



MISHNAS CHAYIM

פרשת תולדות

MISHNAH ON THE PARSHAH

פרשת תולדות תשע"א

THE RIGHT WAY TO FOOL PEOPLE

One of the most fascinating – and tragic – topics in the body of *halachah* is the plight of the *agunah*. It is fascinating in that novel solutions are adopted to solve a most vexing problem. But the circumstances in which the *agunah* finds herself are perhaps of the most trying situations imaginable.

An *agunah* is a woman who is thrust into a difficult situation of limbo. Her husband has disappeared, but his fate is unknown. In a sense, her life has ground to a halt; while she lacks the company of her current husband, she is unable to move on and remarry. Her husband *might* yet be alive, and she remains a married woman – proscribed from remarriage.

The Rabbis of the Talmud adopted certain calculated leniencies in an attempt to alleviate the predicament of these unfortunate women. For example, the usual requirement of two-person testimony was waived. In many cases, if even a single witness testifies about the husband's death, *beis din* will allow the woman to remarry. They rely on the fact that – given the seriousness of the situation and the potential consequences in case of error – the woman herself will undertake a thorough investigation. She surely will not remarry if any shred of doubt remains.

The consequences of a hasty remarriage can be seen from the Mishnah in Yevamos (10:1), which describes a scenario of faulty information. It further highlights the precariousness of the *agunah*'s situation:

האשה שֶׁהָלַךְ בְּעֵלְהָ לְמִדְיָנַת הַיָּם, וּבָאוּ וְאָמְרוּ לָהּ, מֵת בְּעֵלֶיהָ, וְנִסְתָּ, וְאַחֵר כָּךְ בָּא בְּעֵלְהָ, תֵּצֵא מִזֶּה וּמִזֶּה.

“A woman's husband traveled to a far-away land. A witness arrived and testified that the man had died.

לזכר ולעילוי נשמת
מרון הגה"צ ר' נתן מאיר בן הרב משה יום טוב זצוק"ל

The woman then remarried. Subsequently, her real husband appeared (alive and well). *Both* men must divorce her.”

Obviously, the woman of the Mishnah's case did not conduct a thorough enough investigation. She relied solely on the word of the single witness that her husband had perished, and so she remarried. Alas, her (first) husband was really alive. Apparently, then, even before she remarried, she was classified as an *eishes ish* (married woman). Her remarriage constituted an act of adultery, and so – when her real husband appeared on the scene, verifying the truth – she had to adhere to the laws applying to an adulteress. She becomes forbidden both to the husband (to whom she displayed unfaithfulness), as well as to the second “husband” (who is actually an adulterer). She is left with nothing.

Do I Know You?

An *agunah* case occurred in the time of the Vilna Gaon, involving an almost inverse scenario. This time, a man claimed that he himself was the missing husband.

What happened was that the husband vanished shortly after the couple got married. As his fate and whereabouts were unknown, the newlywed girl was left an *agunah*. After suffering in this state for many years, a man suddenly showed up, claiming to be the long-lost husband.

Unfortunately, the poor bride had barely known her husband and could not be certain that this man actually was who he claimed to be. On the other hand, he did present some verifying information, which seemed to lend credence to his claim: where

Kindly take a moment to study MISHNAS CHAYIM in the merit of
ראובן בן יהודה הכהן ע"ה a fellow Jew who passed away with
no relatives to arrange Torah study on behalf of his neshamah.

MISHNAS CHAYIM is brought to you by CHEVRAH LOMDEI MISHNAH, a network of Torah scholars dedicated to bringing the merits of Mishnah study to the greater Jewish public. Encompassing Mishnah, Gemara, and a variety of other services, CHEVRAH LOMDEI MISHNAH primarily assists mourners interested in acquiring the merit of Torah study for their loved ones.



the wedding had taken place, some details of the events of their short time together, etc.

And so the woman was in a quandary: was this actually her groom, for whom she had been waiting so long? On the other hand, if he was an impostor, she could not resume married life with him, as she was – in reality – married to someone else! And yet, he did seem to have proof... The matter was brought before the Vilna Gaon.

On the Gaon's instructions, they took the man to *shul*. Arriving there, they told him to find his seat. "Where should I sit?" he asked. "Sit in your usual place, from when you used to live here," they answered.

The man went mute, and the truth emerged. He was nothing but a charlatan, who had met up with the lost husband at one point and learned all of the identifying details from him. But it had not occurred to him to find out this particular – where the man had sat in *shul*.

How had the Gaon devised such a plan? How did he know that this would uncover the fraud? R' Ya'akov Neiman (*Darkei Mussar*) explains that the Gaon was aware of the psyche of a trickster. A wicked, wily fellow might be very resourceful, but there is one area that he will reliably avoid. Matters of spirituality and holiness – those are not on the mind of such a person. Consequently, if he was actually an unscrupulous rogue, he would not have considered the realm of *mitzvos* and good deeds and would be unable to identify the place of *davening*.

UNSCHOOLED IN WICKED WAYS

Interestingly enough, this idea manifests itself in our *parshah*. Following the prophetic directive of his mother, Ya'akov attempted to attain his father's blessing through trickery. The blessing had been intended for Esav, the hairy firstborn son. The only way for the righteous Ya'akov to receive the blessing would be to pose as his wicked brother. As Yitzchak was blind and could not see who stood before him, Ya'akov wore Esav's clothes and goatskin to

impersonate his hairy brother. Additionally, he came before his father bearing a meal, as Yitzchak had requested certain foods of Esav.

At first, all went well, with Ya'akov claiming that he was Esav and Yitzchak seemingly believing him. Suddenly, Yitzchak instructed his son to approach so that he could verify his identity through his sense of touch. Something had aroused his suspicions. What went wrong?

Rashi explains that it was Ya'akov's choice of words that gave Yitzchak pause. When asked why he returned so quickly, Ya'akov responded that he was helped by Hashem.

That answer caught Yitzchak's attention. He was aware of his son Esav and his faults. He knew – as the Gaon had said – that a wicked person would not think in terms of holiness. Such behavior is the domain of the righteous only.

This Yahrtzeit make a Siyum
GIVE AN EVERLASTING GIFT
Mishnah and Gemara study services... on time
732.364.7029 | ChevrahLomdeiMishnah.org

To sponsor MISHNAS CHAYIM, to distribute it to your shul, or to receive this publication via email, please contact CHEVRAH LOMDEI MISHNAH at 732-364-7029 or info@chevrahlomdeimishnah.org.