

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמודם
"חוקי חיים"
לעשות רצונך
בלבב שלם



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

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

Halochohs of

Tzedoko

Elul

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ליקוטי ופסקי הלכות

"חוקי היום"

ותלמדם
"חוקי היום"
לעשות רצונך
בלבב שלם



שע"י "חדר הזרעה" שבונת מנחת יצחק פיעה"ק ירושלם טובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Please do not
read during
Davening or
Krias Hatorah

Halachos of Tzedokoh, Elul

Parshas Shoftim 5781

235

Tzedokoh

Elul

- We give more tzedokoh in the month of Elul to help us get a positive judgment (ח"א כלל ק"ח ס"א). This is alluded to in the letters of the word tzedokoh at the year's end (הובא) and the Rosh Hashonoh for maaser beheimoh; now that there is no maaser beheimoh, maaser from money takes its place. Also, taking off maaser money will help bring about a positive judgment (רבי חיים פלאגי, מועד לכל חי י"א פ"ד). [See Issues 54-55 for halachos pertaining to maaser money.]
- Tzedokoh.** It is a middas chassidus to give 1.5 golden pieces to אורחות חיים להרא"ש יום השבת אות ב, והובא) (פ"ד ס"א). This is about 280 grams of silver (בש"ך י"ד רמ"ט סק"ד הליכות בית ישראל) (פ"ד ס"א), which today is worth about 700 shekels.

The Lav of "Lo Se'ameitz"

- Someone who sees a poor person ask for tzedokoh and ignores him transgresses a lav, as the posuk says, "Do not harden your heart or close your hand to your poor brother" (דברים ט"ו, ז, ש"ע י"ד רמ"ז ס"א) (דבריו ט"ו, ז, ש"ע י"ד רמ"ז ס"א).
- A poor person "asking."** Some say one only transgresses this lav if he refuses a poor person who asks him for money (רשב"א שבעות כ"ה). Others say one transgresses this lav if he knows there is a poor person and does not give him money, even if he didn't ask (משמעות לשון הרמב"ם ספה"מ) (ל"ת ר"ב ובשו"ת שבט הלוי ח"ה סי' קצ"ט).
- Doesn't have money.** If one does not have money, he does not need to give a postdated check assuming he will have later. However, he must donate with a credit card if he has money to cover the charge. [Usually, however, only gabbo'ei tzedokoh and organizations have credit card machines, not poor people (see below, 7).]
- If someone does not have money, he does not need to borrow to give to a poor person. If he has in his house, really he has to go home and get it. He can borrow from someone present to save himself from having to go home, in which case the loan is for his own benefit. If the poor person would not wait for him to bring money from his house, he does not need to borrow (הגר"ח קניבסקי, דרך אמונה פ"ז) (מלת ר"ב ובשו"ת שבט הלוי ח"ה סי' קצ"ט).
- Specifically the poor person.** A person only transgresses the lav if he does not give a poor person himself. He does not transgress it if he does not give a gabbai tzedokoh or meshulach collecting for others (הגר"ח קניבסקי, באורח צדקה תשובות בסוף הספר אות ק"ד).
- Going door to door.** If a poor person is going door to door for small donations, and what he does not get from one person, he will get from others (אמרי בינה או"ח סי' י"ג סוף אות ג), or if there are many people collecting in a beis medrash or shul, it is possible that one who does not give to every collector does not transgress the lav (מו"ר) (בשו"ת שבט הקהתי ח"ה קע"ו).
- If someone hears a knock at the door, he does not need to answer it if he does not know it is a poor person. If he knows it is a poor person that is not just going door to door but came specifically to him, e.g., he sees him on a screen or through the peephole, and it is a time and situation that he would open the door for someone, he transgresses the lav if he doesn't open the door for the poor person (הגריש"א, שם).
- Tzedokoh request in the mail.** If one gets a general letter in the mail asking for tzedokoh that was not written specifically to him by a poor person, and certainly if a flier was simply placed in his mailbox, he does not transgress the lav by not giving (מו"ר בצדקה ומשפט פ"א הע"ד).
- Mitzvah purposes.** One does not transgress the lav by not giving to other mitzvah causes, e.g., a shul, since the posuk specifically refers to "your poor brother."

- Phone request.** If a representative of a tzedokoh organization is going through the phonebook making calls or calling all the kosher cell phone numbers, one does not transgress the lav if he does not donate. One certainly does not need to give if he gets an automated call that takes up his time. [If this happens, one can send the call to voicemail and let the machines talk to each other..]

Appropriate Points in Davening to Set Aside Tzedokoh

- Some have the minhag to give tzedokoh before coming to shul, both for Shacharis and Minchoh, in fulfillment of the posuk, "I come to appear before you with 'tzedek'" (במנהגי חת"ס) ("פ"א אות ז' שבט) (מוסר פל"א).
- The Shulchon Oruch (או"ח צ"ב ס"ו) says, "It is good to give tzedokoh before every tefillah."
- Some give tzedokoh during Ashrei, when they say the posuk, "את ידוך" (סדר היום) "את ידוך".
- Some give during Vayevorech Dovid, when they say the posuk, (מ"ב שם סקל"ו) "ואתה מושל בכל".
- At these times, one may set aside tzedokoh, and when a tzedokoh collector comes, indicate that he can take some.

Collecting Tzedokoh in the Middle of Davening

- One does not need to give tzedokoh in the middle of tefillah or leining due to the rule of "ho'oseik bemitzvah potur min hamitzvah" (הגר"ח קניבסקי בדרך אמונה מתנ"ע פ"ו ציה"ל סקצ"ו) (אשי ישראל פ"כ הע' פ"ג).
- Gabbo'ei tzedokoh should make sure not to collect in shul at the following times: during Chazoras Hashatz, as people need to listen and it disrupts them (פמ"ג קל"ב א"א סק"א ומ"ב תקס"ו סק"ב); during leining, as it prevents people from listening to leining and answering to Borchu (מ"ב צ"ב י'); and at any point that one may not interrupt, e.g., Krias Shema or Hallel (הליכות שלמה ח"א פ"ד ס"ד).
- Tzedokoh speech at the end of davening.** As of late, gabbo'ei tzedokoh often give a short speech describing what they are collecting for before they go around the shul in order to appeal to people's hearts. Sometimes more than one gabbai tzedokoh wants to make a speech. This can cause the end of davening to become a jumble of tefillos, speeches, and Kaddishes all at once..
- The poskim say – and experience shows – that it is impossible to concentrate on davening when an announcement is going on (מג"א) (סי' קל"ב). Thus, a gabbai tzedokoh who wants to make a speech at the end of davening must get permission from the rav or gabbai and coordinate with the shliach tzibbur so that he does not continue during the speech. If the shliach tzibbur will continue, the speech should not be made until davening is over so no one gets confused.

Tzedokoh in the Middle of Learning

- If someone is approached with a tzedokoh request while he is learning, he must stop to give tzedokoh only if it is truly necessary to be done at that time. If, however, the requester can come at another time and is just utilizing this time as a convenient way to approach many people together, one does not need to interrupt his learning seder to give tzedokoh (שו"ת שבט הלוי ח"ה י"ד סי' קנ"ר).

Plates with Money

- It is very common on Erev Yom Kippur for plates with money to get left on the bimoh without anyone coming to get them. The gabbai does not need to save the money until someone comes to get it; he may give it to a tzedokoh similar to the one written on the plate (מו"ר) (צדקה ומשפט פ"ח הע' כ"ה מהדורה מתוקנת, ועי' מה שדן בשו"ת מנח"י ח"ה פ"ו לגבי כליו של לוקח הקונים משום חצר ברשות מוכר).

The Month of Elul

“Kesivoh Vachasimoh Tovoh”

24. When writing a letter to a friend in Elul, one should indicate at the beginning or end his wishes for a good year (באר היטב תקפ"א סק"י), (מטה אפרים ס"ט).

Blowing Shofar

25. There is a minhag to blow the shofar every morning beginning on the second day of Rosh Chodesh Elul [1st of Elul; this year, 5779, the first day of Rosh Chodesh is Shabbos, when anyway the shofar is not blown] until – but not including – Erev Rosh Hashonoh (רמ"א תקפ"א ומ"ב סק"ג).

26. **Which sounds?** Some blow tekioh-shvorim-tru'oh-tekioh; tekioh-shvorim-tekioh; tekioh-tru'oh-tekioh, based on the Bach's opinion (סי' תקצ"ב) that all public tekios must be that way lest people think that tek-sh-tr-tek is the main one (מנהג פראנקפורט, צאנז, קרלין, חב"ד, טשערנאביל, אסטמאר ועוד). However, in most places only tek-sh-tr-tek is blown. Some blow tek-sh-tr-tek; tek-sh-tek; tek-tr-tek on Rosh Chodesh Elul since the minhag was mainly instituted for Rosh Chodesh, and just tek-sh-tr-tek for the rest of the month (תשוה"נ ח"ג סי' קל"ג).

27. **Didn't blow shofar.** If a minyan did not blow shofar after Shacharis, some say they should blow shofar after Minchah (שו"ת אג"מ או"ח ח"ד) since the purpose of the minhag is to inspire teshuvoh. Others say there is no reason to make up the missed shofar blasts (דעת הגריש"א ומשנה הלכות).

28. **Individual.** One who is davening alone does not need to blow shofar (הגריש"א, צ"א ח"ב סי' מ"ח).

29. **Interrupting.** If the only one in the minyan who knows how to blow shofar is in between the parshiyos of Shema or its brochos, he may blow the shofar. This is no worse than greeting an honorable person in between parshiyos, which is mutar. He may certainly blow shofar mid-Pesukei Dezimroh (שו"ת מהר"ם בריסק ח"ג סי' כ"ו).

30. **Mid-Shmoneh Esrei.** If one is saying Shmoneh Esrei and hears the shofar, some say he may stop and listen (הגר"ח קנייבסקי ובשו"ת משנת) (יוסף ח"ט סי' ס"ז ומור"ר בשו"ת שבט הקהתי ח"ג סי' קפ"ג). Others say he does not need to stop and listen (בעל משנה הלכות).

31. **Standing?** We do not find that one needs to stand during these tekios (שו"ת שבט הקהתי שם).

32. **Bris.** If there is a bris in shul in the month of Elul, it should be performed before shofar blowing (מקור חיים להחוו"י סי' תקפ"ד).

33. **Loudspeaker.** Since we are not meticulous about all the fine halochos for this minhag, one may be yotzei by hearing the shofar over a loudspeaker or telephone if he has no other choice. However, he is not yotzei with a recording since no one is actually blowing the shofar at that moment. Thus, one is not yotzei if he hears one of the many cars in Yerushalayim that play very loud recordings of a shofar along with a message from a tzedokoh organization.

34. **Child.** It is preferable for a godol to blow shofar for kovod hatzibbur. Still, if there is no godol present who knows how, a child may do it.

35. Do the rules of chazokoh apply to these tekios? I.e., if a certain person always blows shofar in a particular minyan, does he have a chazokoh, as we find with respect to the tekios of Rosh Hashonoh (מ"ב סק"ג)? Perhaps whoever comes first has the right to blow shofar since it is only a minhag? It would seem that the rules of chazokoh do apply here.

Tehillim

36. There is another minhag to say ten perakim of Tehillim followed by Kaddish in a minyan after davening on the weekdays from Rosh Chodesh Elul and on.

37. If ten men were not present for the Tehillim, a perek or some pesukim should be left over to be said when a tenth man comes followed by Kaddish. One person may say them and then say Kaddish (שו"ת מנח"י ח"ח סי' נ"א).

38. If a yeshivoh has a minhag to say three perakim of Tehillim after davening, but they do not want to say Kaddish after Ledovid and then again after the Tehillim, it is preferable to only say Kaddish after the Tehillim since that is also after Ledovid (מור"ר כ"ק מן גאב"ד ירושלים).

“Ledovid Hashem Ori Veyish”

39. There is a minhag to say the perek, Ledovid Hashem Ori... every day after davening in the morning and in the evening (מ"ב סק"ב). Some say it after Minchah, others say it after Maariv. Each person should follow his minhag.

40. Some say that if one said Ledovid after Minchah and then davens Maariv in a minyan which says it after Maariv, he should say it again with them (הליכות שלמה ר"ה ארורות הלכה הע"ב 3). Others say he does not need to say it again (הגריש"א ובעל משנה הלכות).

Checking Mezuzos and Tefillin

Checking Mezuzos

41. Some scrupulous people check their tefillin and mezuzos every year in Elul (מטה אפרים סק"י). However, the Shulchon Oruch (יו"ד רצ"א ס"א) says that one only needs to check his mezuzos twice in seven years, i.e., every three and a half years. Therefore, if it is around the time to check them anyway, one should check them in Elul.

42. **What to check for.** The purpose of checking a mezuzah every three and a half years is not to make sure the words are spelled according to the mesorah; for that, one only needs to check it once, before affixing it. Every three and a half years, they should be checked to see if any letters got erased or blurred, or if the klaf got worn out due to moisture or exposure to sunlight (תוס' מנחות מ"ג).

43. Therefore, strictly speaking mezuzos do not need to be checked by an expert in the mesorah of the spelling; anyone can check if the klaf is moist or if any letters are blurred or broken, and ask a shailoh if necessary (חת"ס סי' רפ"ג והובא בפ"ת סק"ג). Still, since many shailos can arise and the average person is not an expert in the details of safrus, it is worthwhile to have an expert check them.

44. **Brochah upon returning it.** If one takes down a mezuzah to check it, he does not need to make a brochah upon returning it if he returns it right away (מור"ר בחובת הדר פי"א י"ד).

45. If, however, there was a long time in between, e.g., if he brought it to an expert to check it, he must make a brochah upon returning it. If he puts it back up another day, he definitely made a hefsek and can make a brochah (ערוה"ש). If it is the same day, it is a machlokes haposkim, and thus a sofeik, so he should not make a brochah.

46. If one puts up a new mezuzah which was not there before or if a mezuzah was posul and then fixed, he certainly makes a brochah (חובת הדר שם).

47. If a mezuzah falls or becomes loose, e.g., if the bottom nail fell out and it is hanging by the top nail, one should make a brochah when he repositions it (שם).

48. **Checking if it is secure.** Mezuzos must be secured in such a way that they cannot fall or be easily removed. Thus, one should not glue or tape them loosely in a way that they can be pulled off (דעת קדושים).

49. Therefore, even if they are within three and a half years from their last inspection and the letters do not need to be checked, one can still fulfill the minhag to check them in Elul by verifying that they are securely affixed.

50. One may not remove a mezuzah from a place that is chayov deoraiso and put it in a place that is only chayov derabonon or potur altogether, thereby lessening its kedushoh. Thus, it is advisable to mark the spot of each mezuzah to ensure that each one gets returned to its original spot (מזוזות מליכ"ס סק"ק פ"ו).

51. **Vacation houses.** Some people of means own houses in vacation spots or in the United States, in the country, and have never checked the mezuzos. It is advisable to check them, especially if they are in sunny or rainy places.

Checking Tefillin

52. We quoted the Mateh Efrayim (above, 41), who writes that scrupulous people check their tefillin in Elul. On the other hand, the Shulchon Oruch (או"ח ל"ט ס"ו) writes that tefillin which have a chezkas kashrus never need to be checked.

53. If one only puts them on from time to time, he must check them twice every seven years (שו"ע שם). Some say that since we only wear tefillin during davening, it could be that is considered “from time to time,” which would necessitate checking them twice every seven years (א"א בוטשאטש ושלחן הטהור ס"ב).

54. **Our tefillin batim.** Our tefillin batim are made from the thick hide of large animals, have been well-processed and exceptionally crafted with strong, tight stitches, and are properly squared. Accordingly, some poskim hold that unless one knows there may be a problem, e.g., if they fell into water or were exposed to high temperatures, he may rely on the Shulchon Oruch. In fact, repeatedly opening and closing tefillin may actually ruin them (הגריש"א, הליכות שלמה פ"ד אות ל"ו).

55. If one still wants to fulfill the minhag to check his tefillin in Elul, he may check the straps and batim to make sure they are properly black and square.