

MDTorah WEEKLY

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Parshas Yisro - יתרו
Jan 25, 2003 – כ"ב שבט תשס"ג – Vol. 4 No. 15

Talking Business

Everyday Jewish Business Law



Living Education

Principles of Education Gleaned from the Weekly Parsha

Extended Car Rental

Question

Chanoch rented a car from a private individual for a three-day trip up North. On the last day of the trip, he felt unwell and had to be hospitalized. As a result, he was only able to return the car a week later. The car owner claims extra rent from Chanoch, to cover the delay in returning the car, adding that there were others interested in renting the car during the period in question. Chanoch counters that he only rented the car for three

days. He did not return the car on time due to circumstances beyond his control and is therefore not responsible for any additional rental charge. Who is right?



Answer

Reuven rented a donkey for a two-day journey. On the return journey, he was delayed for a full day by a swollen river. Does he have to pay for the additional day? The *Shulchan Oruch* (*Choshen Mishpot* 310:3) rules that if the rental was based on the number of days, he has to pay for the extra day. However, if he told the owner of the donkey that he needed the animal in order to travel to a certain place and

then come back, or he mentioned two days in conjunction with his destination, then the law is different. If it was unusual for the river to swell in this manner, then the donkey owner has to

bear the loss. Should this river have a history of swelling at this time of year

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Parent – Teacher – Child Relationship

The level of success a teacher has with each student is dependent to a great degree on the quality of his relationship with the child's parents. The closer they work together, with mutually agreed upon goals in mind, the greater are the teacher's chances of success. (*Rav Chaim Friedlander z"l* in *Mesilos Chaim B'Chinuch* p. 72).

Parents should inquire as to their child's behavior, learning level, habits and needs in school and work in conjunction with their child's teachers in order to enable their child to maximize the academic and behavioral benefits he reaps from the school program.

The *Tanah* tells us (*Avos* 4:14) that a key factor in a child's success in Torah is the amount of honor/fear he shows to his teacher: *ומורא רבך כמורא...* "...and the awe of one's teacher should be as the awe of *Shamayim* [*Hashem*]".

Not only is the student enjoined to have awe of his Rebbe, but in addition, the *Tanah* compares the awe of a teacher to the awe of *Shamayim*, for the child is enjoined to show awe of his Rebbe for being the one who merits to transmit the word of Hashem to him.

When a child fulfills this obligation, and shows awe of his Rebbe as he would of Hashem, he will see his teacher's words as representing the word of Hashem. This leads to a great appreciation of his teacher's Torah. The child will see the learning not merely as an academic exercise, but as a transmission of Hashem's Torah to him.

A student who ignores the *Tanah's* teaching and sees his Rebbe as a mere transmitter of information which could be gotten as well from alternate sources, will receive only the technical aspect of his Rebbe's teaching, without feeling that it emanates from a holy source. The more a student respects and has awe of his Rebbe, the more respect and awe he will have of the Torah he teaches him.

The level of respect a child will

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Rav Leff Speaks

The Art Of Blessing

The Chazon Ish pointed out a common misconception about *bitachon*: Many people think that *bitachon* means that whatever I trust in HaShem to do, He will do. If I want it (badly enough); it will be. I wish; therefore it is. On the contrary, said the Chazon Ish, the true definition of *bitachon* is the recognition that whatever is, is the will of Hashem, whether I would have wished for it or not. And since I know that He is fair and just, I know that whatever happens, whatever He decrees, is for the best.

The Gemorah Ta'anis speaks of someone who trusted in HaShem: Nochum Ish Gamzu. He was called that because whatever happened, he would say, "This too is for the good."

It is not clear, however, why he should have been singled out. After all, the *Shulchan Aruch* rules that a person is obligated

to say that whatever HaShem does is for the good. (The precise formulation, *kol d'avid Rochmana l'tav avid*, is essentially the same thought expressed in Aramaic.) It is normative halacha; as such it is expected of every Jew, not just the saintly few. What made Ish Gamzu special?

In *Pesachim*, the Gemorah says that the next world is not like this world. In this world, we bless *ha tov v'hamaitiv* on the good, *dayan ha'emes* on the bad; in the next world, we will bless *ha tov v'hamaitiv* on both good and bad.

And it says in *Gemorah Brochos* that the same way a person blesses on good, he should bless on bad. The Gemorah objects that that can't mean you make the same brocha. Rather, what it means is that one should accept the bad with joy. The *Rambam* seems to say that even though outwardly a person experiences an event as bad, inwardly he should have *bitachon* that

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Parsha Points to Ponder

Real Rest

Man is a restless spirit, a "goer," as Chazal characterize him. He's always striving. But at Mount Sinai, the Children of Israel rose to the exalted spiritual level that satisfies all striving. They were initiated into the knowledge of the Divine that slakes the thirst of the soul. That is why the Torah refers to the Children of Israel as standing before G-d at Mount Sinai. At Mount Sinai, the Children of Israel stopped going. They stood - like angels who stand, wanting nothing because they are completely fulfilled as they behold the Glory of G-d. Shabbos also communicates something of that Glory. That is why Shabbos is a day of rest—a day on which a Jew is no longer a goer—he is not to "go forth from his place." Shabbos, in a way that is reminiscent of the experience of Mount Sinai, reveals that depth of Being which fulfils the soul's seeking

and confers the inner rest of feeling "I am."

Based on sefer Sefas Emes

Where Strength Comes From

Do not fear because G-d has come to test you. (Shemos 20:17)

G-d Himself said, I am the L-rd your G-d...you shall have no other gods before me... (Shemos 2:3), and it was engraved in the hearts of the Children of Israel so that even the least of them would give his life for G-d. That is what Moshe meant when he said that G-d had come to test them: He had come to assure that they would have the power of spirit to stand up to any test.

Based on sefer Kedushas Levi MD

(Talking Business—Continued from page 1) and only the renter was aware of this fact, he has to pay for the extra day. But if the owner was also aware of this possibility—and certainly if only *he* knew of this problem—the renter is exempt from extra payment. The *Sema* (Ibid. Note 12) explains that whoever is aware of a potential problem is expected to include it in the terms of agreement. Thus, if Reuven was in possession of the relevant information, he should have told the donkey owner that he would return the animal after two days as long as the river waters did not swell up. Failure to mention the condition would have made him liable even if the waters did delay him. If both were aware of the potential problem, the reason for the renter being exempt from extra payment is quite simply the principle that the burden of proof falls on whoever wishes to extract money (hamotzi me'chavero olov hora'ayoh).

Accordingly, if Chanoch had just mentioned that he needs the car for three days, he would be fully liable for the extra days he kept the car. The fact that he was prevented from returning the car on time by circumstances beyond his control does not remove his liability (Responsa of the Rosh, No.92). On the other hand, if Chanoch had told the car owner that he needs to travel to a certain destination, stay there for one day and then return, if it is known that such a journey takes three days it would depend on the following. If Chanoch had the opportunity to inform the car owner of his situation, either directly or through others, yet failed to do so, he will also be liable for the additional days (see Nesivos, Note 9). The owner could have collected the car and avoided some of the loss. In the event that Chanoch's state of health prevented him from contacting the car owner, he will be exempt from paying for the additional days. Nevertheless, if Chanoch had left a monetary deposit with the car owner, the owner could collect the additional rental from this sum. The only reason why the car owner is unable to collect payment for the extra days is the fact that he has to prove his entitlement to the money in order to extract it from Chanoch. However, if he already has Chanoch's money in his hands (muchzak), it becomes Chanoch's duty to prove that the owner is not entitled to payment for the additional days. MD

(Living Education—Continued from page 1) have for his Rebbe is very much dependent on the way the child's parents relate to his Rebbe. *Rabbi Chaim Friedlander z"l* (ibid p. 73) explains that the more honor a child sees his parents have for his Rebbe, the more the child will honor him and be able to learn from him, both in Torah and in *yiras shamayim*. If, on the other hand, parents speak in a belittling manner about their child's Rebbe/teacher, even if they do so infrequently, they are, in effect, preventing their child from being able to learn Torah from his Rebbe. Rabbi Friedlander adds that even the slightest negative comment can have a terrible effect, for a child tends to blow his parent's statement way out of proportion.

Even without demeaning or critical comments, a parent who assesses the work of a teacher in front of his child, and certainly if the child is asked to give his opinion about his teacher, reverses the child's role from a student, who should humble himself before his teacher, to a judge, who freely and authoritatively evaluates the work of the teacher.

A parent, therefore, should not ask his child, "Did your teacher teach well today?" or "Is the principal a nice person?" By doing so, he is causing the child to stand in judgment of his teacher.

Alternate ways of asking a child about his day in school are: "How was your day?" or "Is there anything that happened in school you would like to tell me about?" Another option is, instead of asking his opinion about his day in school, a parent can ask his child about his own accomplishments in school. For example, a parent may ask, "Did you pay attention in Mishnah class?" or "Were you on time to class after recess?" or "Did you understand the math class today?"

If we really want our children to be worthy of sitting as judges someday, then *now* we need to ensure that they act with humility and respect and concentrate on judging their *own* actions, ensuring that they themselves are acting in line with Torah principles and that they fulfill their obligations as students as best as possible.

We learn from the above that a **parent's question has tremendous power**. It can encourage a child to faithfully fulfill his responsibilities or it can lead a child down a path of conceited, condescending and irresponsible behavior. The more respect a parent has for his child's teachers, the more likely he will ask his child the right questions.

Some parents discuss their financial situation with their children. High tuition costs many times generates criticism about the school charges. While a parent may be innocently expressing a truly difficult financial situation, the child may take it a step further and look to criticize the school and school authorities if he feels that he is not getting his "money's worth". The child, instead of being thankful for what he gets, begins to demand and expect. This eventually leads to *chutzpah* and ridicule and leaves a sour taste on the tongue of all who hear the child's complaints.

A parent should be aware that all that he says in his home in front of his children is

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bound to effect them and to be repeated by them in one format or another. He not only will

cause his child to misbehave, his own critical talk will be revealed. This we find in Gemorah *Sukah* (56b), that at the time of the Chashmonoim, Miriam bas Bilga, the daughter of a Cohen, left Yiddishkeit and married one of the Greek princes. She entered the Temple with the Greek armies and banged with her shoe on the altar, complaining that it swallowed up the Jewish people's money for naught and did not protect them in time of need.

When the Chashmonoim defeated the Greek armies and the Rabbis heard of the belittling comments of Miriam bas Bilga, they fined her whole family, disallowing it to do the holy work in the Beis Hamikdash. The Gemorah asks, "Is it fair to fine the whole family because of the act of one girl?" In response, the Gemorah explains that she would not have belittled the altar, if not that she had heard her father belittle the service in the Beis Hamikdash (Rashi).

It is not only because a child can't hold a secret that he repeats his parent's words outside the home, but also and more importantly, because he ingests his parent's comments and they become part and parcel of his attitudes and personality.

A different reaction of a child to a parent's verbalized financial worry may be to become anti-social. I remember a situation where a student refused to participate in a Yeshiva event because he didn't have the means to contribute his share. When told that he could participate nevertheless, he became self-righteous and said that he felt it was wrong to participate without paying his share. All this against the beckoning of his Rebbe to join the other boys. Finally, he succumbed and came along. If he would have refused to participate, it could have led to an increasingly problematic social situation, leading either to depression, obstinacy or belittlement on the part of the boy, depending on his own make-up.

A parent, as well, should not give marks to his child's Rebbe, labeling his as good, bad, bright, fast, slow, uptight, warm, cold, etc. These descriptions or rather labels can dramatically reduce the child's respect and awe for his Rebbe. The child will not respect his Rebbe's scolding or other educational exercises, but will consider his Rebbe limited in his ability to objectively educate his students.

True, there are likely to be differences of opinion between the child's parents and his teachers, however these differences should be worked out between the parents and the teacher **alone**. The child should definitely not be a party to these discussions, adds Rabbi Friedlander.

In order to maximize a child's educational experience in school, a parent must come to terms with the educational framework and its teachers and administrators and work together with them to maintain a high level of student respect for the teaching staff. In this way, the teaching staff will become one which the child will want to learn from and will be able to intake all the good the staff has to offer. MD

Thoughts on the Midrash

Light Unknown

G-d spoke all these statements, saying: (Shemos 28:1)

Rashi explains that the verse teaches us that G-d gave all of the Ten Commandments in a single statement and then went back and articulated each one individually. But why would He do that? Who would understand Him?

A human being has many dimensions. On the most external level, he has a body composed of many different limbs and organs. The deeper we go, the harder it is to differentiate parts. In his deepest being, a human being is one. This might be the level of soul which is called the *yechida*.

When G-d addressed the Children of Israel with a statement of the Ten Commandments that did not differentiate them, He was addressing just that hidden and exalted part of every Jew. He was communicating them in their underlying unity to that hidden dimension of the soul in which all the potential for all the multiplicity and paradox of the human personality exists as a single, undifferentiated whole. That communication, incomprehensible to the conscious mind, utterly opaque to the logical processes that underlie the ordinary powers of the mind, touched them in the depths of their soul and, from there, illuminated their inner lives.

Based on sefer *Shem Mishmuel* MD

(Rav Leff—Continued from page 1)

it's for the good.

Let's try to understand: Chazal say that there's no artist like HaShem. Rav Shraga Feivel Mendelovitz compared this to a child who draws a picture. It's usually readily apparent whether it's a picture of a person or a tree or a bird. But when a great artist draws say, a person's face, he doesn't just draw a circle for the face, lines for the arms and legs. He builds it up gradually, with carefully applied brush strokes, and the figure represented may not be identifiable for quite some time. So, too, it's impossible to comprehend or even identify the workings of HaShem as they are going on. Only when the painting is finished, when the course of events are complete, will the Artist's intentions be clear.

Similarly, the Chasam Sofer explains that when Moshe asked HaShem to explain why the righteous suffer and the wicked prosper, HaShem answered: "You will see Me from behind, but My face you will not see." This means that we may comprehend G-d's actions only in retrospect, but not as they occur.

From the point of view of the Divine, nothing is bad. That is because He sees the whole picture--what we can only see in retrospect--from the beginning. In His perspective, all the pieces of the puzzle, all the strokes of the artist's brush, are already in place, and it is clear how everything is ulti-

mately for the good. We, on the other hand, have to be true to our mortal perspective. We have to bless according to the way things appear to us in this world. And because we have only the dim, fragmented picture, there is for us bad as well as good.

Nevertheless, as the Rambam points out, even in this world we can know that all that happens is really good. What makes this possible is the *neshama*, the inner life of the person. For the *neshama*, which comes from HaShem, transcends time. Deep inside each one of us is the eternal perspective, where all the pieces already fit together. There you can have the *bitachon* that all is ultimately for the good.

On the outside one may be crying; inside one has *bitachon*.

That's why it says *Dayan HaEmes*, the Judge of Truth, not *Dayan HaAmiti*, the true judge. Because there is only one truth, and only G-d knows how to bring it. Sometimes He brings it in ways that we think is good, sometimes in ways that we think is bad. But it's all the same truth.

And that was the attainment of Nochum Ish Gamzu. He perceived everything as good. He reached such a level of *bitachon*, was so in touch with his *neshama*, that he perceived the good as it occurred. His serene acceptance of even the most terrible suffering exemplifies an ideal and sets a standard. The Shulchan Aruch makes it a standard that everyone must strive to attain. MD

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Halacha L'Maase

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Setting Fixed Times for Learning Torah

1. A woman should encourage her husband to set fixed times for learning Torah, and for doing so they are rewarded.
2. If a person is too busy to do the daily task in learning he set for himself during the day, he should complete it in the evening because the task he set for himself is considered like a neder.
3. A person should fix times for learning during the day and during the night even on erev Shabbos, on Shabbos and on holidays because the mitzva of learning day and night is not restricted to any specific time. MD