

פרשת ויצא

Parashas Vayitzei

When Dealing With the Crooked

אָחִי אָבִיָּהּ הוּא

He was her father's relative

(29:12)

Q

The story is told of a businessman from Prague (we'll call him Berel), who lived in the time of the *Noda B'Yehudah*. Berel was away from home and he wanted to send his wife 1000 crowns. He met with another businessman who was traveling to Prague. He would be able to deliver the money, but that man did not have such an upstanding reputation. Berel wondered how he could ensure that his wife receive the money. Suddenly he had an idea.

Berel approached the man and asked him if he could deliver some money to Berel's wife in Prague. Berel would pay him for his services, and the man

would only have to give the wife whichever amount he desired. The man was surprised at Berel's generous offer. He asked what would happen if he only wished to give Berel's wife five crowns. Berel insisted that he would not change his mind. "Just give my wife as much as you want."

Berel also gave the man a letter to deliver to his wife. When the man arrived in Prague he gave Berel's wife the letter together with five crowns. When she opened the letter she informed the courier that according to the contents of the letter he was required to give her 1000 crowns, and she would pay him five crowns for his services. The man took out the agreement that he had signed with her husband. It explicitly stated that he only had to give her as much as he wanted.

The woman ran to the *Noda B'Yehudah* and told him the entire story. She cried bitterly that it just could not be that her husband would allow a messenger to keep so much of the money. The Rav sent for the man, and the man showed him the signed agreement that he had made with the husband. The Rav examined the document carefully. He knew the husband to be a wise person. How could he have made such an agreement? After a moment, the *Noda B'Yehudah* smiled.

"Tell me," he asked the man. "How much of the money do you want?"

The man responded that he wanted to keep 995 crowns.

"If so," said the *Noda B'Yehudah*, "that is what you need to give to Berel's wife. Read the agreement. It says: You only have to give her 'as much as you want.' If you want 995, then that is what you have to give the wife!"

This story needs an explanation. This man only agreed to transfer the money based on the terms that he

understood. A person cannot agree to hire someone for a specific wage and afterward claim that he was only fooling him. A person who agrees to pay an exaggerated wage can only claim that he was fooling the worker in a case where the worker had a mitzvah to do the work, and even then only under specific circumstances. For example, if a man was being chased by his captors, and a ferry was sitting idly at the dock, he could promise the ferryman an exaggerated wage to save him, as he is being fooled into doing something he would be obligated to do anyway.⁹² That was not the case in this story, so how could Berel claim that his agreement was set up to fool the messenger?

A

*The Nesivos HaMishpat*⁹³ writes that if someone hired a contractor for a job and agreed to pay an exorbitant fee that was obviously beyond the fair price, he has to pay according to the agreement. If, however, it was not obvious that he was being overcharged, but the contractor took advantage of the customer, the customer can retract and say that his agreement to pay the exaggerated price is not binding, because the contractor intended to fool him. In this case as well, Berel's trickery was purely an act of self-defense, and he can claim that he never intended to pay the man's unfair price.

There is an even simpler premise to justify the *Noda B'Yehudah's* ruling. Berel never committed to a price; he merely spoke with cunning because he knew with whom he was dealing. He always intended to pay him a fair wage, but the messenger did not understand the true meaning of his words. Berel was allowed to act as he did, because the messenger was known to be a swindler who would otherwise have stolen the money in his safekeeping.

92. *Choshen Mishpat* 264:7.

93. 264 §8.

True Love Is Earned

כִּי שְׂנוּאָה אָנֹכִי

That I am unloved

(29:33)

Q

Yerucham was very poor and had difficulty making ends meet. A *shidduch* was proposed with a woman who was quite wealthy. When they met, Yerucham did not find her very interesting, and he knew that if he married her, he would not be able to love her as much as he loves himself. He is considering marrying her despite this fact, in order to alleviate his financial burden. On second thought, he considered that perhaps it is forbidden to marry such a woman. The Gemara in *Kiddushin*⁹⁴ states that one is not allowed to marry a woman without seeing her first, lest she not find favor in his eyes, and the Torah commands us to love our fellow as ourselves. If so, perhaps that prohibition is applicable in this case as well. The woman is aware of his feelings, but still wants to marry him. She is getting older, and is willing to overlook his misgivings. May they still marry?

A

The *Shulchan Aruch* states⁹⁵ that when one hears tidings that benefit only him he makes the *berachah* of *she'heche'yanu*. If the tidings are good for others as well, he makes the *berachah* of *hatov vehameitiv*. On hearing bad news, one makes the *berachah* of *dayan ha'emes*.

94. 41a.

95. *Orach Chaim* 222

The *Mishnah Berurah*⁹⁶ rules: One who is forced to marry a wealthy woman due to his poverty, and really does not want to do so, should make the *berachah* of *hatov vehameitiv*, and also *dayan ha'emes*. It would seem from the fact that the halachah prescribes what to do in such a situation that there is no prohibition to marry under such circumstances. This, however, needs an explanation in light of the words of Rabbi Akiva⁹⁷ who said, "One who marries a woman who is not suitable for him has violated five mitzvos: 1) *lo sikom*, 'do not take revenge'; 2) *lo sitor*, 'do not bear a grudge'; 3) *lo sisna*, 'do not hate'; 4) *v'ahavta l'rei'acha kamocha*, 'love your fellow as yourself'; and 5) *v'chai achicha imach*, 'and let your fellow live with you.'" This is because his hatred will lead him to desire her demise. Thus, it would seem that one may certainly not marry under such conditions. How can this apparent contradiction be resolved?

Perhaps Rabbi Akiva was referring to someone who is marrying a woman with the intention of becoming wealthy. If, however, his intention is solely to be able to cover his basic needs, it may be tantamount to *pikuach nefesh*. He wants to marry her as a means of survival and feels that he has no other choice. Eventually he will grow fond of her, especially since he will have *hakaras hatov* to her for her support.

Rashi wrote a *teshuvah*⁹⁸ to someone who wanted to divorce his wife based on the pretense that she had certain physical defects before their wedding. The woman claimed that the defects only developed afterward. *Rashi* dismisses the man's claim, since no one ever heard of these defects until after their marriage. He then accuses him of showing that he is not from the family of Avraham Avinu, whose way was to love people, and certainly a wife with whom he had entered a covenant. If the husband would expend the same energy on drawing his wife close, to the extent that he has exerted himself to push her away, he would learn to appreciate

96. 222 §1.

97. *Avos D'Rabbi Nassan*.

98. *Responsa* 207.

her. *Chazal* teach us in *Sotah*⁹⁹ that there are three things that attract favor, one of which is a woman to her husband.

In this case as well, if Yerucham will follow the custom of Jewish husbands, it is highly likely that by drawing his wife close, she will find favor in his eyes, and he will reap all the blessings that marriage has to offer, besides for stabilizing his financial footing.

Torah Above All

אַתָּה יָדַעְתָּ אֵת אֲשֶׁר עָבַדְתִּיךָ

You know how I served you

(30:29)

Q

Yochanan Bernstein is a *kollel* youngster who puts his all into his learning. One day as he was walking to the *beis midrash* he noticed some very skinny cats at the side of the road. Since Yochanan felt compassion for the poor animals' plight he decided to start taking the time to feed them scraps that were left on the plates after his family's meals. Someone who noticed Yochanan's behavior asked if it would not be preferable for Yochanan to spend his time in the *beis midrash* learning Torah rather than feeding cats. Should Yochanan give up this new practice?

A

Yaakov Avinu told Lavan,¹⁰⁰ "You know the work that I did for you, and how your flock stayed by me." The *Netziv* explains that Yaakov watched the sheep with

99. 47a.

100. *Bereishis* 30:29.

exceeding dedication. He tended them with love and care,¹⁰¹ and this caused them to thrive. Yaakov exhibited the traits of kindness and mercy beyond the level that would be expected from a human being. He ignored his own needs to benefit Lavan by providing faithful service, and to save the animals from pain.

This would seem to imply that Yochanan would indeed have sufficient cause to delay his arrival at *kollel* to tend to the helpless animals.

On the other hand, perhaps such behavior was relevant only before the Torah was given, but now that Hashem bequeathed His precious treasure, no mitzvah can compare to Torah learning. *Chazal* tell us that Torah learning is equivalent to all of the mitzvos together!¹⁰² Thus, it would not be justified for Yochanan to take away from his learning in order to feed the cats.

The *Midrash*¹⁰³ also teaches us that Yaakov spent his years of shepherding completing *sefer Tehillim*. It would not be fair to try to emulate his behavior of going beyond the call of duty to feed the animals, without being able to emulate his constant attachment to Torah learning.¹⁰⁴ In addition, we find that Yaakov was punished for the 22 years that he spent tending the sheep, yet he was not punished for the 14 years that he spent learning Torah in the *beis midrash* of Eiver.¹⁰⁵ That portrays the greatness of Torah learning in comparison to benevolence to animals, or any other mitzvah.¹⁰⁶

101. See *Shemos Rabbah Parshah 'x*.

102. *Pe'ah* 1:1.

103. *Bereishis Rabbah* 68:11.

104. Indeed, Yaakov, and later Moshe and David, did not choose to become shepherds; those were situations into which they were placed.

105. *Megillah* 16b.

106. Certainly if the cats had belonged to Yochanan, he would be obligated to feed them even before his own meal. (See *Mishnah Berurah* 167 §40.) In this case the cats were not his, and he was only doing kindness with them.