

לוקוטי ופסקי הלכות

"חוקי חיים"

ותלמודם
"חוקי חיים"
לעשות רצונך
בלבב שלם



שע"י "חדר הזדאה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בדאשות הרב חיים אהרן בלייער שליט"א

Halochoh compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

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Halochoh of

Tzedakah

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמדם
"תוקף חיים"
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שבונת מנחת יצחק פעה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Tzedakah – 4

Parshas Yisro 5780

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Giving Tzedakah Respectfully

1. There are many matters and rules regarding tzedakah that seem like they belong in mussar sefarim, yet, they make up se'ifim in Shulchan Aruch as paskened halochah. They are the halochos about how to properly do the mitzvah of tzedakah just as there are halochos about how to do other mitzvos, such as esrog and shofar.

“אשרי משכיל אל דל”

2. One must strive to minimize a poor person's embarrassment when giving him tzedakah. Chazal tell us the posuk “אשרי משכיל אל דל” refers to one who thinks about how to give tzedakah to a poor person in a way that he will not be ashamed to take it (ויק"ר ל"ד, א').

From the Best and Finest

3. If one wants to be zocheh for himself, i.e., that everything he does for Hashem should benefit him in both worlds (ברכי יוסף אות ה'), he should conquer his yeitzer hara and be generous, making sure that everything for Hashem is from the best and finest of his possessions. If he builds a shul, it should be nicer than his house; he should feed a hungry person from the best and sweetest foods on his table; he should clothe the needy with the finest of his clothes; he should donate from his finest possessions. In this vein, the posuk (ויקרא ג', ט"ז) says, “שוריע יר"ד סי רמ"ח ס"ה) “כל חלב לה” (ט"ז).
4. **Small change.** One should give to a poor person in a respectable manner. Do not give lots of small coins in a way that looks like you just want to get rid of them (שערי צדק פ"א סקצ"ה). It would be better to give them to a store; they can use the small change..

Tricking a Poor Person into Taking

5. **Saying it's a gift.** If a poor person is ashamed to take tzedakah, one may trick him and give it as a gift or a loan (שוריע סי ר"ג ס"ט). The gabbaim should assess whether a gift or a loan would put him more at ease (ב"י). A way to give it as a gift is by telling him it is 100% a gift and not saying it is from tzedakah funds.
6. **Saying it's a loan.** If he is also embarrassed to take a gift, it should be given as a loan, but it should not be collected when he finds the means to pay back (טור). If he comes to pay the money back on his own, it should be accepted (דרכ"מ קס"ה).
7. **Clearing a debt from tzedakah money.** Similarly, if one lent money to a poor person who is not paying it back, he may subtract the loan from his tzedakah account – even without the poor person's knowledge – if he had in mind originally that he would be able to do this (מור"ב בספרו צדקה ומשפט פ"ב סקנ"ד).
8. **Giving indirectly.** One may also be sly and give indirectly through a source the person would have been getting from anyway. For example, if a poor person works for several hours, one may give money to his employer and have him tell the poor person that it is a bonus. Or if an avreich tutors a student, one may give the student money to add to the avreich's payment as if it is coming from him.

A Woman Whose Husband Doesn't Want to Take Tzedakah

9. If a husband doesn't want to take tzedakah out of embarrassment or because he has a high level of emunah and yiras Hashem, but his wife and children are lacking basic necessities for food and the like, his wife may take tzedakah for the home's and children's needs without telling her husband. This is not a violation of the clause in their tenaim that they will not hide things from each other (הגרי"י זילברשטיין, חשוקי חמד כתובות דף ס"ז).

10. If a gabbai tzedakah is aware of a situation like this, he can use this tactic as a mutar deception to get tzedakah to the family. However, this is on condition that the husband will not find out so as not to cause fighting or machlokes (שם).

How to Give Tzedakah to a Poor Person

11. **Pleasantly.** One must give tzedakah happily, with a pleasant face and a kind heart. One should sympathize with the poor person's pain and speak words of comfort. If one gives with an annoyed, unpleasant facial expression, he loses his zechus (שוריע סי רמ"ט ס"ג). Some say he completely loses the mitzvah of tzedakah (ש"ך סק"ט); others say this means he loses the sechar of giving, but he still fulfills the mitzvah of tzedakah (ט"ז סק"ב).
12. **Ben Torah.** The Medrash (רבה פ' נשא פרשה י"ג, י"ז) says that one who gives tzedakah to a ben Torah is zocheh to be a partner in his Torah. Regarding this, the Chofetz Chaim writes that if a ben Torah approaches someone to ask for money, he should greet the ben Torah pleasantly as he would greet a business partner who caused him to earn great wealth. By doing this, he will be zocheh to joyfully receive in Olam Haba the share in Torah he enabled with his support. Among our many sins, some thoughtless people give a minimal amount of money degradingly, with an annoyed expression. The way a person acts will chas vesholom be the way he will be dealt with in the end; a wise person will anticipate this and act accordingly (אהבת חסד פ"כ אות ד').
13. **Large sum unhappily or small sum pleasantly?** If one can give a large sum, but he will be unhappy, or he can give a small sum with a pleasant face, some poskim say it is better to give the smaller amount pleasantly (מהר"י קורקס פ"י ה"ד); others say it is better to give the larger sum unhappily as long as it is not actually given with an annoyed face (הגר"ח קניבסקי, דרך אמונה עמ' קל"א).
14. **Internal unhappiness.** If one gave money with a pleasant expression, but he was unhappy in his heart to give, most poskim hold he fulfilled the mitzvah of tzedakah and gets sechar for giving it (ש"ך שם סק"ט).
15. **Do not degrade the poor person.** If a poor person asks for money and one does not have money to give, he should not scold him or raise his voice. Rather, he should speak calmly and show that he sincerely wants to give, he just can't afford to (שוריע סי רמ"ט ס"ד). If he verbally degrades him, chas vesholom, he transgresses the issur of publicly embarrassing someone.
16. **Giving in a helpful way.** When giving tzedakah, one should strive to give in a way that the poor person will get the maximum benefit and value (גמי סוכה דף מ"ט ע"ב). In doing so, the giving is tzedakah, and the effort is chesed (שם).
17. Therefore, when giving directly to a poor person [as opposed to a gabbai tzedakah or organization], if he needs food, give him food; if he needs money, give him money (ויסוף אומץ פרק הצדקה ומעשר). Cash is better than a check, and a check is better than a charity voucher [common in England].

Giving While Standing, with the Right Hand

18. **Standing.** Since tzedakah is a mitzvas aseil, one should stand when giving tzedakah to a poor person, as we find by other mitzvos aseil (כף החיים או"ח סי נ"א סקמ"ד, שו"ת בצל החכמה ח"ג סי ל"ג אות ט', דרך אמונה פ"ז) (סוף סק"א).

19. **Right hand.** One should give tzedakah with his right hand (שׁוֹת דְּבָרִי (ציב אהע"ז סי' נ"ג). A left-handed person should also give with his right hand (שם, קו"ב איש איטר).

Giving Via an Organization or Gabbai Tzedakah

20. There are many families today that are embarrassed to take tzedakah, but feel more dignified taking from an organization. This is especially true for families who are not generally used to taking tzedakah, but feel the pressure when the Yamim Tovim come with all the associated expenses; they're especially embarrassed to receive tzedakah money.

21. **Tomchei Yotzei Angliya.** For this purpose, tzedakah organizations, such as "Tomchei Yotzei Angliya" (TYA), step up. They are sensitive to the recipients (above, 2) and help families of bnei Torah (12) in a dignified, thoughtful (5), and pleasant (11) manner, thereby easing their Yom Tov expenses. They are fortunate in this world and the next [especially a gabbai who gives generously..- גבאי שיתן יפה].

Pledges to Tzedakah ["Nidrei Tzedakah"]

Making a Tzedakah Pledge

22. **Korbanos, nedarim, nedavos.** One must be careful not to make any vows. Even for tzedakah, it is not good to commit to give with the wording of a neder. If one has money, he should give then; if not, he should not take a vow before he has the money (שׁוֹת יו"ד סי' ר"ג ס"ד).

23. **For the poor.** Some say it is only not good to make a neder to give tzedakah for the purposes of korbanos, nedarim, nedavos, Torah institutions, and the like; however, it is a mitzvah and a chiyuv to make a neder for the poor (ח"י הרשב"א ריש חולין, הובא בגליון מהרש"א) (שם, דעת תורה סיד רמ"ז ס"ד). Others hold it is not advisable to use the wording of a neder even for this; one should always say "b'li neder" (ערוך השלחן סי' ר"ג ס"א, שׁוֹת שבט הלוי ח"ד סי' קכ"ה).

Without the Wording of a Neder

24. If one just says he will give a certain amount to tzedakah, even if he did not use the wording of a neder and did not intend for it to be a neder, it is still a neder to tzedakah that he must fulfill (שׁוֹת ר"ג סי' ושי"ך סק"ד).

Making a Pledge "B'li Neder"

25. If one wants to commit to giving tzedakah, or if everyone in the tzibbur is making a pledge to tzedakah and one wants to join without the force of a neder because he is afraid of transgressing the issur of nedarim, he should explicitly say he is giving or committing a certain sum, but it is "b'li neder" (שׁוֹת יו"ד סי' רנ"ז ס"ד). Then, no neder to give takes effect and he will not transgress the issur of "לא יחל דברו" or "בל תאחר". This way, he will get sechar for his pledge to give tzedakah, and when he gives the money, he will get sechar for the giving (תוספתא פאה פ"ד הל"ז, מנחת הביכורים שם, אהבת חסד ח"ב פט"ז בהג').

26. **"ודובר אמת בלבבו."** Even when one commits and explicitly says "b'li neder," it is not that he doesn't need to fulfill his word as if he didn't say anything. He certainly must keep his word, as the posuk (שׁוֹת תהלים ט"ו, ב) says, "ודובר אמת בלבבו"; alternatively, because of the posuk, (שׁוֹת שבט הלוי ח"י סי' קנ"ו) "ודובר אמת בלבבו" (תשובות והנהגות ח"ב סי' תע"ו) "ככל היוצא מפיו עשה", because of the posuk.

Tzedakah in Thought

27. If one planned in his mind to give a certain sum to tzedakah, he must fulfill his thought even if he did not express it (רמ"א סי' רנ"ח ס"ג).

28. For one to be obligated to give tzedakah from a thought, it must be a true decision to give a specific amount, just instead of saying it verbally, he thought the wording of the decision in his mind (ערוה"ש סי' ט). However, if someone was inspired to give tzedakah but didn't decide on an amount in his mind, e.g., he thought, *Maybe x amount would be a good sum to give* without actually deciding to give it, or if someone thought to himself that a tzedakah he heard about is a worthy cause and he wants to give, but he didn't decide on an amount, those thoughts do not obligate him to give (מור"ד בשׁוֹת קנה בושם ח"ב סי' ק"א אות ב).

Does the "Mesiras Moda'ah" Nullify Pledges to Tzedakah?

29. **Explicit neder.** If one made an explicit neder, and at the time, he remembered the "mesiras moda'ah" he had said on Erev Rosh Hashanah to nullify future nedarim, but he made the neder anyway, the neder stands and overrides the mesiras moda'ah (שׁוֹת יו"ד ר"א ס"ב).

30. If he did not remember that condition at all when he made his neder, some poskim say the mesiras moda'ah he said on Erev Rosh Hashanah nullifies the neder (רב הפוסקים וסתמי); others hold it does not, and the neder stands (שם). The Mechaber concludes that one should take the latter opinion into account (שם).

31. If one did not remember the mesiras moda'ah and made a neder, but then remembered

about his mesiras moda'ah within toch kedei dibbur of the neder and told himself he is relying on that condition, all poskim agree it nullifies the neder (שׁוֹת שם). However, if he only remembered after toch kedei dibbur, according to the stringent opinion the mesiras moda'ah does not nullify the neder. According to this, the entire advantage of the mesiras moda'ah is that if one made a neder and remembered about it within toch kedei dibbur, he can rely on it and does not need to verbally retract the neder; if he remembered after toch kedei dibbur, this opinion holds that the neder is not nullified (נמחת שלמה, נדרים כ"ג).

32. **Just said he would give tzedakah.** If one just said he would give tzedakah without using explicit wording of a neder, the consensus of many poskim is that the mesiras moda'ah he made on Erev Rosh Hashanah works even if he did not remember about it at all when he committed to giving tzedakah. Thus, the obligation of a neder does not take effect (שׁוֹת שלמת חיים סי' תס"ז, שׁוֹת מנחת שלמה ח"א סי' צ"ז, דרך) (אמונה פ"ז ציון הלכה סקנ"ז).

33. **Only bedieved.** In practice though, the poskim write that one should not rely on the mesiras moda'ah to allow him to go back on his neder lechatchilah. The mesiras moda'ah was only instituted so that someone who accidentally went back on a neder shouldn't have the punishment of breaking a neder (רמ"א סי' ר"א ס"א, שׁוֹת מהרי"ט ח"א סוף) (סניג). Therefore, if someone mad a neder, he must fulfill it. If he cannot, he should ask a rav if he is allowed to retract his neder; if he is, he should do hataras nedarim.

Fulfilling a "Mi Shebeirach" Neder

34. When a shul's gabbai makes a "Mi Shebeirach" for someone who got an aliyah and volunteers the oleh to give tzedakah, there are several considerations as to if, how, and with what the oleh is obligated to give tzedakah to the shul:

35. **"בעבור שנדר כך וכך"** – "because he vowed to give x..." – in the past tense, the oleh does not get a chiyuv neder since nedarim made in past tense do not take effect (רמ"א סי' רל"ב ס"ב, תשו' רע"א מכת"י סי' ע', שׁוֹת נודב"י קמא יו"ד סי' ס"ו). He should say in present tense, **"בעבור שנותן"**, or in future tense, **"בעבור שיתן"**, as will be explained (שׁוֹת בית יצחק או"ח סוף ס"כ).

36. Still, most poskim agree that if the oleh stated an amount or nodded his head as if in agreement, he must give the tzedakah due to the 'thought' he had to give (שׁוֹת דובב מישורים ח"א סי' פ"ז, שׁוֹת שבט הלוי ח"ד סי' קכ"ה).

37. **"בעבור שיתן"** [future tense] and the oleh said or did something that shows he agreed to the gabbai, e.g., he stated an amount he would give, nodded as a sign of agreement, or answered amein after the Mi Shebeirach, the gabbai's words create a chiyuv neder for the oleh (שׁוֹת צדק פ"ב סקנ"א) (שׁוֹת יו"ד סי' ר"א ס"ב, וקפ"ו, מור"ד בצדקה ומשפט פ"ד סק"ב).

38. However, if he was quiet the entire time, the neder can only take effect through his thoughts, not the gabbai's words. Therefore, if he made up his mind not to commit to what the gabbai said, no chiyuv takes effect whatsoever. However, a thought not to give does not nullify a neder created by one's speech or actions unless he explicitly said he does not agree to the gabbai's words. Some say he must say it loud enough for others to hear (שׁוֹת ר"א סק"ב); others say it is enough if he hears it himself (שׁוֹת שם סק"ב).

39. **Gabbai should say "בעבור שיתן בלי נדר"** It is proper for all gabbaim to use the words "b'li neder," i.e., "בעבור שיתן בלי נדר וכך", so that people do not transgress the issurim of nedarim and "בל תאחר" (חכמת אדם כולל צ"א ס"ב, קיצור שׁוֹת סי' ס"ז ס"ג לגבי הזכרת נשמות).

40. **Giving Mi Shebeirach money.** People must make sure to give the tzedakah they pledged in a Mi Shebeirach so that they do not slip up, chas vesholom, in the issur of nedarim. This is a matter that needs improvement. Even if the gabbai said "b'li neder," if the oleh did not explicitly object to committing to give, he must still give the money; he just does not transgress a neder if he doesn't (see above, 26).

