

VERBAL AGREEMENTS

by Rabbi Daniel Travis

God said to Noach, "The end of all flesh has come before Me; the world is filled with crime because of them. I am going to destroy them with the earth." (Bereshith 6:13)

According to halachah, payment alone does not finalize a transaction; another kinyan (method of completing a transaction) for instance hagbah - lifting up an item - is also necessary. Therefore, the beith din imposes a penalty upon someone who backs out of his agreement (even if he paid the agreed-upon sum) and demands that his money be returned.⁽¹⁾ The beith din (Rabbinical court) proclaimed that the actions of such a person parallel those of the generations of the Flood, of the Dispersion, of Sodom and of Egypt.⁽²⁾ We may think these comparisons are somewhat extreme, for those generations were exceptionally evil, and God punished them severely. Why is reneging on one's word in a financial commitment identified with sins that warranted such severe punishments?

The comparison to the generation of the Flood can be readily understood. That generation was punished for petty larceny - for stealing property whose value was less than the minimum amount that could be collected through legal channels, although this type of stealing is absolutely a violation of God's law. The same is true about someone who makes a verbal promise and then reneges on it; although he has transgressed Torah law, the beith din does not get involved. Thus if one backs down on a financial agreement, after they hear the claims of both parties if they see that the claim is too small the beith din will not take judicial action but they will tell him that his actions parallel those of the generation of the Flood.⁽³⁾

How do his actions parallel the conduct of the other two generations? God created the world with three principle elements: water, wind, and fire. Each of the generations mentioned above was punished through one of these elements: the generation of the Flood was punished with water, the generation of the Dispersion was punished with wind, and Sodom was punished with fire. Egypt was punished in various ways with all three elements (during the Ten Plagues). When a person speaks, he is utilizing (in a minor form) all three of these elements: the warmth and moisture of breath combined with the air necessary for speech. Someone who breaks his word is misusing all three elements, and is liable to be punished with any or all of them, as those evil generations were.⁽⁴⁾

1. Bava Metzia Chapter 4, Mishnah 2.

2. Bava Metzia 48a.

3. Torah Temimah 6:13. Although we are bound by Torah Law to keep our word, a beith din does not have the power to enforce a verbal agreement. However, one who breaks his promise is nevertheless guilty of mechusar emunah (a breach of trust).
 4. Vilna Gaon, commentary on Yeshiah.
-

Text Copyright © 2006 by Rabbi Daniel Travis and **Torah.org**