

Microaggressions and Price Gouging in the Torah

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One of the major topics in this Torah portion was rent. Not the great musical of a decade ago, but the actual payments people make in leasing a property from another person.

At some level that was surprising. We think of the Torah as being about religious topics: holidays, observances, God and theology, or about the ancestors of our people. People sometimes do think about Torah as law, a mistranslation of the Hebrew word that actually means instruction; still, we don't generally think of the Torah as dealing with mundane business dealings.

Yet in dealing with rent, this Torah portion and the commentaries that flow from it provide interesting commentary on two topics that are very much alive today: the first, rent control and price gouging, and the second, microaggressions, or "the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages."

Let's begin with rent control. Jewish commentaries were very sensitive to the possibility that shortages could lead to higher prices. In setting rent, the Torah portion explicitly forbids onaah, economic oppression, and this has been understood very directly to include laws against profiting from scarcity. Raising the price of something by more than one-sixth could render the sale invalid, with various penalties, and for vendors dealing in commodities essential to human

life, a 20 percent profit rate, low in those days, is the limit in Jewish law. In times of famine or shortages, a rabbinic court would be appointed to oversee the price of basic foodstuffs like oil and flour. The Biblical verse, "that your brother shall live with you," from this week's Torah portion, was understood to mean that a person should sacrifice a part of their profits to lessen the deprivation of others. This is the halachic basis for a price ceiling on essential foodstuffs which existed in the modern State of Israel from its founding in 1948 until recent years with the move towards greater and greater capitalism and for rent control. While some argued that onaah was not binding on real estate, important authorities including Rabbeinu Tam, Rashi's grandson, insisted it was, and that in cases where the deviation in price was beyond 100 percent, the transaction could be voided on the basis of *onaah*. Because Jews in the middle ages were limited to living in ghettos in Christian Europe or *mellahs* among the Muslims, both imposing space constraints, this was a very live issue. The supply of housing was always smaller than the demand, putting pressure on prices. The concept of hasagat g'vul, setting a limit to profit, helped to protect the community from the social problems caused by these housing shortages. Among the rules: For the Jews of Padua, Italy, if a landlord evicted a tenant with the intention of raising rents, no one else was permitted to rent that house for three years. This was quite a disincentive. Similarly in 13th century Ashkenaz, the famous Rabbi Meir of Rothenberg forbade the hoarding of vacant rooms or houses in order to profit on a limited supply. The halachah states explicitly: "If someone needs to buy, you cannot take advantage of his or her straits, for that would be extortion."

In addition these laws about onaah made it incumbent on the seller to inform the buyer of any defects, very different from our American "let the buyer beware."

Rabbi Yisroel Salanter used to say, “Just as a person checks his eggs for blood spots, a very particular law of kashrut, so too should he check to make sure his economic dealings are kosher.”

There is also a second type of onaah, oppression, and this is onaat devarim, verbal oppression. Any words that will cause anguish are forbidden. Insulting someone was considered worse than cheating a person out of money, because money could be replaced, but there was no way of erasing the pain of hurtful words. This became very explicit in the halachah, and included family relations, and things said to someone in a shop. An example of this, often mentioned in Jewish texts, is that you are forbidden to remind a person of his past misdeeds or the misdeeds of his family even to the extent of making comments about his or her non-Jewish ancestors not observing Jewish law to someone who had converted to Judaism. Even calling someone by a nickname that they don't like, or saying, I remember when you used to . . . , is considered onaat devarim. The law extended beyond words even to facial expressions that might hurt another person. Certainly some of the “joking” I hear about from our high school students would fall under that prohibition.

We began by asking how it is that the Torah is dealing with mundane issues of business. I'd like to conclude with a story told by a famous Eastern Europe rabbi that comments on the opposite. Rabbi Nachman of Kossov was once asked, How is it possible to think about God and what God wants when someone is busy with their work, their business?

Rav Nachman replied, People find it quite easy for their minds to wander to thoughts of their

business when they are in the synagogue praying. Similarly, if a person wants to, they can think of God and God's standards while engaged in work.