

Breaking a Commitment and the Laws of Garmi

http://baishavaad.org/wp-content/uploads/2019/01/SHE79_002_Vaeira_After_math_Breaking_a_Shidduch_and_its_consequences_.mp3

Adapted from a shiur by Rav Daniel Dombroff on *Parshas Va'eira*

ויכבד לבו ולא שלח את העם

There are two levels of indirect damages:

- *Gerama* – very indirect, for which one is *patur bidei adam* and *chayav bidinei shamayim* (Bava Kamma 6th perek)
- *Garmi* – more direct, and many rishonim hold one is *chayav*
- *Shach* – Practically, one is *chayav* if there is *peshia* (negligence) involved.

Case #1: Is someone liable based on *garmi* for breaking an engagement and causing others a loss of money?

- Although every case differs, there is a strong side to say that often one would be (see Rambam, *Hilchos Zechiya* 6:24), as they prevent the other side from proceeding.
- Example: One *kalla* felt she couldn't continue an engagement as a result of a fictitious image of what marriage should be (based on unhealthy exposure to secular values), but the *chassan* actually broke it off (due to her concerns).
- It is possible that her inability to realize that her fantasies weren't practical is considered *peshia* for *garmi*, and her side would have to pay for losses.

Case #2: *Garmi* for breaking a commitment to hire workers

- Breaking a commitment alone renders him *mechusar amana* (not trustworthy) and is *assur* unless something changed after the original commitment (Rema C.M. 254)
- If the worker had already given up another job
 - Tosafos, Rosh, Sma – *Chayav* for loss due to *garmi*
 - *Nesivos* – *Chayav* due to a separate *takana*
- If the worker began working before he was dismissed
 - *Chayav* to pay for the work done, at a rate of a *po'el batel* (how much one would accept to take a vacation).
- If the employer's situation effectively prevents the worker from working
 - This may be *garmi* since the employer does not allow for the employees to properly do their job, and the employer would have to pay.