



Volume III Issue #2 Written by Rabbi Yair Hoffman	Parshas Noach, 4 Cheshvan, 5783 October 29, 2022
------------------------------------------------------	-----------------------------------------------------

On the Parsha

In this week’s Parsha, we find the Pasuk (11:1) introducing the incident of the Migdal Bavel (Tower of Babel) saying, “Now the entire earth was of [spoke] one language and [spoke] Devarim Achadim.” The simple translation of Dvarim Achadim is “uniform words.” However, the Midrash (Beraishis 38:3) translates it to mean that the people of the generation spoke against a “lone voice.”

Who was this lone voice that they spoke against? The Midrash states that it was Avrohom Avinu and his virtuous messages that they spoke against. They did this by making fun of Avrohom. Noting that Avrohom did not have children, the people of the generation called him a “sterile donkey who cannot sire children.”

Note that Avrohom was only one voice in his generation and the people should have easily been able to ignore him. Why then was there a need for the people of the generation to insult and negate him?

Rav Hensch Leibowitz ZT”L, the Rosh Yeshiva of Yeshiva Chofetz Chaim in Queens, concludes from this Midrash that even though Avrohom was just one lone voice, were it not for the fact that they denigrated him, his virtuous messages would have entered their hearts and influenced them positively. Shlomo HaMelech tells us (Koheles 7:29), “Hashem made man straight, and they pursued many calculations of sin.”

In other words, people in their core, recognize truth when they hear it – including the evil people of Avrohom’s generation that were bent on pursuing a depraved and wicked life. The words of Avrohom Avinu were pure truth. They were worried that even a lone voice, but a voice that spoke the truth would affect and prevent them from living the evil lifestyle that they wanted to pursue. Therefore, they felt compelled to denigrate him to prevent his influence from affecting them.

Chizuk - Inspiration

Rav Avrohom Yishayahu Karelitz ZT”L (1878-1953),

better known as the Chazon Ish, was the brother-in-law of the Steipler Gaon ZT”L (1899-1985), and was a great influence on him. The Steipler Gaon, would deliver a Shiur every year to commemorate the Chazon Ish’s Yahrtzeit. In 1984, the Chazon Ish’s Yahrtzeit (the 15th of Cheshvan) fell on a Sunday. A few days later, a visitor to the Steipler observed that he was physically agitated. The visitor inquired as to what was wrong. The Steipler explained that in Sunday’s Yahrtzeit shiur he had quoted the opinion of the Birchei Yoseph, Rav Chaim Dovid Yoseph Azulah (1724–1806) in regard to a Halacha of Tefillin. He had seen the Birchei Yoseph’s opinion cited by Rabbi Akiva Eiger in his notes on the Rambam, but had forgotten to mention in the Shiur that he gave that he had seen it cited. The Steipler explained that since he quoted the Birchei Yosef directly without stating that he merely saw it cited, that he had violated the prohibition of Gneivas Da’as, fooling or deceiving others, by giving the impression that he was fully fluent in the Birchei Yoseph – when he, in fact, was not, as he merely saw the Birchei Yoseph’s opinion cited by Rabbi Akiva Eiger. We see from here how sensitive our Gedolei Torah are to the transgression of Gneivas Da’as even if it is unintentional and unlikely to occur.

Halacha – Jewish Law

QUESTION: I am a Torah observant Jew who tries to meticulously observe Halacha. Lately, I have been bartending for a Glatt Kosher caterer. Someone advised me that I should put a glass on the bar with the word, “Tips” written on an index card and then tape the card to the glass. Then, I should place twenty-dollar bills in the glass and I will get much larger tips than if I do the same thing and leave the glass empty. I am concerned, however, that this may be a violation of Gneivas Da’as (Deception). What is the Halacha?

ANSWER: It is an excellent question and one that I have posed to Gedolei HaPoskim. But first, a brief introduction. The prohibition known as Gneivas Da’as, involves taking action to fool or deceive others. The Gemorah in Chullin (94a) cites Shmuel as saying that

this prohibition applies to Jews and Gentiles. The Gemorah (ibid.) cites a Beraisah which discusses several examples given by Rabbi Meir of things that are forbidden due to the prohibition of Gneivas Da'as.

Regarding the biblical verse that commands one to, "Midvar Sheker Tirchak" - stay away from a false matter, there is a three-way debate as to how we understand this charge. Some Rishonim believe that the verse is applicable only to judges who are adjudicating law. Some Rishonim believe that this verse is intended to tell us that it is not a good idea to lie but is not intended to actually prohibit lying. Other Rishonim believe, as the Chofetz Chaim rules in his Ahavas Chessed, that this biblical verse intends to institute a broad prohibition against lying. Generally speaking, the view of the Chofetz Chaim is normative Halacha.

The prohibition of Genaivas Da'as, however, is a clear prohibition according to all opinions. According to the Sefer Yereim and the Ritvah, it is a D'oraisa (biblical) prohibition. According to the SMAK, it is a D'rabannan (rabbinical) prohibition.

There is a fascinating Shaarei Teshuva (3:181) which states that the leniency of "Mutar L'shanos Mipnei HaShalom" - sometimes it is permitted to tell a lie to maintain peace, does not apply to Gneivas Da'as and therefore one may not deceive another to maintain peace. As we can see, Gneivas Da'as is a serious Halachic issue that should not be ignored or trampled on.

Now on to your inquiry. Your question was posed (in order of how they were reached) to Rav Shmuel Fuerst Shlita of Chicago, Rav Yisroel Dovid Harfenes Shlita of Williamsburg, Rav Hershel Ausch Shlita of Williamsburg, and Rav Shlomo Miller Shlita of Toronto. Rav Fuerst ruled that it is forbidden because it is a clear case of Gneivas Da'as. Rav Harfenes ruled that if you just put in twenty-dollar bills then it would be Gneivas Da'as. However, if there were also five-dollar bills and one-dollar bills placed in the glass – then there would not be a problem assuming that people generally tip in those amounts. (Rav Fuerst also agreed to Rav Harfenes's solution). Rav Ausch responded that it would be permitted as long as you do not say anything to promote giving the larger tip. Rav Miller explained

that it is certainly not a proper thing to do, but he cannot say that one definitively transgresses the prohibition of Geneivas Da'as. Given the range of responses, you should ask your own Rav or Posaik as to how to proceed.

Mussar – Introspection This week we begin Chapter Three of our translation of the Chofetz Chaim's Sefer entitled, "Sefas Tamim." In Chapter Three the Chofetz Chaim enumerates the factors that cause people to deceive others.

"If we come to consider the reasons why people come to deceive others, which has become commonplace for a number of people, they are numerous. However, we will gather the primary reasons that bring a person to this.

It is because the sin of stealing and the sin of lying have become nothing to him, and as a result, the sin of deception has likewise become this – because it is a combination of the two. If he does wish to purify himself from the stain of this sin, he must constantly contemplate the magnitude of the sin and the punishment of theft and of lying and [then] he can be saved from it.

Now this Mitzvah of guarding oneself from stealing is one that can be derived intellectually, for if the Torah had not given it – man would have derived it [on his own] intellectually. It is of the seven commandments of which the First Man was commanded. A person must conduct his business affairs honestly, and his hands must be free of theft, so that he will merit to climb Hashem's holy mountain, as Dovid HaMelech peace be upon him said (Tehillim 24:3-4), 'Who will ascend upon Hashem's mount and who will stand in His holy place? He who has clean hands and a pure heart, who has not taken My name in vain and has not sworn deceitfully.' We learn from here that if someone has sullied his hands with theft – he is quite distant from the mountain of Hashem and from His place of holiness. And so did our Sages state (Sotah 42a), 'Whoever has theft in his hand, he is not permitted to enter the sanctum of the Holy One Blessed be He, as it states (Tehillim 5:5), 'Evil does not abide in You – where You dwell, evil will not dwell.'"