you have embarrassed me) has no share in

the World to Come!

Baraita 59a

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The root purpose of this precept is known (evident): for it is to promote peace among human beings; and great is peace, for through it, blessing is found in the world; while contention is harsh—so many maledictions and misfortunes devolve from it.

Sifra Hachinuch
mitzvah 338

Oppression. The very term conjures up dramatic images of slaves and taskmasters, tyrants and victims. As our study has shown, however, the strength of Torah law lies in its ability to demystify seemingly esoteric concepts, to bring them down to earth and make them concretely relevant to our lives.

Oppression can be evidenced not only in extraordinary settings but even in our own everyday, ordinary lives. Every time we take advantage of someone else's vulnerability, through word or deed; every time we misuse a position of power (however transient that position may be), we fall prey to the sin of ona'a and to all of its damaging consequences.

As with all interpersonal sins, the cost of such behavior is ultimately measured not only in the anguish that we cause to others, but in the ultimate price that we ourselves pay. Any temporary pleasure or gain that we may accrue through the performance of such acts ultimately pales in comparison to the irretrievable harm caused to our own sacred souls.