

FAIR COMPETITION

“עֲנֵי מְהַפֵּךְ בְּחָרָה”

We live in a world of finite resources, and it is inevitable that we occasionally end up at odds with others, each side vying for exclusive rights to certain resources. These disputes may be over a house, a car, employment, or even a spouse.

In the process of seeking to buy a dream home or dating a prospective spouse, we may find ourselves trying to outmaneuver others who have the same goal. This is called "competition." When two or more people compete for a single resource, one of them will ultimately achieve his goal at the cost of the others. On the one hand, the Talmud (Bava Basra 21b) generally endorses competition, in spite of the fact that somebody will end up losing out. That's life.

On the other hand, not all competition is *fair competition*; not every "that's life" *ought to be* part of life. The Torah provides a framework for what competition is considered legitimate, and which crosses the "red lines."

This learning session will examine a fascinating tenet of Talmudic law that addresses fair competition: the concept of *ani ha'mehapech be'chararah* (a pauper searching for bread), which implies concrete restrictions on what is considered fair competition.

We will address the following questions:

- When is competition considered fair, and when is it unfair?
- Are there any sanctions against unfair competing?
- Does the concept of unfair competition apply even to the acquisition of ownerless property?
- To which non-commercial fields does the concept of unfair competition apply?

1 – BASIC SOURCES:
PROTECTING THE BUYER

Source 1. Talmud Bavli, Kedushin 59a

Rav Gidel was negotiating to buy a certain piece of land. **Rabbi Abba** went and bought it. Rav Gidel complained to Rabbi Zeira about what happened. Rabbi Zeira passed the complaint on to Rav Yitzchak Nafcha. Rav Yitzchak Nafcha replied, "Wait until Rabbi Abba comes to me for the holiday." When Rabbi Abba visited, Rav Yitzchak Nafcha asked him [the following case], "If one poor person is going after a piece of bread and another comes and takes it, what is the law?" Rabbi Abba replied, "He is called a wicked person." "So why did the master [you] do such a thing?" asked Rav Yitzchak Nafcha. He answered, "I did not know [that Rav Gidel had been negotiating to buy]."

"So why not sell it to him now?" He answered: "I can't sell it to him, since it's my first land-purchase, and it's a bad *siman* to sell ones first purchase"

"So why not just give it to him as a gift?" He answered: "Rav Gidel will not accept it, as it says in the verse "One who hates gifts will live."

In the end, since Rabbi Abba also didn't want to take the land, since Rav Gidel had originally inquired in to it, so neither he took it, nor he took it, and it came to be called "the land of the Rabbi's"

רב גידל הוה מהפוך בהיא ארעא
אזל רבי אבא זבנה אזל רב גידל
קבליה לרבי זירא אזל רבי זירא
וקבליה לרב יצחק נפחא אמר ליה
המתן עד שיעלה אצלנו לרגל כי
סליק אשכחיה אמר ליה עני מהפך
בחררה ובא אחר ונטלה הימנו מאי
אמר ליה נקרא רשע ואלא מר מאי
טעמא עבד הכי א"ל לא הוה ידענא

השתא נמי ניתבה ניהליה מר א"ל
זבוני לא מזבנינא לה דארעא קמייתא
היא ולא מסמנא מילתא

אי בעי במתנה נישקליה רב גידל לא
נחית לה דכתיב (משלי טו:כז)
"ושונא מתנות יחיה"

רבי אבא לא נחית לה משום דהפוך
בה רב גידל לא מר נחית לה ולא מר
נחית לה ומיתקריא ארעא דרבנן

This Gemara presents for us the basic parameters of "עני מהפך אחר חררה" – "a poor person going after a piece of bread" (henceforth abbreviated as "עני מהפך"): one who encroaches on another's potential acquisition, after the 1st-party has already exerted some degree of effort¹ to acquire it, is considered 'wicked'².

That's what מהפך is. But why indeed is this so? What is the particular Torah prohibition which has been violated? It's not theft, so, what is the problem exactly?

¹ Regarding the precise parameters of what is considered "exerted some degree of effort," see source #6 below.

² One of the practical consequences of violating עני מהפך, and being deemed a *rasha*, is that his misdeed is publically announced in Shul and the like, in order to deter others from behaving similarly. [סמ"ע בסי' רל"ז וחת"ס חו"מ סי' ע"ט]. Additionally, he may be required to return the object, although this is a matter of debate amongst the Rishonim. [עיין ריטב"א]

Rashi explains why he's called a *rasha*: “שׁוֹרֵד לְחַיֵּי תְּבִירוֹ” – “*he’s taking away the others livelihood.*” That is, although not technically considered theft, (since, after all, no transaction has yet occurred), nevertheless since the 1st potential buyer has already exerted efforts to acquire a particular item, the 2nd person is in a sense ‘taking away’ some of the 1st’s livelihood.

→ According to this line of reasoning, it should follow that in a situation in which there is **no** infringement upon the livelihood of the 1st-purchaser, (for example, if he’s wealthy and/or the item is readily available), then עני מהפך would not apply. Indeed, the Ramban makes this distinction:

Source 2. Ramban [מובא בר"ן דף כד. בדפי הרי"ף]

<p>However, regarding an affluent individual who’s going after a piece of bread and another comes and takes it instead of him, in this case the 2nd person is <u>not</u> deemed a <i>rasha</i>, since the affluent person has bread readily available to him in his home (or to take from his neighbours, etc...).</p> <p>Now even though it is explicit from the story with Rav Gidel that even regarding a wealthy individual who’s coming to make a purchase, the <i>halacha</i> of עני מהפך still applies, that is indeed true regarding purchases of land, since properties are not readily available to purchase.</p>	<p>ומ"מ עשיר המהפך בחררה ובא אחר ונטלה ממנו אינו נקרא רשע לפי שהעשיר מצוי לו לחם בביתו או ליקח משכניו ואע"ג דהאי עובדא דרב גידל מוכח דבעשיר הבא ליקח שייך נמי דינא דעני מהפך בחררה ה"מ במקח קרקעות לפי שאין הקרקעות מצויין ליקח</p>
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Beautiful! Chazal were exacting in their words when they said “עני מהפך” - ‘poor’ needn’t literally have to mean that he does not have in income, but, rather, that this purchase is not readily accessible to him by other reasonable means. If it *is* readily available, though, then as the Ramban says, עני מהפך does not apply!

Let’s get practical!

If we think a bit more deeply about the practical ramifications of the whole concept of “עני מהפך”, we’ll realize that there’s a number of basic questions may arise:

- What exactly are the practical parameters of עני מהפך; *shall we deduce from this Gemara that competition for purchases is problematic??*
- What about bartering and bidding (such as in a *shuk* or market); *is this problematic?*
- What if it’s not the 2nd-buyer who’s initiating an offer, but, rather, the seller himself; *is this scenario different?*

In order to ‘crack open’ the *sugya* (topic), let’s delve into a fundamental disagreement between Rashi and Tosafos as to when/where עני מהפך does apply and does not apply:

2 – THE 2ND PLAYER IN THE EQUATION

Source 3. Tosafos, Kedushin 59a

<p>One poor person is going after a piece of bread – Rashi explains that this is referring to bread which is ownerless (i.e. public property; something that anyone can come take), but there’s a difficulty with this, for it says in Bava Metzia (10a) as follows: <i>If someone sees a lost object, falls upon it or places his tallis on it, and another then comes along and takes it, it belongs to the 2nd person.</i> Additionally, the Gemara continues there: <i>“If one has collected pe’ah (the portion a field intentionally left over for paupers to collect from), or has thrown his tallis on it, another is permitted to remove him from it”,</i> but why, isn’t this מהפך?!!?</p> <p>Rather, Rabbeinu Tam says that this prohibition of מהפך is only applicable if the poor person wants to earn money by hiring himself out, or if one wants to purchase something and another pre-empts him and buys it, similar to the Rav Gidel episode. The second person is called wicked – for why did he go after that which the first person is working hard at attaining? He should go and earn money somewhere else!</p>	<p>עני המהפך בחררה ובא אחר ונטלה כו' - פי' בקונטרס דמיירי בחררה של הפקר וקשה מהא דתנן בשנים אוחזין (ב"מ דף י.) ראה את המציאה ונפל לו עליה או שפירש טליתו עליה ובא אחר ונטלה הרי היא שלו וכן הא דקאמר התם מי שליקט מקצת הפאה ופירש טליתו עליה מעבירים אותו הימנה ואמאי עני מהפך בחררה הוא</p> <p>ואומר רבינו תם דאיסור דמהפך דנקט הכא לא שייך אלא דוקא כשרוצה העני להרויח בשכירות או כשרוצה לקנות דבר אחד ונחברו מקדים וקונה והני דומיא דרב גידל ומשום הכי קאמר דנקרא רשע כי למה מחזיר על זאת שטרח בה חבירו ילף וישתפר במקום אחר.</p>
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Based on other sources in the Talmud which seem to strongly indicate that there is no prohibition of עני מהפך in regards to ownerless objects (“הפקר”), Tosafos concludes that עני מהפך only applies items which are for sale or rent (“מקח וממכר”). What is the distinction between these? The last words of Tosafos speak volumes:

“He should go and earn money somewhere else!” – i.e. when the 2nd individual could just as easily go get the item somewhere else (or by some other means), then it would be unfair to infringe upon the efforts of the 1st person.

- Now, the implication of these words of Tosafos is critical: if the 2nd person cannot just as easily obtain the item somewhere else, then he is allowed over-step the 1st efforts.

Tosafos thereby introduces a new factor – a new ‘player’, if you will – in to the equation of עני מהפך: the 2nd purchaser; in as much as we have to take in to account the unique acquisition opportunity(s) of the 1st individual, we also must take in to account the interests of the 2nd individual as well.

Therefore, the distinction Tosafos is making doesn’t really have to do with “ownerless items” vs “purchases” per say, but, rather, between whether or not this is a unique acquisition opportunity for the 2nd individual or not.

The **Rema** (R’ Moshe Isserles, the eminent Polish Ashkenazic rabbi, talmudist, and posek, 1530-1572) rules like Tosafos, and extends this principle of “unique opportunities” to a number of logical, and common, applications:

Source 4. Rema, Choshen Mishpat 237:1

<p>Shulchan Aruch: One who is pursuing to either purchase or rent an item, whether it's land or tangible objects, and another comes and purchases it instead, is called a <i>rasha</i>. The same applies when one is attempting to employ himself. There are those that say that if one comes to obtain an object from ownerless property, or to receive a gift, and another comes and beats him to it, he is not deemed a <i>rasha</i>, since it's not something which is readily attainable elsewhere.</p> <p>Rema: Similarly, one who purchases land which borders on another's property, even when the laws of <i>bar metzra</i> do not apply³, the neighbouring property owner is allowed to purchase it instead of him and he will not be deemed a <i>rasha</i> for doing so, for this is similar to an object of public-property. Also, if one is purchasing an item on sale, and another comes to purchase it, since this item is not available at this discounted price elsewhere, he <i>is</i> permitted to do so, so long as the 1st person has not completed the purchase.</p>	<p>שו"ע המחזיר אחר דבר לקנותו או לשכרו בין קרקע בין מטלטלים ובא אחר וקנאו נקרא רשע והוא הדין לרוצה להשכיר עצמו אצל אחר וי"א שאם בא לזכות בהפקר או לקבל מתנה מאחר ובא אחר וקדמו אינו נקרא רשע כיון שאינו דבר המצוי לו במקום אחר</p> <p>הג"ה והקונה קרקע על מצר חבירו אע"פ שאין בה משום דינא דבר מצרא יכול בעל מצר לקנותה ולא מקרי רשע דהוי כמציאה (ב"י בשם מרדכי פ"ק דמציאה) וכן אם קונה דבר אחד ובא חבירו ויוכל לקנותו בזול שאינו מוצא לקנותו כך במקום אחר הוי כמו מציאה ויוכל לקנותו כל זמן שלא זכה בו הקונה (תשו' מהרד"ך בית ל"א)</p>
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Not So Fast...

There is, however, a **bomb question** on Tosafos, which we need to address in order to round out the general picture of this opinion:

Source 5. Gittin 59b & 61a

<p>Mishna: If a poor person gleans olives at the top of an olive tree and olives fall to the ground under the tree, then taking those olives that are beneath it is considered robbery on account of 'the ways of peace'. R' Yosi says: This is full-fledged robbery!</p> <p>Gemara: Rav Chisda says: R' Yosi means that it is full-fledged robbery by rabbinic law but not by Torah law.</p> <p>(The Gemara asks): What is the difference?</p> <p>(The Gemara answers): Recovering by appealing to the judges. If it is full-fledged robbery by rabbinic law, the victim of robbery can recover the property from the robber by appealing to judges, i.e., the court can expropriate it from him by force. Rashi.</p>	<p>מת' עני המנקף בראש הזית מה שתחתיו גזל מפני דרכי שלום ר' יוסי אומר גזל גמור</p> <p>גמ' אומר רב חסדא גזל גמור מדבריהם</p> <p>למאי נפקא מינה?</p> <p>להוציאו בדיינין</p>
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This Gemara is 'black & white': even by *hefker* (ownerless objects available to the public) there *is* a problem for a 2nd individual to encroach the 1st's efforts. What happened to Tosafos's grand principle of "we have to take in to account the unique acquisition opportunities of the 2nd person!""??

³ Normally, neighbours have the first rights to obtain properties adjacent to theirs. There are, however, circumstances in which this *halacha*, known as *bar metzra*, does not apply. [סמ"ע]

The famed R' Shlomo Lurai (1510-1573), affectionately referred to by the name of one of his great halachic works, *Yam Shel Shlomo*, addresses this bomb question:

Source 6. Yam Shel Shlomo [גיטין פ"ג ס"ב]

<p>Even though this olive tree is public-property, nevertheless it's forbidden, for this is considered rabbinic theft since the 1st pauper has already exerted efforts to the extent that he's knocked the olives to the ground.</p>	<p>ואף אל פי שזה הזית של הפקר, מ"מ אסור, משום גזל מדבריהם ונקרא גזלן מדרבנן, מאחר שזה העני טרח עד שהפילם לארץ, וצריכין אנו לחלק בין טרחא לטרחא כי יש שני ענייני טרחא: יש טרחא שאין מועילין כלל ויש טרחא שמועילין לענין איסור גזל מדבריהם, וחילוקים אלו מוכיחים מתוך הסוגיא,</p>
<p>Now, we need to distinguish between different levels of "exertion", for there are two separate types: there's one type of 'exertion' which is irrelevant, but there's another type which causes a rabbinic prohibition of theft. This distinction is self-evident in the topic at hand, for behold:</p>	<p>כאשר פ' ר"ת בפ' האומר (קידושין נ"ט) דאין שייך דין עני המהפך בחררה אלא במכר או בשכירות כו', דמשום הכי נקרא רשע כי למה מחזר וטרח אחר מה שטרח בה חבירו, ואפילו הכי כתב דגבי מציאה או הפקר מותר. משמע דמותר אפילו היכא דטרח וע"כ צריכין אנו לחלק בין טרחא לטרחא דהא מצינו שטרחא אפילו גבי הפקר יש בה איסור משום גזל כדפרישית, אלא הא לך מלתא דפסיקא, שאין קרוי טרחא אלא כשטרח ממש, כי מה חילוק בין משתדל לקנות אותה יום או יומיים...לא נקרא טרחא אלא היכא דטרח בגופו שהוא דבר הניכר, כגון עני המנקף בראש הזית שאין טרחא גדולה מזה לענין זתים, שנשא נפשו למות כשמוכח בפרק המקבל (ב"מ קי"ב ע"א) וכאשר פ' רש"י התם, אבל מה שאדם משתדל אחר דבר אחד נ"ל דאין שייך בו טרחא דאין הוא דבר המבורר</p>
<p>Rabbeinu Tam (Kiddushin 59a) explains that the halacha of "ani mehaphach b'charara" is only applicable in sales or rentals – he's deemed a wicked person for why is he pursuing something which another has already exerted effort on?! – but, regarding public (i.e. ownerless) objects it's allowed, even if the 1st has exerted effort.</p> <p>Therefore, we need to distinguish between different types of exertions, for we see clearly from this Gemara that there is a rabbinic prohibition of theft even in regards to ownerless objects! Rather, the parameters are as follows: it's not considered 'exertion' unless he's physically exerted effort, and not simply an amount of time, for what difference is there between one or two days?...Rather, only if he's exerted himself with his actual body – something which is perceptible – for example the pauper who's knocking olives from the top of the tree (there's certainly no greater 'exertion' than this, for he's literally endangering his life, as the Gemara explains in Bava Metzia 112a!!). However, that which someone simply spends a lot of time pursuing an item is not considered 'exertion', since it's not something which is distinct.</p>	

The Yam Shel Shlomo explains that even Tosafos is forced to agree with Rashi to some extent that עני applies *even* by ownerless-property in some circumstances: when there's already been a significant degree of effort⁴ to acquire the object (for example, he's actually climbed up a tree to get it!)

⁴ נתקשו האחרונים בגדר טירחה זו ובחתי"ס חו"מ ע"ט כתב שאפשר שרק טירחה כעין סכנה וז"ל וקשה להכריע ולתת שיעור וגבול והכל לפי הראות עיני: הדין משום דרכי שלום עכ"ל

3 – THE 3RD PLAYER IN THE EQUATION

The Mordechai (Mordechai ben Hillel HaKohen, c. 1250–1298) brings from of one of the even earlier the early Medieval sages, R' Meir from Rothengurg, the following critical qualification on the parameters of עני מהפך:

Source 7. Mordechai [ב"ב ס' תקנ"א]

<p>Rabbeinu Meir (from Rothenburg) writes that if one Jew is seeking to purchase an item, and another Jew beats him to it, he's not deemed a <i>rasha</i>, for עני מהפך is only applicable where there's been basic agreement of sale between the purchaser and seller; that is, they're both amicable towards each other, and all that's lacking is the formalities of the purchase. In <i>this</i> scenario if someone else acquires the object (either for the same amount of money or more) then he's deemed a <i>rasha</i>. However, if the seller does not wish to sell the item at this current price, and someone else comes and purchases it, he's not called a <i>rasha</i>. For, if even in this type of scenario he would be deemed a <i>rasha</i>, then sellers (in general) would suffer tremendous financial loss. How so? Reuven will come to purchase a plot of land from Shimon, and he won't want to offer him more than a small amount of money, well below the lands value, and then no other purchasers will be allowed to make an offer! Rather, the Rabbi's were very concerned about the financial loss of sellers, since, after all, the seller too is only doing this since he needs the money.</p>	<p style="text-align: right;">כתב רבינו מאיר דאם ישראל מחזר לקנות וקדם ישראל אחר וקנה אינו נקרא רשע ולא שייך עני מהפך בחררה...אלא היכא דגמרו הפיסוק כבר הלוקח והמוכר ונתרצו זה לזה ולא היו חסרים רק הקנין והלך זה וקנאה או באותן דמים או הוסיף דמים אז נקרא רשע אבל אם המוכר אינו רוצה למכרה בכך והלך אחר וקנאה לאו רשע הוא דאי אפילו בכה"ג נקרא רשע א"כ מפסדי' למוכר שאם יבא ראובן לקנות קרקע של שמעון לא ירצה לתת לו אלא דבר מועט ולא כפי שויה לא יהא אחר רשאי לקנותם ורבנן חשו טובא לפסידא דמוכר יען כי מוכר הוא מחמת דוחקו</p>
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The Mordechai introduces an additional player into the equation: *the seller himself!* In as much as we have to take in to account the financial well-being of the potential purchasers, so too the seller.

- ➔ Consequently, as the Mordechai explains, even though *theoretically* עני מהפך should/could apply even at a much earlier stage in the negotiations – i.e. even when all the 1st purchaser has done is simply shown an interest! – and this would indeed be very advantageous to protect the livelihood of the *purchaser*, but the *seller* would stand to lose tremendously: every potential buyer could low-ball to his hearts content!
- *Therefore, unless an actual agreement of price and terms has been reached, the prohibition of עני מהפך is not yet in affect at all!*

(Note: The great later-day halachic authorities⁵ note that “agreement of price” (פיסוק דמים) *need not be literal*: the point is simply that they’ve reached a stage in negotiation where the transaction will most likely advance to completion. Therefore, in common bargaining situations, such as a market place and the like, where negotiation is standard, even if the two parties have not yet settled on a particular price and terms – but will inevitably get there – this is considered “פיסוק דמים”, and the ‘red line’ of עני מהפך has now been crossed, and is in full effect!)

Seller’s Initiative

Another logical point which emerges from the Mordechai is the following: *what if the seller is the one who engages the 2nd potential buyer?* Although it may be a violation of עני מהפך for a 2nd purchaser to encroach on the efforts of the 1st buyer, but, in as much as we’ve now learned that the sellers’ interests must also be taken in to consideration, if **he** is the one engaging another buyer, he’s certainly entitled to do so!! After all, just as there’s a consideration for livelihood for the 1st buyer, there’s also such a consideration for the seller!! Indeed, the Avnei Nezer rules:

Source 8. Avnei Nezer, [שו"ת אבני נזר חו"מ ס' י"ז]

<p>If the seller decides not to sell to the first customer, the halachah of עני מהפך does not apply. In fact, the seller can always retract amidst negotiations with the first buyer and decide to sell to someone else, in which case it is permitted for a third party to buy from him, since the seller wishes to sell to the third party and not to the original buyer. The prohibition only applies when a third party initiates an offer to the seller while the seller still intends to close the deal with the initial buyer.</p>	<p>כָּל זְמַן שְׁאִינוּ רוֹצֵה לְמַכְרָה לוֹ אֵין דִּין עֲנֵי הַמְהַפֵּךְ בְּחֻרְרָה. וְאִם כֵּן לְעוֹלָם יְכוּל הַמוֹכֵר לְחַזֵּר מִהֶרְאֵשׁוֹן וְלִמְכּוֹר לְאַחֵר, וְהָאֲחֵר מוֹתֵר לְקַנּוֹת מִמֶּנּוּ דְכֵיּוֹן שְׁהַמוֹכֵר רוֹצֵה לְמַכּוֹר לְהָאֲחֵר וְלֹא לְלוֹקֵט רֵאשׁוֹן, שׁוֹב אֵין אִיסוּר לְהָאֲחֵר וְאֵין אִיסוּר בְּקַ אִם הָאֲחֵר הִתְחִיל עִם הַמוֹכֵר בְּעוֹד שְׂרָצָה לְמַכּוֹר לְהֵרְאֵשׁוֹן.</p>
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Amazing!

Additionally, the Maharshal⁶ notes that the language of the Gemara itself clearly alludes to this: "IF ONE POOR PERSON IS GOING AFTER A PIECE OF BREAD AND ANOTHER COMES AND TAKES IT" – the implication is that only if “**another** comes and takes it” does עני מהפך apply, but not if the seller initiates!!

⁵ פרישה סי' רל"ז אות א', ערוך השלחן סי' רל"ז ס"א
⁶ ים של שלמה קדושין פ"ג ס"ב ד"ה מכל הלין

4 – SUMMARY

Having seen many of the primary sources on the topic of עני מהפך, it's helpful to take a 'bird's eye view' of the topic, and see a clear picture of the issues at hand:

“ENCROACHING ON ANOTHER’S ACQUISITION”

The Relevant Considerations

1 ST BUYER	2 ND BUYER	SELLER
<p>(1) Is this item readily accessible for him elsewhere? If yes, then he's not an “עני”, and the prohibition of עני מהפך does not apply. [רמב"ן]</p>	<p>(1) Is this a unique acquisition opportunity for him? If yes, then there is a disagreement amongst the major authorities if the prohibition of עני מהפך applies [רש"י, תוס']</p>	<p>(1) Have the 1st purchaser and the seller already agreed on a price, or are they still negotiating? If the latter, then the prohibition of עני מהפך does not apply [מרדכי]</p>
<p>(2) How much effort has he already exerted? If it's a substantial amount, then <i>everyone</i> (Rashi <i>and</i> Tosafos) agree that the prohibition of עני מהפך applies [מהרש"ל]</p>		<p>(2) Is it the seller who is engaging discussion with the 2nd buyer? If yes, then the prohibition of עני מהפך does not apply [אבני נזר] [ומהרש"ל]</p>

Examples:

1. The Weinsteins had their house on the market for three months for an asking price of \$500,000 and several bids arrived way below range. The Schwartzes then came along, very keen to buy. They offered \$480,000, which the Weinsteins didn't formally accept. After three meetings and subsequent discussions, it was clear to all that a final resolution was near, and the price was decided at \$485,000. The night before the next scheduled meeting, the Weinsteins received an unqualified offer for their asking price of \$500,000 from the Goldbars, who were prepared to sign the next morning at 8AM. *What should the Weinsteins do?*
 - a. *Call the Schwartzes and offer them to buy the house for the \$500,000 and if not, close with the Goldbars?*
 - b. *Go ahead and sell straight away to the Goldbars?*
 - c. *Ask the Goldbars to wait and see if they close the deal with the Schwartzes in line with their ongoing negotiations?*

2. The Paris JCC is holding an open house Chanukah party for university students and the Maccabee Beer has been finished off. But, there remains one steaming hot brownie with melting vanilla ice cream left over, which Daniel is making a full-steam-ahead maneuver to enjoy after a most rigorous game of spin the dreidel. He makes an Apache helicopter swoop with his right hand and just as he is about to grab the dessert, he notices someone to his immediate right who had actually started for the dessert before him, but had slower reflexes. *What should Daniel do?*
 - a. *Enjoy the dessert by himself?*
 - b. *Share it with the other guest?*
 - c. *Give it to the other guest?*
 - d. *Return the dessert to where he found it?*

3. Several people independently had approached David over the past few months suggesting that he date Rachel. They all praised her and described her as having the attributes he has been searching for in a wife. David decided to go for it, but then heard back that Rachel is presently dating someone else. In fact, he heard that the relationship has been moving forward nicely over the past couple of weeks. A few days later, David received an email inviting him to the Mosteins, coincidentally cousins of Rachel, for Shabbat. They would like the couple to meet informally during Friday night dinner, and perhaps take a walk after dessert. David is in a quandary. He would like to meet Rachel, but is it appropriate under the circumstances, knowing she is dating someone else? *What should David do?*
 - a. *Make a decision about meeting Rachel after she either becomes engaged or stops seeing the other fellow?*
 - b. *Go ahead and meet Rachel anyway?*

4. Nathan has been searching for a job for almost a year, without success. He recently saw an advertisement for a computer programming position at a large international company, and submitted his application. The company replied that he has called at the very last moment, because they were planning to close with another applicant that same night – but there's still time to come over for an interview, and the company is interested in seeing as many applicants as possible before closing. Nathan wants to know what to do: *Is it permitted for him to apply for the job, knowing that the company is about to close with somebody else?*