Dedicated in loving memory of Dr. Harlan Daman
by Carole, Gila and Avi Daman

Tzedaka in the 21st Century
Perspectives and insights into the laws of tzedaka and how they relate to the Yamim Noraim

Yamim Noraim Insights
Reflections to inspire our Avodas Hashem at this time of year
We thank the following synagogues which have pledged to be Pillars of the Torah To-Go® project

**Beth David Synagogue**
West Hartford, CT

**Beth Jacob Congregation**
Beverly Hills, CA

**Beth Jacob Congregation**
Oakland, CA

**Bnai Israel – Ohev Zedek**
Philadelphia, PA

**Boca Raton Synagogue**
Boca Raton, FL

**Cong. Ahavas Achim**
Highland Park, NJ

**Cong. Ahavath Torah**
Englewood, NJ

**Cong. Beth Sholom**
Lawrence, NY

**Cong. Beth Sholom**
Providence, RI

**Cong. Bnai Yeshurun**
Teaneck, NJ

**Cong. Ohab Zedek**
New York, NY

**Cong. Ohr HaTorah**
Atlanta, GA

**Cong. Shaarei Tefillah**
Newton Centre, MA

**Green Road Synagogue**
Beachwood, OH

**The Jewish Center**
New York, NY

**Jewish Center of**
**Brighton Beach**
Brooklyn, NY

**Koenig Family Foundation**
Brooklyn, NY

**Young Israel of**
**Hollywood Ft Lauderdale**
Hollywood, FL

**Young Israel of**
**Lawrence-Cedarhurst**
Cedarhurst, NY

**Young Israel of**
**New Hyde Park**
New Hyde Park, NY

**Young Israel of**
**New Rochelle**
New Rochelle, NY

**Young Israel of**
**Scarsdale**
Scarsdale, NY

**Young Israel of**
**West Hartford**
West Hartford, CT

**Young Israel of**
**West Hempstead**
West Hempstead, NY
Table of Contents Rosh Hashanah 5780

Dedicated in loving memory of Dr. Harlan Daman by Carole, Gila and Avi Daman

Introduction

Yamim Noraim Insights

The Power of Tzedaka

4  Rabbi Yaakov Glasser: Tzedakah’s Role in Removing the Evil Decree

6  Rabbi Reuven Brand: Returning to Hashem

11 Mrs. Bracha Rutner: Free Will: Does It Make Us Moral People?

15 Rabbi Ari Zahtz: The Mitzvah of Listening

19 Rabbi Daniel Z. Feldman: Making a Difference: Priorities in Tzedakah

25 Mrs. Sivan Rahav Meir: Four Thoughts About Tzedaka

37 Rabbi Daniel Stein: Managing Maaser Kesafim

41 Rabbi Mordechai Torczyner: The Pledge: Commitment, Conveyance, Consecration

Sponsored in memory of יונתן דוד בן אלכסנדר שמעון by his children and grandchildren
TZEDAKAH’S ROLE IN REMOVING THE EVIL DECREE

One of the most poignant moments of the Yamim Noraim liturgy is the recitation of Unesaneh Tokef. Even the most hardened spiritual Jews succumb to the emotional depiction of confronting the reality of Yom Hadin — The Day of Judgement. In describing G-d’s judgement of the world, the piyut evokes a solemn confrontation with mortality — mi yichyeh umi yamus (who will live and who will die?), conjuring all sorts of memories and images relating to our lives and our loved ones. The structure, substance and musical tone is nearly fatalistic as we embrace the reality of the moment. The tension that builds up as we recite this piyut is finally released with the declaration “uteshuva utefilah utzedakah maavrin es roah hagezeirah” — repentance, prayer and charity remove the evil decree. This refrain, whose source is from the Talmud Yerushalmi (Taanis 2:1), provides a roadmap for us to influence the outcome of the pending judgement of Yom Hadin. Despite the seemingly passive nature of our disposition in the context of G-d’s providence over the world, indeed there is something we can do to impact the outcome of this day.

Reflecting upon these three elements, teshuva emerges as an understandable response to judgement as it has the capacity to alter the character and the deeds of the individual being judged. Prayer, as a direct appeal to the Divine, also has an expected impact upon the outcome of our judgment as well. The element of the triad that seems to be distinct form the others is tzedakah. Charity, while extraordinarily noble and certainly a hallmark of our people’s legacy of compassion, seems unusually specific...
for this very universal context. The piyut seems to avoid presenting a broader mandate for chessed in general, in deference to the very specific act of tzedakah. In what manner does this mitzvah become so central to the Divine judgement of our future?

Rav Soloveitchik, (Ha’arerei Kedem Vol. I p. 76) suggests that the Torah’s disruption of the Mishkan’s construction in Sefer Shemos with the narrative of the cheit haeigel — the sin of the golden calf, and its resolving forgiveness, is intended to draw attention to the role of communal contributions, as foundational to the paradigm of forgiveness. Somehow, the experience of the Jewish people sacrificing of their own resources for the larger communal need, provides the foundation for G-d’s ultimate forgiveness.

What is the source of charity’s powerful influence upon our ultimate judgement as individuals and as a people?

I once learned, that perhaps it is the very nature of tzedakah’s impact that shifts the entire calculus of our judgment. Tzedakah establishes a connection of dependency between two people. It entails, at the highest level, one Jew taking responsibility for the fate and well-being of another. Beyond an altruistic gesture, tzedakah is the medium through which we expand the circle of impact, and by extension, relevance of our lives. Tzedakah means that whatever occurs to us as individuals will have a profound effect upon those we support as well. It establishes an existential link between the fate of ourselves and that of others. In this regard, G-d’s judgement upon us becomes an evaluation of more than the quantitative and qualitative value of our own deeds. It entails a broader scope of accounting for the many connections and networks of support that we have developed and if those individuals or institutions as well are deserving of a questionable fate.

Tzedakah can reverse or temper the “gezeirah” because it brings into G-d’s accounting, the broader merits of those we support.

Beyond an altruistic gesture, tzedakah is the medium through which we expand the circle of impact, and by extension, relevance of our lives.

When we live life for ourselves, we are left with the consequences of our own actions. When we live life for others, then our fate becomes forever linked with the compelling needs of those beyond our own world.

The Yamim Noraim inspire significant devotion to personal reflection and growth. The process of teshuva is one that demands deep introspection, profound honesty, and extraordinary resolve. Perhaps, through the medium of tzedakah, we can ensure that this focus does not remain in the realm of the personal. Rather, it moves us to recognize our capacity to make a difference in the lives of others — to look around the shul, or our community, and recognize the myriad of ways that we can become “essential” to the world of others and to edify our community through respect, unity, and support. Yom Tov is an exciting and vibrant time for many people.

For others, the expansion of focus on children and family, serves to painfully accentuate everything that is missing in their lives. For those who are blessed to be praying for continued nachas and success, perhaps one of the most effective methods, is to extend ourselves to those for whom these days are excruciatingly challenging, to embrace them with compassion, love, and support and to show, that our lives matter, because they matter to others.

Sponsored l’ilui nishmot
Moshe Buksbaum, Moshe בן נתן מרדכי ע”ה
and Sarah Buksbaum, ישראל בת יוחנן ע”ה
by their children and grandchildren
Over the course of Yom Kippur, beginning with the Vidui of mincha on Erev Yom Kippur through the conclusion of Neilah, we address our sins many times. Each of the forty-four lines of Al Chet and the specifics of Ashamnu identify a detailed mistake that we verbalize and correct as part of our teshuva process. Yet we should be careful that this important, painstaking effort to redress each error should not occlude an arguably more important element: the return to our connection with Hashem Himself. Let us frame this issue in light of two questions.

First, the Rambam famously presents a panoramic sweep of the particulars and principles of teshuva in ten chapters in the Book of Madda. Significantly, he does so in a peculiar manner. As expected, he begins the first chapter with the requirement for teshuva/vidui (the relationship between these specific concepts is a source of much discussion). However, he repeats the description of teshuva in the seventh chapter, this time with a unique exhortation that a person should strive to do teshuva, plus an added magisterial description:

"The one who has a desire to be close to Hashem should be ever mindful of their errors and seek forgiveness. Even though He is the One who created us, we should strive to return to Him. He is the One who created us, and we must now return to Him. The One who created us, and we must now return to Him."

RETURNING TO HASHEM

Many thanks to Avi Mori Mr. Etzion Brand, Professor Leslie Newman and Mrs. Andrea Polster for their editorial contributions.
How superior is the degree of repentance! But yesterday was this sinner separated from the Lord God of Israel, as it is said: “But your iniquities have separated between you and your God” (Is. 59.2); cries, but received no answer, as it is said: “Yea, when ye make many prayers, I will not hear” (Ibid. 1.15); does obey commandments, but they are thrown back in his face, as it is said: “Who hath required this at your hand, to trample My courts?” (Ibid.–12), and, “Oh that there were even among you that would shut the doors, that ye might not kindle fire on Mine altar in vain!” (Mal. 1.10). But today he is connected with the Shekinah, as it is said: “But ye that did cleave unto the Lord your God are alive every one of you this day” (Deut. 4.4); he cries and receives answer momentarily, even as it is said: “And it shall come to pass that before they call, I will answer” (Is. 65.24); he observes commandments, and they are received with pleasure and joy, even as it is said: “For God hath already accepted thy works” (Ecc. 9.7); moreover, his works are pleasurably anticipated, as it is said: “Then shall the offering of Judah and Jerusalem be pleasant unto the Lord, as in the days of old, and as in ancient years” (Mal. 3.4).

Why does the Rambam wait until the seventh chapter to deliver this fundamental message about the nature of the mitzvah? Why in this chapter is teshuva something to which we aspire “yishtadel” in his language — rather than a mitzvah to accomplish?

Let us consider a second difficulty.

The book of Hoshea presents a litany of complaints and biting criticisms of the Jewish people. It concludes on a conciliatory note, encouraging the Jewish people to return to Hashem. These words begin the Haftara that we read on Shabbat Shuva (hence its name):

Return, O Israel, to the LORD your God, for you have fallen because of your sin. 

Hoshea 14:2

The immediate question is, why does the Navi repeat the call to teshuva in back-to-back Pesukim? What is added in the second verse? Furthermore, why does the Hebrew preposition for the word “to” change from ad (until) to el (to)?

We can appreciate a fundamental distinction within both the words of the Rambam and of Hoshea in light of an incredible and iconic moment in Jewish history. It was the evening of Kol Nidrei 1945 in the Fohrenwald DP camp. Rabbi Yekusiel Yehuda Halberstam zt”l (1905–1994), the Sanz-Klausenberger Rebbe who lost his wife and eleven children to the Nazi Holocaust, stood before the open ark and addressed a gathering of his fellow survivors:

In a wholly unorthodox manner he called out the words of Vidui: “ashamnu, bagadnu (we have sinned, we have rebelled)....” Each word was inflected not as a statement but as a question: “Did we sin? Did we rebel?”

Almost accusatorily, the Rebbe asked, “did we really sin? Did we really rebel? Did we, Chas veshalom, rebel against You and fail to remain faithful? Gazalnu — did we steal? From whom did we steal in Auschwitz and Muldorf? Why is there anybody to steal from?”... Dibarnu dofi — we spoke slander? We never even had enough strength for idle conversation. If by chance we had any remaining strength, we saved it so that
we would be able to answer the questions of our vicious oppressors! He’evinu — we caused perversion? Hirshanu — we caused wickedness? Who? Us? Latznu — we scorned? Who could do such a thing there? Maradnu — we rebelled? Against whom? We rebelled against the Almighty? Didn’t we suffer every beating quietly with the knowledge that ‘You are righteous in everything that comes upon us’?! We rebelled against our oppressors? Could we have rebelled against them even if we had tried?”

Word by word, the Rebbe dismissed each and every alleged sin of the survivors. “We did not commit evil acts. We did not sin willfully! This Vidui was not written for us,” he concluded, closing his machzor. His congregation stood in shock.

After a second pause, the Rebbe raised his voice again. “But we are guilty of sins that are not written in the machzor. We sinned in our faith and trust in our Creator. Did we not doubt Hashem out of despair and hopelessness in the camps? When we recited Shema at night, we hoped that it would be our last haMapil, that the end of our suffering would come. How many times did we pray, ‘Master of the Universe, I have no more strength. Take my soul so I will not have to recite Modeh Ani anymore’? And when the sun rose and we were obligated to thank Hashem for ‘returning my soul with great mercy,’ we were consumed with anger and rage. When we removed the corpses from the barracks, weren’t we jealous of those lucky people who had died?

“This is how we have sinned. We have sinned with a lack of faith and trust. We must beat our chests and admit our sins. We must ask the Almighty to restore our faith and trust in Him. Trust in God forever. Trust in Him at all times, nation! Pour your hearts out before Him.”

This anecdote is incredible on many levels, and for our discussion it reveals a crucial distinction between two areas of our spiritual lives: our actions and our core connection to Hashem. On Yom Kippur we introspect and reflect on these two aspects in our lives. We take an accounting of our actions, specific misdeeds and shortcomings, and we articulate them in our Viduy. We also address a second component — our core connection with Hashem. This is our essential relationship with Him, which transcends specific mitzvot.

In the case of the Klausenberger, these two realms were bifurcated. There were no actions for which the survivors, who had endured horrifying experiences beyond what we today could ever truly fathom, needed to address. They were not culpable for any specific actions. However, the Rebbe clearly felt the essential relationship with Hashem needed a Yom Kippur focus and renewal. In his message, the Rebbe distinguished between the relationship to mitzvot and the relationship to Hashem. This is a fundamental concept in Judaism. All of the mitzvot that we observe are emanations from Hashem that descend into our world through many levels of transformation until they take the shape of a physical action. However, our connection to Hashem Himself, as it were, exists in a direct way through our inner self, our neshama. While each mitzvah is a crucial and indispensable link that is essential to cultivating our relationship with Hashem, our performance of all of the mitzvot do not automatically equal a meaningful and mindful relationship with Him.

This distinction between specific actions and a core connection can explain the specific arrangement of the Rambam’s Laws of Teshuva.

The Rambam begins his Laws of Teshuva addressing the requirement to redress our mistakes, our flawed actions. Hence, he discusses the process of kaparah (atonement) — in chapter 1 and then defines the steps of the teshuva process in chapter 2. However, in chapter 7, the Rambam speaks no longer of teshuva for specific actions; he instead addresses teshuva in our relationship with Hashem. The Rambam is not referring to the typical requisite steps in mitzvah fulfillment; rather he is concerned about a profound inner search and desire to journey closer to Him. This is why only in chapter 7 does the Rambam extol the transformational nature of teshuva. In this context, the baal teshuva feels the close connection and deep relationship with Hashem. This cannot be measured in halachic terms of fulfillment; hence, the Rambam
simply exhorts us to aspire — yishtadel — to approach this genuine and profound relationship with our Father in heaven.

Similarly, this distinction between observing mitzvot and nurturing our connection with Hashem can explain the words of Hoshea. In understanding the word ad — until — in Tanach and halacha, our sages note that it has two possible connotations: inclusive and exclusive. In our context the Gemara quotes Rabbi Yochanan who interprets shuva Yisrael ad Hashem as a vehicle to return us to Hashem to the extent of “ad v’lo ad b’ch*l” — up to but not including. This indicates that the return of ad, the first pasuk, is an incomplete return. Only at the second stage when we return “el Hashem” is our return to Hashem complete. The first return is the teshuva for actions, as the pasuk concludes, ki chashalta ba’avonecha — for we have stumbled in our sins. The second is our return to Hashem directly, to our essential relationship borne out of an intimate, direct conversation — k’chu imachem devarim v’shuvu el Hashem. With our words — our open direct conversation with Hashem — we rebuild our core connection, our relationship.

Both of these elements — the actions and the relationship — are essential to our spiritual lives, and much of our Yom Kippur Machzor is devoted to the first. We cannot seriously consider a true relationship with Hashem devoid of a committed life of actions. However, we should be careful not to ignore or overshadow the second. In fact, Rabbi Joseph B. Soloveitchik zt”l observed that “the most important thing in life is to feel the presence of the Almighty and the gentle pressure of his hand resting upon my frail shoulder.” The “Chalban” (Rav Chaim Cohen zt”l) provides an analogy to appreciate the importance of the core connection in the form of a young couple in love separated and then reunited. While separated, the husband sends his beloved various items to maintain their connection, including a pair of gloves and a hat. Upon receiving the items in the mail, the wife holds and caresses them as a physical reminder and connection to her beloved. She stares at them and smells them to detect her husband’s scent. Finally,
the husband returns home and the couple retreat for an intimate moment to their private room and embrace deeply. Wouldn’t it be odd if in the presence of the husband for whom she had waited with baited breath, she reaches for his hat and caresses it? Instead of focusing on the object of her love, she directs her attention to such a small detail; it would be bizarre! Similarly in our spiritual world, mitzvot are the physical manifestations of Hashem’s connection with our world as mentioned earlier. They are akin to the gloves and hat of our beloved — cherished in his absence. However, in contrast to our actual closeness to Hashem they pale. When we recite a bracha on a mitzvah we relate the action to Hashem in the third person — b’mitzvotav — while our words and connection with Hashem are direct in the second person — atah. Our direct connection with Hashem transcends these individual actions.

On Yom Kippur, we experience immense joy, as the Talmud (Taanis 28b) observes, since on Yom Kippur we receive forgiveness for our sins. However, this is not the ultimate joy of Yom Kippur. The profound joy that we should aspire to appreciate on Yom Kippur is the incredible closeness that we merit to experience with Hashem himself. The fact that mikveh Yisrael Hashem — that we literally immerse in the presence of Hashem on this day — is not marvelous in that it provides atonement,6 but that it is a rare experience of Divine closeness. It was because of this sublime joy that Rabbi Soloveitchik felt personally that he was unable to eat for hours after the close of Yom Kippur.7 He continued to live simply in the afterglow of the Yom Hakadosh and its Divine closeness.

While we may not achieve this level of spiritual connectedness in our lives, it provides a guidepost. It reminds us to ask ourselves on Yom Kippur not just how many Al Chets we have recited and what steps of the teshuva process we have fulfilled, but what our personal, direct connection with Hashem is. What does my personal relationship with Hashem look and feel like? Do I ever address Hashem directly, in the second person, to cultivate our relationship? Yom Kippur is a time to focus on where Hashem is in our lives, and the chance for this core connection is most opportune as Hashem’s presence comes to spend this day with each one of us.

Endnotes

1. The Klausenberger Rebbe: The War Years, pp. 185-186. The entire Yom Kippur experience of the Rebbe in Fohrenwald, including his meeting with General Eisenhower the next morning, is documented in Lieutenant Birnbaum.

2. It is noteworthy that the Rebbe went to heroic and superhuman lengths to observe mitzvot during the Holocaust; he never ate non-kosher food, even bishul akum, during his entire imprisonment including Auschwitz, a death march and forced labor in the Muldorf forest.

3. According to the textual version of the Bach and Masores Hashas in Yoma 86b.


5. Talelei Chaim, Veyached lvaveinu.

6. Rabbi Soloveitchik notes that the language of the Kohen Gadol’s Vidui — BaShem — with the name of G-d indicates that we receive atonement by being close to Hashem’s name — His presence.

7. Related by Rabbi Menachem Genack in the name of Rabbi Soloveitchik’s daughter in “Ish Yom Hakippurim” from Memories of a Giant: Eulogies in Memory of Rabbi Dr. Joseph B. Soloveitchik, Z’t’l, p. 163.

Find more shiurim and articles from Rabbi Brand at https://www.yutorah.org/rabbi-reuven-brand
FREE WILL: DOES IT MAKE US MORAL PEOPLE?

In an experiment described in the journal *Science*,¹ psychologists asked participants a series of questions about people who did reprehensible things, such as a man who hired someone to kill his wife and children or a man who cheated on his taxes. Researchers discovered that people’s answers depended on whether they believed in free will or determinism.² Absolute determinism is the general view that all events, including human actions, are produced by prior conditions, which make those events and actions inevitable. These predetermined influences can be internal biological and psychological drives, scientific-environmental rules, or metaphysical-divine forces. In contrast, the notion of absolute freedom of the mind assumes that we are able to make decisions independent of either natural or metaphysical controlling forces.³ If we have free will, according to most respondents, then we are responsible for our actions both good and bad, but if everything is predetermined then we are simply following a script, rendering us free of any responsibility.

The results of this study seem to imply that people believe that the belief in free will leads us down a moral path, because we hold ourselves more morally responsible when we believe in free will. But does free will truly lead us to be better people? To act in a more moral fashion?

In Judaism, according to many of our great rabbis, free will, or *bechira chofshit*, is an essential part of Judaism. The Rambam in *Hilchot Teshuvah* 5:3 describes free will as *ikar gadol hu, v’hu amud Hatorah v’hamitzvah* — It is the essence of all of the Torah and mitzvot.

The Rambam adds:

Do not let enter your mind that which is said by the foolish people among the Gentiles and the boorish among the Jews: that God decrees from the start whether a person is to be righteous or wicked.

*Laws of Teshuvah* 5:2

What is the basis for the concept of free will within Judaism?

There are many sources that form the basis for the belief in free will. A few of them include:
Today, I testify with the heavens and the earth as my witness, I place before you life and death, blessing and curse, you should choose life in order for you and your descendants to live.

Devarim 30:19

In the Mishnah in Avot 3:15, it is taught:

וכל צפי, וחירות נוגה.

All is anticipated, and a person has the ability to act in any fashion they want.

And in the Gemara in Brachot 33b, it is written:

וכל ביי שמח – ויהי מרアナ שמח.

Everything is in the hands of Heaven, except for the fear of Heaven.

But do we always have the choice to be “good or bad”? There are many instances in the Torah where it seems that our choice is taken away from us. If that is the case, then how can we be held responsible for our actions? How can we ever repent and do teshuvah? Let us examine two of these situations that will help us, at least on some level, to answer these questions.

In the stories of Pharaoh and Bilam, God intervenes and limits or removes the ability of these individuals to make and act on their own choices. What happens in these two situations? Why does Hashem seemingly take away their free will? And what, if anything, does this teach us about the limits of free will?

**Pharaoh**

In Shmot 7:3, Hashem tells Moshe that He will harden Pharaoh’s heart (va’ani aksheh et lev Paroh). In this sense, it seems that Hashem is taking away the free will of the Egyptian ruler. And in each plague, there is mention of Pharaoh’s heart being hardened. In the beginning, Pharaoh hardens his own heart, but by the last five plagues Hashem hardens Pharaoh’s heart.4 We clearly see that Hashem intends to take away Pharaoh’s free will from the beginning. Hashem tells us what He wants to achieve (7:3) — that He wants to bring about many great wonders and show those great wonders to others. But isn’t there an alternate way to achieve this goal? Why did it have to involve taking away Pharaoh’s free will?

There are different schools of thought on this. According to many, including the Ramban, the Sefero, Rasag and Rav Yitzchak Aramah, hardening Pharaoh’s heart was actually a preservation of his free will.

According to the Rambam in Shemoneh Perakim, chapter 8:

A person can choose his actions, to do something or not to do it, unless Hashem punishes him and then his free will is nullified.

We certainly have free choice and free will. We can choose to put our hand in the fire. But every choice we make will have a consequence. If we choose to put our hand in the fire, we will most likely get burned. If we choose to violate a Torah law and not listen to Hashem, He may punish us. A possible consequence could be the removal of our free will.

But what are those circumstances that Hashem takes away our free will? If Hashem takes it away, then how can we do teshuvah? Do we ever gain back our free will?

To add to our understanding of the limits of free will, and whether we can ever gain it back, let us examine the story of Bilam.

**Bilam**

In Bamidbar 22:5, Balak asks Bilam to curse Bnei Yisroel. Twice, Bilam refuses, saying that he must listen to God. God tells Bilam not to go to Balak, but when Bilam presses
Hashem, he is granted permission, as long as he abides by God’s words:

ויָשִֽם הbled ilkılmכֻקְשִּֽים לְלֵב וַאֲוֳרֵי לָא מִן לְאָוְרֵי לִבָּא כֹּל אֲוּרֵי לְאָוְרֵי לִבָּא כֹּל אֲוּרֵי לִבָּא כֹּל אֲוּרֵי לִבָּא כֹּל אֲוּרֵי לִבָּא כֹּל אֲוּרֵי Lashon Hakodesh — Hashem tried to rectify this situation by manipulating Bilam’s words.

Bilam did not fully understand how powerful his words were, and so Hashem taught Bilam a lesson by taking away his free will and showing him the right way to use his words.

Similar to Pharaoh, when Bilam attempted to defy Hashem, his will was constrained. There are many similarities between the situations of Pharaoh and Bilam but also many notable differences.

Both of these men were leaders. There are many details described in the Torah of Pharaoh as the king of Egypt, but very little about Bilam other than that he was a powerful sorcerer and had a relationship with Hashem. Both men sought to harm Bnei Yisrael, albeit through different means and for different purposes. Pharaoh wanted Bnei Yisrael to remain his servants in perpetuity because he was worried that they were a great and strong nation — рев шах вр мишач (Shmot 1:9).

Bilam caused Bnei Yisrael physical suffering, not only to maintain them as slaves, but to create within them a “slave mentality.” Bilam attempted to curse Bnei Yisrael, to harm them through his words. However, he was not motivated by any personal desire. Balak was concerned, similar to Pharaoh, about Bnei Yisrael’s strength. Balak describes Bnei Yisrael in Bamidbar (22:3,5) as рев ху (numerous) and az’un rum mimeni (more numerous than me), and so he asked Bilam to curse them. In both cases, Hashem punished these individuals by taking away their free will. However, Bilam seems to acknowledge that Hashem might do this while Pharaoh has no knowledge of Hashem’s plan.

But the end of their stories diverge. Bilam eventually recognizes what the right path is:

Now Bilam, seeing that it pleased the Lord to bless Israel, did not, as on previous occasions, go in search of omens, but turned his face toward the wilderness.

Bamidbar 24:1

Bilam saw — on his own — that it was good in Hashem’s eyes to bless the Jewish people. It further states (24:3) “vayisa meshalo” — he presented his parable, his own parable. The words that came next, the real bracha, came from him and not from God. Hashem no longer needed to intervene, since Bilam now recognized the right path to take; his free will was thus reinstated.

This point is made by the Or Hachayim:

However, if we look at the pesukim, we see that Bilam is required to do more than follow what Hashem has told him to say. Four times we see an idea that implies that Bilam had his free will removed.

When Bilam speaks with Balak he says ובְרָבֶּר אֲשֶׁר יָשִֽם אֹהֶלֶם מִפִּי אֲדַבָּר — Everything that Hashem puts in my mouth is what I will say (22:38).

And then when Bilam tries to curse Bnei Yisrael, Hashem literally puts the words in his mouth: יָשִֽם הbled ilkılmכֻקְשִּֽים לְלֵב וַאֲוֳרֵי Lashon Hakodesh — God placed the words in the mouth of Bilam (23:5). These words are repeated twice more. After Bilam initially blesses Bnei Yisrael, Balak becomes angry with him and Bilam responds על הא Ceremony וַאֲוֳרֵי Lashon Hakodesh — I can only repeat faithfully what God puts in my mouth (23:12). And then when Bilam tries to curse Bnei Yisrael again, he says יָשִֽם הbled ilkılmכֻקְשִּֽים Lashon Hakodesh — And [God] placed the words in his mouth (23:16).

If we believe in free will, how is it that we are told four times that Hashem literally put words in Bilam’s mouth and takes Bilam’s free will away?

The Or Hachayim (R. Chayyim ben Moshe ibn Attar), says there are many times when Hashem takes away our free will. In this case, he emphasizes that our language has incredible power and is holy. When Bilam tried to use it improperly — נטבוח ה’ לעשנות תוקך — this while Pharaoh has no knowledge of Hashem’s plan.

Now Bilam, seeing that it pleased the Lord to bless Israel, did not, as on previous occasions, go in search of omens, but turned his face toward the wilderness.

Bamidbar 24:1

Bilam saw — on his own — that it was good in Hashem’s eyes to bless the Jewish people. It further states (24:3) “vayisa meshalo” — he presented his parable, his own parable. The words that came next, the real bracha, came from him and not from God. Hashem no longer needed to intervene, since Bilam now recognized the right path to take; his free will was thus reinstated.

This point is made by the Or Hachayim:

However, if we look at the pesukim, we see that Bilam is required to do more than follow what Hashem has told him to say. Four times we see an idea that implies that Bilam had his free will removed.

When Bilam speaks with Balak he says ובְרָבֶּּר אֲשֶׁר יָשִֽם אֹהֶלֶם מִפִּי אֲדַבָּר — Everything that Hashem puts in my mouth is what I will say (22:38).

And then when Bilam tries to curse Bnei Yisrael, Hashem literally puts the words in his mouth: יָשִֽם הbled ilkılmכֻקְשִּֽים Lashon Hakodesh — God placed the words in the mouth of Bilam (23:5). These words are repeated twice more. After Bilam initially blesses Bnei Yisrael, Balak becomes angry with him and Bilam responds על הא Ceremony וַאֲוֳרֵי Lashon Hakodesh — I can only repeat faithfully what God puts in my mouth (23:12). And then when Bilam tries to curse Bnei Yisrael again, he says יָשִֽם הbled ilkılmכֻקְשִּֽים Lashon Hakodesh — And [God] placed the words in his mouth (23:16).

If we believe in free will, how is it that we are told four times that Hashem literally put words in Bilam’s mouth and takes Bilam’s free will away?

The Or Hachayim (R. Chayyim ben Moshe ibn Attar), says there are many times when Hashem takes away our free will. In this case, he emphasizes that our language has incredible power and is holy. When Bilam tried to use it improperly — נטבוח ה’ לעשנות תוקך — this while Pharaoh has no knowledge of Hashem’s plan.

But the end of their stories diverge. Bilam eventually recognizes what the right path is:

Now Bilam, seeing that it pleased the Lord to bless Israel, did not, as on previous occasions, go in search of omens, but turned his face toward the wilderness.

Bamidbar 24:1

Bilam saw — on his own — that it was good in Hashem’s eyes to bless the Jewish people. It further states (24:3) “vayisa meshalo” — he presented his parable, his own parable. The words that came next, the real bracha, came from him and not from God. Hashem no longer needed to intervene, since Bilam now recognized the right path to take; his free will was thus reinstated.

This point is made by the Or Hachayim:

However, if we look at the pesukim, we see that Bilam is required to do more than follow what Hashem has told him to say. Four times we see an idea that implies that Bilam had his free will removed.

When Bilam speaks with Balak he says ובְרָבֶּּר אֲשֶׁר יָשִֽם אֹהֶלֶם מִפִּי אֲדַבָּר — Everything that Hashem puts in my mouth is what I will say (22:38).

And then when Bilam tries to curse Bnei Yisrael, Hashem literally puts the words in his mouth: יָשִֽם הbled ilkılmכֻקְשִּֽים Lashon Hakodesh — God placed the words in the mouth of Bilam (23:5). These words are repeated twice more. After Bilam initially blesses Bnei Yisrael, Balak becomes angry with him and Bilam responds על הא Ceremony וַאֲוֳרֵי Lashon Hakodesh — I can only repeat faithfully what God puts in my mouth (23:12). And then when Bilam tries to curse Bnei Yisrael again, he says יָשִֽם הbled ilkılmכֻקְשִּֽים Lashon Hakodesh — And [God] placed the words in his mouth (23:16).

If we believe in free will, how is it that we are told four times that Hashem literally put words in Bilam’s mouth and takes Bilam’s free will away?

The Or Hachayim (R. Chayyim ben Moshe ibn Attar), says there are many times when Hashem takes away our free will. In this case, he emphasizes that our language has incredible power and is holy. When Bilam tried to use it improperly — נטבוח ה’ Lashon Hakodesh — this while Pharaoh has no knowledge of Hashem’s plan.

But the end of their stories diverge. Bilam eventually recognizes what the right path is:

Now Bilam, seeing that it pleased the Lord to bless Israel, did not, as on previous occasions, go in search of omens, but turned his face toward the wilderness.

Bamidbar 24:1

Bilam saw — on his own — that it was good in Hashem’s eyes to bless the Jewish people. It further states (24:3) “vayisa meshalo” — he presented his parable, his own parable. The words that came next, the real bracha, came from him and not from God. Hashem no longer needed to intervene, since Bilam now recognized the right path to take; his free will was thus reinstated.

This point is made by the Or Hachayim:
Every man was endowed with a free will; if he desires to bend himself toward the good path and to be just it is within the power of his hand to reach out for it, and if he desires to bend himself to a bad path and to be wicked it is within the power of his hand to reach out for it.

Hilchot Teshuva 5:1

We learn from this that free will is our ability to discern good from bad and our ability to choose to act based on this understanding. Free will can be used for both moral and immoral purposes. It does not make us moral people, but it gives us the choice to be moral.

We can choose how we act — positively or negatively. In both situations, there will be consequences. When we use our free will the wrong way and make poor choices, we are deviating from the moral path. Hashem may punish us and try to show us that we have gone in the wrong direction, even removing our free will in that moment. But it is not a permanent constraint — we can always gain our free will back. We can choose to rectify the situation. That process of rectification is teshuvah. The Maharal, Rabbi Yehuda Loew ben Betzalel, in Gevurat Hashem (ch. 31) differentiates between those who are overtaken by desire, emotion and passion and those who choose evil willingly. Those who sin because of the former, if they are sincere in their teshuva, are forgiven by Hashem. Through their teshuva, they are expressing who they really are, and as such gain back their free will. They return to themselves. However, if they choose evil willingly, teshuvah is impossible. Pharaoh demonstrated that he intellectually chose the path of evil and therefore the gift of teshuvah was impossible. Bilam, however, who did not choose evil — and in fact never succeeded in cursing Bnei Yisrael — could see the right way and follow that path. So much so that the bracha he gave to Bnei Yisrael of his own free will is said every day in davening — Mah tovu ohalecha Yaakov — how great are the tents of Jacob. This is a reminder to us of our ability every day to choose the right thing, and that it is not our free will that makes us moral people but our choices.

Free will is a cycle. When we use our free will for good, we put ourselves on a moral path, and following this moral path leads us to greater free will. But when we use our free will for the negative, we may lose the opportunity to continue to use our free will. So the choice is ours: how will we use our free will?

Endnotes

2. See the resources referenced at https://en.wikipedia.org/wiki/Determinism
3. See the resources referenced at https://www.jewishvirtuallibrary.org/jsource/Judaism/FreeWill.pdf
4. It is interesting to note that in the pesukim there are three different words used to describe the same action: vayechazek — he strengthened, va’aksheh — and I will make hard, vehachbed — and he made heavy. Hashem said that he will harden (va’aksheh), but that verb does not appear when Pharaoh’s heart is actually hardened.
5. On chapter 7, verse 3.
6. There are many other definitions and aspects to free will. For a more comprehensive analysis see Wiederblank, Rabbi Netanel, “Illuminating Jewish Thought: Explorations of Free Will, the Afterlife and the Messianic Era.” The RIETS Hashkafa Series, The Michael Sharf Publication Trust of Yeshiva University Press, Magid Books, 2018.
8. There is much discussion about what Bilam’s actual sin was. From the peshat of the pesukim it is not clear. See http://www.nechama.org.il/pages/924.html. He was killed later in the battle between Bnei Yisroel and Midyan.

Free will does not make us moral people, but it gives us the choice to be moral.
THE MITZVAH OF LISTENING

The story is told of Franklin Roosevelt, who often endured long receiving lines at the White House. He complained that no one really listened to what he said. One day, during a reception, he decided to experiment. To each person who passed down the line, he murmured, “I murdered my grandmother this morning.” The guests responded with phrases like, “Marvelous!,” “Keep up the good work,” “We are proud of you,” “G-d bless you, sir.” Only at the end of the line, while greeting the ambassador from Bolivia, were his words finally heard. Unflinching, the ambassador leaned over and whispered, “I’m sure she had it coming.”

It may only be an urban legend, but the underlying point is profoundly true. People tend not to listen.

Rosh Hashanah is a tremendously special and powerful day. In what unique way are we supposed to serve Hashem at this auspicious moment? What is the mitzvas hayom? What is the unique call of the day?

The shofar. But what about the shofar? To blow it? Only one person sitting in shul blows the shofar, while everyone else simply listens. The bracha highlights listening as the key aspect of the shofar — lishmoah kol shofar — to hear the sound of the shofar.

How surprising! That’s it? This holy and special day doesn’t have a unique and special mitzvah that we need to perform b’kum va’asei (actively)? We simply have a passive mitzvah of listening?

This suggestions is very surprising and perhaps even challenging for some.

Let us try and think more deeply about listening. If that is the call of the day, then maybe there’s more to it than what it seems on the surface.

Perhaps the most famous passuk in the Torah is that of “shema Yisrael.” What do those words mean? Hear O Israel. Is it really sufficient just to hear the words Hashem Elokeinu Hashem echad? That’s it? Just let those words bounce off your eardrums and you have fulfilled the biblical commandment?

The Rashba was asked a very simple, basic question: what kavana (intent) should we have when reciting the words shema Yisrael? He writes in a teshuva (5:55) that obviously the passuk means more than just physically hearing. Instead, based on
We have an obligation to listen and investigate what we hear and comprehend because true understanding requires this. This is what is meant by “shema Yisrael.” The word “shema” includes three ideas. The first is hearing with one’s ears … This term is borrowed to apply to the Master: “You shall give to Your servant a listening heart.” It is also borrowed to refer to accepting and to believing [what was heard.] … Here, when we say “shema Yisrael” it includes three ideas: that we are commanded to hear and to learn, for if not for hearing and learning, we will not look to Him. After hearing and learning we thoroughly investigate whether there is evidence that contradicts what we found, heaven forbid. After we go from hearing to complete understanding, the investigation will lead us to believe that He exists and He provides providence over all of our actions.

The first is the simple meaning — literally to hear. The second, to understand, and the third is to accept. In truth, in the English language these same three definitions of hearing exist as well.

This explains how we can attribute hearing to Hashem. He has no ears, but He certainly is the shomea tefila (He Who hears our prayers), the meivin umaazain mabit umkashiv lkol tekiaseinu (He understands, listens and pays attention to the sound of our shofar blasts) — He understands and hopefully accepts both our verbal tefillos as well as the cries of the shofar we bombard Him with on Rosh Hashanah.

And with this understanding, we can appreciate a difficulty in the special Mussaf Shemoneh Esrei of Rosh Hashanah. There are three middle sections to the Shemoneh Esrei on Rosh Hashanah: Malchiyos (kingship), Zichronos (remembrance), and Shofros. Each section quotes ten pesukim that include the key word of that section. What
is the last passuk of Malchiyos? Shema Yisrael Hashem Elokeinu Hashem Echad — where is the mention of melech? The key word is missing!

The Gemara, Rosh Hashanah 32b, explains that this in fact is a dispute among the tannaim:

אמר רב הונא ת"ש שמע ישראל ה' אלקינו ה' אחד מלכות דברי ר' יוסי ר' יהודה אומר אינה ויהי

R. Huna said come and listen [to a proof from a beraisa]: The verse “Shema Yisrael Hashem Elokeinu Hashem Echad” is the last passuk of Malchiyos? The Gemara, Rosh Hashanah 32b, explains that this in fact is a dispute among the tannaim: among the tannaim: among the tannaim:

explains that this in fact is a dispute among the tannaim: among the tannaim:

The Gemara, Rosh Hashanah 32b, explains that this in fact is a dispute among the tannaim: among the tannaim:

Rebbi Yosi says that Shema Yisrael counts as a passuk of malchiyos while Rebbi Yehuda argues that it’s missing the key word.

Rebbi Yosi says that Shema Yisrael counts as a passuk of malchiyos while Rebbi Yehuda argues that it’s missing the key word.

Rebbi Yehuda is right — the word melech is absent — so why does Rebbi Yossi count it?

Perhaps now that we understand that Shema means to accept, to listen requires a choice of where I place my attention.

The sense of hearing and the power of listening on Rosh Hashanah and during the period of Yom Kippur, is at the core of connecting with our Higher Power. The whole person. The proof is from Yisro, who heard about all that Hashem did for the Jewish people and was inspired to join them.

What is the ear’s special power that makes it so valuable and powerful?

Several years ago, I attended a production at the NYU Skirball Theater called “Not By Bread Alone,” performed by the Israeli theater group Nalagaat, the world’s only blind-deaf professional acting ensemble. The actors communicate through touch, vibrations from a loud drumbeat, and occasional assistants. While the actors perform an earthy, tactile task — kneading and baking bread, with the aroma wafting up from the ovens at the back of the stage — they share their thoughts on subjects such as how they would most want to give their bread to (a kind soul, a hungry child) and what life is all about. Performer Itzik Hanuna’s searing depiction of being trapped with his own thoughts, not knowing if someone had entered his house, showcased the suffering and loneliness of someone who cannot hear.

At the crux of what Chazal are teaching us is that the chush hashemiah, the sense of hearing, is at the core of connecting to others and opening ourselves up to outside influences. Perhaps that is why a deaf-mute is halachically not considered to have the da’as necessary for certain halachic functions. [Parenthetically that also may be why there is so much more recent halachic discussions about whether the status of the cheresh has changed with sign language and other innovations]
allowing the deaf to communicate."

Simultaneously, part of the connection that hearing creates with the outside world demands that we take responsibility to let in only positive influences. The Sefer Chareidim enumerates nine mitzvos that depend on the ear, one of them, to take our fingers and stick them inside of our ears, as the Gemara, Kesuwos 5b, says:

אלма מתעמש מתינו שיתינו ששמע אוסר דבר שאינו הגון אוסר דבר שאינו הגון אוסר דבר שאינו הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינה הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון אוסר דבר שאינש הגון_A rather, what is the reason that our fingers are shaped like pegs? So that if someone hears something that is not appropriate, he should stick his fingers in his ears. The school of R. Yishmael taught: Why is the ear hard and the lobes are soft? So that if someone hears something that is not appropriate, he can fold the lobe into it.

Our fingers are shaped as they are and our earlobes are soft so as not to hear lashon hara or inappropriate speech.

Our connections through listening take on several forms. To listen to others. To listen to criticism. To listen to G-d.

The great psychologist Viktor Frankl was once awakened at 3 a.m. by a female patient who was about to take her own life. He stayed on the phone with her for two hours and finally convinced her to come in the morning to his office to talk further. When Frankl met her in the morning, he asked her, “Could you please tell me, what was it that I said? What argument did I suggest that was persuasive enough to convince you to come here today?” She responded that it was nothing he said, but the fact that he was willing to listen to her in the middle of the night, for so long, that made her realize there is value to living life on this Earth. The connection that listening, active listening, provides, is very real.

We read in the krias Hatorah of Rosh Hashanah the story of Yishmael being sent out of the house of Avraham with Hagar, and that Yishmael became ill and eventually healed. The medrash (Bereishis Rabbah, Vayera 53:8) records that the malachim said to Hashem, “Let him die. In the future his children will inflict so much damage on the Jewish people, end it now!” Hashem responded: No! A person is judged ba’asher hu sham, where he is right now, not based on what the future will bring. Right now, he deserves to live.

Is that rule really accurate? What about the ben sorer u’moreh, the wayward son, who is killed (Devarim 21:18)? Rashi (Devarim 21:18) explains that it is better he should die now innocent than in the future when he is full of sin. What happened to “ba’asher hu sham”? Right now, he doesn’t deserve it?

Rav Chaim Yaakov Goldvicht z”l, Asufas Ma’arachos to Ki Seitzei, explained the distinction lies in two words: the ben sorer u’moreh is described as “eino shomea” he doesn’t listen, he is not willing to listen. If a person won’t listen, can’t connect to others, then his future is bleak. He has lost his chance to be judged on a “ba’asher hu sham” basis.

Rosh Hashanah is not only a time to focus on our relationship with Hashem, but on bein adam lachaveiro as well. Hashem acts with us as He sees us act. If we want our tefillos to be heard, in all senses of the word, if we want the piercing sounds of our mitzvas shofar to be heard, we need to show Hashem how we listen. We need to commit ourselves anew to listening.

When that shofar sounds on Rosh Hashanah, it is not a passive mitzvah, but a mitzvah to listen actively, to pay attention, to accept on ourselves:

1) to listen to Hashem, to strengthen our commitment to mitzvos in areas that may have been weak. In a general sense to realize, become comfortable with and accept the yoke, the responsibility, but also the opportunity for mitzvos. To focus on at least one area where our listening to His Torah may be lacking.

2) to be willing to listen to criticism. One of the 48 traits necessary to acquire Torah is ohev es hatochachos, to love musarr, to love rebuke, to love criticism. It is hard to find fault in ourselves. It is very painful and many defense mechanisms are initiated when those raw nerves are struck. Try to be open to it, maybe someone else has a point, take criticism seriously. In the end we all gain.

3) to really listen to others. To give a spouse, a child, a friend, a coworker, the attention he or she deserves when needed. To put aside everything else and pay attention to people as we would want from them when we are speaking. We spend much of the time that others are talking to us thinking about what we are going to say, instead of listening to what is being said. We need to commit ourselves to serious listening every day at least for a few minutes, without any distractions.

Shema koleinu Hashem Elokeinu — Hashem please hear our tefillos, our wishes, our desires for the coming year. See how we are committed to listening to Your mitzvos and in that merit hear all of our tefillos, with mercy, so we all merit a kesiva vachasima tova.
Even the most devoted practitioners of chesed (acts of kindness) and charity are human and are restricted by the limitations of reality. Resources are finite; time, money, and emotional energy all require careful allocation. Since resources that are bestowed in one place cannot be bestowed elsewhere, the halakhah has formulated principles of prioritization to guide the maximal fulfillment of the crucial mitzvah of tzedakah.

In general, the discussion is complicated by the fact that the expression of charity and chesed will generally allow for some measure of personal discretion. Discretion, by definition, would seem to be incompatible with regulation. It is noteworthy that one method of charitable donation and disbursement in contemporary times is the “rabbinic discretionary fund.” Rabbinic discretion is a special kind — one that, by its very nature, suggests a judgment informed by values that are rooted in legislated principles found in the Talmud and codes. The existence of the rabbinic discretionary fund is indicative of the unique place tzedakah occupies within this reality.

On the one hand, tzedakah is a concrete religious obligation, codified in the “Yoreh De’ah” section of Shulchan Arukh along with much of what makes up the curriculum of rabbinic training. Nonetheless, the subjective factors applicable in evaluating charitable priorities are manifold, often obscure, and at times willfully misrepresented. While every area of Jewish law involves variables that affect the application of halakhah, tzedakah would appear to be complicated to the point of defying any regulation. To calculate urgency of need, priority, proportionality, honesty of supplicants and countless other factors, and emerge with clear direction, is a daunting task. Nonetheless, when all is said and done, individual judgment will steer the course. A frequent theme in rabbinic responsa is that after carefully analyzing the pertinent halakhic aspects, it is up to the donor, administrator, or rabbi to assess the application.¹

The Vilna Gaon is quoted as having

MAKING A DIFFERENCE: PRIORITIES IN TZEDAKAH

Adapted from Divine Footsteps: Chesed and the Jewish Soul (2009)
Within the tzedakah imperative,2 (Deut. 15:7), as an instruction about “you shall not…close your hand against your destitute brother” evyon lo tikpotz et yadkha mei-achikha ha-

homeretically understood the verse, "everything is judged by the multitude of actions; for example, when an individual gives a thousand gold coins in a thousand instances, and gave every coin in the spirit of generosity, because the latter repeated the act of generosity a thousand times and achieved a strong acquisition, while the former aroused his soul to do good once and then ceased; and thus the phrase, all according to the multitude (rov) of the action and not magnitude (godel) of the action. Others, such as the Maharal of Prague and R. Yaakov Emden, adopted a different perspective, emphasizing quality over quantity;4 Maimonides’ position, however, appears to have exerted a greater influence on the halakhic literature.

The reason for, and focus of, Maimonides’ view remains to be determined. On the one hand, Maimonides’ language suggests an emphasis on the spiritual elevation that comes from performing a mitzvah act. The benefits to the soul of the doer justify the dilution of the concentration of the act itself; the act impacts positively with each repetition. Similarly, some commentaries5 highlight the growth resulting from continuously resisting uncharitable impulses.6

Alternatively, there are those who base a preference for multiple donations over large single gifts because of the enhancement accrued by the recipients. In other words, diversification is ideal because the world is better off when more people are helped, and the world is worse off when the minority benefits disproportionately at the expense of others.

Even if this is not a correct reading of Maimonides, it is explicitly relevant to an administered fund. If the preference for quantity is derived from the benefit to the soul, then such a factor is relevant only to the donor himself, and not to one administering the funds of others. If, however, the advantage is a reflection of wider benefit being more halakhically desirable, this concern is directly relevant to an administered fund as well.9

It is also conceivable, as is often the case, that the ideal path is somewhere in the middle. If diversifying the donations can be done without diluting the effect to the point of insignificance, then such an approach...
Dei Machsoro

After determining the method of distribution, it is necessary to determine what is demanded of the donor or disburser in relation to a given recipient. The Torah, in mandating the support of the needy, indicates a goal of supplying “dei machsoro,” “his required need” (Deut. 15:8). The Talmud understands this expansively, including even the provision of “a servant to run in front of him” if this is the accustomed standard of the recipient. Nonetheless, those funds are likewise not infinite, and prioritization will continue to take a strong role in the allocation process. Practically, then, “dei machsoro” is rarely attainable; the concept, however, remains instructive in defining some core elements within tzedakah, as will be discussed below.

A much more limited obligation of fulfilling “dei machsoro” concerns the roving supplicant, who is himself “diversifying” and can be assumed to be drawing support from multiple sources. According to the Shulchan Arukh, such an individual is entitled only to a “small gift.” The Taz relates that there are a number of disputed points regarding this ruling, particularly as to whether the reference is to individual or public funds. He concludes by noting that consensus seems to settle on a small gift comparable to the value of one meal.

In addition to the positive commandment to provide for the needs of the poor, there are two Torah prohibitions that would seem to apply to anyone approached for funds. In the context of the mandate of tzedakah, the Torah warns, “… you shall not harden your heart or close your hand against your destitute brother” (Deut. 15:7). Thus, it bears determining whether every refusal to give charity violates the two Biblical commandments of “you shall not harden your heart” and “you shall not close your hand.”

It is possible that these prohibitions are binding even without an overt request on the part of the poor person; perhaps knowledge that there are needy people nearby is enough to create a responsibility. This appears to be the position of Maimonides in Sefer Ha-Mitzvot, although his phrasing in Mishneh Torah has left open some room for question. The Rashba, however, seems to restrict the obligation to one who has been approached directly. Some contemporary authorities assume this latter view to be normative.

The possibility of violating two Torah prohibitions certainly is a factor when making the decision to bestow charity. However, many authorities limit the scope of these prohibitions. For example, R. Meir Auerbach suggests that the prohibitions only apply in a situation where the entire responsibility of “dei machsoro” is binding; when, however, the petitioner will, in any event, turn to other sources, they do not apply. Furthermore, others suggest that the prohibitions only refer to reluctance resulting from a “hardening of the heart;” when the issue is limited funds, or questions as to the qualifications of the recipients, they may not apply. Along these lines, R. Leib Baron suggests the following distinction: the positive obligation of tzedakah is addressed both to the

is preferred. If, alternatively, only concentration will yield an effect of demonstrable impact, then that is the path to take.

In any event, the principle that one should not direct all his resources toward one recipient is codified in the Shulchan Arukh. Nonetheless, as the Maharsham observes, it is likely that the Shulchan Arukh disapproves only of a consistent policy of exclusivity. An occasional concentration of efforts on one needy case is not covered by this admonition.
Prioritization between Individuals

Perhaps the most famous principle of prioritization is that of “aniyei irkha kodmim,”28 — the poor of your city take precedence — indicating preference to those in closest proximity. The Meiri maintains that this is the overriding priority, and all other factors are evaluated only within this context.29

A comment found in the later Biblical commentary Panim Yafot has made a greater halakhic impact than might be expected for a homiletic commentary, largely due to the author of that work having been R. Pinchas Halevi Horowitz, author of the Sefer Hafla’ah and one of the primary mentors of the Chatam Sofer. The Panim Yafot identifies two significant textual clues towards prioritization in the verse “Ki yihyeh bekha evyon… “ If there shall be a destitute person among you …” (Deut. 15:7) The words “bekha” and “evyon” are of particular relevance. “Eyvon” is a stronger term for a poor person than “ani,” suggesting true indigence. Etymologically, the word is related to the word “ta’ev,” indicating “need.” This becomes a guiding principle in prioritization: kol ha-ta’ev, ta’ev kodem — the neediest comes first. This is the dominant rule, according to the Panim Yafot, overriding even the priority of aniyei irkha. All preferences of proximity presume comparable need; if there is a disparity in this area, priority goes to those in greatest need.30

However, even this rule is not absolute; the word “evyon” is preceded by the word “bekha.” When family is concerned, their needs come first, even if others outside the familial group are more urgently lacking. This may be another area in which there is a distinction between private charity and an administered fund. R. Moshe Feinstein suggests that a distributor of funds bears a greater responsibility toward objectivity and thus must be more mindful of disparities in need. An individual donor, however, retains the right to bestow his largesse as he feels comfortable, and may be less attentive to this criterion.31

Thus, two distinct factors compete for priority in charitable giving: severity of need and closeness in relationship.32 The analysis of the Panim Yafot was adopted by his famous student, the Chatam Sofer, who ruled accordingly that all priorities of proximity are only operative in cases of comparable need, although he dispensed with this standard when the recipient was the father of the donor.33

The parameters of the Chatam Sofer’s definition of family have sparked some analysis among later authorities.34 However, from the perspective of discretion, such delineation would be secondary to the emerging principle, a balancing of the often competing elements of urgency and proximity.

The next prioritized category in the distribution of charity is aniyei Eretz Yisrael, the poor of the Land of Israel.35 The Chatam Sofer posits that within this category, the poor of Jerusalem take precedence over those of other cities since the sanctity of the city outlasts the destruction of the Temple (kidshah le-atid lavo) and Jerusalem is, in any event, the home of the Divine presence.36

A number of elements may play a role in the prioritization of the poor of Israel. For one thing, supporting this population is a direct fulfillment of the imperative to settle the Land of Israel.37 Another perspective, however, sees this priority as an expansion of the aniyei irkha principle.38 This notion itself allows for two possibilities. On the one hand, it may be argued that the stake the entire Jewish nation has in the welfare of the Land incorporates the Land of Israel into the orbit of irkha; alternatively, the fact that the whole world benefits spiritually from development in the Holy Land accomplishes the same status.39

Authorities debated the status of individuals who are rooted in and have a close connection to a Diaspora community but are currently residing in the Land of Israel. According to R. Chaim Sanzer, no preference is shown to this group, which is now a part of the larger population of the needy of the Land of Israel.40 The Muncaczer Rebbe cites R. Chaim Volozhiner, who does recognize a preference in this case.41 He then attempts to reconcile the two approaches, suggesting that the operative element is the question of whether this group is receiving any assistance already. Ultimately, he concludes that there is priority given, upholding the principle as established above: Those with the closest connection to the donor come first.42

Prioritization between Causes

In addition to a system of prioritization among recipients, there are preferences indicated between

material needs of the recipient and the spiritual needs of the donor. The prohibitions, however, are only directed at the donor, instructing that he not allow his sense of compassion to be eroded. Accordingly, when he is justified in not giving, the prohibitions do not apply.37
different causes, once the urgent needs of the poor without food have been seen to. The Shulchan Arukh maintains that one who has funds to spare could do no better with them than to assist in the marrying off of poor young women. Another priority in charitable giving is Torah education. The structure of the local school system is, to some extent, derived from a system put into place by R. Yehoshua ben Gamla, who created a centralized system for children to be educated outside of the home. In the opinion of some authorities, as a result of this enactment, supporting local schools is not only tzedakah but part of the basic obligation of Torah study; others understand that it is still tzedakah that is fulfilled, but of an even more mandatory nature. Halakhic authorities quote from earlier sources that in a community in which not all parents are able to afford tuition for their children, the obligation falls on the community members as a whole in accordance with their capacity to contribute.

The needs of the larger world population, outside of the Jewish community, also merit a place on the list of causes supported by Jews. While the Talmud mandates assisting the poor of the world “together with the poor of Israel,” authorities have the poor of the world “together with the poor of Israel,”47 while the Talmud mandates assisting the poor of the world “together with the poor of Israel.”

The opportunity to guide, direct, and optimize the charitable sensitivities of public and private funds is a profound one. It is hoped that further study of the underlying principles will hone the discretion to the point where it is most reflective of the Divine command.

Endnotes
1. See, for example, R. Moshe Feinstein, Responsa Iggerot Mosheh, Yoreh De’ah II, 115. See also R. Shmuel Wosner, Responsa Shevet Ha-Levi I, 199; Responsa Givat Pinchas, 64; R. David Shperber, Responsa Afarkasta De-Anya I, 183; and R. Chaim Kanievsky, Derekh Emunah, Hilkhot Matnat Aniyyim 10:49.
3. Avot 3:15.
5. See R. Yitzchak Sorotzin’s Gevurat Yitzchak and R. Ovadia Yosef’s Anaf Etz Avot to Avot; compare, as well, Mitzvat Ha-Tzedakah of the Lubavitcher Rebbe, #26. Note also R. David Cohen, Birkat Ya’avetz I, p. 48. See also R. Aharon Yehudah Grossman, Responsa Ve-Darashta Ve-Chakarta I, Yoreh De’ah 35, in reference to the question of granting one large loan or many smaller ones.
6. The general question of the impact of quantity or quality in the halakhic realm is one analyzed at length in Talmudic commentary; see, for example, R. Yosef Engel’s Lekach Tov, #15, and in particular, the comments of the Ran, Yoma 4b in pages of the Rif, s.v. ve-garsinan, where it is suggested that slaughtering an animal on Shabbat is less objectionable than eating non-kosher food because the latter option involves repeated transgressions with each bite, even though the former is, by itself, more severe. [Note also R. Engel’s observation on Maimonides’ comments in his Gilyonei Ha-Shas to Bava Batra, 9b.]
7. Bach, Orach Chaim 695. See also Magen Avraham, Orach Chaim 695.12.
8. Einruvin 63a.
10. See R. Elyakim Devorkes, Be-Shivilei Ha-Parshah, p. 71-2; See also Responsa Minchat Yitzchak VI, 102, and Responsa Shevet HaKehati II, 220.
11. Yoreh De’ah 257.9.
12. Note that the Chatam Sofer, Responsa, Yoreh De’ah 229 exempts from this exhortation one who is supporting a parent.
15. Ketuvot 50a.
16. See, for example, R. Yehudah Gershuni, in the journal Barkai, vol. 11, p. 77-81.
17. Yoreh De’ah 250.1.
18. The Shakh observes that the Rama follows the Beit Yosef, against the Tur. See also Bach and Biur Ha-Gra.
19. Responsa Shevet Ha-Levi X, 13. See also R. Chaim Elazar Schapiro, Responsa Minchat Elazar VI, 46. Note also Responsa Ya-Ya’an David (Yoreh De’ah, 146), who notes a difficulty in the statement of the Rama.
20. Yoreh De’ah 251.3.
23. Shevu’ot 25a, citing earlier opinions.
24. See, for example, R. Yaakov Yeshaya Bloi, Tzedakah U-Mishpat, ch. 1, n. 3; R. Chaim Kanievsky, Derekh Emunah, Hilkhot Matnat Aniyyim, ch. 7, #7; R. Shimon Malkah, Mishpetei Shimon: Halv’ah Le-Or Ha-Halakhah, pp. 12-16; and Responsa Mishneh Sakhir, cited in Responsa Shraga Ha-Meir VIII, 90:5.2.
25. Imrei Binah, Orach Chaim, 13:3. See Tzedakah U-Mishpat, ibid., who considers this position in combination with other factors in assuming that the prohibitions are not violated when failing to respond to a letter appealing for funds.
26. See Responsa Avnei Yoseph IV, 101:2; Smag, prohibition #289; Einayim La-Mishpat, Bava Batra 9a; and Nikdash Be-Tzedakah, p. 231-232.
27. Misamchei Lev, 17.
28. Yoreh De’ah 251.3.
29. Meiri, Ketuvot 85b. The works of the Meiri were unavailable for centuries; during that time, this position was associated with the Responsa Shemesh Tzedakah, cited by the
It is noteworthy that some authorities factor into the equation the level of embarrassment involved, thus according priority to a potential recipient less needy but at risk of greater embarrassment due to his reluctance to ask for help, while others reject this consideration; see R. Avraham Avidan, Ahavat Tzedakah, ch. 9, 51, and fn. 163.

31. Responsa Iggerot Mosheh, Yoreh De’ah I, 144.

32. See also the discussion in Responsa Avnei Yoshpeh IV, 100.

33. Responsa Chatam Sofer, Yoreh De’ah, 234; chiddushim to Nedarim 80b.


35. Yoreh De’ah 251:3

36. Responsa, Yoreh De’ah, 234. See also Torah Temimah, Deut. 15, #22, who independently suggests the Jerusalem distinction. Responsa Shevet Ha-Levi, 135:5 questions the preference for Jerusalem, noting that the factors presented would only apply to the old city of Jerusalem. R. Chaim Kanievesky, Derekh Emanah I, Hilkhoe Matnot Aniyim, #239, assumes the issue is dependent on the sanctity of Jerusalem in contemporary times.

37. See Pe’at Ha-Shulchan, Hilkhoe Eretz Yisrael 2:22.

38. See R. Avraham Yitzchak Kook, Responsa Da’at Kohen, 133.

39. An extensive analysis of the priority given to the poor of the Land of Israel can be found in R. Shmuel Gershon Marel, Zikhron Ya’akov, 5.

40. Responsa Divrei Chaim II, Choshen Mishpat, 68.

41. Responsa Minchat Elazar IV, 8.

42. The dispute between R. Chaim Sanzer and R. Chaim Volozhiner may also be related to the above question regarding the reasoning for the priority of aniyei Eretz Yisrael; if it stems from an expansion of “irkha,” that notion would be doubly relevant if the recipients share a geographical history. See R. Moshe Nachum Yerushalimski, Responsa Be’er Moshe I, 2, who discusses this question at length.

43. The question of how exactly to relate to this priority when it conflicts with serving the needs of the severely destitute is addressed by R. Ya’akov Meir Stern in the journal Mi-Beit Levi 16, pp. 101-108.

44. Bava Batra 21a.

45. See Responsa Teshuvot Ve-Hanhagot III, 283, and Responsa Shruga Ha-Meir IV, 64.

46. See Darkhei Moshe, Choshen Mishpat 163, citing Rabbenu Yerucham, and Rama, Choshen Mishpat 163:3, and Biur Ha-Gra, 80.

47. Gittin 61a.

48. Shakh, Yoreh De’ah 251:2, and Biur Ha-Gra. See also Responsa Avnei Yoshpeh I, 193, and Emet Le-Ya’akov, Yoreh De’ah 251, fn. 137.
FOUR THOUGHTS ABOUT TZEDAKA

I. Associating Coins with Tzedakah

Our family was once shopping at a large supermarket. Upon checking out, the store gave us a gift: an inflatable rubber ball with the logo of Strauss — one of Israel’s well-known ice cream companies — emblazoned on the ball. Our 3-year-old son blew up the ball and started playing with it on our way to the car until it fell. “Ima,” he said, “Please pick up the ball that says ‘Eat ice cream.’” My husband and I were amazed. There was nothing written on the ball and this 3-year-old didn’t even know how to read. Even though the only print on the ball was the ice cream company’s logo, it was enough for him to understand the message. After all, he had been exposed to this message countless times over his first three years of life and knew exactly what it meant. I noted to myself that he didn’t say, “Please pick up the ball that says ‘Ice cream,’” but rather “Eat ice cream,” in the command form. I thought, the people in the marketing department definitely deserve a bonus. This incident left me a little pessimistic about education. I assumed that I was the one educating my child, not the advertising industry. What other subconscious messages was he receiving?

A short while later, we were at the playground with a friend. Her children were playing with her purse, and then her 3-year-old daughter dropped a coin on the ground. “Ima,” she said, “I dropped the tzedakah!”

She did not say she dropped the money or the coin, or the shekel. This piece of metal did not speak to her — like most people — in materialistic...
terms. We would immediately think “what could be bought with such a coin, and where can we find more?” But she was educated from her infant years that this coin is, first and foremost, used for charity. This coin came into the world in order that we could give it to others. That is its purpose. The money that we have is not really ours; we are just a conduit to get it to the right place. What a “girsa d’yankuta” — childhood lesson!

I smiled to myself. If it’s possible to ingrain in us commercial messages from infancy, it is also possible to ingrain from infancy that money is first and foremost used for tzedakah.

II. Tzedakah to Counter Idolatry

Years later, I received a gift from my father-in-law, a book by Rav Shlomo Wolbe called HaMitzvot HaShekulot. Rav Wolbe was a great educator, a student of the Mir Yeshiva, who brought the methods of the Mussar Movement to a budding Eretz Yisrael. He has raised generations of students with the concepts of self-thought and contemplation. In contrast to his more famous books, such as Alei Shor, HaMitzvot HaShekulot is almost unknown. I started reading it and couldn’t put it down.

Rav Wolbe writes about the seven mitzvot that our rabbis teach that are “equal to the whole Torah.” They are: denying idolatry, tzitzit, Shabbat, Torah learning, circumcision, charity and Eretz Yisrael. He then explains them one by one, but in a specific order. In his opinion, there is a ladder we must climb, from the first stage, to the second, and so on. One of Rav Wolbe’s grandchildren once said that every day before he began to read Shema, Rav Wolbe would close his eyes and concentrate, thinking about the seven steps.

The first mitzvah on this ladder is denying idolatry. We cannot begin our spiritual quest if we are enslaved to foreign concepts or if other values are sacred in our eyes. We must first know that the Torah is primary and only then can we move forward. Rav Wolbe writes that according to the Midrash, Avraham Avinu wrote a 400-chapter book detailing all the aspects of the

LIVE STREAMING MEN’S JUMP ROPE CLASS

WHY JUMP ROPE?

럼בעט לפשיטיב

Jump Into Shape’s 40-minute high-intensity interval training classes with weighted ropes deliver an efficient and fun full-body calorie-burning workout

INTRODUCTORY RATE: $249
Includes 7 classes, Crossrope’s™ 1/4lb and 1/2lb ropes, and fitness mat
Register at: JumpIntoShape.fun/live

Sundays
Oct. 27 - Dec. 8
8:30pm EST
idolatry in his generation. Today, there are far fewer physical statues and idols, but even in our generation we can write a book about the various ways we are enslaved.

Then comes the second, yet somewhat surprising, rung on the ladder — tzedakah. Kindness fills the void that is left when we rid ourselves of the yetzer (evil inclination). Giving tzedakah is how we put into practice the first rung of the ladder. After all, much of our “idolatry” is about money — lust for money or using money to buy material items (clothing, cars, a home). The person who climbs to the second rung of the ladder and gives tzedakah says: I am no longer enslaved to wealth, to money or to materialism. I freed myself.

This is how Rav Wolbe describes it:

Denial of idolatry of all kinds is a foundation of the Torah. This denial must be expressed in deed: in charity. In an ability to separate oneself from money. In all charitable giving, man admits that nothing belongs to him but to God, and if he does not give charity, he turns his money into idolatry. Charity is a huge step forward away from enslavement to the world.

III. Innovative Charity

So how do we climb to this second rung of the ladder? How do we give charity properly? I recently heard about “innovative charity.” This is the type of donation that isn’t simply debited automatically from our account on a monthly basis (although that too is very praiseworthy!); This is a well-planned act that gets to the heart of what tzedakah is about. Perhaps this is the intent of the Torah in describing the mitzvah of tzedakah:

For there will never cease to be needy ones in your land, which is why I command you: open your hand (patoach tiftach) to the poor and needy kinsman in your land.

Devarim 15:11

Why not just say open your hand? Why does it say p.t.ch. two times — patoach tiftach? Many commentators explain that there are two aspects of charity — the money itself and the atmosphere created by the act of giving. The Kli Yakar, for example, writes “hanetinah b’yad v’hapiyus b’feh” — the giving is with our hand and the reassurance is with our mouth. That is, we do not only consider the act of giving, but also the way in which it is given. The goal is not just to give the money to the poor person, but to think about how to restore him, how to avoid shaming him, and how to help him in a customized way that is most effective and sensitive to his needs.

Here are just two examples: In one neighborhood, it was customary for all residents of the neighborhood to buy groceries on credit and pay the bill once a month. One Jew told the

Yom Tov Maaya donating his Torah to Beit Knesset Torat Chesed in Be’er Sheva.
grocer that when the poor came to pay, the grocer should only charge for half of the bill, and he would pay the remainder himself. And so the poor took groceries like everyone else, paid like everyone else once a month and felt no shame. This is a type of matan b’seter (secret giving) that involves sophistication and attention.

The second story I covered myself in the Israeli media. Yom Tov Maaya, age 60, works as a janitor. He had a dream: to write a sefer Torah scroll, but he knew that this was an expensive task. For seven consecutive years (!), he finished his regular job and then went out to collect plastic bottles. For every bottle returned to the store he earned back 25 agurot (¼ of a shekel). He collected bottle after bottle, shekel after shekel, and managed to accumulate the necessary amount to purchase a sefer Torah. He then announced that the sefer Torah would be donated to the institution that he deemed most appropriate. An Israeli radio station hosted him on a special program in which he told his story. Out of 1,326 applications, his final choice was a synagogue in the city of Beer Sheva that was established in memory of a police officer who perished in a fire. Yom Tov Maaya managed to convey a simple but important message: every agurah is important. Every small donation counts. Everything adds up in the end. A janitor can also write a Torah scroll. This too is a very innovative way to teach us about the value of giving.

IV. Being on The Receiving End

But why talk about ourselves only as donors? I do not want to offend the readers, but in a certain sense — as Rabbi Nachman of Breslov explains — we are all beggars as well. Yes, this is true even if we give a lot of tzedakah and have a high net worth. We are all beggars of attention, of relationships, of love. “No man is an island,” wrote English poet John Donne. We need others, not for their money, but for their smile, their presence and their warm embrace. And in the age of social media, sometimes we just need their “likes.” Positively embracing others on social networks can really be “social charity” for some people.

Rabbi Nachman of Breslov dealt extensively in his writings with the lessons we can learn from beggars. He begins his famous story “The Story of Seven Beggars” with the following phrase: “I’ll tell you how happy they were.” The beggars’ joy in the story is simple, innocent and wholesome. They are not dependent on the outside world, are not chasing educational credentials or livelihood, they are not trying to impress anyone. While none of us want to be beggars, preferring always to be giving rather than taking, Rabbi Nachman reveals how each beggar has very high spiritual potential that has been hidden from us.

In these days of repentance and self-improvement, it is very empowering to know that we are imperfect, that we have the ability to let go and reveal the flaws and deficiencies that are within us. In a world that emphasizes individualism and personal accomplishments, Rabbi Nachman of Breslov provides us with great comfort that lies in our ability to admit that we also sometimes need help.

May we all merit to see a coin and associate it directly with charity, destroy idolatry by giving our money to others, find innovative ways to give charity sensitively and effectively, and admit that we are — sometimes — beggars.
A journey through Judaism's most controversial issues...

Explore intriguing topics such as:

- How Jewish philosophy guides Torah interpretation
- Can Jewish tradition combat Bible criticism?
- Divine providence and the existence of evil
- The origin and development of the oral tradition
- Rabbinic law vs. the spirit of halachah
- Rambam's Judaism in a post-Aristotelian world

“A remarkable new philosophical approach to Torah and Jewish faith, outstanding in its erudition... thoroughly engaging... This is the work of a major new talent in Jewish thought.”

Rabbi Lord Jonathan Sacks, Former Chief Rabbi of the UK

“Sophisticated discussion of many controversial philosophical and theological topics... sorely needed in this generation”

Rav Zev Leff, Rav/Rosh Yeshiva in Moshav Matityahu

www.JudaismReclaimed.com
START THE NEW YEAR
with
THE NOÉ EDITION
KOREN TALMUD BAVLI

The Hebrew and Aramaic text is duplicated next to the English translation in logical units.

Dialogue and poetic phrasing are presented with distinct line breaks, facilitating comprehension.

Thousands of full color illustrations throughout the Talmud bring to life specific textual references and background information.

The direct translation of the text is in bold, while the elucidation and explanatory text is in a lighter font.

The translation is accompanied by thousands of informational Notes and extensive indices of Background, Language, Personalities, and Halakha.

Vocalized [menukad] and punctuated Rashi and punctuated Tosefot commentaries to facilitate pronunciation and comprehension.

The Mishna and Talmud texts are vocalized, punctuated, and completely digitally reset for greater clarity and legibility.

Original, uncensored passages of the Talmud have been restored based upon careful study of medieval manuscripts.

Sets available online at www.korenpub.com and at your local Jewish bookstore.
Gain hands-on experience teaching children with disabilities.

Grow as an educator with personalized support from your instructors.

Master inclusive classroom practices and curricula development.

Learn More at: go.yu.edu/wurzweiler/special-education
70,000 ALUMNI IN THE YU FAMILY

Benjamin K. '19
ANALYST
Federal Reserve
Bank of NY

The Yeshiva University alumni network spans the entire globe and offers unequalled access to professional networks, career resources, shared expertise and social support. With the help of the Office of Alumni Affairs, a YU alum is never far away.

Did you know that 80% of all undergrads receive tuition assistance? At YU, we are happy to help. Just call 833-YU-HELPS.
Yeshiva University

New! Associate in Management Degree

Yu is now within your reach

Earn your Associate of Science in Management in two full years. No SAT or ACT Required.

Thrive in YU’s on-campus experience and dual curriculum.

Graduate with a GPA of 3.0 or better and begin a Bachelor’s at Sy Syms School of Business.

Learn More: yu.edu/AIM | Apply Today: yu.edu/apply

Katz
Katz School of Science and Health

Building Tomorrow, Today
Students explore how data and personalization will drive the marketing of tomorrow.

Dr. Maria Blekher
Director, M.S. in Digital Marketing and Media
The Katz School

ACCELERATE YOUR CAREER

Success starts with an M.S. in Digital Marketing and Media from Katz

Work 1-on-1 with faculty to produce a portfolio of work that is market-ready.

Explore all facets of marketing from advertising to consumer behavior to marketing analytics.

Access highly rewarding professional opportunities through our Career Center

Learn More at go.yu.edu/katz/marketing
Do you have Gaucher disease and not know it? Isn’t it time to find out? Gaucher is the most common inherited genetic condition among Ashkenazi Jews. From young children to adults, many people are misdiagnosed or mistakenly assume they were tested.

Ask your doctor about Gaucher disease. Treatment options, including oral medication, are available.

It’s no mitzvah to ignore your symptoms.

Call 833-GoGaucher (833-464-2824) for more information about Gaucher disease and testing.
**Boca Raton Resort & Club**

- Gorgeous half-mile stretch of Private Beach • 2 Championship Golf Courses
- 30 Clay Tennis Courts • Enjoy the exciting Surfing Simulator
- Fantastic Scholars-in-Residence • 40,000 sq. ft. World Class Spa
- Haute Gourmet Cuisine by the Waldorf Astoria Resort Chefs & Prestige Caterers
- Our 20th consecutive year
- Scholar in residence Rabbi Shai Finkelstein, Baka, Jerusalem
- International Kosher Mehadrin (IK) Glatt Kosher Supervision

**PGA National Resort**

- Entire Hotel Kosher for Pesach • AAA 4-Diamond Resort
- All Rooms Have Private Balconies
- 5 Tournament-Ready Golf Courses• 19 Har Tru Tennis Courts
- Fantastic line up of Scholars-In Residence
- Exceptional Cuisine by Foremost Caterers
- Our 10th consecutive year
- ORB Glatt Kosher Supervision

**Mandarin Oriental Prague**

- Beautifully located in the center of Prague • 5-Star Luxury Resort
- Scholar-In-Residence • Delectable Haute Italian Cuisine • Inspiring Lectures
- Professional Day Camp • Evening Entertainment
- Close to Prague Castle and 14th century Charles Bridge
- Walking distance to Old Town Square and Wenceslas Square
- Glatt Kosher Supervision by Rabbi G.M. Garelik and Rabbi M. Shaikewitz, The most well-known Hashgocha in Italy

**Hilton Westchester**

- Entire Hotel Kosher for Pesach
- Only 30 Minutes from New York City
- Hotel Beautifully Renovated
- Spectacular Lineup of Scholars-in-Residence
- Fantastic Entertainment & Daily Activities • Professional Day Camp
- Exceptional Gourmet Cuisine by Prestige Caterers
- Our 11th consecutive year
- ORB Glatt Kosher Supervision
**MANAGING MAASER KESAFIM**

**Maaser Ani or Tzedakah**

The only mitzvah that the Torah records all three of the avos (forefathers) performing, aside from prayer, is the mitzvah of *maaser*, tithing. The pasuk states in connection with Avraham, “and he gave him *maaser* from all” (Breishis 14, 20). Similarly, we are told, “And Yitzchak sowed in that land and he found in that year one hundred-fold” (Breishis 16, 12). Rashi explains that Yitzchak only measured his harvest for the purpose of separating *maaser*. Finally, the Torah tells us that Yaakov promised Hashem, “and everything that You give me, I will surely set aside *maaser* to You” (Breishis 28, 22).

According to the *Pirkei d’Rebbi Eliezer* (Ch. 33) and the *Medrash Rabba* (Breishis 70, 7) cited by the *Daas Zekeinim M’Baalei Ha’Tosfos*, Yaakov not only separated *maaser* from his agricultural produce and harvest, but from all his earnings and proceeds as well, a practice that is known as *maaser kesafim*. In fact, Yaakov even tithed his own children by dedicating Levi and his descendants to the constant service of Hashem and the Jewish people in the Beis Hamikdash.¹

Nonetheless, the normative practice to tithe earnings is not predicated on the precedent of the avos, but is rooted in the *Sifrei* cited by *Tosfos* (*Taanis* 9a), which derives from the pasuk “you shall tithe all the seed crop” (Devarim 14, 22). This is interpreted to mean that the concept of tithing applies not only to crops and agricultural produce but to all forms of profit and financial earnings. The fact that tithing earnings is mentioned in the context of tithing produce leads the *Tosfos Chadashim* (*Pe’ah* 1:1), the Mordechai (BK 192), and later the *Taz* (YD 331, 32) to suggest that tithing earnings is an obligation just like tithing produce.² According to their position, *maaser kesafim* is the annual and broader financial equivalent of *maaser ani*, the pauper’s tithe, which is the requirement to set aside one tenth of the produce grown every third and sixth year of the shemittah cycle to be distributed to the poor.

The *Taz* notes that his father-in-law, the *Bach*, disagrees and writes that the notion of tithing earnings is merely a praiseworthy custom but not a formal obligation. This is also the position of the Maharam MiRutenberg cited by the *Pischei Teshuvah* (331, 2) and the prevailing opinion of the vast majority of contemporary poskim.³ The Chida (*Birkei Yosef* YD 259:3) explains that according to these authorities, the entire institution of *maaser kesafim* is not part of the regular system of tithing, but rather represents the recommended amount of tzedakah, charity, that each person should give on a yearly basis. This
view is supported by the fact that *maaser kesafim* is presented by the *Shulchan Aruch* (YD 249:1) in the context of the general obligation to give tzedakah, where the *Shulchan Aruch* writes, “under ordinary circumstances, a fifth of one’s property is most laudable, to give one-tenth is the average disposition, but to give less than one-tenth is stingy.”

### Tithe So That You Will Become Wealthy

There might be several important issues that hinge on whether *maaser kesafim* is considered to be one of the tithes, akin to *maaser ani*, or whether it is considered regular charity and tzedakah. For example, when taking *maaser kesafim* is considered to be one of the tithes, akin to *maaser ani*, it is part of the ordinary mitzvah of tzedakah that does not enjoy the same guarantee as tithing.4

### Using Maaser for Mitzvos?

In light of the Rema’s view that *maaser kesafim* is a form of tithing similar to *maaser ani*, the pauper’s tithe, we can justify the Rema’s (YD 249:1) insistence that *maaser kesafim* should be distributed specifically to the poor and not allocated toward other mitzvos. However, the *Shach* (249:3) maintains that *maaser kesafim* may be used for other mitzvos, perhaps because he argues and believes that *maaser kesafim* is similar to conventional tzedakah, which is not necessarily reserved exclusively for the poor.5 Nonetheless, *maaser* funds should not be used whenever we will derive any kind of personal benefit. Therefore, while *maaser* funds can be used to purchase *aliyos* in shul or to make benevolent institutional contributions, they should not be used to purchase items for private use such as *seforim*, *teffilin*, *mezuzos*, *daled minim*, *matzos*, etc. or to pay shul membership dues where we receive tangible items or privileges in return.6 Similarly, when using *maaser* funds for a dinner to benefit a charitable organization, we should deduct the real value of the meal.

Moreover, the *Be’er Hagolah* (249:5) claims that *maaser* funds can never be used for obligatory mitzvos, only for optional or voluntary mitzvos. For this reason, Rav Moshe Feinstein (Iggros Moshe, YD 1:143) asserts that since parents are obligated to support their children until they become self-sufficient or married, they may not use *maaser* funds to do so. Additionally, Rav Moshe Feinstein (Iggros Moshe YD 2:113) argues that *maaser* funds should not be used for tuition, since it is incumbent on every parent to teach their children Torah and halacha, and to generally provide them with a comprehensive Jewish education that will enable them to become independent, proficient, and practicing religious Jews.7 In contemporary times, where it is customary and expected for young men and women to study in a yeshiva or seminary, even post high-school or *mesivta*, it is debatable whether or not *maaser* funds can be used for this purpose.8

Parents who are assisting their independent or married children with basic expenses may undoubtedly use *maaser* funds for this purpose.9 However, if possible, it is generally not ideal to consign all of our tzedakah funds toward one recipient, even if the sole beneficiary is our own child.10 In fact the pasuk states, “Happy are those etc. who perform charity, *bechol eis*, at all times” (Tehillim 106, 3), and the Gemara (Kesubos 50a) asks, “is it possible to perform charity at all times? Are we always in the presence of paupers?” To which the Gemara resolves, “this is referring to one who sustains his own children.” The Gemara emphasizes that supporting our own children is a continuous mitzvah of tzedakah. Nonetheless, the pasuk states, “he should not come, *bechol eis*, at all times, into the holies” (Vayikra 16, 2), from which the Chafetz Chaim homiletically derived that one who only engages in tzedakah that is “*bechol eis*, “at all times,” because he utilizes all of his charitable funds to assist his own children, is prevented from entering into the holy sanctum of Hashem.11
Exclusions and Earmarks

The Rema (YD 251:3) states unequivocally that the notion of giving charity beyond the rudimentary mitzvah of tzedakah — one-third of a shekel per year — is only applicable to those who can afford their own basic living expenses. However, the mitzvah to separate maaser from produce applies to everyone equally, regardless of their personal financial predicament. Therefore, whether or not someone who is accepting financial assistance from the community in order to pay for their ordinary expenses should be separating maaser kesafim might depend on how maaser kesafim is viewed, as tzedakah or as a form of tithing. Practically, Rav Moshe Feinstein (Iggros Moshe YD 2:113), Rav Moshe Sternbuch (Teshuvas Ve’hanagos 1:560:3-4) in the name of the Brisker Rav, and Rav Elyashiv (cited in Be’orach Tzedakah pg. 45) have ruled that since maaser kesafim is treated as a minhag, it should only be practiced by those who can afford to do so. Therefore, it is permissible to use maaser funds for our own necessities, including tuition, when the only other available option is community sponsored financial assistance.

Independent adult children who are being supported by their parents might be exempt from separating maaser for an additional reason. While monetary gifts are generally subject to maaser kesafim, any gift that is only given conditionally and earmarked for basic support and expenses would be exempt from maaser. Therefore, children should generally not be separating maaser from funds that their parents have provided for them, when it is for the express purpose of covering their ordinary living expenses. Moreover, if a child who is currently receiving parental support obtains a temporary or part-time job where they earn their own salary, or gets married and receives wedding gifts, it is still doubtful whether or not they would be obligated to separate maaser, since by giving maaser now, they would be causing their parents to provide them with more money in the future to defray their basic costs of living.

Deductions and Distributions

All forms of profit are subject to the minhag of maaser, including monetary gifts or an inheritance. However, a loan is not considered a form of profit and would not be subject to maaser. Any losses or business expenses, including income tax, should be deducted from the gross profits before calculating maaser. The losses of one business venture may be deducted from the proceeds of a different business venture, as long as they occur within the same accounting period. It is recommended that one day a year, perhaps Rosh Hashanah, or if more convenient, December 31, be designated as the formal conclusion of the annual accounting period for the purposes of calculating maaser. Additionally, capital gains from the sale of any asset should be adjusted for inflation according to the Consumer Price Index (CPI). When calculating maaser, only realized gains or distributions need to be included. Any profit that is the result of an asset increasing in value is only subject to maaser once the asset is sold and the proceeds are received. We are not required to sell an asset that has risen in value in order to separate maaser from the profits. If an investment is sold and immediately rolled over into another investment, such as in a real estate 1031 exchange, the profits might not be subject to maaser, since the proceeds were never distributed. On the other hand, any profits that were extracted and distributed from a business that rose in value, even if they were obtained through the refinancing of a loan, might arguably be considered realized gains that would be subject to the minhag of maaser.

Tzedakah and the Yomim Noraim

According to the Gemara (Rosh Hashanah 16b) tzedakah is one of the few mitzvos that can fundamentally improve our judgement for the coming year, as reflected in the familiar refrain, “repentance, prayer, and tzedakah remove the severity of the decree.” Moreover, only through giving tzedakah between Rosh Hashanah and Yom Kippur can we truly behold and bask in the presence of Hashem throughout the year. The culmination of the Yomim Noraim is punctuated by the mitzvah to dwell in the sukkah, which represents the personal chamber of Hashem. The Divrei Chaim notes that the key to entering into the sukkah and ultimately encountering the presence of Hashem is the mitzvah of tzedakah, as suggested by the dimensions of the sukkah itself. Minimally, the sukkah must have two full walls that are seven tefachim (handbreadths) wide and ten tefachim tall, a third wall that is one tefach wide and ten tefachim tall, and a roof that is seven tefachim wide by seven tefachim long, for a total of 199 square tefachim, the same numerical value as the word “tzedakah.” In the merit of the mitzvah of tzedakah and the minhag of maaser, may we all be blessed with a year of prosperity and to continuously reside in the shade of Hashem.
Endnotes

1. This implies that one-tenth of all assets and possessions should be tithed, which leads Rav Moshe Feinstein (Iggros Moshe EH 4:26) to claim that we are also obliged to designate one-tenth of our time as well to charitable projects and helping others.

2. Within this position that maaser kesafim is a formal obligation and part of the system of tithes, there is a significant dispute among the authorities as to whether it is a biblical or perhaps only a rabbinic obligation. For example, see Teshuvas Chasam Sofer (YD 2:232), Teshuvas Noda B’yehudah (YD 73), and Aruch Hashulchan (YD 249:5).

3. Therefore, the Chafetz Chaim (Ahavas Chesed 18:2) recommends that when giving maaser kesafim for the first time, we should stipulate and have in mind that we are only doing so voluntarily, and without any intention to accept a vow to do so in the future. Similarly, if we mistakenly thought that maaser kesafim was a formal obligation and later discovered that it is only a minag, we would not have to abrogate or renounce our vow, since the oath was taken under false pretenses, see Shulchan Aruch (YD 214:1). Additionally, since maaser kesafim is generally treated as a minag and not a formal obligation, the parameters and limits of the minag might not have rigidly defined or universal rules. Rather, at least to a certain degree, each person’s minag might be shaped by their own mindset and specific assumptions when they initially undertook to separate maaser.

4. The Aruch Hashulchan (6) and the Chafetz Chaim (Ahavas Chesed 18, 1) rule in accordance with the Rema.

5. The Chasam Sofer (YD 331) cited by Pischei Teshuvah (249:2) adds that if we only began the practice of separating maaser kesafim with the assumption that it could be used for mitzvah purposes, then it would be permitted even according to the Rema.

6. Taz (YD 249:1), Chochmas Adam (144:11), Nachlas Shiva (8:2), Aruch Hashulchan (249:10), and Rav Yaakov Kamentsky, Emes Le’Yaakov (YD Note 134).

7. However, see Rav Yitzchak Blazer, Pri Yitzchak (2:27) and Orchos Rabbeinu (1:198) who disagree.

8. See Rav Moshe Sternbuch, Teshuvos Ve’hanhagos (Vol. 1 560:4), Rav Yaakov Yeshaya Bloi, Tzedakah U’mishpat (6:14), and Rav Yaakov Kamentsky, Emes Le’Yaakov (YD Note 134).

9. Shulchan Aruch (YD 251:3).

10. Shulchan Aruch (YD 257:9).


12. See Dorev Meisharim (3:84), as well as, Rav Moshe Feinstein (Iggros Moshe YD 2:112), Rav Yitzchok Weiss (Minchas Yitzchak 6:110), Rav Moshe Sternbuch, Teshuvas Ve’hanhagos 1:560:2), and Orchos Rabbeinu (3:138).

13. Rav Shlomo Zalman Aurbach (cited in Kol HaTorah Vol. 39 pg. 89) adds that maaser funds can certainly be used for any portion of the regular tuition bill which is directed towards helping subsidize those who can’t afford to pay tuition.

14. Rav Yechezkel Feinhandler, Be’orach Tzedakah (pg. 135).

15. Rav Moshe Feinstein, (Iggros Moshe YD 2:112), Rav Shlomo Zalman Aurbach (cited in Kol Hatorah vol. 39 pg. 94), and Rav Elyashiv (cited in Be’orach Tzedakah pg. 136).

16. Rav Herschel Schachter in the name of Rav Yaakov Moshe Lessin. See also Rav Yechezkel Feinhandler, Be’orach Tzedakah (pg. 45) in the name of Rav Shmuel Vosner. However, Rav Yaakov Emden, Sheilas Yaavetz (1:6) notes that a couple that is financially independent should be separating maaser from wedding gifts they receive. Be’orach Tzedakah (pg. 352) quotes Rav Vosner that since maaser is only a minag, children are not required to separate maaser on bar or bas mitzvah gifts. However, Be’orach Tzedakah (pg. 46, 138, 370) cites Rav Avigdor Nevenzhal, Rav Chaim Pinchas Scheinberg, and Rav Nissim Karelitz who argue that children should be trained to separate maaser on bar or bas mitzvah gifts. Alternatively, Rav Yaakov Kamentsky, Emes Le’Yaakov (YD Note 132) suggests that all wedding or bar or bas mitzvah gifts should be exempt from maaser since there is a general expectation that those gifts will be reciprocated, therefore it should be considered as a loan (see Bava Basra 145b) which is not subject to maaser.

17. Pischei Teshuvah (YD 249:1) and Rav Chaim Kanievsky, Derech Emanah (Matnos Aniyim 7:7).

18. Rav Yaakov Yeshaya Bloi, Tzedakah U’mishpat (5:5).

19. Pischei Teshuvah and Taz (YD 249:1). Tzedakah U’mishpat (5:35) considers childcare for a working woman as a business expense that may be deducted from her salary before calculating maaser. The Shiurei Kenesses Hagedolah (YD 249) and Rav Yosef Karo (Avasos Roche’l 3) maintain that even personal or household expenses may be deducted before calculating maaser. Therefore, maaser would only apply to the expendable income that we earn above and beyond any business or household expenses. This position is challenged by the Chida (Birkei Yosef 249:5) and the Aruch Hashulchan (249:7). See the Kitzur Shulchan Aruch (34:4), Titzit Eliezer (10:6), and Tzedakah U’mishpat (5:8) who note that the majority of poskim have ruled in accordance with the latter opinion.

20. Pischei Teshuvah (YD 249:1). In the same business venture, losses may be deducted even if they occurred in a different accounting period than the profits. Therefore, Rav Shimon Taub, The Laws of Tzedakah and Maaser (pg. 143-144) quotes from Rav Shlomo Miller, that one who went to school to earn a degree with the intention of using it to earn a livelihood would be permitted to deduct the tuition and other costs incurred in the pursuit of obtaining that degree, and would only become obligated to separate maaser when his earnings have surpassed the sum of those costs, see also Kol Hatorah (vol. 39 pg. 89) in the name of Rav Shlomo Zalman Aurbach.

21. Chavos Yair (224), Aruch Hashulchan (249:1) and Iggros Moshe (YD 1:143).

22. Rav Moshe Feinstein, Iggros Moshe (YD 2:114), Rav Shlomo Zalman Aurbach, cited in Kol Hatorah (vol. 39 pg. 87), and Rav Moshe Sternbuch, Teshuvos Ve’hanhagos (Vol. 1 560:5). With regards to the sale of a private home, presumably any expenses related directly to maintaining the house, such as the cost of capital improvements, real estate taxes, home insurance, mortgage interest, electric and gas bills etc. should be deducted from the proceeds of the sale prior to calculating any maaser obligation. It seems that under most circumstances, after deducting overhead expenses and adjusting for inflation, we would rarely profit from the sale of a private home in a way that would trigger the minag of maaser. Moreover, Rav Elyashiv (cited by Be’orach Tzedakah pg. 129) is of the opinion that we would not be required to separate maaser from the sale of any personal residence which is not considered to be an investment.


24. Zohar (Emor 103b).
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

On 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.”

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

<table>
<thead>
<tr>
<th>צום</th>
<th>קול</th>
<th>ממון</th>
</tr>
</thead>
<tbody>
<tr>
<td>תשמישת</td>
<td>רפה</td>
<td>צדקה</td>
</tr>
</tbody>
</table>

In English:

<table>
<thead>
<tr>
<th>Fasting</th>
<th>Voice</th>
<th>Money</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repentance</td>
<td>Prayer</td>
<td>Tzedakah</td>
</tr>
</tbody>
</table>

The three superscript words identify means for practicing each of the exculpatory tactics. 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 and the community. The rabbis stipulated that this admission is viduy devarim — verbal admission.

- **Prayer:** We tend to follow Chanah’s model of silent prayer for our amidah, but rabbinic literature praises vocal prayer for its aesthetic beauty, and its ability to help us focus our thoughts and express our emotions.
• **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:

> נ느יד, נידה, נרתין — כל אחד הכירך והכרך, מפroud על חשבון יאואר הנור.

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 Shabbtai 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.9

**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.”10

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

Rabbi Menachem Meiri11 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.12

Within the view that a pledge indeed transfers the funds, normal *hatarat nedarim* is ineffective. As explained in detail by Rabbi Pinchas Zvichi,13 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, *hakdashah* (consecration), testifies to the presence of something beyond simple legalism: sanctity.14 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.

Tanach15 and the Talmud16 weigh in against taking vows, even when we actually follow through and fulfill the commitment. Therefore, Rambam17 ruled that one who has taken a vow should proactively seek to repeal it. However, Rambam wrote that we should not repeal vows of *hakdashah*, because fulfilling them is a mitzvah.

Maharam Mintz wrote that the same applies for vows pledging tzedakah, equating them with *hakdashah*; these should stand, and should be fulfilled.18

**The Shabbat Problem**

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

Some contend that the decree against *hakdashah* 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.21 Other authorities permit these pledges because despite their role of consecration, their structure is significantly different from that of *hakdashah*:
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 דבורATCH18
שכחה ר' ו' והאómoות PendingIntent的应用 של אומנות בשפה ... על היצר האמן יכין יבר ויקין לפני אומנות כל בשפה ... ביהונת משрожם

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 לחן נוהג נוהג שייך אמור דברי הברך
משמעו אמר לחן(layout of the speech) אומר לחן צדקה
ולשוכר מדריך נבוך רוחו. אומר לחן
אם אמר לאומנות וניהוג נוהג שייך דבר
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.”

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 Tzynau.)
5. Rambam, Mishneh Torah, Hilchot Teshuvah 1:1.
10. Talmud, Bava Batra 133b.
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 1:2: Yoreh Deah 10:5-6.
14. This link to hakdassah (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.
18. Shu’t Maharam Mintz 73. Tosafot Chullin 2b avot 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.
20. Regarding reciting a mi sheheirach in the merit of prayers, instead of the merit of tzedakah, see Rabbi Yosef Dow 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.