

על פי התורה אשר יורוך

# Yorucha

## weekly overview

A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY OVERVIEW VIDEO

## Sechiras Po'alim: Halachos of Employment - Part III

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### THE HALACHIC STATUS OF VOLUNTEERS:

Altruistic people often volunteer to help out a school or organization with a fundraising campaign, preparations for a dinner or the like. After the campaign begins, it is not uncommon for them to realize that the work may be more difficult or time consuming than they had expected and thus wish to renege on their offer. Their reason for wanting to back out may not be considered a sufficient reason to quit a paid job, but they deem it reason enough to end their volunteer arrangement.

This leads us to the question of the halachic status of an unpaid volunteer. Does the fact that they are not getting paid mean that they have no obligations to the organization? May they quit whenever they want, or do they still have some responsibilities even though they are unpaid?

As we stated in the previous parts of this series, a *po'el*, hourly worker, may quit in the middle of a job, but he is not allowed to do so if he would be causing his employer a loss by quitting. The Rema<sup>1</sup> rules that a volunteer is different. He has the right to back out at any time, even if he will be causing a loss by doing so. Accordingly, it would seem that someone who volunteered to help a school with a fundraising campaign may quit at any time, even if the whole campaign will fall apart without her.

The Shach explains the Rema a bit differently. He says that it is not possible to say that the Rema meant that a volunteer has the right to cause a large loss; rather he says that the Rema's intention was that a volunteer has the right to renege on doing it for free and demand payment for the future work. He can't be forced to work for free, but he cannot simply leave his position if he will be causing a loss.

The Nesivos Hamishpat cites some opinions that disagree with the Shach and rule that a volunteer may quit at any time, even if he is offered payment to stay. However, the Chazon Ish<sup>2</sup> says that the halacha is like the Shach. Therefore, before someone volunteers to do something, he should know what he is getting into and consider the consequences. Although he can ask to be paid to continue, he might not be permitted to simply back out.

### HIRING JEWISH:

In reference to the mitzvah of *tzedaka*, the Torah states, "*Vehichzakta bo*<sup>3</sup>, and you shall support him." We learn from this verse that there is a great mitzvah to give a job to a fellow Jew and provide him with a livelihood. Any time someone has a job opening in his business, he has the opportunity to fulfill this mitzvah. He may have many Jewish and non-Jewish applicants. If he hires one of the Jewish jobseekers, he has fulfilled the mitzvah of "*Vehichzakta bo*." Some people feel a

1 Choshen Mishpat 333:5

2 Bava Kama 22B

3 Vayikra 25:35

sense of discomfort working with people they know, and therefore would be more comfortable hiring non-Jews. While this may be reasonable, they still have a mitzvah to give preference to a Jewish person when hiring an employee.

The Shulchan Aruch writes in Yoreh Deah, Hilchos Tzedakah, that providing a Jew with a source of livelihood is the very highest form of charity. It is thus clear that from the mitzvah of *tzedakah* as well, hiring Jewish workers is the right thing to do. The Orchos Yosher, an early Acharon, writes that people who chose not to hire Jewish workers suffered losses as a result. He stresses that if one hires Jews, he will have more success.

## BUYING AND SELLING JEWISH:

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When it comes to buying and selling, there too, it is preferable for one to patronize a Jewish establishment. This is learned from the verse<sup>4</sup>: “When you make a sale to your fellow Jew or make a purchase from the hand of your fellow Jew, you shall not overcharge one another.” This verse is speaking about the prohibition of overcharging a buyer. Chazal question why it doesn’t simply say, “You shall not overcharge”, as this seems to be the main point of the verse?

Chazal derive from here that the verse is telling us that there is a mitzvah to buy specifically from a Jew and sell to a Jew. The Gemara in *Avodah Zara* states that if someone has a *neveilah*, an animal that is unkosher because it did not have a proper slaughter, he should give it to a *ger toshav*<sup>5</sup>, rather than sell it off to a gentile. It is a mitzvah to treat a *ger toshav* nicely and help him by giving him this *neveilah*. It is obvious that if one is obligated to be so considerate of a *ger toshav*, he certainly must be considerate of a Jew and give him preference when selling or buying an item.

## HOW MUCH MUST ONE SACRIFICE TO BUY JEWISH?

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The Rema writes in a *teshuva* that one should buy from Jews even if he will have to pay a bit more and should sell to a Jew even if he will get a bit of a lower

price.

Many people have a hard time committing to only buy from Jewish stores. Today, it is so easy to purchase products from Amazon or from chain stores like Walmart and Target, and many would prefer to shop this way, rather than to patronize the Jewish stores in their town. Is there any *heter* for them to do this, and not give their business to their local Jewish stores?

While it is preferable to purchase from a Jew, the halacha allows one to buy from a non-Jew if there is a significant difference in price. The Minchas Yitzchok cites several opinions regarding how much cheaper a non-Jewish store would have to be to permit one to purchase from them instead of from a Jewish store. The prevailing opinion seems to be that if the Jewish store’s price is one-sixth more than the non-Jewish store, one would be permitted to purchase from the non-Jewish store<sup>6</sup>.

Other factors may also permit one to make purchases at a non-Jewish business. For example, if the non-Jewish business has a significantly better return policy, one may be allowed to shop there. As we explained, one is not required to take a significant loss to purchase from a Jewish store. If one cannot return unwanted items, this may be considered a significant loss which one is not obligated to absorb.

We find a similar idea in the sefer *Erech Shai*. The *Erech Shai* discusses a case where one has a property for sale, and he feels that he could get more than the market value for it. He has a potential Jewish buyer who is willing to pay market value, but has also been approached by a non-Jew who is willing to pay a higher price, which he feels the property is really worth. The *Erech Shai* rules that although there usually is a mitzvah to sell to a Jew, in this case it would be permitted to sell to the non-Jew for the higher price.

[Due to the ideas discussed with regard to consumers buying Jewish, we would urge all Jewish stores to try to adopt a flexible return policy. It is always preferable for people to buy Jewish, so it would be advantageous for Jewish stores not to have policies that exempt buyers from the obligation to purchase from them. Having good customer service is not

<sup>4</sup> Ibid 25:14

<sup>5</sup> A non-Jewish “resident alien” who lives in Eretz Yisroel under Jewish rule and accepts not to worship idols and keep the 7 Noahide laws.

<sup>6</sup> This number is gleaned from the laws of overcharging, of which the Gemara defines it to be when overcharging by one-sixth or more. Since the requirement to buy from a Jew is learned from the same verse, the amount is determined to be the same.

only common sense, it also may affect the practical halacha.]

## USING MA'ASER MONEY:

Rav Yaakov Blau zt"l, in his Sefer Tzedaka U'Mishpat on the laws of *tzedakah*, discusses a scenario where someone looking to buy a Sefer Torah has two options – he can either buy a Torah from a large *safrus* company or from an indigent private *sofer*. The private *sofer* needs the money badly, but he cannot match the price of the large business and will have to charge more for his Torah.

Rav Blau rules that if the buyer would purchase the Torah from the poor man, he may use *ma'aser* money to cover the difference in cost<sup>7</sup>.

We may suggest that the same ruling would apply when it comes to purchasing from stores. While one is not required to shop in a Jewish store if the prices are significantly higher than a non-Jewish store, if one does patronize the Jewish store, and the store owner is poor, he may use *ma'aser* money to cover the difference in price.

In Sefer Teshuvos Vehanhagos, Rav Moshe Sternbuch *shlita* wonders why many people today are not careful to follow the halacha that requires one to shop in Jewish-owned stores. While he does not condone the practice, he suggests the following justification: perhaps one is only obligated to buy from a Jewish store if the owner needs his business

to earn his livelihood. If he has enough money to live and one would only be providing him with extra money by shopping in his store, it could be argued that there is no strict obligation to shop there if one has any reason why it is easier for him not to. It must be stressed that this is only a justification for those who are not stringent about purchasing in Jewish stores and is not meant as a halachic ruling. As a rule, one should patronize Jewish stores, especially if it is known that the owner needs business to stay afloat.

## SUMMARY:

### Hiring Jewish:

- One should give preference to Jews when hiring workers, and one fulfills the highest level of *tzedakah* when he gives a Jew a source of earning a livelihood.

### Buying and Selling Jewish:

- When one has a choice to sell an item to a Jew or a non-Jew, he should preferably sell it to the Jew. One should patronize Jewish businesses whenever possible.

- If there is a price difference of more than one-sixth, one may make purchases from a non-Jewish business. One may also purchase from a non-Jewish business if it has a significantly better return policy.

- If one shops in a Jewish store even though the price is higher, he may be able to use *ma'aser* money to cover the difference (May only be in cases where the proprietor needs the business for his livelihood).

<sup>7</sup> He adds that the buyer does not have to inform the *sofer* that he is paying him with *tzedakah* money.

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