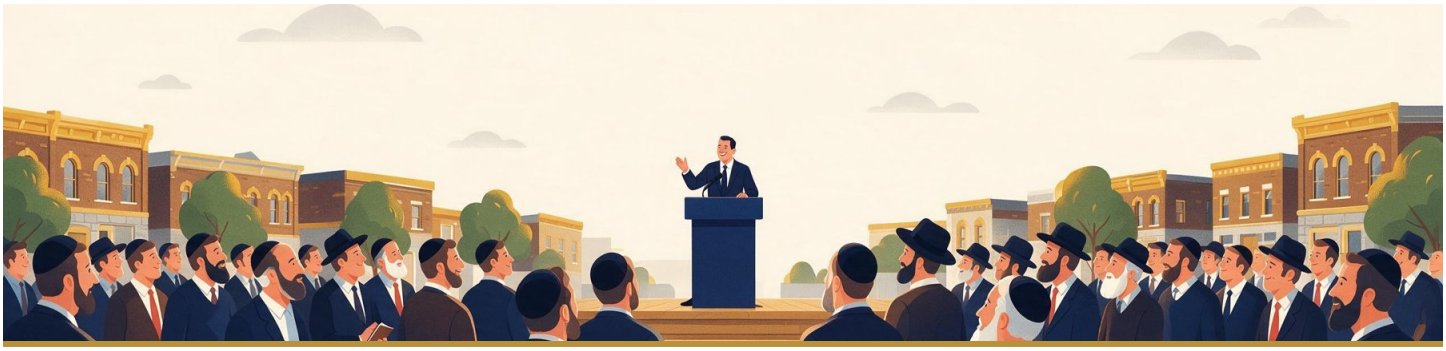
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HALACHA & OUR TIMES

Keeping Your Word: Campaign Promises in Halacha

written by Rabbi Shay Tahan

Election season brings with it a flood of promises. Candid-ates make commitments, voters place their trust in them, and once the election is over, an important question arises: What does halacha say about the obligation to keep one's word? Is a promise merely an expression of intent, or does it carry a genuine moral and halachic responsibility? The discussion begins with the Gemara.

The Gemara (Bava Metzia 49a) quotes Rabbi Yochanan as teaching that a person may retract a promise. The Gemara questions whether this is not obvious, since nothing physically prevents someone from going back on his word. It therefore concludes that Rabbi Yochanan is teaching something more fundamental: under certain circumstances, retracting a promise is actually permitted.

Rav Pappa qualifies this ruling, explaining that the permission to retract applies only to a large gift (matana merubah), but not to a small gift (matana mu'etet). The distinction rests on the degree to which the recipient relies on the promise. When the gift is small, the recipient naturally expects the giver to follow through and relies on his word. When the gift is substantial, however, the recipient does not place the same degree of reliance on a verbal promise alone.

The Shulchan Aruch (Choshen Mishpat 204:8) rules accordingly. One who promises another a gift and then fails to deliver it is considered mechusar amanah—lacking in trustworthiness—when the gift is small, because the recipient relied on his promise. With a large gift, however, he is not subject to the same designation, since the recipient did not fully rely on a promise that had not been formalized through an act of acquisition. What constitutes a small gift depends on the circumstances and the means of the giver. For a wealthy person, even a substantial gift may be considered small.

THE SOURCE OF THE OBLIGATION

What is the source of this obligation? Some Rishonim derive it from the verse, "הִין צֶדֶק" (Vayikra 19:36), which the Gemara expounds to mean, "Let your yes be righteous and your no be righteous." According to this approach, the obligation to keep one's word may have a Torah basis. Others, including the Ramban and the Rosh, understand the obligation to be rabbinic. They explain that the Torah prohibition addresses a person who never intended to fulfill his promise in the first place, thereby violating the principle of not saying one thing with his mouth while intending another in his heart. (See Ramban and Rosh, Bava Metzia 49a; Sma 204:12; Tosafot Yom Tov, end of Shevi'it.) The Mordechai (Bava Metzia 311) cites an additional source: "The remnant of Israel shall not do wrong nor speak lies" (Tzefaniah 3:13).

Rabbeinu Yonah (Sha'arei Teshuvah 3:183) expresses the severity of this conduct in particularly strong terms. A person who promises to benefit another and then fails to do so "walks in the way of falsehood." Moreover, one who publicly boasts that he will give something has gone beyond an ordinary promise. His public declaration itself carries the weight of a commitment, and he may not retract after having gained honor from it. Rabbeinu Yonah invokes the verse: "Clouds and wind but no rain—so is a man who boasts of a false gift" (Mishlei 25:14).

This principle has particular relevance to campaign promises. A candidate who publicly announces that he will provide a benefit, and thereby gains honor and support, cannot simply dismiss his words as meaningless once the election is over. The permission to retract a promise of a large gift applies to a sincere promise upon which the recipient does not fully rely. It certainly does not permit someone to make promises with no intention of fulfilling them.

A TWO-SIDED AGREEMENT



Illustration

There is, however, another dimension to this discussion, one that may be even more directly relevant to elections.

The discussion above concerns a promise to give something without receiving anything in return. A different halachic principle applies when two parties enter

into a verbal agreement, each undertaking something in exchange for the other's commitment.

The Rambam (Hilchot Mechirah 7:8) writes that when two people reach an agreement through words alone, without money changing hands or a formal act of acquisition, it is nevertheless proper for each to stand by his word. One who retracts is considered mechusar amanah, and "the spirit of the Sages is displeased with him." The Shulchan Aruch (Choshen Mishpat 204:7) rules accordingly. The Rosh (Bava Metzia 4:12) discusses the obligation to honor such a verbal agreement, and some Rishonim understand it to have a Torah basis, while the Rambam's wording—that it is proper for a person to stand by his word—suggests a different level of obligation.

The distinction is significant. In an ordinary promise of a gift, the recipient relies on the giver's generosity. In a two-sided agreement, however, each party relies on the other's commitment. One agrees to do something because the other has undertaken to do something in return. Although no formal transaction has taken place, the parties have reached an understanding, and retracting one's commitment undermines the trust upon which their agreement rests.

A campaign promise may fall into this category. A candidate asks the public for its votes and, in return, promises to pursue certain policies or take particular actions if elected. The voters, in turn, give him their support in reliance on those commitments. This is no longer merely a promise to bestow a gift; it is an undertaking made in order to obtain something in return.

Accordingly, when a candidate makes a genuine commitment to voters as an inducement for their support, there is a strong basis to apply the principle of mechusar amanah. Having obtained the votes he sought, he cannot simply regard his promises as having served their purpose and discard them. The fact that the understanding was made with the public rather than with a single individual does not diminish the seriousness of the trust placed in him.

Of course, not every campaign statement constitutes a definite undertaking. There is a meaningful difference between expressing a general aspiration, promising to work toward a particular goal, and making an explicit commitment to take a specific action in exchange for electoral support. Furthermore, a candidate may undertake to pursue a policy without being able to guarantee its ultimate success, particularly when its implementation depends on legislators, other officials, or circumstances beyond his control. The obligation is to act honestly and make a genuine effort to fulfill what he undertook, not to guarantee an outcome beyond his power.

BEYOND ELECTION SEASON

Ultimately, the lesson of these sources extends far beyond election season. A person's word is not an empty sound. Whether speaking privately or addressing thousands of people, whether promising a gift or entering into an agreement, one must recognize the responsibility that comes with giving his word. We may not all reach the extraordinary level of Rav Safra, whose exemplary honesty is described by the Gemara (Makkot 24a), but his conduct reminds us of the standard toward which every person—and certainly every public leader—should strive: that his yes should remain yes, his word should be reliable, and his promises should be made with the sincere intention of keeping them.

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HALACHA & OUR TIMES

The Winner Takes Nothing? When Election Fraud Invalidates the Vote

written by Rabbi Shay Tahan

Election fraud is hardly a new phenomenon. Throughout history, people have sought to manipulate the outcome of elections through deception, bribery, and other forms of dishonesty. Although modern elections involve systems and procedures that did not exist in earlier times, the underlying questions are far from new. The Torah and Chazal address situations of dishonesty and manipulation that provide important principles for understanding the halachic implications of election fraud.

What is the halachic perspective on election fraud? Does bribery invalidate an election? Can a candidate who manipulates the voting process remain eligible for office? And if a fraudulent act does not change the outcome, does it still undermine the validity of the result? To answer these questions, we must examine the relevant sources in Chazal and the poskim.

THE CHATAM SOFER: BRIBERY IN A RABBINICAL ELECTION

An instructive precedent appears in the responsa of the Chatam Sofer (Choshen Mishpat 160, cited in Pitchei Teshuvah, Choshen Mishpat 8:2), who addressed the election of a community rabbi. Four candidates were chosen, and their names were placed in a ballot box. Each name drawn was brought to a vote; if a majority accepted him, he would become the rabbi, and if not, the next name was drawn. The community rejected the first two candidates and elected the third by a majority. A few days later, it became known that many of the voters had accepted bribes from the rabbi's relatives.

The Chatam Sofer ruled that if two valid witnesses—not members of the community and not relatives of either side—testify to the bribery, the entire election is void from the outset. This is true even if the bribe-takers were few and the candidate still had a majority of untainted votes. The reason is that the bribery tainted not only the vote for the winner, but also the rejection of the earlier candidates; the honest voters can claim that they accepted the third candidate only because the first two had already been rejected.

If witnesses establish that the candidate himself arranged the bribes, he is disqualified from serving as rabbi until he repents. If, however, only his relatives were involved, he retains his presumption of innocence and may stand again in a new vote among the three remaining candidates. The voters who accepted bribes, however, may not take part in this appointment at all—even if they return the money and accept upon themselves never to take a bribe again.



Illustration

The Chatam Sofer adds an important qualification: all this applies only when the bribery is established by valid testimony. Without it, the rabbi does not lose his position—even if the bribe-takers and the relatives who paid them confess—since their word cannot take away his appointment.

This ruling raises fundamental questions. Does bribery invalidate the entire election, or only the votes affected? Can a candidate retain a position obtained through a process tainted by fraud? And what responsibility rests upon voters who accept payment in exchange for their votes?

WHEN A LOTTERY IS INVALID

The Shulchan Aruch (Choshen Mishpat 175:3) discusses two brothers who divided three fields: each took one, and they shared the third. Then a third brother appeared whom they had not known about. A lottery was cast, and his lot fell on the shared field, so each brother seemingly kept exactly what he had. Nevertheless, either brother may cancel the entire division and redraw all three fields, since the original division was made in error, without the third brother.

The Chavot Yair (Responsa, no. 61) applies this halacha to a lottery among his own students. Twelve of them celebrated together on Purim and cast lots for a large gilded silver goblet, each contributing toward its cost. Two boxes were used: one held twelve slips with the participants' names, and the other held twelve slips, one marked "mazal tov" and the rest blank. A child drew one slip from each box, and whoever's name came out together with the "mazal tov" slip would win the goblet.

The winning slip came out unusually quickly, and when they checked, they discovered that there were only ten blank slips—and two slips marked "mazal tov." The winner argued that whether the mistake was intentional, accidental, or a joke, it gave no one an advantage over anyone else. The Chavot Yair nevertheless ruled that the lottery was void, based on the halacha of the brothers in the Shulchan Aruch.

They cast the lots again, and this time, after a winner was drawn, someone opened the remaining slips and discovered that one participant's name had been left out entirely. The winner argued that the others had no grounds to complain—if anything, the omission had improved their chances—and he offered the excluded participant four reichsthaler, which satisfied him. The Chavot Yair ruled that this lottery, too, was void. Compensation and consent could not cure the defect in the procedure.

The Chavot Yair explains that a lottery properly conducted, without human scheming, is the vehicle of Divine Providence, as the verse states, "The lot is cast into the lap, but its every decision is from Hashem" (Mishlei 16:33). When the lottery is defective—whether through human trickery or by mistake—we cannot say that the winner received his prize from Hashem. Each participant can claim that had the lottery been conducted properly, his own merit or his prayers might have brought him success.

He then goes further: if someone deliberately slipped two slips bearing his own name into the box, and another participant won, and the cheater later revealed what he had done, the others may still cancel the lottery—and even the cheater himself may do so. The fact that the fraud did not benefit the one who committed it does not save the result.

These cases raise an important question for elections: If a candidate deliberately manipulates the voting process, does it matter whether the manipulation actually changes the winner? The Chavot Yair's ruling demonstrates that, in the context of a lottery, the integrity of the process itself is essential. Whether the same conclusion applies to a particular election requires further halachic analysis, but the principle provides an important starting point.

CHEATING IN THE BEIT HAMIKDASH

Attempts to manipulate a lottery are not a new phenomenon. Remarkably, even in the Beit Hamikdash, where the Kohanim performed the sacred service of Hashem, the Sages established safeguards against cheating.

The Mishnah (Yoma 22a) relates that originally, any Kohen who wished to perform the terumat hadeshen, the removal of the ashes from the Mizbe'ach, could do so. When many wished to perform it, they would race up the ramp, and whoever reached the top first won. Once, two Kohanim were running neck and neck, and one pushed the other, who fell and broke his leg. The Sages then instituted that the terumat hadeshen be assigned only by lottery.

In this lottery, the Kohanim stood in a circle and each extended a finger. The appointed Kohen chose a number and counted the fingers, and the Kohen at whose finger the count ended was chosen. The Mishnah states that a Kohen could extend one finger or two, but not his thumb. The Gemara explains that this rule was a safeguard against cheaters.

Even in the Beit Hamikdash, the sanctity of the service did not eliminate the possibility of dishonesty; it made the need for safeguards all the more important.

CONCLUSION

These sources demonstrate that halacha places great importance on the integrity of the process by which a winner is selected. Bribery, deliberate manipulation, and procedural defects cannot simply be dismissed because a winner has been declared or because the misconduct did not change the result. At the same time, the Chatam Sofer teaches that such claims must be established by valid testimony; rumor or suspicion alone does not overturn a result. The precise halachic consequences depend on the circumstances and the governing rules, but the underlying principle is clear: an election must be conducted honestly and properly for its outcome to command legitimacy.

HALACHA & OUR TIMES

Elections and Lashon Hara: What May We Say, and What May We Hear?

written by Rabbi Shay Tahan

The recent elections brought out a flood of slander. Candidates attacked each other, campaigns spread stories, and the same dirt was passed from WhatsApp group to WhatsApp group, at the Shabbat table and in shul. Many good people joined in without a second thought: "It's politics," "Everyone knows it anyway," "It's true."

But the Torah's rules don't take a break during election season. Is it permitted to say these things? Is it permitted to listen?

TRUE IS NOT A HETER

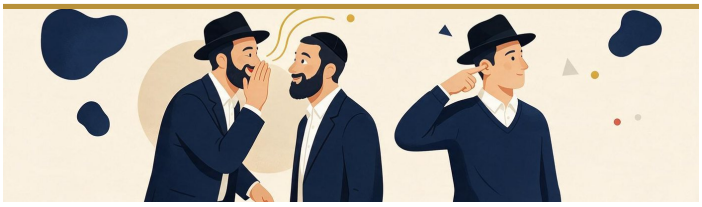
The Chofetz Chaim (Lashon Hara, Klal 1:1) rules that it is forbidden to speak negatively about another Jew even if it is completely true. That is exactly what Chazal call lashon hara, and the speaker transgresses "Lo telech rachil be'amecha." If any falsehood is mixed in, it becomes motzi shem ra, which is far worse. And one who makes a habit of it, sitting and telling "so-and-so did this, I heard that about him," is called a baal lashon hara, whose punishment is much greater (Klal 1:3).

LISTENING IS ALSO FORBIDDEN

The Chofetz Chaim (Klal 6:1) rules that it is a Torah prohibition to accept lashon hara, meaning to believe in your heart that the story is true. Even just listening is forbidden by the Torah, even if you don't plan to believe it, since you are lending your ear (Klal 6:2).

However, there is a difference between listening and accepting. If the information is relevant to you for the future, for example you were about to go into business with this person, you may listen in order to be cautious and protect yourself. The same applies if hearing it will help others. But to accept it, to decide in your heart that it is true, is forbidden in every case (Klal 6:2).

And if one sits in a group that starts speaking forbidden things and rebuke won't help, it is a great mitzvah to leave or even to put a finger in one's ears (Klal 6:5).



Illustration

WHEN IT IS PERMITTED: LE'TO'ELET

The Torah does not want a person to be harmed because others kept quiet. The Chofetz Chaim (Rechilut, Klal 9:1) writes that if one sees that his friend wants to go into partnership with someone, and he believes it will surely cause him harm, he must tell him in order to save him. But this requires five conditions (Klal 9:2):

1. **Do not jump to conclusions. First examine carefully whether the matter is truly bad.**

2. **Do not exaggerate. Tell it no worse than it actually is.**

3 **Intend only to help, to prevent the harm, and not out of hatred for the other person. Included in this, first think whether telling will actually accomplish anything. If the listener won't heed you and will partner with him anyway, and later, when they quarrel, will say "so-and-so was right about you," there is no heter at all.**

4 **If the benefit can be achieved without revealing anything negative, it is forbidden to tell.**

5 **The telling may not cause the person actual harm. Losing the benefit the other would have given him is permitted, but causing him real damage requires further conditions, and certainly no harm beyond what halacha would impose.**

In Lashon Hara (Klal 10:1-2), the Chofetz Chaim adds that one who saw someone wrong his fellow may publicize it to help the victim and to denounce the act. The conditions there include: he saw it himself rather than heard it, he first rebuked the wrongdoer gently, he does not exaggerate, his intent is to help and not to enjoy the other's shame, there is no other way, and no harm results beyond what beis din would rule. And if the speaker is guilty of the same sins himself, it is forbidden, because his intent is not for good but to gloat (Klal 10:3).

The elections will pass. The words we spoke, and the ones we listened to, remain.

THE TZIYURIM

At the end of Hilchot Rechilut, the Chofetz Chaim brings Tziyurim, practical cases. In the first: you see Reuven wanting to go into business with Shimon, who doesn't know him, and you know well that Reuven doesn't care about other people's money. Warn Shimon beforehand. This is not lashon hara, but all the conditions of Klal 9 must be met.

WHAT THIS MEANS FOR ELECTIONS

Choosing a leader is, in a sense, entering into a partnership with him. We place our community's interests in his hands. So there can be real to'elet in warning people about a candidate, if one truly knows something that would harm the public. But all the conditions apply: know it firsthand or verified, examine it carefully, don't exaggerate, speak only to protect and not out of party hatred, say only what is necessary, and stay within the truth. Spreading a story you saw forwarded, mocking a candidate, or repeating rumors to make "our side" look good does not meet these conditions. That is plain lashon hara, and often motzi shem ra.

The requirement of firsthand knowledge also includes hearing on line a speech in which he made a promise that could potentially harm our community, or the like. Also, if he has a record of engaging in behavior that is harmful to our way of life, this may be relevant as well. Furthermore, the requirement to rebuke him first may not apply in this case, assuming that he would not listen anyway (Klal 10:7).

The same goes for listening. A voter who wants to know relevant facts about a candidate in order to vote responsibly may listen, in order to be careful. But he may not accept as fact everything he hears, and he must not sit and enjoy an hour of political gossip.

Another heter is when the candidate is a wicked person who doesn't believe in hashem or the torah. Or if he vows to fight the torah and the yeshiva system (klal 7:5 and Tshuvot vehanagot 3:478).

The elections will pass. The words we spoke, and the ones we listened to, remain. May we merit to guard our mouths and our ears, and to see true leaders who bring blessing to Klal Yisrael.

Rabbi Shay Tahan is the Rosh Kollel of Kollel Shaarei Ezra located in Bnei Yosef, on Avenue P and Ocean Parkway, and he is the head of the Bet-Horaha Arzei Halevanon. You can hear Rabbi Tahans classes at Torahanytime.com and in Askhalacha.com.

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