



Volume V Issue #8

Written by Rabbi Yair Hoffman

Parshas Vayishlach, 13 Kislev, 5785

December 14, 2024

– Sponsored anonymously for the Refuah Shleimah of Yair Nissan Ben Sara –

## Chizuk - Inspiration

Rabbi Yaakov Kamenetsky  
ZT"l (1891-1986) was known

for his encyclopedic knowledge of Torah. He was also known for his extraordinary honesty and integrity.

Once, when asked a complex question in Halacha (Jewish law), he responded that he needed to review the relevant Halachic sources before answering the question. The questioner was surprised and said, "But Rabbi, you have been teaching these laws for over 50 years! Surely you know the answer, a review of the sources is not necessary."

Rav Yaakov replied, "Yes, but as the Rav of the town, I am being paid to give an answer. Therefore, I must review the sources again to ensure I am giving you the most accurate response possible. Otherwise, I would be taking payment in my position as Rav without providing my congregation with the full value they deserve."

Even though the questioner was right about Rav Yaakov knowing the answer to the question without a review of the sources, since Rav Yaakov was getting paid, he felt he needed to do the very best he could to answer the question, which included a double-check of the sources even though he knew he was right. Anything less, Rav Yaakov felt, would be shortchanging the ones who paid his salary.

## Halacha – Jewish Law

QUESTION: An observant  
Jewish woman underwent

an ultrasound during her pregnancy. Both the tech and the radiologist were guilty of a glaring oversight - they failed to identify an easily detectable birth defect. The observant woman sued the parties involved. However, the opposing legal team had been advised that as an observant Jewish woman, she would likely have followed Jewish law that generally does not permit the termination of a pregnancy due to a birth defect. Accordingly, she would likely not be able to recover any money, because even if the birth

defect was properly identified, the woman would still have elected to have the baby.

If the opposing legal team asks the woman if she would have terminated the pregnancy had the birth defect been properly identified, is the woman allowed to lie and say that she would have terminated the pregnancy?

ANSWER: It would seem from the words of the Yam Shel Shlomo in Bava Kamma (10:20) and the Shach (Choshen Mishpat 348:3) and Rav Moshe Feinstein ZT"l (Igros Moshe, Choshen Mishpat II #29 and 30) that it would be forbidden to lie in such a case. This is also the conclusion of the author of the Mishpat uTzedakah (Vol. I p. 159) which addresses this question. The woman can, however, answer as follows (assuming that she is not 100% certain that she would have had the baby if she was advised of the birth defect during the pregnancy) "I am unsure whether this answers the question and I am unsure whether I am obligated to dig deep inside my psyche to even respond, but I would hope that I would have had the strength to do the right thing and not terminate the pregnancy. However, our holy sages tell us in Ethics of the Fathers, 'Do not trust in yourself until the day that you die.' These statements are not lies nor are they misleading and they would be permitted to be said. Having said that, if the woman is fairly certain that she would not have terminated the pregnancy, she should consult her Rav as regardless of what she may be allowed to say, suing and recovering money in this case, may likely be a situation of taking money that is not due to her.

## On The Parsha

In this week's Parsha, we find Yaakov Avinu preparing to meet, and perhaps do battle with Eisav. Yaakov says to Hashem, "I have become small from all the kindnesses and from all the truth that You have rendered to Your servant." (Bereishis 32:11)

Rashi comments on this verse and explains that Yaakov was fearful that Hashem's promise to protect him and do good for him may have been in jeopardy. Therefore, he was fearful of Eisav. This was due to all of the kindness that Hashem had shown him already which he felt may have "used up" some of his merits. Pair that with the sins that Yaakov felt that he committed, and Yaakov came to the conclusion that there was reason for concern.

The Kochavei Ohr explains that true humility is not the result of misreading a situation and one's limitations. Rather, it is the result of accurately assessing a situation and one's shortcomings. In short, Yaakov was right to be concerned.

Yaakov is known as the, "Bechir HaAvos" – the choicest of the forefathers, and a person with lessor Middos would certainly be confident in his many merits and come to the conclusion that he had nothing to fear from Eisav. The fact that Yaakov accurately assessed the concerning situation shows his extraordinary capacity for humility and honest self-reflection.

Yaakov was on the highest of levels and was able to engage in self-reflection that accurately depicted his merits and shortcomings. We, however, must be careful to ensure that when we engage in our own self-reflection, we assess where we stand accurately and do not for example, negate the value of our merits.

The Gerrer Rebbe points out that the Midrash tells us that the Torah was given on Har Sinai, a smaller mountain, rather than the very highest of mountains to teach us humility. That being the case, he asks, "Why was the Torah given on a mountain at all? Let it be given in a lowly valley?" He answers that we must ensure that our humility does not emanate from a place where low self-esteem causes us to negate our merits. To put it succinctly, we must be like Har Sinai - we must be both "small" and a "mountain". We must be small and humble, and accurately assess our shortcomings, yet be a mountain and strong and have the proper self-esteem to appreciate who we are and to properly value our accomplishments.

on the importance of honesty in word and in deed. We now continue with our translation of Chapter 2, which discusses the great punishment that awaits those that are deceitful.

"The sin of 'deceit' is the cause of the lowering of the world's standards and the cause of the cycle of poverty returning to the world. It is very unusual to find nowadays a rich man who will retain his wealth throughout his life. Rather, his wealth only lasts for a half or a third of his life, or on occasion, for only several years. This is something that has not happened before - that a man's wealth would only last a few years or months. All this is because of this reason (i.e. lies and deceit) which was the cause of this poverty, since it is well known that all Jews are guarantors and responsible for each other.

If it is apparent that a particular man is committing these crimes (lying and deceiving) yet his wealth remains intact, then it is with absolute certainty, that his wealth is only being preserved to his detriment as the verse states (Devarim 7:10) 'And he pays back to his enemies right to their face to destroy them,' and in his end, he would be despicable in the World to Come. He will gnash his teeth and his children will beg for food, because when money is illegally acquired and intermixed with money legitimately obtained, one destroys the other, as was described above, and as this idea has been expressed by the daughter of Nakdimon ben Gurion, cited in Gemara Kesubos (66b)."

*"May I back out of a school carpool that  
I have already committed to?"  
"Should I report a co-worker who is acting dishonestly?"*

Call our **Emes Halacha Hotline**  
with your Everyday Emes questions at: **718-200-5462**.

To subscribe to this weekly, free newsletter or for further  
information about our Foundation, please visit us  
at **[www.everydayemes.org](http://www.everydayemes.org)**  
or contact: **[info@everydayemes.org](mailto:info@everydayemes.org)**.

## Mussar – Introspection

This week, we continue with translating the Chofetz Chaim's Sefer entitled, "Sefas Tamim." Sefas Tamim, from which our foundation takes its name, focuses