

MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	4:01	4:00	4:19
צאת השבת	5:15	5:16	5:13

Parshas Vayishlach - וישלח
Nov 23, 2002 – כ"ג סיון תשס"ג – Vol. 4 No. 8

Talking Business

Everyday Jewish Business Law



Taken For A Ride

Question

Chezky wished to ensure that he arrived at his friend's wedding on time. He therefore decided to take a taxi instead of the bus, which traveled along a roundabout route. The taxi driver, seeing that his passenger was new to the district, decided to take advantage of his ignorance. He drove along the long-winded bus route. Chezky soon realized that he had not gained any time by taking the taxi. When the taxi driver asked him for the seventy-five shekels shown on the meter, he refused to pay. Chezky argued that the purpose of traveling by taxi rather than by bus was solely in order to arrive earlier. Since he would have reached the wedding hall just as quickly by bus, he was not prepared to pay more than the five-shekel bus fare. Is his argument valid?



Answer

When you hire a worker to perform a certain job at a prearranged price, he is entitled to full payment on completing the work. He is obligated to carry out the work; you are equally obligated to fulfill your side of the deal and pay him in full, on time. However, if he deviates from your instructions, your previous contract is no longer binding. He did not perform the work as agreed; you are therefore under no obligation to pay him the agreed sum. How much does the worker receive under such circumstances? Our Sages inform us that the employer only has to pay according to the actual amount of benefit he received.

The source of this law is a *mishna* in Tractate *Bovo Kamo* (100b). Reu-

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Rav Leff Speaks

Love Your Neighbor

Hillel and Rebbi Akiva both stated that "Love your neighbor" is a great principle in the Torah. When the convert came to Hillel demanding that he teach him the whole Torah on one foot, it was not a silly request. What he meant was that he wished to be taught the foundation of the entire Torah—that principle on which the Torah stands—like a body standing on one foot.

Hillel told him: "Don't do unto others what you wouldn't want them to do unto you." In order for there to be a Torah there has to be respect for human beings. There has to be a way for people to function as a society. The reason is that the Torah was received by the Jewish people as one unit, and couldn't have been received any other way. No one person can fulfill all six hundred

and thirteen mitzvos. It's impossible. No man will ever bring a *korban yole-des*, the woman's mitzvah after giving birth; no woman will ever fulfill *bris milah*. Beyond that, *kohanim* have mitzvos that others don't, such as the Temple service, keeping the laws of purity, and so on. On the other hand, *kohanim* and *levi'im* can't have *pidyon ha ben*. In order to receive all six hundred and thirteen commandments, they had to receive it together as one nation. The giving of the Torah necessitates the unity of the nation designated to receive that Torah.

The Torah also serves as a guide for life. If life is important, Torah is important. Things of no great significance don't need a guidebook. Bubble gum isn't important, so it doesn't come with an instruction booklet. Life, which is important, needs a set of instructions.

(Continued on page 3)

Living Education

Principles of Education Gleaned from the Weekly Parsha

The Power of Parental Influence

The story in the Torah where Dina is defiled by Shechem is the classic case of a parent having a negative influence on his/her son/daughter without considering the consequence of his/her action.

The posuk reads, ותצא דינה בת לאה אשר ילדה ליעקב לראות בבנות הארץ – "And Dina, the daughter of Leah, who was born to Yaakov, went out to see the daughters of the land." (Bereishis 34:1)

Rashi explains the Torah's choice of Dina and not Leah to tell us that she was like her mother. Just as Leah would venture out of her home, as the posuk says, ותצא לאה... "and Leah went out to greet him [Yaakov]..." (Bereishis 30:16), so too Dina ventured outside her home, and therefore fell into the hands of Shechem.

Let's look back at the pesukim referring to Leah and try and locate her "fault", and see how it affected Dina's actions.

וילך ראובן...וימצא דודאים בשדה ויבא אותם אל לאה אמו ותאמר רחל לכן ישכב עמך הלילה תחת דודאי בנך... ותקרא שמו יששכר – "Reuven went and found aphrodisiacs in the field and brought them to his mother, Leah, and Rachel said to Leah, please give me from your son's aphrodisiacs... and Rachel said [to Leah], therefore he [Yaakov] will sleep with you tonight in exchange for your son's aphrodisiacs."

ויבא יעקב מן השדה ותצא לאה לקראתו...שכר שכרתיו...וישכב עמה בלילה הוא. וישמע ה' אל לאה – "And Yaakov came from the field and Leah went out to greet him...I have given for you...and he slept with her that night, He [referring to Hashem – Rashi]. And Hashem heard Leah (s plan) and she became pregnant and gave birth...and she called his name Yissachar."

(Continued on page 2)

THIS ISSUE IS DEDICATED IN LOVING MEMORY OF

ה"ר ד"ר **DR. SALOMON KOTTEK**

AND HIS WIFE

ה"ר ד"ר **ANNELIESE (LOEB)**

WHO LIVED IN HOLLAND BEFORE WWII

AND WERE MURDERED BY THE NAZIS IN

1945

תוצב"ה

With Man Before G-d

No longer will it be said that your name is Yaakov, but Yisroel, for you have striven with the Divine and with man and have overcome. (Bereishis 32:29)

There are people who have a deep and constant awareness of G-d. Their sense of the Divine never leaves them, even when they pause from learning and mitzvos to speak to people. The name Yisroel (yashar-el) signifies this unwavering devotion. (The Kli Yakar explains that yashar here signifies vision, as in the verse בורק אלו בורק (Bamidbar 24:17) Other people have a strong awareness of G-d when they are learning and doing mitzvos, but relating to people distracts them. This is signified by

the name בִּקְעִי *yod ekev*, the *yod*, signifying G-d, falls into the background. Here, the angel tells Yaakov: you cling to G-d even when dealing with people. Therefore your name is no longer Yaakov, but Yisroel.

Based on sefer Kedushas Levi

Our Sense of Self Before G-d

I have been diminished by all the kindnesses... (Bereishis 32:11)

From here we learn that when a person prays, he should contemplate his deficiencies and inadequacies, as well as the mastery of the Lord whom he serves and the many kindnesses he has received.

Based on the commentary of

(Living Education—Continued from page 1)

"ותאמר רחל אל לאה" – Leah did not initiate the switch.

"ויבא יעקב" – Yaakov came home and expected to see Rochel as planned.

"מן השדה" – Leah did not go out to the field to greet Yaakov, but waited till he came home.

"ותצא לאה לקראתו" – Leah dressed herself up and went out to greet Yaakov, hinting to him that she had exchanged places with Rochel. It appears that she was forced to do so, so that Yaakov would not go to the tent of Rochel.

"לקראתו" – Even though Leah went out, she had only one intention: to greet Yaakov.

"שכר שכתריך" – Leah did not show light-headedness in approaching Yaakov as her decision was calculated.

"וישכב עמה" – Yaakov slept with Leah and seemingly did not see anything wrong in Leah's exchange with Rochel or the way she came to greet him.

"הוא" – The posuk should say, בילה רחוק – that night (*Maharshah*). הוא alone, says Rashi (quoting Gemorah *Nida* 31a), refers to Hashem, Who helped that Leah become pregnant with Yissachar.

The Gemorah above, according to Rashi's explanation, says that Hashem redirected Yaakov's donkey toward Leah's tent. Accordingly, Leah was close to her tent when Yaakov appeared.

In addition, the very fact that Hashem intervened, even more than usual, shows that He approved of Leah's action.

"וישמע ה' אל לאה" – To what was Hashem listening to? To the desire and prayer of Leah to have more *shevatim* emanate from her (*Bereishis Midrash Rabah* 72:5).

"ותקרא שמו יישכר" – No less than Yissachar was the product of Leah's approaching Yaakov; Yissochar, the great tribe of Torah.

Why did Leah merit to have Yissachar at this point? Possibly, because her first four sons were meant, as well, to strengthen her connection to Yaakov. However, now, after having even more than her share of sons (4), her craving for an additional son was completely for G-d's sake; she wanted only what G-d wanted, and more than anything else, G-d wants Bnei Yisroel to learn Torah. Thus, Yissachar, the father of the great tribe of Torah was born.

"שכר שכתריך" – Above, the posuk says, שכר שכתריך, hinting that the שכר which Leah gave to Rochel was so great that her son born from that evening merited to an everlasting שכר—from Zevulun—which allowed him to learn and grow in Torah in peace.

From all the above, it is clear that Leah conducted herself according to the very highest levels of behavior. However, even so, Chazal tell us that there was a slight flaw in her level of modesty. The posuk says (*Tehillim* 45:14), "כל כבודו בתוך פינה" – "All the honor that can be given to a king's daughter [a Jewish woman/girl] is given when she is inside her home". And this was the great honor given to Sarah when the posuk (*Bereishis* 18:9) testifies that she was in her tent (she was modest – Rashi).

The Midrash (*Tanchumah Vayishlach* 7) calls Leah a woman who had a habit of leaving her home to see things. Why? Not because she actually did, but a slight flaw (Rav Simcha Zissel z"l explains that her sin was taking Rochel's night away from her) on her level resulted in a larger flaw on the part of her daughter, Dina, which led to Dina's difficulties and a great conflict between the Jewish people and the nations.

Our lesson: parents' actions have a tremendous effect on their children. One small wrongdoing or even mishap or inconsistency in their behavior can lead their child to walk down the wrong path and can bring havoc to Am Yisroel as a whole, l'n.

The following true story (names have been changed) brings closer to home the lessons learned from Leah and Dina.

A certain Yeshiva in Eretz Yisroel has a student dress code as well as a list of rules incumbent upon each student to live by in the Yeshiva.

After a number of weeks into the year, one student began ignoring the Yeshiva's dress code and rules. After being reminded numerous times to comply, the student eventually found himself in the office of the Rosh Ye-

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(Talking Business—Continued from page 1) ven employed a dyer to dye his wool black. The dyer dyed it red instead. *Rebbi Yehudah* rules that if the dyer's expenses exceed the value added to the wool by dyeing it the wrong color, he only receives the added value. If the situation is the opposite, he is again only entitled to the lesser sum. *Rashi* (ad loco) explains that we penalize the worker for deviating from the employer's instructions. He denied the employer his full expected benefit. He is therefore not even automatically entitled to full reimbursement of his expenses. (This principle is explained in detail in Tractate *Bovo Metzia* 76a).

When Chezky hailed a taxi, he was also employing a worker. The taxi driver took on an obligation to drive Chezky to the wedding hall by the direct route. In return, Chezky agreed to pay him for his work according to the meter reading. By giving Chezky an unguided tour of the neighborhood, the driver was deviating from his instructions. As a result, the previous contract

is no longer valid. The meter reading can no longer be accepted as the basis for payment. We now have to reassess what benefit Chezky actually derived from the taxi ride.

If Chezky's sole motive in preferring the taxi to the bus was in order to arrive faster, then he would be justified in only paying the bus fare. What's more, says Rav Tzvi Spitz (*Mishptei Hatorah, Bovo Kamo* No.124), if Chezky is in possession of a monthly bus pass (*chofshi chodshi*), which would entitle him to a free bus ride, he does not have to pay the driver anything. The alternative of traveling by bus was available to him free of charge. The taxi ride was therefore worth nothing to him. It could be that Chezky took the extra comfort of the ride into consideration when making his decision. In that case, he would have to pay the driver part of the taxi fare. What proportion he has to pay depends on the comparative levels of importance of the two factors, speed and comfort. This may be difficult to assess. If it would have been worth his while *just* for the added comfort, he has to pay the *full* taxi fare. It should be noted that the above rules only apply if the journey was extended on account of the driver's negligence. If he took the direct route but was held up in traffic jams, he is obviously not in breach of contract. He is then entitled to the full fare. MD

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Rabbi Yona Vogel, Dean
Contributing Writers:
Halacha L'Maase: HaRav Shammai Gross
Reflections & Living Education: Rav Yona Vogel
Talking Business: Rav Yoel Moore
Midrash & Parsha Points: Rabbi Tzvi Abraham
Rav Leff Speaks: prepared by Rabbi Yisrael Rutman
Advertising & dedication information:
sales@machondaniel.org or 02-654-1442

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Your letters and comments will be gratefully accepted via e-mail (info@machondaniel.org), phone or fax (02-654-0455), or via mail (Machon Daniel MDTW, POB 43095, Jerusalem).
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shiva.

"Why do you find it so difficult to follow the rules of the Yeshiva?" asked the Rosh Yeshiva. "You knew before you joined us that we had a dress code and a list of rules."

"HaRav", answered the student, feeling somewhat intimidated on the one hand, but partially relieved on the other hand because of the pleasant and concerned tone of the Rosh Yeshiva. "Why should I wear a hat and jacket if my father doesn't? I don't think my father is any less of a *yire shamayim* than the *bachurim* (students) in the Yeshiva!"

"To tell you the truth", answered the student, when I break a rule, it's not because I ignore it. Rather, if I don't think it makes sense, then why should I do it?"

"Now I understand the source of this student's behavior", thought the Rosh Yeshiva to himself. "While his difficulty with the dress code is clear, what he may not realize is that this divergence legitimizes in his mind the rejection of the other rules of the Yeshiva as well."

The truth is, the student is not to blame, for his father, by arguing contrary to the dress code of the Yeshiva, has implanted in his son's mind the notion that the rules of the Yeshiva are negotiable."

"I hear your point", suddenly responded the Rosh Yeshiva, after organizing his thoughts, "I'll talk to you again later, b'ezras Hashem." As soon as the student walked out of the room, the Rosh Yeshiva picked up the phone and called the boy's father.

"Tell me", asked the Rosh Yeshiva, "are you aware that the difference between the manner in which you dress and the Yeshiva's dress code is causing confusion in the mind of your son?"

"Harav", returned the boy's father, "wearing a hat and jacket for davening is just not me. However, I have explained many times to my son that while in the Yeshiva, he must comply with all the Yeshiva rules. Also, my son sees how I am growing in my observance, in my learning, etc. He knows that my not wearing a hat and jacket is not an act of rejection."

"No one thinks your actions demonstrate active rejection", responded the Rosh Yeshiva, "but in reality you are telling your son to do one thing, and you, yourself, are doing another."

"Your child obviously has great respect for you, and therefore wants to imitate your actions. However, the result is confusion in the least and outright rejection of the rules of the Yeshiva and even the Yeshiva itself, at most."

The above true story illustrates the fact that even if a parent has the best intentions, his effect on his children is so strong that it can cause the exact opposite of that which he had intended.

Even if a parent does no obvious wrong, the true test of his actions will only come out in his children's behavior. If they act poorly, it is a sign that their parent acted poorly as well. On this the Midrash (*Bereishis Rabbah* 80a) says, quoting *Yechezkel* 16:44, "As a mother (behaves), so (does) her daughter (behave)."

Whereas the slightest imperfection in Leah's actions led to the unfortunate episode of Dina, what can we, who have true lackings, expect from our actions?

With one wrong word, or even one slanted glance, we can cause irreversible harm to our children. The only answer is to be on continual and strict guard in front of our children: to ensure that we only speak and act according to the highest standards of behavior in their presence.

A parent needs to constantly remind himself that his/her child has imbedded in him two tape-recorders: one which records the comments and actions directed by the *yetzer tov* and one which records those of the *yetzer hora*. Every comment in front of his/her child is recorded and remains forever. Only the tape which records the comments, etc. of the *yetzer hora* seems to work better than its rival. One wrong comment can leave its mark, never to be erased. MD



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Thoughts on the Midrash

Man and his Things

Yaakov was left alone and a man wrestled with him until the break of dawn. (Bereishis 32:25)

Rashi (citing the Gemora) explains that Yaakov forgot some small objects and returned to get them. The Gemora infers from this that the property of a tzaddik is more important to him than his body. Why? Because they do not steal. (Chulin 91:1)

The reason that a tzaddik cherishes his property is that he uses it in the service of G-d. He uses the physical world to sanctify the name of G-d.

When I first read this commentary of the *Prineei Daas* I was confused. The *Prineei Daas* cites the Gemora and seems to be explaining it, but his explanation seems to contradict what the Gemora says! The Gemora explains that the tzaddik cherishes his property because he doesn't steal it, as though, if it weren't for the moral taint of stealing, a person would naturally cherish his property more than his body. The *Prineei Daas*, doesn't mention stealing at all. For him, the importance that a tzaddik places on his property represents a great spiritual achievement: he uses his property to sanctify the name of G-d. Since most people don't do that, they naturally tend to cherish their bodies more than their property. The Gemora seems to say that we would naturally cherish property more than the body, but something (stealing) gets in the way. The *Prineei Daas* seems to be saying that we naturally cherish the body more than our property, that it takes the special spiritual powers of a tzaddik to do otherwise.

(Rav Leff—Continued from page 1)

Chazal said: "A person should say: 'For me the world was created.' And he shouldn't say, 'There's no *olam haba*, no *techias hameisim*.'" What's the connection between those two statements, what one should and shouldn't say? A person has to realize that he is important, his life is important, and not something temporal, that simply ends after 120 years. And if it is important, then there must be something more to it, something beyond this world. But if my life is insignificant, an insignificant speck in the universe, and I'm just an accident, why should I think that there must be any life beyond this one?

Just before the Torah was given at Mount Sinai, G-d told Moshe to tell the people that no one should approach the mountain. Anyone trying to ascend would have to be killed, and it would be as if a multitude had been killed. Moshe protested that it wasn't necessary to issue the warning, since he had already done so. The Gemora says that it was G-d's intention that you have to warn people when it's theoretical, and again when the time comes for practical application. G-d wanted them to hear it again because He was concerned for their lives. Even one life is indispensable. The timing of this lesson was no accident. Before they could appreciate the importance of Torah, they had to realize their own importance. Once they appreciate the importance of life, they can

Before a person recites a blessing, his food belongs to G-d. When he recites a blessing, it belongs to him. When a person eats without reciting a blessing, it is as though he were stealing from G-d. The stealing which most people are guilty of is that, without quite realizing it, they take the world away from G-d. They are not aware that it belongs to Him, so they don't value it as they should. The tzaddik, who recognizes that the world belongs to G-d, cherishes whatever of this world G-d gives him as something that relates Him to G-d. Through His physical possessions he transcends the physical world and enters a relationship to the Creator. The tzaddik uses the world to sanctify the name of G-d just because he does not steal it from Him.

But why should he cherish his possessions more than his a body? His body also comes from G-d.

The hand can't do much without the tools it needs to apply the power it has. What's the use of a hand without a pen or a hammer, a needle, etc.? The body represents our power to act in his world. Objects represent the dedication of that power to action. Most people are preoccupied with sensing and enjoying their powers. Like children, they play at feeling strong or smart or courageous. That doesn't interest the tzaddik because he has a task to do. His powers interest him only insofar as he can use them to enhance knowledge of G-d and deepen his devotion to Him. So he values his body, but he values his property even more. His body is the power G-d gave him to do his task. His property represents his dedication to the task G-d gave him. MD

appreciate the importance of the Torah as a guide for living. And if I don't value the life of another human being, how important can the Torah be?

Another idea: the Rambam says at the end of *Hilchos Chanukah* that the whole purpose of Torah is to bring *shalom* into the world. *Shalom* means *shleimos*, perfection, which is attainable only when people are working together, and that requires mutual respect. No one individual is complete by himself, he requires others. We all need other people. Day-to-day survival depends on it. The food we eat is only possible because the labor of thousands upon thousands of individuals have been coordinated in the growing, packaging, distribution and sale of the food to make it available to me.

The same is true of clothing and shelter. Likewise, everybody has a special, indispensable role to play in the global system of Torah. We can't have Torah without the coordination of the labors of the entire Jewish people.

Chazal say that *talmidei chachamim* bring *shalom* into the world. The whole purpose of Torah is *shalom*. The unification of the Jewish people at Mount Sinai, therefore, was not just a nice thing; it was a pre-condition for the giving of the Torah. In that sense, then, *v'ahavta l'reicha kemocha*, loving your neighbor, is a great principle because it is a pre-requisite for Torah. There can be no Torah without it. MD

Chazal said: "A person should say: 'For me the world was created.' And he shouldn't say, 'There's no *olam haba*, no *techias hameisim*.'"

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Halacha L'Maase
 by HaGaon R' Shammai Kahas Gross

The Importance of Helping Others Find their Mates (Part I)

- In our generation, there is a great concern for gemilas chasodim, but it seems that there is one aspect of gemilas chasodim which is not as appreciated as others (relatively few are involved in it): the chesed of helping a Jew find his mate and create a home.
- One of the mitzvos from which a person benefits in this world and the next, is the mitzvah of assisting a bride to get married. An important part of this mitzvah is to help a bride find her mate. The mitzvah applies equally to unmarried men, for "G-d sits and waits expectantly for him to get married" (Kidushin 29b). The *Chazon Ish* wrote that it is a mitzvah to help people get married and when a person is involved in helping men and women find their mates, they achieve a special closeness (*dveikus*) to G-d and His middos for since He created the world, G-d has been involved in arranging marriages (*Bamidbar Rabbah* 96). So a person who is actively engaged in helping people get married is doing what G-d does and in this way engaged in the mitzvah of *dveikus* to G-d.
- There is no greater chesed than the efforts a person makes to help a person get married, especially if he/she has been trying to get married for a long time. Everyone has a mate. Who that mate is was already established forty days before he was created (this applies both to first and second marriages).
- Getting married is considered a sacred matter. Just how important helping a person find his mate is in the eyes of Chazal is seen from the fact that they permitted people to arrange marriages on Shabbos. Even on Tisha B'av it is permitted to get engaged. A person is allowed to make arrangements to find a mate even on the day that his parents have died!