

Parsha Encounters

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Parshas Va'eira - Rabbi Yonason Serle

Let My People Go

"You (Moshe) shall speak everything that I command you...that he should send the Children of Israel from his land. And I will harden Pharaoh's heart" (7:2-3)

The *Midrash* asks the following question (Sh'mos Rabbah 17:4): if Pharaoh's heart was hardened by Hashem, why was he punished for his refusal to send forth the Jewish people? R' Shimon ben Lakish answers, that to the scoffers, Hashem reacts by scoffing back at them. When a person sins, Hashem warns him once, twice or even three times to return from his errant ways. If he still chooses to ignore the call, Hashem prevents him from doing *teshuva* (repentance) in order to punish him. Rashi points out that during the first 5 plagues, it doesn't say that Hashem hardened Pharaoh's heart. Instead, it says that Pharaoh hardened his own heart. As a punishment for his obstinacy, he was prevented from doing *teshuva* during the last 5 plagues.

According to Rabbi Shlomo Wolbe z"l (AleI Shur vol. 1 page 313), this *Midrash* refers not only to Pharaoh, but to each and every individual. We all have traits which we need to improve and work on, and we fail to heed the warnings that we are sent. We must know that Hashem is constantly speaking to us, and always sending us messages to help us reach our potentials.

However, this is hard to understand. Perhaps in earlier generations, when there was open prophecy and divine inspiration, a person could find out what Hashem's message was for him. Indeed, we find many places in Tanach that anytime one had a question, he was able to approach any one of the local prophets and receive a clear explanation of his Divinely-ordained mission. In our time, however, when we feel so disconnected from the Divine Presence, how is one supposed to hear what Hashem is communicating to him? I would like to suggest 3 possible ways that even in our generation, we have access to these messages, and therefore success is always in our reach.

In the beginning of the second chapter of *Pirkei Avos*, we find the following, "Consider three things, and you will not come to sin. Know what is above you: **1)** a seeing eye, **2)** a hearing ear, and **3)** all of your deeds are written in a book."

Rabbi Avrohom Schorr *shlit'a* quotes from *Sefer Derech HaMelech*, the following explanation of the Mishna: these three things symbolize three different periods in the history of the Jewish people. First, there was a period of a

"seeing eye," during which we were able to see everything with our eyes. There was open and visible prophecy, as well as divine providence. Later, we went into a period of a "hearing ear;" although we could no longer plainly view Hashem's involvement in the world, we could still hear the heavenly voice which would communicate to us divine messages. Nowadays, we don't even have this voice. Today we are in the period of "all of your deeds are written in a book;" we have today *seforim*, great books from the righteous people of all generations to guide us on the correct path. Says the *Derech HaMelech*: when a person is reading a *sefer*, and he comes across a certain verse or passage which pulls him and speaks to him in his unique life circumstances, this is considered a form of prophecy! We must know that when we learn, these *seforim* are talking to us, teaching us how to improve ourselves and come closer to Hashem.

In addition, we are told by the Sages: "One who sees that suffering is upon him, let him examine his deeds." According to this statement, all challenges that come upon a person during his life are in fact messages to awaken him and compel him to greater accomplishment. From here we see that all events in our lives are communications from Hashem.

Lastly, Rashi says on the verse "I shall harden the heart of Pharaoh," that this is the way of Hashem, to bring tragedies onto the nations in order that the Jewish people should listen and fear [Hashem]. In very recent history, we have seen both natural and man-inflicted disasters which are unprecedented in all chronicles of world history. We must know that everything that happens is a message to us, Hashem's nation, to arise and engage in the task we are called upon to perform.

What is this task? We find in the parsha, the famous 4 expressions of redemption. The fourth expression is "and I will take you to be my Nation." At which point did we achieve this great status of becoming Hashem's nation? According to the S'forno and Ibn Ezra, this was at Mount Sinai when we received the Torah. If we use this period of time, when we read about the great miracles of the Exodus from Egypt, as an impetus to commit ourselves ever more whole-heartedly to living a life of true Torah-observance, then we will reap the eternal fruits of being Hashem's great nation.

Rabbi Serle learns daily at the kollel.

Halacha Encounters

Telephone Tzedakah Solicitations

Rabbi Moshe Rosenstein

Very often we find ourselves in situations where we are asked by another person – sometimes by someone we know and sometimes by a stranger – to get involved in some type of mitzvah-related activity. Often we are eager to get involved and pledge our help and support for the project or activity. Although at first glance such an exchange seems innocent enough, the truth of the matter is that many times, depending on the circumstances, what we say may actually constitute a form of a “*neder*,” or vow. This would oblige us to in fact follow through with what we had said we would do. This transforms a simple statement of intent into a binding declaration subject to the laws of – and, *chas v'Shalom*, repercussions associated with¹ – the making of *nedarim*. A very common occurrence where this principle can come into effect is the answering of telephone tzedakah solicitations. This week's *Halacha Encounters* will examine some of the halachos that can apply to this very frequent event in the life of a member of a Jewish community.

The Halachic Background

The Rambam writes that tzedakah is in the category of *nedarim*.² The Shulchan Aruch rules based on this that therefore if one says “This dollar is for tzedakah,” it is as if he took a vow to give that dollar for charity and it is therefore now subject to all the laws and ramifications of a vow.³ In fact, there are several instances discussed in the poskim where something seemingly innocuous that one says or does may in fact constitute a vow to tzedakah. We will mention here a few such examples:

1 – One tells a needy person that he will give him a gift. Under normal circumstances, if someone tells another person that he intends to give that person a gift, if he wishes to retract his offer, while it may not be the right thing to do, the retraction is valid and he is not obligated by halacha to give the gift.⁴ If, however, the one who the gift was promised to is a needy person (as defined by halacha⁵), one may not retract his offer and even if he does so, he is still obligated to give the gift.⁶ Similarly, if one offers a needy person a favor, it is questionable if he can retract the offer.⁷

2 – One offers to hire a needy person. When a worker is hired to do a job for someone, there are many circumstances in which the one doing the hiring has a right to back out of the deal and not suffer any financial loss as a result.⁸ Many poskim rule that if the worker is a needy person, then this permission is suspended, as his offer to hire is seen as a form of a *neder*.⁹

3 – One prepares money to be given to tzedakah. If one sees a poor person and he takes some money out of his pocket in order to give it to him, it may be seen as a *neder* to give that money to *that* person.¹⁰ This is very common in shul during davening when people come around collecting for themselves or institutions. [One should be very careful to have in mind that he is preparing this money *bli neder* – see below.]

Telephone Solicitations

Based on the above it is clear that one must be very careful in how he handles telephone solicitations for tzedakah. If on the phone one makes a pledge for a given amount of tzedakah, he is then bound as by a *neder* to give that amount of money to the institution or person he pledged to. This can at times lead to some difficult situations. If, for example, the organization does not end up sending a reminder of his pledge and he forgets, he may be in violation of having an outstanding, unpaid *neder*, *chas v'Shalom*. Similarly, if one does not recall who he pledged to and he receives several envelopes in the mail “reminding him” of his pledge, he must give to all of them. Likewise, if he is unsure of the amount he pledged, he

must give an amount that he is certain will cover the highest possible sum that he would have pledged.¹¹

Exceptions to the Rule

There are several instances where one can make a pledge in such a way that it is not considered a *neder*, and instances where even if a *neder* was in fact made, one can undo the vow.

1 – At the time of the pledge one says “bli neder.” If one makes a pledge to tzedakah (or designates money for tzedakah) he should make sure to say he is doing so “bli neder,” meaning that his intention is to make this statement without it having the status of a vow.¹² He should actually say the words out loud.¹³ This declaration works and therefore no *neder* takes effect. It is proper for one to *always* say *bli neder* when committing to doing any sort of mitzvah.¹⁴ Similarly, some poskim maintain that the *moda'ah* that one makes at *hatoras nedarim* before Yom Kippur works to undo any unsuspected *nedarim* of this sort in advance of having made them.¹⁵ This, however, should not be relied upon *lichatchila*.¹⁶

2 – Annuling the vow. Even if one committed to giving tzedakah in a fashion that would render it a legitimate *neder*, there are times that he will be permitted to be “*sho'eil*” on his *neder* and annul the vow.¹⁷

3 – A married woman who pledged money. If a married woman pledged a sum of money, even if it was done in such a way that a legitimate vow was made, there are times that that vow is subject to the approval of her husband. In many cases if her husband does not consent to the commitment, the *neder* is not binding.¹⁸ [This can be especially pertinent as many women do not say *hatoras nedarim* and therefore do not have the backup protection of the *moda'ah*.]

As with all areas of halacha, there are often details and mitigating circumstances that are beyond the scope of this publication. One is encouraged to consult his Rav for a final ruling on these matters.

¹ See, for example, *Shabbos* 32b and *Yoreh Deah* 203:1-4

² *Matnos Aniym*. 7:1

³ *Y.D.* 257:3. One such law is that just like a vow must be followed through upon immediately and one is not permitted to postpone its fulfillment [*Y.D.* 203:2], so too one must be sure to give the tzedakah without delay [257:3].

⁴ See *Choshen Mishpat* 204:8 for the details of when it is not even considered to be improper (*mechusar emana*) to retract.

⁵ The basic guideline for who is considered to be an *ani* by halachic standards is one who does not have 200 *zuz* – the amount of money necessary to sustain himself for a year without having to collect tzedakah. It is not clear how this is applied in today's day and age. See *Tzedakah U'Mishpat* 2:2.

⁶ See *Tzedakah U'Mishpat* 4:36 – he may be “*sho'eil*” on his *neder*. See below.

⁷ *Ibid.* See also *Halichos Shlomo* vol. 1 chap. 7 *Orchos Halacha* 12 who indicates that even telling a friend that one is prepared to do a favor for him may be a *neder* as well.

⁸ See *Choshen Mishpat* 333 for the many details regarding this halacha.

⁹ See *Pischei Choshen* vol. 3 7:5.

¹⁰ See a lengthy discussion on this matter in *Halichos Shlomo* vol. 1 chap. 7 *Orchos Halacha* 12. See there that Rav Shlomo Zalman Aurbach *z"l* was once seen searching for an *ani* who had come to shul collecting, as he had prepared money for him to take and the *ani*, being blind, did not see it to take it.

¹¹ *Y.D.* 258:3. See *Tzedakah U'Mishpat* 4 note 34.

¹² *Y.D.* 203:4

¹³ See *Shach* 203:4. When he can't speak, he should think it explicitly.

¹⁴ See *Halichos Shlomo* *ibid.*

¹⁵ See Shulchan Aruch and Rema *Y.D.* 211:1 and *Minchas Shlomo* I:91.20.

¹⁶ See Rema and *Halichos Shlomo* *ibid.*

¹⁷ *Y.D.* 258:6. See *Tzedakah U'Mishpat* 4:5 and notes 20-21 for the many details surrounding this halacha, including when it is *permissible* for the rav to acquiesce to annul the vow. In certain cases *he* is forbidden from doing so.

¹⁸ This is based on the fact that technically all money in the marriage belongs to the husband and any significant expenditure is subject to his sanction. See *Tzedaka U'Mishpat* 4:34