

Rabbi Chaim Weg

Question: Someone violated the prohibition of *geneivas da'as* by deceiving another in one of the ways discussed over the last few segments (e.g., selling an item while misrepresenting its quality). Is the sale still valid, or must he return the money received and take back the object sold? Second, must he ask *mechilah* from the person he deceived? Third, is there a specific form of *teshuvah* that he must do to receive atonement for his sin?

Answer: With regard to the first question, we must first determine if any *ona'as mamon* took place. *Ona'ah* is defined as selling an item for more than 1/6 (16%) of the standard price. If the sale did involve *ona'ah*, the sale is invalid.

If one sold the object at its value or within 16% of that, then *ona'ah* is not violated. Rather, the question above concerning *geneivas da'as* is relevant. In such a case, the Taz (C.M. 332) rules that the sale is valid since misrepresentation does not cancel the sale.

For example, if the seller claims that he is selling the item for the same value for which he purchased it, but he actually bought it for much less, then as long as the price was a fair one, the sale takes effect despite the deception. Nevertheless, the seller still violates the prohibition of *geneivah*, which is an *aveirah bein adam l'chaveiro*.

For this reason, it would seem that in theory, one would need to ask *mechilah* from the previous owners for the sin committed. Nevertheless, the Pischei Choshen says that it is recommended not to ask for *mechilah* in such a case since the purchaser is currently satisfied with his product. Informing him that he was deceived will only upset him and cause more harm than occurred previously.

This approach parallels the *psak* of Rav Yisrael Salanter concerning telling *lashon hara* about another person where that individual is still unaware of what was said about him. In that case as well, Rav Yisrael Salanter rules that one should preferably not ask for *mechilah* since that will upset the victim even more.

Although informing another about *geneivas da'as* is not recommended, Rav Shlomo Zalman Auerbach suggests that asking others for *mechilah* on Erev Yom Kippur in a manner where no particular *aveirah* is specified would still be effective in cases of *geneivas da'as*. The same applies to the recitation of *Tefillah Zakah* before Yom Kippur, where one asks *mechilah* in a generic manner and declares that he forgives others that wronged him. The reason is that one can assume that *mechilah* granted at these times is considered sincere with regard to such minor infractions where no real loss occurred. For a more serious offense such as ruining someone's marriage, though, such a request for *mechilah* would be insufficient, and one would need to ask directly.

Aside from the question of *mechilah*, which is effective for the *bein adam l'chaveiro* aspect, *geneivas da'as* requires *teshuvah* for violating *bein adam l'Makom*. To achieve this, one would need to engage in the steps of

teshuvah: Confessing the sin (*vidui*), expressing regret (*charatah*), and promising never to do it again (*kabala al he'asid*).