

## Giving Tzedakah on Condition of Personal Benefit

### **Rav Baruch Fried**

**Case:** Reuven was in the middle of working out a complex business deal that had the potential of earning him a large profit. He happened to receive a correspondence about a *tzedakah* organization that seemed impressive and he pledged in his mind to donate \$10,000 to this organization if his deal went through.

Ultimately, the deal did work out and Reuven made a nice profit; however, he changed his mind and now feels that he would rather give the *tzedakah* money to a different cause.

**Question:** Is he allowed to switch causes?

**Answer:** In this case, there are two possible leniencies.

1. First of all, he only thought about giving the donation and did not make the pledge out loud.
2. Secondly, the way he made the donation may fall under the category of "*asmachta*" (a conditional promise that one does not really intend to fulfill). Unspoken promises are usually not binding at all. For example, if someone thinks that he is going to give his friend a present, he is allowed to change his mind and not give it to him. Regarding unspoken promises to give *tzedakah*, however, there is some debate among the *Poskim* if one is allowed to renege. The Shulchan Aruch cites two opinions on the matter – one says that such mental pledges are binding and one says they are not. The Rema writes that one should be stringent and fulfill what he vowed to do in his mind.

In regards to *asmachta*, while we usually say that such a conditional commitment is not binding, when it comes to *tzedakah* the halacha is that one should go through with giving the donation even if he only pledged to give it conditionally.

There is another consideration that may be a reason for leniency, and that is the concept of "*davar shelo bah l'olam*". If he pledged to give \$10,000 of his profit to *tzedakah*, he essentially promised to donate money that did not yet exist, as the profit had yet to be realized when he made the pledge.

There is a lengthy discussion amongst the *Poskim* whether a vow to give a *davar shelo bah l'olam* to charity is binding or not. The Rema rules that it would only be binding if the individual took upon himself a personal obligation to donate the money. If he simply said that he would donate a portion of profits that have yet to be accrued, the promise is not binding. In general, changing the beneficiary of a donation is much easier than to back out of a commitment completely. In this case, I would say that Reuven should definitely give the money to *tzedakah*. If he wants to change the recipient, he should ask a *shailah* to his Rav.