

# MITZVOS THAT COME OUR WAY

*by Rabbi Eliyahu Hoffmann*

*If you lend your fellow a loan of any amount, you shall not enter his home to collect his collateral. Stand outside, and the borrower shall bring the collateral to you outside. If that man is poor, do not keep his collateral; return it to him when the sun sets, so that he may sleep with his garment, and he will bless you. And you shall have performed an act of charity before Hashem, your G-d.(24:10-13)*

The above passage details the laws of collection of collateral from an impoverished borrower; assuming the lender has taken an evening garment, he must return it each night so as not to deprive the borrower of an essential need. From the fact that the Torah ascribes "charity" to the lender for doing so, the Talmud (Gittin 37a) understands that the lender attains a degree of ownership in the security he collects. Otherwise, the verse should describe his returning the collateral each night as an act of "kindness" or "generosity," but not "charity" (see Rishonim ibid.). Charity is the idea of giving something I own to someone else. If the Torah describes his deed as one of "charity," we must conclude that the collection of a security is not merely the possession of an object through which to remind himself or the borrower of the loan, but rather imparts a degree of ownership to the lender.

There are numerous halachic ramifications to this "ownership": Although one may not normally collect a loan once the Shmittah (seventh year of the seven-year cycle) has passed, if the lender was in possession of a security, he may collect indefinitely; since he "owns" the collateral, it is not considered that he is collecting his loan from the borrower, but rather that the borrower is redeeming the object from him (Talmud ibid.). Also, it is this "ownership" that enables the borrower to bless the lender. Normally there is a prohibition of usury, which decrees that the lender receive no compensation from the borrower for his having given a loan. This includes not only monetary compensation, but even verbal compensation such as praise or a blessing. Since, however, by having collected his security, the lender has received ownership in it, it is as if the loan has already been collected, and thus he may now receive the borrower's blessings. The blessing is no longer in compensation for the loan, but rather for the fact that the lender returns "his" pyjamas to the borrower each night (Tosafos, Kiddushin 8b).

About seventy years ago, there was a wealthy Jew in Lodz (an industrial city in central Poland) who owned many properties and apartment buildings. In one of these building lived an impoverished family who were chronically behind in their rent payments. After repeated warnings, the landlord became fed up with their failure to pay the rent in a timely manner, and evicted them from his building, together with their measly belongings.

His despicable deed became known throughout the Jewish community, and others were quick to criticize him for his lack of compassion. In response, he countered that there were many other wealthy Jews in Lodz who were perfectly capable of donating the money to cover their rent. His cancelling of their debt would in itself be an act of charity. "I've been carrying the burden of this charity on my shoulders for long enough - let someone else take a turn, and pay me my rent, and I will gladly give them back their apartment!"

Some time later, the landlord happened to visit the Imrei Emes, R' Avraham Mordechai Alter of Gur zt"l. Having heard of the man's callous deed, the Rebbe chastised him for his insensitivity and lack of compassion. The landlord repeated his claim that he was no more obligated than others to cover their rent payments, and that the mitzvah of charity is incumbent on the entire community. "Why should I bear more responsibility for their homelessness than anyone else?"

The Rebbe disagreed. He cited a Mishnah in Gittin (41b) which discusses the case of a non-Jewish slave who was jointly owned by two Jewish owners. If one of the two owners frees his half, beis din obligates the second owner to emancipate his half as well, and to receive from the now-free slave a promissory note as compensation. "Yet," argued the Rebbe, "why do we force the second owner to, in essence, lend the freedom-funds to the slave? Why not rather initiate a public collection, and coerce the entire community into contributing towards his freedom? It appears that when an act of charity falls into one's lap, so to speak, we do not allow him to absolve himself from the mitzvah and throw it on others, but rather the Torah requires the one to whom the mitzvah has presented itself to go ahead and do it himself, regardless of the ability of others to contribute as much as him! This poor family lived in your property, and therefore you have the mitzvah of supporting them. You can't shirk that responsibility and throw it on to others. Now go and take them back in."

The Talmud (Bava Metzia 113b-114a) seems to make a similar point with regard to the above passage. Why, asks the Gemara, do we force the lender to return the collateral after having collected it? Having already collected the item, he is essentially "paid up," and at this point supporting the borrower should be no more incumbent on him than on others? "This is wrong," the Gemara says, "for it is written, 'And it shall be for you a charitable deed.'" It seems that since the mitzvah of supporting this individual has fallen into his lap, the lender can not evade his responsibility to do so by casting it on the community (Me'oros Ha-daf Ha-yomi 147). This is even more noteworthy based on the above ruling that collecting a security is tantamount to paying off the loan - all the same it remains the responsibility of the lender to support the borrower, since it was by him that the mitzvah began.

Rav Reisman shilta relates that at some point he agreed to take a position on the board of directors for a Yeshiva in Israel. As time went on, his position began taking up more and more of his time, detracting from his Torah study and other important facets of his life. He went to Rav Pam zt"l to ask him if he could resign from the board - after all he had carried the responsibility for many years. Rav Pam related that he had once asked a similar question of Rav Schach zt"l (I believe it was with regard

to his position with Chinuch Atzmai), and Rav Schach had forbidden him to resign. "It's your mitzvah now - and you have no right to abandon it!" He likened it to one who finds a lost object and picks it up; even though there are circumstances which permit one to ignore the object even after having noticed it, once he's taken hold of it, he is forbidden to put it back down and abandon the mitzvah for others. (I heard this story a while ago; I hope I have recalled the details correctly.)

There are times when we are all faced with similar scenarios. We have become involved in a mitzvah or in a chessed project, and we feel (or wish) that the time has come to "move on" and allow others to take over where we left off. Evidently, matters are not so simple. A mitzvah which has come our way, especially if we've already become involved, becomes "our" mitzvah, "And it shall be for you tzedakah!" It is a responsibility not to be taken lightly.

Have a good Shabbos.