

## Returning Items After Intending to Purchase Them

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**Question:** A local music store offers a service of “lending” instruments to potential customers, enabling them to try out a given product before making the purchase. I was considering purchasing an electric guitar, borrowed it, and was prepared to buy it. However, I am not quite ready to spend the money at this time; is it a problem to return the guitar for now?

**Answer:** The concept of *dover emes b'livavo* means that one should always be truthful in his heart and act upon his intentions. If you were lent this guitar with the tacit understanding that you will purchase it if you like it, the only reason you should return it is if you do not like it; any other reason should not come into play.

This is actually stated by the *Tur* (Siman 200), who says that if someone is trying out a product and likes it since he has tacitly agreed to purchase it if he likes it, he should go ahead and buy the item as he originally intended. It must be mentioned that following through on such an unspoken agreement is *midas chasidus* (a pious way of acting), and is not the letter of the law. Keeping one's commitments that he only thought about in his mind is the proper thing to do, but is not a firm obligation in halacha.

It is worth mentioning that the Shulchan Aruch Harav composed an abridged compilation of the laws of Choshen Mishpat. When he condensed the laws of *kinyanim*, he wrote very little about the halachos of actual *kinyanim*, but he expounded at length about the guiding philosophy behind the concept of *kinyanim*. He stressed the importance of keeping one's word and even one's non-verbal commitments that he reached in his mind, presenting these concepts as integral aspects of the general topic of *kinyanim*.

While these types of commitments may get overlooked sometimes, it is important to recognize their importance and treat them very seriously, for they are the essence of the philosophy behind the *hashkafa* of *kinyanim*.