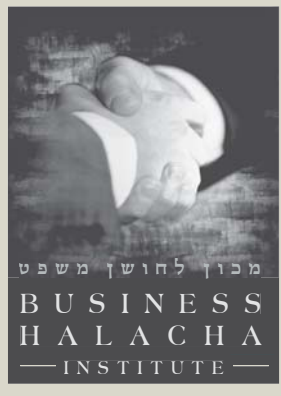


a project of the Business Halacha Institute

# Business

PARSHAS EIKEV  
FRIDAY, JULY 30 2010  
VOLUME 1 ISSUE 19  
under the auspices of  
Harav Chaim Kohn, shlita

# weekly



Business Weekly has  
been dedicated

לע"נ הרה"ח ר' נחמיה ב"ר שלמה אלימלך ז"ל  
by his son, R' Shlomo Werdiger

## STORYLINE

### a generous pledge

By Rabbi Meir Orlian, Yerushalayim  
Halacha Writer for the Business Halacha Institute

"Please make sure you're home early tonight," Mrs. Hyman said to her husband. "We have an affair to attend at 8:00. It's the annual dinner of American Friends of Refuah Hospital in Israel."

"Refuah Hospital..." Bernard Hyman said thoughtfully. "Isn't that the hospital we gave \$36,000 to last year?"

"That's right," answered Mrs. Hyman. "They've embarked on a major campaign this year to renovate the hospital."

"Unfortunately, something urgent came up at the office," Mr. Hyman apologized. "I must make phone calls overseas this evening, so I won't be able to attend. You go."

Mrs. Hyman headed off to the dinner, which was attended by many philanthropists. Pledge cards began with \$1,800 for small equipment and reached \$2,500,000 for naming a renovated hospital wing.

"There has been a dramatic increase in the number of pediatric patients at Refuah during the recent years," announced the hospital director. "We have attracted top-notch pediatric specialists, and the department is operating way beyond its intended capacity. We are also planning a new, state-of-the-art pediatric surgical and rehab center."

"Tonight's dinner," he concluded, "is earmarked for the renovation and expansion of the pediatric department. We ask you to open your hearts – and your checkbooks – generously to enable us to heal more Jewish children and help them resume healthy functioning."

Mrs. Hyman looked at the pledge card. \$36,000 barely covered a doctor's office; a treatment room cost \$100K.

Each year the Hymans made some very substantial donations to worthy causes.

"This seems a very worthy cause for this year," Mrs. Hyman thought. She checked the box to dedicate a treatment room.

When she came home, Bernard asked, "What happened at the dinner?"

"They're renovating the pediatrics department and also opening a pediatric surgical and rehab center," responded his wife. "I decided to dedicate a treatment room: The Bernard and Shirley Hyman Treatment Room."

"How much did you pledge for the room?" asked her husband.

"\$100,000," she said. "It's more than we gave last year, but it's really a cause that deserves support."

"You can't make such a large pledge!" gulped Mr. Hyman. "I planned to endow a scholarship fund at the yeshiva where the boys learned."

*continued on reverse side*

## FROM OUR HOTLINE

Submitted by  
A. Dahan

### robbed!

Unfortunately, I was robbed recently. As I was thinking about all the different things that were taken, it occurred to me that ma'aser money that I had put aside was also stolen.

**Q: Am I responsible to "repay" the stolen maaser money?**

**A:** At first glance, it would seem that you are responsible to replace the stolen ma'aser money. The Mishnah in Bikkurim (2:4) contrasts bikkurim with terumah and ma'aser. One difference is: if something happens to one's bikkurim, he is responsible to replace the loss; when it comes to terumah and ma'aser, once they were set aside, he isn't responsible to replace the loss. The basic

explanation for this distinction is that the primary mitzvah of terumah and ma'aser is to set aside the produce and declare it as terumah and ma'aser. Once it is set aside, the produce belongs to the shevet. All that remains is the obligation to deliver it to a worthy person. If it is stolen at that point, one does not have to replace it, since the product had already become property of

*continued on reverse side*



HERMAN E. WEALCATCH, INC.  
Insurance Services

Business Insurance (845) 426-5400  
Personal Insurance (845) 369-9000



Since 1991  
Auto Leasing & Sales Inc.

(800)223-5327  
info@leaseland.com

To place your logo here, email  
info@businesshalacha.com

“But I already agreed to finance the treatment room,” said Mrs. Hyman. “I thought you would agree. We can’t back out now.” “I’ll have to talk this over with Rabbi Tzedek,” said Bernard. He went over to Rabbi Tzedek’s house and asked him, “Can my wife obligate me in such a large sum of tzedakah?” Rabbi Tzedek said, “Nowadays, a woman can usually pledge a significant amount to tzedakah without the husband’s explicit permission. However, this applies only to a reasonable amount that the husband might authorize her to pledge, which varies from couple to couple, but not to such a large sum. “The Shulchan Aruch rules that it is permissible to accept small donations from a woman, but not large ones, since we suspect that she is giving money that belongs to her husband (Y.D. 248:4),” Rabbi Tzedek continued. “Later authorities note, though, that if the woman manages household finances, as is typical nowadays, she would be entitled to make significant donations if the husband is

not known to object (Yad Avraham ibid.; Pischei Teshuva E.H. 91:1). However, this depends on the degree of authority that the husband grants his wife in the couple’s assets. When it comes to such a large sum, she is not empowered to pledge unilaterally. If the husband protests her actions, she certainly cannot pledge on his behalf (Shevet Halevi II:118; Igros Moshe E.H. I:103; Responsa Rosh 13:11).” “What about the fact that my wife promised to donate this money?” asked Bernard. “A husband is able to annul his wife’s vow if it impinges upon the marriage, provided that he annuls the vow on the day he hears of it (Y.D. 234:55,21). Since this pledge causes the husband a loss, it is considered by many poskim as one that impinges upon the marriage (Minchat Shlomo II:110). Therefore, your wife’s generous pledge does not obligate you,” concluded Rabbi Tzedek. “However, you might consider whether you would like to honor it anyway out of respect for your wife.”

the shevet. The mitzvah of bikkurim, in contrast, is not fulfilled by merely setting aside produce as bikkurim, but by bringing the bikkurim to the Bais Hamikdash. Consequently, if one’s bikkurim was stolen before it was brought to the Bais Hamikdash, it must be replaced. Seemingly, although the root obligation of ma’aser money is derived from the mitzvah of separating teruma and ma’aser, it is similar to bikkurim in that the mitzvah is not to separate the money, but to deliver it to the poor. Therefore, if it was stolen before it reached a poor person, it would seem that the mitzvah was not fulfilled and the money must be replaced.

However, Pischei Teshuvah (Yoreh Deah 249:1) cites Teshuvos Arba’ah Turei Even who addresses a case where ma’aser money was stolen. He writes that as long as you did not cause damage to the money or use the money for yourself before it was stolen, you aren’t responsible to replace it. Teshuvos Shevet HaLevi (vol. 5 siman 139) also rules that one is not responsible to replace ma’aser money that no longer exists: Even though the mitzvah is modeled after the mitzvah of tithing one’s produce, we are not stricter with ma’aser money, which according to most opinions is a minhag, than we are with ma’aser produce.

**Please contact our confidential hotline with your questions & comments**  
**877.845.8455 ■ ask@businesshalacha.com**

# MONEY MATTERS

## truth in advertising week #5

**Q: Can I prepare baskets of strawberries or blueberries by placing high-quality fruit on top and inferior quality fruit on the bottom?**

**A:** The Shulchan Aruch (Choshen Mishpat 228:10) forbids mixing a few fruit of inferior quality amongst high-quality fruit and selling it all at the higher price. It seems,

though, that if the price is fair for average-quality fruit and there is no implication that the entire basket is high-quality, it is permissible. This is because the customer expects each basket to contain some good fruit and some inferior ones.

This is especially true if the common practice of all fruit stores is to prepare berry baskets in this manner, since then the cus-

tomers know that despite the high-quality impression of the top, the bottom is likely to contain berries of a lower quality (see SM”A #16).

However, if high-quality berries are packed all around, giving the basket the impression of containing only high-quality fruit, and the inferior ones are “hidden” in the middle – it would be prohibited.

## WEEKLY STUDY GROUP

*I’ve cornered the market for Lulavim.  
 How much may I charge?*

**Monsey Night Seder Bais Medrash** 29 Parker Boulevard **Sunday Mornings**  
 Chavrusos/Prep Shiur: 9:30 - 10:45 am Shiur: 10:45 - 11:15 am

**For more information, please contact Aron Subar at 845-558-8734, or monseybusinesshalacha@gmail.com**

This week’s newsletter has been sponsored

לעלוי נשמת  
 ר' גרשון בן ר' יעקב אלעזר ז"ל

To sponsor a newsletter for \$180, email [info@businesshalacha.com](mailto:info@businesshalacha.com)

**TO RECEIVE THIS NEWSLETTER FREE OF CHARGE, EMAIL [SUBSCRIBE@BUSINESSHALACHA.COM](mailto:SUBSCRIBE@BUSINESSHALACHA.COM)**  
 All new subscribers will receive a free copy of our popular publication, Money - The Bottom Line, in pdf form