



Halachos of
TZEDAKA

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Please note that the material presented is not meant to be a comprehensive guide to the halachos of Tzedaka.

In any case of question or doubt a Rabbi should be consulted.

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Halachos of TZEDAKA

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sponsored by
The OU Women's Initiative.

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Day 1

Introduction: It is impossible to overstate the significance that Jewish thought and practice place on the giving of *tzedaka*. Indeed, throughout the generations, generosity to those in need has been a hallmark of the Jewish people. The magnitude of the mitzvah of *tzedaka* is immense. Chazal tell us that the mitzvah of *tzedaka* is greater than bringing all of the *korbanos*, and that it is in the merit of the mitzvah of *tzedaka* the Jewish people will be redeemed.

Giving *tzedaka* is not merely a praiseworthy endeavor, rather it is an obligatory mitzvah from the Torah to give *tzedaka*. Both men and women are obligated in the mitzvah of *tzedaka*. One is required to give *tzedaka* in accordance with their financial capacity.

טור יו"ד ס' רמז שו"ע ס' רמז ס"א, צדקה ומשפט פ"א סי"ט



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Day 2

Tzedaka must be distributed in a good-hearted and pleasant manner. One who gives *tzedaka* in an angry and frustrated manner forfeits their reward of the mitzvah. One must bear in mind that whoever shows compassion to a fellow Jew will in turn earn the compassion of Hashem.

שו"ע ס' רמז ס"ג ס' רמז ס"ג



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Day 3

The greatest fulfillment of the mitzvah of *tzedaka* is to prevent a fellow Jew from becoming financially needy and dependent on others in the first place. One fulfills this mitzvah no matter how this is accomplished, whether by providing another with employment, lending them money, giving a gift, or any other way.

שו"ע ס' רמט ס"ו



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Day 4

The mitzvah of *tzedaka* is to provide a fellow Jew with whatever they are personally lacking. As such, a poor person who was previously wealthy and accustomed to a high standard of living, should be given sufficient funds to maintain their original standard of living.

שו"ע ס' רנ ס"א



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Day 5

There are a number of ways that *tzedaka* can be distributed from the giver to the receiver. The best way to give *tzedaka* is when neither the giver nor the receiver is aware of the identity of the other. A less ideal method of giving *tzedaka* is when the giver is aware to whom he is giving, but the receiver is unaware of the identity of the giver. Less ideal than this, is when the receiver is aware of the identity of the giver, even if the giver is unaware of the identity of the receiver.

שו"ע ס' רמט ס"ז-ט'



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Day 6

Halacha considers a pledge to contribute money to *tzedaka* as a vow, and as such one is obligated to keep their pledge. For example, one who responded affirmatively to a solicitation phone call is required to keep their pledge, even if they subsequently had a change of heart. Even one who did not articulate a commitment but merely mentally resolved to give *tzedaka* should follow through with their good intention (to be continued).

רמ"א ס' רנח סי"ג



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Day 7

It was previously mentioned that one who pledged to give *tzedaka* is obligated to keep their pledge. What does one do if they pledged a specific amount of money and then forgot how much they pledged? In such an instance one must give to *tzedeka* the amount of money that was possibly originally pledged. Thus, one who is unsure if they pledged \$36 or \$54, but knows with certainty that they did not pledge more than that, gives \$54 to *tzedaka*.

שו"ע ס' רנח ס"ג



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Day 8

It is a great mitzvah to serve as a *gabbai tzedaka*, i.e. one who encourages others to give *tzedaka*. This includes anyone who is actively involved in soliciting or enlisting others to give *tzedaka*, i.e. one who encourages friends or family to contribute to a cause or one who makes phone solicitations on behalf of a dinner. Chazal tell us that the reward of one who encourages others to give is greater than that of the giver.

שו"ע ס' רמט ס"ה



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Day 9

One who wishes to be virtuous should contribute **generously** towards mitzvos from the **best and finest** that they have. This means that when giving money, one should give magnanimously. When giving items, one should give from the best items that they have. For example, when donating to a clothing or food drive, one should donate high quality clothing and food.

שו"ע ס' רמח ס"ח



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Day 10

One should do whatever they can to avoid being a recipient of *tzedaka*, someone who is dependent and a burden on others. It is even preferable for a prestigious individual to engage in a degrading profession rather than be dependent on others.

שו"ע ס' רנה ס"א



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Day 11

It is a mitzvah to take off *ma'aser*, a tenth from one's earnings and give it to *tzedaka*. In doing so, one becomes a partner with Hashem in all of their business pursuits, because their earnings are divided between themselves and the needy.

פוסקים סו"ס שלב, אהבת חסד פ"כ



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Day 12

Frequently, the calculations involved in separating *ma'aser* can be intricate and confusing. As such, it is highly recommended that one keep a special notebook or binder where they can record all of their *ma'aser* calculations. The details of how *ma'aser* is calculated will be explained below.

אהבת חסד פ"כ



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Day 13

The first time one takes off *ma'aser*, it is given from the principle. Subsequently, *ma'aser* is given from one's earnings. For example, Sarah has \$30,000 and wants to start giving *ma'aser*. She takes one-tenth of her wealth, i.e, \$3,000 and gives it to *tzedaka*. The next year, Sarah made a net profit of \$15,000. Sarah now deducts a tenth from her profit, and gives \$1,500 to *tzedaka* (to be continued).

ש"ך ס' רמט סק"ב



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Day 14

It was previously mentioned that *ma'aser* is taken from one's earnings. Included in this is wages earned, money or assets that were inherited or money that was received as a gift (to be continued).

צדקה ומשפט פ"ה ס"ד-ו'



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Day 15

One who received money from an insurance company as compensation for a loss is not obligated to take *ma'aser* from the compensation. The compensation is merely reimbursing the loss that was incurred and is not considered money earned. However, if one received compensation above and beyond the loss, *ma'aser* is taken from the excess compensation that was received.

צדקה ומשפט פ"ה הערה כ"ז, פסקים ותשובות ע' שסח



Day 16

It was mentioned that *ma'aser* is taken from money received as a gift. There is a dispute among the *poskim* whether *ma'aser* is taken from non-monetary gifts, and if so how the *ma'aser* is calculated. A Rov should be consulted.

צדקה ומשפט פ"ה הערה כ"ז, אמרי צדקה ע' 133



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Day 17

It was previously mentioned that there is a question whether or not *ma'aser* is taken from non-monetary gifts. This question applies to gift certificates as well. Thus, one who does not take off *ma'aser* from non-monetary gifts is not obligated to take off *ma'aser* from a gift certificate.

פסקים ותשובות ע' שסח



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Day 18

Children who receive money from their parents as a means of support should not take *ma'aser* from this money. The parents are providing the money with the specific intent of supporting their children, and it is therefore understood that the parents are giving the children the money to use themselves.

אגרו"מ יו"ד ח"ב ס' קיב



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Day 19

Ma'aser is given from one's earnings.

Earnings are defined as the money one has after income tax is taken. For example, if one earns \$75,000 a year and pays \$7,000 in income tax, they take *ma'aser* from \$68,000, and give \$6,800 to *tzedaka* (to be continued).

צדקה ומשפט פ"ה ס"ח



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Day 20

It was previously mentioned that *ma'aser* is given from one's earnings. Any necessary expenses that one incurs as part of earning a living may be deducted from one's profit margin. In some instances, it may not be clear cut whether something can be considered a business expense in regards to *ma'aser*. For example, in order to be able to work, a mother may employ a babysitter to watch her child. However, the babysitter also performs household duties which benefit the mother. In such a scenario and the like, a Rov should be consulted.

צדקה ומשפט פ"ה ס"ח



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Day 21

If one realized that they previously gave *ma'aser* in excess of their obligation, they are permitted to deduct the excess amount from their future *ma'aser* obligation. Preferably, when one begins taking *ma'aser* for the first time they should verbally state that if they give more *ma'aser* than required, they may deduct that amount from their future *ma'aser* calculation.

אהבת חסד פי"ח ס"ה



Day 22

Sometimes questions can arise regarding one's *ma'aser* record-keeping. For example, one is unsure whether or not the *ma'aser* that was calculated was distributed, or is confused whether their earnings were recorded correctly. In such an instance, strictly speaking, one is permitted to be lenient. Nevertheless, it is an appropriate practice to err on the side of over-giving *ma'aser*.

פסקים ותשובות ע' שסה



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Day 23

How often should one separate *ma'aser*?

One should separate *ma'aser* at least once every six months, or at the very least once a year. Often, one's earnings/losses can fluctuate with the passage of time.

Calculating one's profits and the amount of *ma'aser* to give is determined by the date which one sets to take *ma'aser*.

אהבת חסד פי"ח ס"ב, צדקה ומשפט פ"ה בהערה



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Day 24

Ma'aser is not taken from mere appreciation of stock investments. The appreciation of the stock is not money earned, rather it is potential profit. When one sells a stock, the original purchase price is compared to the sale price, and *ma'aser* is calculated from that profit.

פסקים ותשובות ע' שסט



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Day 25

It is a מצוה מן המובחר (punctilious performance of a mitzvah) to give to *tzedaka* a fifth of one's earnings, in place of the standard *ma'aser*. Chazal prohibited giving more than a fifth out of concern that the giver could possibly become needy and dependent on others themselves (to be continued).

שו"ע ורמ"א ס' רמט ס"א, ש"ך סק"ב



Day 26

It was previously mentioned that one should not give more than a fifth of their earnings to *tzedaka*.

Nonetheless, there are a number of exceptions to this halacha, where it is permitted to give more than a fifth;

A) In one's will one may give to *tzedaka* in excess of one-fifth. Nonetheless, *poskim* write that even at that time one should not give away more than half of their estate to *tzedaka*.

B) One who is exceptionally wealthy is permitted and encouraged, to give more than one-fifth. Regarding such a person it is only a remote concern that giving in excess of a fifth will cause them to become dependent on others.

C) One may give more than a fifth of their earnings in order to support Torah study. Due to the paramount value of Torah study, Chazal did not impose the limitation of a fifth regarding its support.

אהבת חסד פ"כ



Day 27

Ma'aser money should ideally be given to the poor. One who has relatives in need should direct their *ma'aser* funds to them. If one does not have relatives in need, it is a special mitzvah to give *ma'aser* money to poor people who are engaged in Torah-study (to be continued).

רמ"א ס' רמט ס"א, אהבת חסד פי"ט ובהגהה



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Day 28

It was mentioned previously that providing for needy relatives is first and foremost. In the same vein, the needs of the poor of one's own community take precedence to those of another community, and the needy of one's city take precedence to those of a different city. Additionally, when supporting beyond one's city, the poor of Eretz Yisrael come before the poor of other places.

שו"ע ס' רנא ס"ג



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Day 29

There is discussion in halacha whether or not *ma'aser* funds may be used for mitzvah causes which are unrelated to providing for the poor. Included in this are supporting the local mikvah, eruv maintenance fund, *bikur cholim* agency, etc. The prevalent minhag is to permit the use of *ma'aser* funds for such causes. Nonetheless, priority should still be given to supporting the poor with one's *ma'aser* funds (to be continued).

ש"ך ס' רמט סק"ג, משיב דבר ח"ב ס' עו



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Day 30

It was previously noted that the minhag is to permit the use of *ma'aser* funds for various non-*tzedaka* mitzvah causes. However, *ma'aser* money may not be used towards any mitzvah on which one is anyway obligated to spend money. For example, one cannot use *ma'aser* funds for *matanos la'evyonim* on Purim. The same halacha applies to using *ma'aser* funds for tuition. Because one is required to spend money on *matanos la'evyonim* and on providing their children with a proper upbringing, therefore *ma'aser* funds cannot be used to pay off these obligations.

צדקה ומשפט פ"ו ס"ב



Day 31

Tzedaka given on behalf of the deceased is a merit for them and is considered by Hashem as if the deceased themselves gave the *tzedaka*. Among Ashkenazim, it is the universal minhag to recite *yizkor* on various *Yamim Tovim*. The primary merit and purpose of *yizkor* is to give *tzedaka* on behalf of the departed.

One never suffers a loss or is adversely affected by giving *tzedaka*, as it is written (והיה מעשה הצדקה שלום (ישעיה ל"ב י"ז) *and the act of giving tzedaka brought peace.*

רמ"א יו"ד ס' רמט סט"ז, שו"ע ורמ"א או"ח ס' תרכא, מ"ב סק"י"ט

שו"ע ס' רמז ס"ב



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Mazel Tov
on completing a month
of Halacha Yomi!