



## THE PLEDGE: COMMITMENT, CONVEYANCE, CONSECRATION

*Even the breath of the mouth has a place and position, and G-d does with it as He does.*

*Even a person's word, even a person's voice is not for nothing; all have a place and position.*

**Zohar, Mishpatim 100b**

**O**n Rosh HaShanah shall be inscribed, and on Yom Kippur shall be sealed — how many shall pass, and how many shall be created. The classic *piyut* of *UNetaneh Tokef* begins with death and birth, and continues to describe destinies desirable and devastating, until the Machzor offers the reader a life preserver, “And repentance, and

prayer, and *tzedakah* remove the evil of the decree.”<sup>1</sup>

In traditional *machzorim*, the three means of overcoming a harsh decree are crowned with three words:

ממון	קול	צום
וצדקה	ותפלה	ותשובה

In English:

Fasting	Voice	Money
<b>Repentance</b>	<b>Prayer</b>	<b>Tzedakah</b>

The three superscript words identify means for practicing each of the exculpatory tactics.<sup>2</sup> However, assigning our voice to prayer alone does it a disservice. In truth, the

human voice is an instrumental actor in all three:

- **Repentance:** The *viduy* admission of sin is an essential step in repentance, both for the individual<sup>3</sup> and the community.<sup>4</sup> The rabbis stipulated that this admission is *viduy devarim* — verbal admission.<sup>5</sup>
- **Prayer:** We tend to follow Chanah's model of silent prayer for our *amidah*, but rabbinic literature praises vocal prayer for its aesthetic beauty,<sup>6</sup> and its ability to help us focus our thoughts<sup>7</sup> and express our emotions.<sup>8</sup>

- **Tzedakah:** We may fulfill the tzedakah imperative simply by providing assistance to a needy person, but a pledge to give tzedakah holds the powers of commitment, conveyance, and even consecration.

Looking closer at the three powers of a pledge, we will see that each one makes a halachic impact.

## Commitment

On a basic level, a tzedakah pledge is a promise; the speaker commits to contribute to a particular cause, and is bound to fulfill his or her word.

Therefore, the *Shulchan Aruch* warns:

צריך לזהר מלידור ואם פוסקים צדקה וצריך לפסוק עמהם יאמר בלא נדר

*One must be careful not to vow. And if [the community] commits to a campaign for tzedakah and one must commit with them, one should say, "Without a vow."*

**Shulchan Aruch, Yoreh Deah 257:4**

Rabbi Shabtai haKohen added that we should say "without a vow" even if the text of a pledge or *mi shebeirach* does not include formal language associated with vows; the default assumption is that this is a vow, until stated otherwise.<sup>9</sup>

## Conveyance

If a pledge were only a vow, we could repeal it via *hatarat nedarim*. However, a pledge of tzedakah may be different, because it may remove the pledged funds from the donor immediately, even before they have been transferred physically. The concept of speech as conveyance is illustrated in the following story.

*The son of the sage Yosi ben Yoezer found a gem inside a fish. His wife advised him to bring it to the gizbar (an agent of the*

*Beit haMikdash), with an eye toward selling it to the Beit haMikdash — but she warned him not to mention a value personally, because "saying it is for [the Beit haMikdash] is the equivalent of handing it over to a regular person."*<sup>10</sup>

In other words — a mere hint of a pledge would be sufficient to convey the item to the Beit haMikdash.

Rabbi Menachem Meiri<sup>11</sup> explained the mechanism that creates this transfer. A landowner automatically acquires items located on that land as soon as the items' owner states a wish to transfer them to the landowner. Since Hashem owns the world, any declaration donating property to the Beit haMikdash already transfers the property to Hashem, via Hashem's ownership of the land on which it is located. And while the language of the Talmud and the Meiri's logic would seem to apply only when dedicating materials to the Beit haMikdash, classic halachic authorities have applied it to tzedakah pledges as well.<sup>12</sup>

Within the view that a pledge indeed transfers the funds, normal *hatarat nedarim* is ineffective. As explained in detail by Rabbi Pinchas Zvichi,<sup>13</sup> a normal vow may be repealed based on the would-be donor's regret. However, repealing a pledge that transfers the money would require demonstrating that the pledge's conveyance was actually made in error.

## Consecration

The fact that a pledge creates a binding commitment testifies to the legal power of our speech. The fact that a pledge may pluck property from a donor's hands and place it in the hands of the needy or a fund testifies to the legal power of the Divine grasp.

But a third dimension, *hakedashah* (consecration), testifies to the presence of something beyond simple legalism: sanctity.<sup>14</sup> Pledging tzedakah imbues our wealth with holiness.

As we have said, halachic authorities equate pledges of tzedakah with consecration, in that both remove funds from the donor's control immediately. There is another ramification, too, regarding the rabbinic campaign to eliminate vows.

Tanach<sup>15</sup> and the Talmud<sup>16</sup> weigh in against taking vows, even when we actually follow through and fulfill the commitment. Therefore, Rambam<sup>17</sup> ruled that one who has taken a vow should proactively seek to repeal it. However, Rambam wrote that we should not repeal vows of *hakedashah*, because fulfilling them is a mitzvah. Maharam Mintz wrote that the same applies for vows pledging tzedakah, equating them with *hakedashah*; these should stand, and should be fulfilled.<sup>18</sup>

## The Shabbat Problem

Equation of tzedakah and *hakedashah* leads to a halachic problem. The Sages prohibited *hakedashah* on Shabbat and Yom Tov, lest we come to record the transfer in writing.<sup>19</sup> How, then, may we pledge tzedakah in connection with an *aliyah* to the Torah on Shabbat or Yom Tov?<sup>20</sup>

Some contend that the decree against *hakedashah* was not created for this sort of pledge, either because it provides tzedakah needed that day, or because we are obligated to give tzedakah in general.<sup>21</sup> Other authorities permit these pledges because despite their **role** of consecration, their **structure** is significantly different from that of *hakedashah*:

- The donor does not verbalize a pledge; the *gabbai* is the speaker;<sup>22</sup>
- The donor does not dedicate a particular object, but only incurs a debt;<sup>23</sup>
- A tzedakah donation becomes the property of all Jews, including the donor.<sup>24</sup>

## Consecrating Our Soul and Our World

We see that our tzedakah pledge uses speech to articulate a binding commitment, conveys funds from donor to recipient, and creates sanctity with the power of consecration, if not the formal language and structure of consecration. But there is more to the consecration achieved in a pledge; our speech draws all aspects of our soul into this mitzvah, and creates holiness even in the heavens above.

Speech draws on all aspects of our soul. Rabbi Chaim of Volozhin wrote:

וגם בכל תיבה יש שלשה בחינות מעשה דבור מחשבה נר"ן והם אותיות ונקודות וטעמים שבה ... ולכן העובד האמיתי בכוונה רצויה יכוון לשפוך ולדבק יחד בתפלתו כל השלשה בחינות נפש רוח נשמה ...

*Each word has three aspects: speech, thought and deed; nefesh, ruach and neshamah, which are the letters, vowels and t'amim of the word ... Therefore a true servant, with the desired focus, should focus on pouring out and joining together in his prayer all three aspects, nefesh, ruach, and neshamah, etc.*

### Nefesh haChaim 2:16

Speaking for a particular purpose pours our soul into that purpose. With a pledge of tzedakah, then, we invest our entire souls into this sacred mitzvah.

And in the case of a tzedakah pledge, the spiritual power of our speech spreads holiness heavenward. A Tosefta states:

אמר ליתן ונתן נותנין לו שכר אמירה ושכר מעשה. אמר ליתן ולא הספיק בידו ליתן נותנין לו שכר אמירה כשכר מעשה. לא אמר ליתן ... אבל אמר לאחרים תנו נותנין לו שכר על כך ...  
*If one pledges to give and gives, he is rewarded for the speech and the deed. If one pledges to give, but does not succeed in giving, he is rewarded for the speech, like the reward for the deed. If one does not pledge to give, but one tells others to give, he is rewarded for this, etc.*

**Tosefta Peah 4:17, Lieberman ed.**

The Chafetz Chaim commented on this, "A Jew's speech, pledging to give tzedakah, perform *chesed* or engage in any similar mitzvah, creates sanctity in the heavens, and one is rewarded for this."<sup>25</sup>

As we navigate the Yamim Noraim, correcting our errors and establishing a pure path forward, may we harness our voices for the *viduy* of repentance, may we channel their music to beautify and focus our prayer, and may we apply their authority toward tzedakah, pledging commitments, conveying assistance, and imbuing ourselves and the heavens above with holiness.

## Endnotes

1. This formula is found in Yerushalmi *Taanit* 2:1 and *Bereishit Rabbah* 44:12 (Vilna edition), based on *Divrei haYamim* II 7:14.
2. They also emphasize the equal weight we assign to each of the strategies, as these three words share the same *gematria* value (136). (*Hagahot haMinhagim* 136 to the 15th-century *Sefer haMinhagim* of Rabbi Yitzchak Tyrnau.)
3. *Vayikra* 5:5 and *Bamidbar* 5:7.
4. *Vayikra* 16:21, 26:40.

5. Rambam, *Mishneh Torah, Hilchot Teshuvah* 1:1.
6. *Aruch haShulchan, Orach Chaim* 101:8.
7. *Mishneh Berurah* 101:11.
8. *Zohar, Bereishit* pg. 132a.
9. *Shach, Yoreh Deah* 203:4.
10. Talmud, *Bava Batra* 133b.
11. Commentary to *Kiddushin* 28b, citing Talmud Yerushalmi *Kiddushin* 1:6.
12. Rif to *Bava Kama*, 18b *b'dapei haRif*, *Ran Nedarim* 29b-30a. The position of the *Shulchan Aruch* is unclear; see *Shu"t Ateret Paz* I 2: *Yoreh Deah* 10:5-6.
13. *Shu"t Ateret Paz* I 2: *Yoreh Deah* 10:5.
14. This link to *hakdashah* (consecration of property) is not necessarily meant to be taken entirely literally — for example, we would not permit a tzedakah fund to charge interest for loans it extends, even though the Beit haMikdash may do so. See Mordechai *Bava Metzia* 286-287 and *Beit Yosef, Choshen Mishpat* 227.
15. See *Devarim* 23:23 and *Kohelet* 5:4.
16. See *Chullin* 2a and *Nedarim* 22a.
17. *Mishneh Torah, Hilchot Nedarim* 13:25.
18. *Shu"t Maharam Mintz* 73. *Tosafot Chullin* 2b *aval* notes that vows made for Divine assistance in a time of need have a special, positive pedigree, as Yaakov made such a vow. They stand apart from other vows.
19. Talmud, *Beitzah* 36b-37a.
20. Regarding reciting a *mi shebeirach* in the merit of prayers, instead of the merit of tzedakah, see Rabbi Yosef Dov Soloveitchik's disapproval, recorded in *Nefesh haRav* pg. 143.
21. See *Or Zarua* II *Hilchot Shabbat* 50.
22. *Ibid.*
23. Meiri and Ran to *Shabbat* 150a.
24. *Magen Avraham* 306:11.
25. *Ahavat Chesed* 2:16, in a footnote.