

Making a salary next year? How will you spend your money?

Ezra Fishman, Shavuot 5770/2010, Senior Week @ Brandeis

• משנה בבא קמא י:ט

אין לוקחים מן הרועים צמר וחלב וגדיים ולא משומרי פירות עצים ופירות אבל לוקחין מן הנשים כלי צמר ביהודה וכלי פשתן בגליל ועגלים בשרון וכולן שאמרו להטמין אסור ולוקחין ביצים ותרגולים מכל מקום

1) Mishna Bava Kamma 10:9

One may not buy wool, milk, or kids from shepherds. One may not buy wood or fruit from fruit-guarders. But in Yehudah, one may buy wool tools from women, and in the Galilee one may buy linen tools, and in Sharon one may buy calves. In all cases, if [the vendor] said to hide [the item], it is forbidden to buy [the item]. And one may buy eggs and chickens from anywhere.

• תוספתא ב"ק י"א:ט

אין לוקחין מן הרועין לא מן עזין ולא גזין ולא תלושין של צמר אבל לוקחין מהן תפארין שהתפארין שלהן ולוקחין מהן חלב וגבנה במדבר אבל לא ביישוב בכל מקום לוקחין מהן ארבע וחמש צאן ארבע וחמש גזין אבל לא שתי צאן ולא שתי גזין ר' יהודה או' לוקחין מהן ביאתות אבל לא מדבריות כללו של דבר כל שגונב הרועה ואין בעל הבית יודע בו אסור ליקח ממנו וכל שאי אפשר לו אלא אם כן בעל הבית יודע בו מותר ליקח אותן

2) Tosefta Bava Kamma 11:9 (cited in BT, Bava Kamma 118b)

One may not buy mature goats, kids, fleeces, or wool torn off sheep from shepherds, but one may buy sewn garments, because sewn garments are theirs. And one may buy milk and cheese from them in the wilderness but not in settled areas. One may buy four or five sheep, or four or five fleeces, but not two sheep or two fleeces. R' Yehudah says: One may buy domestic sheep from them, but not wild sheep.

The principle of the matter is this: Anything the shepherd could steal without the owner noticing is forbidden to buy [from the shepherd], and anything the shepherd could not take unless the owner knew about it is permitted to buy [from the shepherd].

• תוספתא ב"ק י"א:ח

שומר פירות יושב ומוכר וסלו לפניו יושב ושוקל וטורטני לפניו ומותר ליקח מהן וכל שאמרו להטמין אסור

3) Tosefta Bava Kamma 11:8

If a fruit-guarder is sitting selling his wares with his basket before him, or if he is sitting weighing items with a scale before him, one may buy things from him. But in all cases, if he said to hide [the items], it is forbidden [to buy things from him].

• תלמוד בבלי ב"ק קיט.

איתמר: גזלן, מאימת מותר לקנות הימנו? רב אמר: עד שתהא רוב משלו, ושמואל אמר: אפילו מיעוט שלו. אורי ליה רב יהודה לאדא דיילא, כדברי האומר: אפילו מיעוט שלו

4) Babylonian Talmud, Bava Kamma 119a

It was taught: At what point is it permitted to buy things from a thief? Rav said- When the majority is [rightfully] his. Shmuel said- Even if a minority is his.

• טור חשן משפט סימן שני"ח

כל דבר שחזקתו גנוב או שרוב הדבר ההוא גנוב אסור לקנותו...

כתב הרמב"ם ובכל הדברים הללו וכיוצא בהן הולכין אחר מנהג המדינה...

ואין לוקחין משומרי פירות [פירות] או עצים אלא בזמן שהן יושבין על פתח הגינה והסלים והמשקל לפנייהם כדרך כל אדם בשלו שאין זה דרך גנבה...

5) Tur, Hoshen Mishpat, Chapter 358 (c. 1300, R' Yaakov ben Asher)

Anything that carries the assumption of being stolen, or anything of which most is stolen, is forbidden to purchase...

Maimonides wrote that in all these and similar matters, we base our practice on the norms of the state...

One may not buy fruit or wood from fruit-guarders, unless the fruit-guarders are sitting at the entrance to the orchard/garden with their baskets and weights in front of them, as one would do with his own items, because such is not *derekh g'neivah*.

• תוספתא ב"ק י:כ

גזל והחליף גזל והקדיש גזל ונתן במתנה גזל ונתן בהקפה גזל ופרע את חובו גזל ושלח סבלונות לבית חמיו הרי זה חייב המקבל הימנו הרי זה פטור

6) Tosefta Bava Kamma 10:20

If one stole an item and traded it, dedicated it to the Temple, gave it as a gift...or paid a debt with it...s/he is liable, but the person who receives the item from him/her is exempt.



Tel Aviv - Badatz New Ruling Forbids Charedim to Invest in Any Stocks

Published on: May 6th, 2010 at 07:48 PM

News Source: [Haaretz](#)

Tel Aviv - Will the Haredi (ultra-Orthodox) community stop making direct investments in the Tel Aviv Stock Exchange? According to a new ruling by the Badatz - a rabbinical court whose rulings are observed by a significant portion of the Haredi community - ultra-Orthodox Jews must not invest in the shares of Israeli companies, even in those owned by Orthodox businessmen such as Lev Leviev, Shaya Boymelgreen and Motti Zisser.

The ruling explained that buying shares makes the investor a partner in the company. But most publicly-traded companies, it said, are involved in some way in violating halakha (Jewish law) - for instance, by violating the Sabbath or by inappropriate advertising - and a Haredi Jew must not be a partner in such an enterprise.

"The various investment instruments, especially the pension and provident [funds], are full partners in investments that involve Torah prohibitions: that earn yields from profits [generated] by selling on Shabbat, which the malls run roughshod over; from the products of factories that operate on Shabbat and Yom Kippur; from [television] channels that are full of filth; and from obscene advertising," explained a booklet put out by the Badatz. "You and I are unwitting partners in all of these."

The booklet offers Nochi Dankner's IDB Holdings as an example.

"If you invested in this holding company, which may appear to be a worthy holding company that promises a handsome yield, you have become partners in several hundred of its subsidiaries, which produce its hefty profits. These include the Nesher cement company, which officially operates and manufactures mountains of cement on Shabbat - and even on Yom Kippur, heaven preserve us; the Maman cargo terminal at Ben-Gurion Airport, which operates on Shabbat as if it were a weekday ... Even 'innocent' shares such as the Darban land development company owns a mall that operates on Shabbat, and Bank Leumi is a partner in the Fox fashion chain. Even Strauss shares include branches of the Coffee ToGo cafe chain, which operates on Shabbat."

The Badatz also forbade its adherents to invest in what have been the hottest shares on the bourse over the past two months - the gas and oil exploration companies - because they continue drilling on Shabbat.

The Badatz's financial investment supervisory committee was set up about two years ago to grant ultra-Orthodox "kashrut" certificates to financial instruments. The committee's rabbis sat down and tried to find a formula that would permit investments in the shares of companies that operate according to halakha.

But now, the rabbis have reached the radical, sweeping conclusion that there can be no investment whatsoever in shares, because almost every publicly-traded company has halakhic problems.

However, the Badatz does permit investments in exchange-traded funds that track the indexes, or bonds that receive halakhic approval. The Harel, Ayalon and Phoenix insurance groups and the Excellence Nessuah investment house, among others, are already devising such investment instruments.

According to a survey conducted by the ultra-Orthodox department of the McCann-Erickson advertising agency, 42% of Israel's 50,000 Haredi households deposit an average of NIS 825 a month in savings plans. That means the community's total investable savings come to some NIS 500 million a year.

You can view this article online at VosIzNeias.com/54954

Copyright © 1999 - 2008 VosIzNeias.com - All rights reserved.

Thanks to Danny Cohen for sending me this article.