

Family Business

Excerpted and adapted from a *shiur* by HaRav Yechiel Biberfeld

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https://baishavaad.org/wp-content/uploads/2022/05/VAY82_009_Behar_My_Brothers_Buyer_Buying_From_a_Jew_at_All_Costs.mp3

When you make a sale to your fellow (amisecha), or purchase from the hand of your fellow, do not aggrieve one another.

Vayikra 25:14

According to Rashi, the word *amisecha* teaches that a Jew should preferentially do business with a fellow Jew. Although some maintain that this rule is not applicable today when we live among non-Jews (Yaskil Avdi Vol. 6), many say it is. When the Maharam Padua reprinted the Rambam's Mishneh Torah with his own notes and a non-Jew copied it (including the notes, without permission) and sold it for less, the Rama (Teshuvos 10) ruled that no Jew could purchase the work, for the above reason and others. The Chasam Sofer (C.M. 79) and Chafetz Chaim (Ahavas Chessed 1:5:6-7) rule in accordance with the Rama, but the Chafetz Chaim adds two conditions: a) The price difference must be relatively small, and b) the Jew's price must not be significantly above the market price.

The Maharsham questions the Rama based on the Shulchan Aruch (C.M. 175:40-41), which says that one may sell his field to a non-Jew even if the Jew living next door wishes to buy it, if the non-Jew's offer is even slightly higher than the Jew's. The Maharsham therefore maintains that one need only sell to or buy from a Jew if his price is equivalent to that offered by the non-Jew. The Chafetz Chaim responds that although one is not obligated to do business with a Jew if the non-Jew's offer is better, it is preferable that he do so, even at a small cost.