

A close-up photograph of a hand holding several gold coins, with another hand reaching up towards them. The background is a warm, golden-brown color.

# Laws of Charity

**ECLECTIC TORAH COMPILATIONS**

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— TALMUDIC BOOKS —



# SUCCINCT LAWS OF CHARITY

**A CONCISE SET OF GUIDELINES TO GIVING, COLLECTING AND  
DISBURSING CHARITY AS GLEANED FROM THE RAMBAM AND  
THE SHULCHON ORUCH, YOREH DEYOH, HILCHOS TZEDOKOH,  
CHAPTERS 247-259 AND OTHER PRIMARY AND SECONDARY  
SOURCES**

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## FORWARD

No acts reflect the nobility and dignity of the Jew as do those of the giving of Tzedokoh (Charity) and the imparting of Gemilus Chasodim (loving-kindness). By demonstrating compassion and empathy with one's fellow man, one is exhibiting the finest level of G-dliness and holiness humanly possible.

Although these concepts are well known, the technicalities of giving charity in accordance with the Halochoh are, for the most part, unknown or misunderstood. Legitimate questions frequently arise as to how much one is obliged to give, who is eligible to receive, are there circumstances when one can refuse to give, priorities in giving, etc.

As such, this booklet has been written with the purpose of highlighting certain limited, key laws to be used as a guideline for both homeowners and others involved in collecting and disbursing charitable funds. Assuredly, these laws are far more complex than what has presented below and it is imperative that the fuller laws dealing with this subject be studied directly from the primary sources and with a teacher.

However, *under no circumstances should anyone deduce the Halochoh from this booklet.* Any specific case or question must be addressed to a Rabbi acquainted with these laws for his guidance and authoritative response. There are innumerable nuances in the application of the Halochoh which a brief review such as this can in no way cover.

Please note that this monograph does not cover the details of Maaser Kesofim (tithing) and skirts the issue of how taxes (particularly as paid to the State of Israel) are to be handled.

## DEFINITION OF CHARITY

Literally righteousness, Tzedokoh, charity, has been defined as an "act of duty incumbent to provide for those in want." It is an assessment of the rich in favor of the poor. In Jewish thought, charity is a human obligation, something that man owes to his fellow man since he is his brother. One must remember that one's wealth is merely a deposit from Heaven to be given to whomever He commands, and He commanded we give our money to the poor.

The world rests on charity as it says in Pirkei Ovos, "The world rests on three things: Torah, Avodoh and Gemilus Chasodim" of which charity is one element (Oruch HaShulchon 247).

## PRINCIPLE SOURCES USED IN PREPARING THIS WORK

Mishneh Torah (MT), Hilchos Matonos Aniyim 7-10

Shulchon Oruch (SO), Yoreh Deyoh 249-259, the Ramoh, and the Poskim thereon

Chochmas Odom (CO), Hilchos Tzedokoh 244-248

Kitzur Shulchon Oruch (KSO) 34

Oruch HaShulchon (OH), Yoreh Deyoh 247-259

Derech Emunah (DE), Hilchos Matonos Ani'im, 7-10, Rabbi Chaim Kaniefsky

Mishpetei HaTorah, Volume 3, Rabbi Tzvi Shpitz.

## **SUMMARY**

- 1. It is a positive Mitzvoh to give charity to whatever degree one is capable.**
- 2. It is sinful to turn a blind eye to the wants of the poor.**
- 3. One must be expeditious in observing this Mitzvoh since it may be a case of life and death.**
- 4. Charity includes money for the hungry and ill, clothing the naked, raising and marrying off orphans, supporting widows, Talmud Torah, etc.**
- 5. Philanthropy is a sign of descent from the righteous Avrohom.**
- 6. No one will ever become poor because of his almsgiving. In fact, philanthropy enriches.**
- 7. G-d will be merciful with whomever is merciful with the poor.**
- 8. Philanthropy defers the harsh decrees.**
- 9. The reward for encouraging others to give charity is greater than the reward for one's own donation.**
- 10. One must never glorify himself because he gave charity.**
- 11. Everyone is obliged to give charity, even the poor man who himself is supported by charity.**
- 12. Charity must be given with a friendly countenance, happily and graciously. It is forbidden to rebuke or reproach the indigent.**
- 13. One must give as much as the poor man needs, if one can give this. If not, he should give a fifth or a tenth of his assets and net profits.**
- 14. One is forbidden to turn a beggar away empty-handed, but must give him, even if only a pittance.**
- 15. It is proper to give charity before each prayer.**
- 16. Supporting oneself and family takes precedence over the needs of others. Those closer in relations (family) and in geography (neighbors) take precedence over those further away.**
- 17. One should employ the poor as household staff.**
- 18. Ransoming captives takes precedence over other forms of charity.**
- 19. Feeding the hungry takes precedence over clothing the naked.**
- 20. One greater in wisdom takes precedence over one with lesser wisdom.**
- 21. One should not give all his charity to only one poor man, but distribute to many.**
- 22. A hungry and cash-strapped traveler can take from Charity if he has no other way of buying food.**
- 23. One should always avoid accepting charity.**
- 24. A commitment to give charity is like any other vow and one is bound by it.**
- 25. When committing to donate charity, always say "Beli Neder".**
- 26. No Brochoh is said when giving charity.**

## GENERAL<sup>1</sup>

1. **It is a positive Mitzvoh to give charity to whatever degree one is capable.** We have been commanded to do so numerous times with both positive and negative precepts, including: פתוח תפתח וחי אחיך עמך (ויקרא כ"ה) "את ידך לו (דברים ט"ו ח) "You shall surely open your hand unto him", "and your brother may live with you". We have been commanded not to turn a blind eye to the poor as it says: לא תאמץ את לבבך ולא תקפוץ את ידך (דברים ט"ו ז) "You shall not harden your heart nor shut your hand from your poor brother" (SO 247:1).
2. Anyone who turns a blind eye to the poor is called בליעל "wicked" (literally lawless or not G-d-fearing) and it is as if he worships false gods (SO 247:1).
3. **One must be expeditious in observing this Mitzvoh** since failure to do so can lead to bloodshed as the poor man may die before help is given, as was the case with Nachum Ish Gam Zu<sup>2</sup> (SO 247:1).
4. **Philanthropy is a sign of descent from Avrohom**, the paragon of loving-kindness (see Bereishis 18:19).
5. **No one will ever become destitute because of his almsgiving.** No harm will ever befall him nor will he ever suffer injury as it says: והיה מעשה הצדקה שלום (ישעיהו ל"ב י"ז) "And the work of charity is peace" (SO 247:2).
6. **G-d will be merciful with whomever is merciful with the poor** (SO 247:3).  
One should consider that just as he is always beseeching G-d to hearken to his own requests for sustenance, so should he listen to the pleas of the distressed. One should remind himself that this a world where matters turn full circle and although things are well with him now, he or his son or his son's son may one day be in need themselves<sup>3</sup> (Ramoh 247:3).
7. **Philanthropy defers the harsh decrees.** During times of famine, charity will deliver from death, as we learned with the woman from Tzorfas<sup>4</sup> (SO 247:4).
8. **Philanthropy enriches.** Although normally one is forbidden to "try" (test, challenge) G-d, one is permitted to do so in this case, as it says: ובחנוני נא בזאת וגו' (מלאכי ג' י) "Test me, if you will, with this, says G-d"<sup>5</sup>.

<sup>1</sup> See *Kitzur Shulchon Oruch 34 and Oruch HaShulchon 247* for beautiful introductions to the Laws of Charity and, most particularly, the *Chofetz Chaim's* masterful and classic *Sefer Ahavas Chesed*.

<sup>2</sup> Nachum was severely punished for simply saying "wait" to a starving beggar even though he was very busy and involved in performing another Mitzvah. By the time Nachum got around to dealing with the man, he had died (see *Taanis 21b*).

<sup>3</sup> The *Oruch HaShulchon (247:5)* says that he had a tradition whereby one who encourages others to give charity saves his descendents from begging.

<sup>4</sup> As recorded in *Melochim 1 17*. In the merit of the cookie which the woman gave the hungry Eliyohu, she and her son was saved from death. The *Medrash* puts it another way, "the door which does not open to Charity, shall open for the doctor" (*Shir HaShirim Raboh 6*).

<sup>5</sup> That is, one can say to G-d, "Since You have promised to make rich anyone who gives charity, I challenge You to prove this to be true."

9. **The reward for encouraging others to give charity is greater than the reward for one's own donation** (SO 249:5)<sup>7</sup>.

10. **One must never glorify himself because he is philanthropic.** Not only does such a person not receive a reward, but he is punished. Nevertheless, it is permitted to inscribe one's name on a donated object as a reminder<sup>8</sup> (Ramoh 249:13).

11. **One should make the poor members of his household** (SO 251:6)<sup>9</sup>.

12. **One should not give all his charity to only one poor man** (SO 257:9).

13. **There are eight grades in philanthropy**, each progressively more virtuous than the next:

1. The highest grade is to give another Jew a present or loan, or make him a partner<sup>10</sup> in a business venture, or find him work so that he is no longer dependent upon others and need no longer beg<sup>11</sup>. Of such a person it is said: (ויקרא כ"ה ל"ה) "and you shall strengthen (i.e. uphold) him" (SO 249:6).
2. Lower than this is when the donor does not know the identity of the recipient and the recipient does not know the donor<sup>12</sup>. Similar is one who puts money in a charity box (pushke). One should not put money into a charity box unless he knows that the person responsible for the charity box is trustworthy and will appropriate the collection equitably (SO 249:7).
3. Lower than this is when the donor knows the recipient, but the recipient does not know the donor. Our great sages would clandestinely toss money onto poor people's doorsteps. This is the manner one should distribute charity if the charity administrators are not trustworthy (SO 249:8).
4. Lower than this is when the recipient knows the donor, but the donor does not know the recipient. The wise men of yore would tie money in a sack and toss it over their shoulders. The helpless would come from behind and take (SO 249:9).
5. Lower than this is when the donor hands the charity directly to the recipient before being asked (SO 249:10).
6. Lower than this is when the donor gives the charity only after he has been asked (SO 249:11).
7. Lower than this is when the donor gives less than the proper amount, but he does so with a cheerful countenance (SO 249:12).
8. And the lowest grade is when the donor gives sadly (SO 249:13).

6 *Derech Emunah* says that this refers to tithing produce, not money (DE 7:27).

7 *Because of the great difficulty involved in actually getting people to contribute* (OH 249:12).

8 *By doing so, the community cannot exchange, sell or use it for another purpose* (Taz). Also, this will encourage others to donate. *The Kitzur Shulchon Oruch offers another reason. He says that now the children cannot claim possession after the donor's death* (KSO 34:4).

9 *The Poskim state that one should employ the poor and orphans in one's household to serve and work rather than hire servants. This would be considered charity* (see Shach, Taz and Be'er Heiteiv).

10 *Partnership is preferred over a loan inasmuch as this is less embarrassing for the poor man* (Beis Yosef).

11 *In this way, the end is achieved without any loss of self-respect. Nothing must ever be done to shame the recipient.*

12 *This way secrecy is maintained.*

14. It is proper to give (even a minimal amount) of charity to the poor before each of the three daily prayer services (SO 249:14).
15. **We do not investigate the veracity of one who asks to be fed, but we feed him immediately. However, even if one came to us naked and asked to be clothed, we check the veracity of his claim<sup>13</sup>.** If we know this person, we give him clothing straight away (SO 251:10).
16. **We trick the poor man into receiving charity if he refuses to take it directly<sup>14</sup>** by claiming it is a gift or a loan (SO 253:9).
17. **We must give to a Torah scholar<sup>15</sup> in accordance with status and honor.** If he refuses to take, we engage him in commerce by selling goods to him at a low price and buying them back at a higher price. If he understands business, we loan him money for this purpose (SO 253:11).
18. **It is an ancient custom to pledge charity in memory of the deceased during Hazkoras Neshomos (Yizkor)** since it is beneficial for their souls as an atonement (Ramoh 249:16).
19. **One does not make a Brochoh when giving charity<sup>16</sup>.**

## HOW SHOULD ONE GIVE?

20. **Charity must be given with a friendly countenance, happily and graciously.** One should empathize with the beggar and commiserate with him in his troubles. One should speak comfortingly and with words of consolation. For if one gives with an irate and sour face, all his merit is lost<sup>17</sup> (SO 249:3).
21. **One must never rebuke or reproach one who is destitute or raise his voice with him** since his heart is broken and he is depressed. Rather one must speak peacefully and show understanding. If he has nothing (or very little) to give, he should say that he would like to give (more) but, unfortunately, cannot at this time (SO 249:4).

*13 Although one has no obligation to give to someone who is fraudulent or deceptive, the Chazon Ish is quoted as having said that one should give to them too so as not to cause them any embarrassment. HaRav Binyomin Zev Stein of Raanana adds that one does not have to spend any money to determine the veracity of a beggar's claims. When in doubt, simply check as best as you can.*

*14 Due to his humility or embarrassment (Tur, Yoreh Deyoh 253).*

*15 Or a truly G-d-fearing person, even if he isn't a Torah scholar (OH 253:18).*

*16 Several reasons are offered:*

*One) No Brochoh is made on man-to-man Mitzvochs (MT, Hilchos Brochos 11:2 and Kesef Mishneh)*

*Two) The poor man might refuse to accept the money and it would then be a Brochoh L'vatoloh, a blessing said in vain (Avudrohom and Sheilos U'Tshuvos HaRashboh 1:18).*

*Three) It would be inappropriate to make a blessing resulting from someone else's misfortune (Ravad).*

*Four) No Brochoh is made on Mitzvochs which the B'nei Noach are also commanded to perform, and Tzedokoh is one they must perform (Kli Chemdoh, Parshas Vayeiroh).*

*Five) Since most people give charity begrudgingly, they lack the prerequisite Simchoh, joy, for performing the Mitzvoh (R' Menachem Mendel of Pristik as quoted in Sefer Taamei HaMinhogim).*

*Six) It would be insensitive to inconvenience the beggar to wait while a Brochoh is made (Rabbi Zev Leff).*

*Note: The Gra did make a Brochoh (DE 7:1), but this is not the custom.*

*Similarly, no Brochoh is made when putting money in a pushke since the גומר מצורה, completion of the Mitzvoh, is only when the poor actually receive the money (Orchos Chaim 92).*

*17 Even if he gave a large amount (Shach).*

22. **One is forbidden to turn a mendicant away empty-handed, but must give him even a pittance** (like a dried fig) as it says: **אל ישוב דך נכלם (תהילים ע"ז כ"א)** "Let not the oppressed return confounded" (Ramoh 249:4, SO 250:3).

23. The Kabbalists wrote that it is a greater Mitzvoh to give charity during the day than at night. Certainly, if a beggar came at night, one must give him. The Ari'zal wrote that (since this is a positive Torah commandment) one should give charity while standing up and with one's right hand (DE 7:1).

## WHO IS OBLIGED TO GIVE CHARITY?

24. **Everyone is obliged to give charity**, even the poor man who himself is supported by charity. He, too, must give of what he himself receives (SO 248:1)<sup>18</sup>. **One poor man can give to another poor man to fulfill his own obligation of giving charity** (SO 251:12).

25. **One who wishes to earn merit for himself will suppress his evil inclination and be generous with his donations.**

We have a principle which states "Anything which is to be performed for the sake of Heaven must be done in the best way possible". Thus, if one builds a synagogue, it is to be more exquisite than his own home. One who feeds the hungry should feed him from the finest and sweetest delicacies from his table. One who clothes the naked, should clothe him in his choicest clothes. One who consecrates an object for a sacred purpose, should do so from his premium assets. This, because it says: **(ויקרא ג' ט"ז) כל חלב לה' ט"ז** "All the fat is for G-d" (SO 248:8).

## HOW MUCH IS ONE OBLIGED TO GIVE?

26. **One must give as much as the poor person needs, if one can give this** (SO 249:1).

27. If one cannot give to this extent, then **the ideal is to give 20% of one's assets to Charity**. If one is of average temperament, he will give 10%. Giving less than this is considered to be miserly. The 20% referred to here is calculated from the principal (capital) in the first year and from the profits<sup>19</sup> every year thereafter (SO 249:1)<sup>20,21</sup>.

18 *The Oruch HaShulchon asks, "Does this not contradict what we shall learn later that one is exempt from giving charity until such time that one can support himself? Does not his life come before that of his brother?" He answers that we are referring to two different issues. The poor man has an obligation to fulfill the Mitzvoh of charity, at least once a year, as does everyone else, whereas he is exempt from contributing to the fixed public charity funds until he has enough to support himself and his family (OH 248:1-6).*

19 *Profits are calculated as gross income minus all business expenses (OH 249:7). Rabbi Tzvi Shpitz in Mishpetei HaTorah (Vol. 3, Chapter 26) explains that this calculation comprises all "cash" income one had during that year including salary, inheritance, monetary gifts, profits from the bank, money found on the street, etc. However, objects or real estate received as a gift or inheritance are not included as income until such time as they are sold. Monies received for a specific purpose, such as money received from one's parents for the purchase of a house, are exempt from tithing. See there for how to handle monies received*

28. One should not donate (literally “waste”) more than the 20% so that he himself will not be in want of others<sup>22</sup>. This is true when he is alive and well, but on his deathbed, he can give as much charity as he wishes<sup>23</sup> (Ramoh 249:1).

29. **One’s tithe money** should not be given for any other Mitzvoh such as buying candles for a synagogue, etc., but **must only be given to the poor**<sup>24</sup> (Ramoh 249:1, KSO 34:4).

30. As stated above, **one must give to the poor whatever he lacks** given his reduced circumstances<sup>25</sup>. Thus, if a person was hungry, he must be fed. If he lacks clothing, he must be clothed. If he lacks some sort of vessel or tool at home, we must buy him whatever he needs. If he has been accustomed to riding a horse and had a slave run before him when he was rich, and now became poor, we must supply him with a horse and a slave. And so with everyone. Everyone in accordance with his needs and social position (SO 250:1).

If one needs bread, we give him bread. If one needs flour to bake, a bed, warm bread or cold bread, then we give him flour, a bed, warm bread or cold bread. If one is accustomed to be fed by hand, we feed him by hand (SO 250:1).

If one is unmarried and wishes to marry, we rent a house for him, buy him basic household furnishings and marry him off (SO 250:1).

31. The Ramoh says, “It appears to me that all this is incumbent upon the public charity administrators. However, individuals need not give what is lacking but are obliged to inform the public of this man’s dire straits. If there is no public to inform at that time, then he can give as explained in Chapter 249 of the Shulchon Oruch” (Ramoh 250:1).

*from the sale of one’s house which he needs for the purchase of another. See Mishpetei HaTorah, Vol. 3, Chapter 27 for an explanation of what constitutes business expenses, and those expenses a salaried worker can use as deductions.*

20 *Calculated semi-annually (CO 244:11) or annually at Rosh HaShonoh (OH 249:7). The Sheilas Yaavetz (part 1, end para. 10:3) and the Chochmas Odom (244:10) state that the 20% rule applies to a person of moderate means. The very rich must give whatever the poor require. Some say that for Talmud Torah one is permitted to give more than 20%, as he wishes.*

21 *The Oruch HaShulchon (249:6) says that each time monies are received, tithes (or a fifth) must be given. Thus, even though the father has already tithed his money, the same money, when inherited has to be tithed by the heirs. He says that this law is understood from the Yerushalmi and has been agreed to by the Gedolim including the Shloh. He also says that tithing money is unlike tithing produce where, once tithed, that produce is not subject to further tithing. [There, the obligation is on the object and not the person. –RB]*

22 *Ahavas Chesed lists six exceptions to this rule (Part 2, Chapter 20).*

23 *Some say that the maximum a dying man is permitted to give is a third or half of his assets (KSO 34:4, CO 244:11). Chochmas Odom adds that surely it would be improper to leave one’s sons (heirs) paupers.*

24 *or Talmud Torah. Mishpetei HaTorah (Vol. 3, Chapter 25) says that nowadays it is the custom to give one’s tithe monies to any number of purposes for the benefit of the public including buying a Sefer Torah, donating objects to a synagogue, building an Eruv or Mikveh, etc. Excluded are Mitzvohs one is personally obligated to perform, such as buying Tefilin, the four species, needs for Shabbos, etc. See there for details on whether or not the charity monies were donated on condition or not. A person can use his tithe monies to donate Sifrei Kodesh as long as they are made accessible to the public and he writes within them that these books were purchased with his Maaser Kesofim (tithe monies). Rabbis Elyoshev and Vosner rule that this “leniency” is not applicable nowadays since Seforim abound and are easily accessible (Diyunei Halochoh).*

25 *The Mitzvoh is to give what he lacks. There is no Mitzvoh to make him rich (MT 7:3).*

32. **Regarding an impoverished wayfarer**, one must not give him less than a small loaf of bread. If he has to sleep over, he is to be given a mattress and a pillow, oil for his lamp and legumes for a snack. If it is Shabbos, he must be given food for three meals, oil, legumes, fish and vegetables. If we know this man, we must give him in accordance with his status (SO 250:4).

## WHO IS ELIGIBLE TO RECEIVE CHARITY

33. **These are those who are eligible and ineligible to receive charity:**

1. One who has enough food for two meals is ineligible from taking from the Tamchui<sup>26</sup> (communal soup kitchen) (SO 253:1).
2. One who has enough food for fourteen meals is ineligible from taking from the Kuppoh<sup>26</sup> (communally-collected charity fund) (SO 253:1).
3. One who has enough money (200 Zuz<sup>27</sup>) with which he does not do business (called static capital), or if he has a quarter of that amount (50 Zuz) with which he does do business, cannot take from the Kuppoh (SO 253:1).
4. One who is in debt or against whom there is a lien on his wife's Kesuba is eligible to take from Charity<sup>28</sup> (SO 253:1).
5. One who owns a house and other possessions, but does not have the 200 Zuz static capital, is eligible for taking from Charity and he is not compelled to sell his possessions. even if he owns gold and silver vessels. This is regarding food and drink-related vessels/utensils, his clothing and bedding. However, silver tools or farming implements<sup>29</sup> must be sold and he cannot take from Charity (SO 253:1).

34. There are those who say that these amounts applied in earlier times. Today, however, **one may take until he has enough to support himself and his household from the profits of his capital** (SO 253:2).

35. **Regarding a landowner** who has no liquid assets:

1. We do not compel a landowner to sell his property during the rainy season and settle for a low price, for if he waits until the summer he can sell at a better price. Rather we assist him, up to half the value of his field, so that he need not feel under pressure to sell now that the market is depressed (SO 253:3).
2. Even if the market is high, but he cannot find a buyer except at a low price because he feels under pressure and is upset, we do not compel him to sell, but feed him and continue to do so until he can get a fair price when others know that he is not under pressure to sell (SO 253:3).

*26 See Appendix 1 for the Laws relating to the Tamchui and Kuppoh.*

*27 This was the amount that Chazal calculated a person required during the course of one year to feed and clothe himself and family (OH 253:2)*

*28 One who has many daughters to marry off is eligible to collect charity (Smag and Smak).*

*29 The Tur says that this also applies if one owns a silver Menorah or table.*

36. **A traveler who has no cash and has nothing to eat can take from Charity.** When he returns home he need not repay it. This is since that, at that moment, he is considered to be in the category of a poor man who became rich and is not obliged to repay<sup>30</sup> (SO 253:4).

## THAT ONE SHOULD DISTANCE HIMSELF FROM ACCEPTING CHARITY

37. **One should always avoid accepting charity.** One should subject himself to misery rather than become dependent upon others. And so instructed our sages: “Make your Sabbath a weekday and do not depend on others” (Shabbos 118a), i.e. lower your standards.

Thus, if one was a respected scholar and became poor, he should engage in some trade regardless if it is a despicable profession<sup>31</sup> and not depend upon others (SO 255:1).

38. Anyone who is ineligible for receiving charity and deceives people will not die until he is really in need of others (SO 255:2).

39. Anyone who might die unless he takes charity (such as an elderly person, one who is ill or suffers from other afflictions) and fails to do so is a shedder of blood and is culpable with his life (SO 255:2). [Life supersedes pride. –RB]

40. One who is eligible to take, but pains himself and lives a life of hardship in order that he need not burden the public, will not die until he himself will be supporting others. Of him it is written: **יִרְמִיָּהוּ** (ז' ז') “Blessed is the man who trusts in G-d” (SO 255:2).

## THAT ONE SHOULD AVOID ACCEPTING CHARITY FROM NON-JEWS

41. **A Jew should not publicly accept charity from a non-Jew<sup>32</sup>** unless he is unable to survive on charity received from Jews and is unable to receive the charity from the non-Jews secretly (254:1).

42. One should not return charity received from a non-Jewish minister/official in order to maintain peaceful relations. Rather, he should take the money and discretely redistribute it among the non-Jewish poor in such a way that the non-Jewish authorities do not learn of it (SO 254:2).

*30 The Rambam in his commentary on Mishaynos indicates that, nevertheless, it would be a Midas Chasidus for the traveler to repay Charity. Derech Emunah disagrees and rules that the traveler is exempt from repaying even because of Midas Chasidus (DE 9:108). The Gra wrote that if the man could take a loan, he is not permitted to take charity (OH 253:11).*

*31 As long as it is of no disgrace to the Torah (OH 255:1) or violates a Torah prohibition (Meiri, Baba Basroh 9a).*

*32 The Shach and Taz both say that it would be a Chilul HaShem to do so (since it is disgraceful that the Jewish community failed to support him) (see CO 246:3).*

43. Some say that he is obligated to distribute the charity monies as designated by the authorities<sup>33</sup>. We accept donations from a non-Jewish official for a synagogue. We do not accept donations from an apostate (Ramoh 254:2).

## PRECEDENCE

44. **The preeminent form of charity is the marrying off of poor, maiden brides**<sup>34</sup> (SO 249:15).

45. **Some say that the Mitzvoh of building/maintaining a synagogue takes precedence over other charitable causes except for supporting Torah learning for boys and helping sick, poor people** (SO 249:16).

46. **Giving money to one's own grown sons and daughters** (for whom one is no longer obliged to support, i.e. from the age of 6! or 13) **for teaching boys Torah or to train girls in the Upright Way, is included in the Mitzvoh of charity**<sup>35</sup>. Similarly, giving gifts to one's father when he is in need is included in the Mitzvoh of charity. Moreover, one's father takes precedence over other supplicants (SO 251:3).

47. **Relatives take precedence over non-relatives.** One's paternal brothers take precedence over one's maternal brothers. Poor of the house take precedence over poor of the city who themselves take precedence over poor from another city (SO 251:3).

48. **Residents of Eretz Yisroel take precedence over residents from outside the Land** (251:3)<sup>36</sup>.

*The Ramoh has a slightly amended order:*

49. **Supporting oneself**<sup>37</sup> **takes precedence over any other person** (he has the leading claim). One need not give charity until such time as he himself has with what to support himself (and thus not lapse into a state of dependence)<sup>38</sup>. After this, he must support his poor father and mother. They precede one's sons who precede one's brothers who precede other relatives who precede one's neighbors who precede other residents of the same town who precede residents of another town<sup>39</sup>. This is the same order of precedence regarding ransoming captives (Ramoh 251:3).

33 The Poskim say that this is either because of the concept of גניבת דעת, deception or because it would be thievery (DE 8:62).

34 To provide them with dowries. Marrying off male orphans precedes charity for other poor people. The poor ill precede other charities (CO 245:7).

35 Some say that any money one would have given anyhow or is obliged to give, even if it is technically "charity", is not to be included in one's calculation of Maaser Kesofim (tithe money). This would include Matonos L'Evyonim, Machatzis HaShekel, Pidyon Kaporos and his children's yeshiva tuition, etc. (DE 7:27). Cases of סכנת נפשות, danger to life, and certainly ransoming captives, precede giving money for learning Torah and supporting the poor (CO 245:8)

36 The Netziv in Meishiv Dovor (Yoreh Deyoh 47) rules that supporting a Talmid Chochom residing outside of Eretz Yisroel takes precedence over the poor of Eretz Yisroel. Thus, this law (#48), only applies when all are "equal".

37 Supporting oneself refers to having the barest of necessities: bread and water (OH quoting the Gaon 259:5).

50. **Feeding the hungry takes precedence over clothing the naked** (SO 251:7).

51. Feeding a hungry woman takes precedence over feeding a hungry man. Providing clothing for a woman takes precedence over clothing a man. Marrying off a female orphan takes precedence over a male orphan (SO 251:8)<sup>40</sup>.

52. In a case when many poor people have requested aid and there is not enough money to support or clothe all of them (or ransom them from captivity), the order of precedence is as follows: Cohen, Levi, Yisroel, Chalal<sup>41</sup>, Shtuki<sup>42</sup>, Asufi<sup>43</sup>, Mamzer<sup>44</sup>, Natin<sup>45</sup>, Ger<sup>46</sup> and freed slave (SO 251:9)

This applies when all are equal in wisdom. However, a Torah-scholar Mamzer takes precedence over an ignorant Kohen Godol (SO 251:9).

53. **One greater in wisdom takes precedence over one with lesser wisdom.** One's rabbi or Torah-scholarly father takes precedence over another, even greater scholar (SO 251:9).

54. **One is not obliged to support, lend to or ransom from captivity someone who intentionally<sup>47</sup> transgresses any Torah commandment and has not repented.** Nevertheless, we give to poor non-Jews along with the poor Jews for the sake of peace (SO 251:1, 2).

55. One who is an עבריין לתאבון i.e. sins because he has a desire to perform this sin but has no intention of rebelling against G-d, may be ransomed, but we are not obliged to do so (parenthetically at 250:2).

38 "Charity should not be so altruistic as to overlook one's duties toward self and those nearer home", Jewish Encyclopedia, entry on Charity.

39 The Oruch HaShulchon emphasizes that the intent here is not that one should deplete all his charity on his relatives leaving nothing for other poor people who themselves may not have rich relatives to rely upon. Rather, one should scale his contributions so that those closer receive more than those further away. Assuredly, anyone in need must be given. Further, we must be careful not just to give the absolute minimum for undoubtedly the poor would die if we were to do so (OH 251:4).

40 The Halochoh assumes that the typical orphan is "poor" (DE 7:19). The Mishnah in Horios (3:7) says that a man takes precedence over a woman with regard to keeping one alive (such as if both were drowning in a river) [since he is obliged to perform more Mitzvoths] and with regard to returning lost objects. A woman takes precedence over a man with regard to clothing the naked (see Shach). The Oruch HaShulchon says that if there is not enough money for both, saving the man's life takes precedence since he is obliged in the Mitzvoh of procreation (OH 251:10).

41 A Chalal is one born of an illicit relationship between a Kohen and woman forbidden to him; e.g. either an ordinary Kohen with a divorcee or Chalutza (one divorced from a levirite marriage) or a Kohen Godol with any of the above or a widow, etc.

42 A Shtuki is a waif who knows the identity of his mother, but not his father.

43 An Asufi is a foundling who does not know the identity of either parent.

44 A Mamzer (bastard) is one born of a forbidden relationship which carries the heavenly punishment of Koreis (excision), such as adultery or incest.

45 A Natin is descendent of Givonite converts from the days of Joshua.

46 A Ger is a proselyte.

47 and repeatedly (Shach). We are referring to עבריני להכעיס, those who sin contemptuously in order to anger G-d, and apostates (Shach and Taz).

## VOWS

56. A **commitment<sup>48</sup> to give charity is like any other vow and must be fulfilled** (SO 258:1) as soon as possible (KSO 34:9, OH 257:1-8).
57. One who forgets the amount he vowed to give to Charity must give until he says “so much I never intended!” (SO 258:3).
58. One cannot rescind his vow to donate to Charity unless he asks a Torah scholar and he releases him (SO 258:6). A vow not to give charity is meaningless as one cannot negate a Torah commandment by a vow (OH 247:7).
59. One is not permitted to consecrate something that is not within his domain. One can donate a mortgaged moveable object if it is in the creditor’s possession as long as the creditor admits that it belongs to the rightful owner (SO 258:7).
60. One is not permitted to donate an object which was stolen from him and is still in the possession of the thief; the owner, because the object is not in his possession, and the thief, because the object is not his. This assumes that the rightful owner has not despaired in retrieving his possession (SO 258:7).
61. Collateral cannot be consecrated (Ramoh 258:7).
62. Creditors cannot consecrate or donate their debtors’ debts. The creditor can say, however, “when the debt will be paid, I will donate this amount to Charity” (SO 258:8).
63. One who vows to give charity on the condition that he does something, and does so, must give (SO 258:10).
64. One who says that he is donating a particular object to Charity under the assumption that the object’s value is X, and it turns out that the object was worth more than X at that time, cannot retract his vow. This is since we have the maxim which says that Charity always benefits from a doubt. However, if the object appreciated in value after he made his vow, he can retract his vow since he has yet not actually executed the donation (SO 258:13).
65. If one resolved in his heart to donate an object to Charity, he must give as he concluded. No verbal expression is necessary. The difference being that if he only made a mental donation, he cannot be compelled by the authorities to fulfill his commitment, whereas they can compel him if he verbalizes his pledge. Some say that there is no pledge at all until it is verbalized. The real ruling is like the former position (Ramoh 258:13).

*48 The Poskim say that any resolution or commitment to donate charity should be accompanied by stating “Beli Neder” in order to avoid violating the general laws of oaths.*

## THE CHARITY ADMINISTRATORS (GABBOAI TZEDOKOH)

66. **Any city where Jews live must appoint reputable and trustworthy charity administrators who will collect money from all the town's residents**, each in accordance with his ability to give, and be responsible for distributing these monies every Erev Shabbos to the needy of the town, each according to his needs, for the next seven days. This is called the Kuppoh<sup>49</sup> (SO 256:1).
67. The charity administrators also collect food or money on a daily basis and distribute these each evening among the poor. This is called the Tamchui<sup>49</sup> (SO 256:1).
68. **The charity administrators must be honest and wise.** They must ensure that the poor do not deceive them. One should not give money to a dishonest charity administrator (Ramoh 256:1).
69. **Once money has been given to the charity administrators, neither the donor nor his heirs have any rights to that money.** The community can do with the money as they see fit (SO 251:5).
- However, if money was merely pledged and not as yet donated, one may redirect this money to his poor relatives. This is so since we assess his intention as that he had actually wished to give to them. This is true if he had poor relatives at the time of the pledge. If, however, they were "rich" at the time of the pledge and then became "poor", they do not receive said money (SO 251:5; see the Ramoh there for additional details.)
70. **Excess monies collected for a specific poor person belong to that man.** Excess monies collected for unspecified poor people are held in escrow for other poor people<sup>50</sup>. The community leaders can adjust this rule if there is a pressing reason to do so<sup>51</sup> (SO 253:6).
71. If a captive dies before being ransomed, some say that any money collected to ransom him goes to his heirs. Others say that they have no rights to these monies. We are inclined to rule in accordance with the latter opinion (SO 253:7).
72. The charity administrators are not required to support a poor man who has rich relatives in town who can support him even if his relatives also contribute to the communal charity fund (SO 257:8).
73. The charity administrators must be very careful not to distribute more to their own relatives than to other people (SO 257:10). However, **a private individual can give his charity or tithe monies to whomever his pleases** (Ramoh 257:10).

*49 See Appendix 1 for additional laws concerning the Kuppoh and the Tamchui.*

*50 Similarly, excess monies collected for ransoming a captive belong to that captive, and excess monies collected for burying a particular deceased person go to his heirs.*

*51 The Oruch HaShulchon says that this last ruling is disputed among the Rishonim (OH 253:13-15).*

## OTHER LAWS REGARDING CHARITY

74. **Until the money reaches the hands of the charity administrators, one can use that specific money for any other purpose and replace it with other money** (SO 259:1).
75. If one consecrates an object or vessel, he may sell it and give its assessed value to charity after it has been appraised by three persons familiar with the value of the object (experts) (Ramoh 259:1).
76. Monies which have reached the hands of the charity administrators cannot be lent out unless the poor would benefit as a result of the transaction (SO 259:1).
77. Charity money is unlike consecrated objects in that one can derive benefit from them. Charity money can be used for business transactions as long as monies remain available in the event a poor man may happen to show up (Ramoh 259:1, see there for additional details).
78. The town's residents can redirect monies initially donated for the needs of a synagogue or a cemetery to a Beis Medresh or a Talmud Torah, even if the donors balk. Monies donated for a Talmud Torah cannot be redirected for a synagogue (SO 259:2; see Ramoh regarding established local customs and whether or not the donor made an explicit pledge to this effect.)
79. **One who has monies in his possession and is uncertain as to whether or not these are charity monies, must give them to charity** (SO 259:5).
80. Heirs retain monies of one who donated something using "doubtful" language (his intentions were unclear) and died, since they are called *מְוָזְקִים*, possessors, and the burden of proof is on the Charity to remove it from their possession. Until the Charity proves the money belongs to it, the money stays with the heirs (Ramoh 259:5).
81. **Charity monies are not taxable** (SO 259:6).
82. **A father is compelled to feed his poor son even if he is grown.** He is compelled to do so first before we force other rich people in the city to do so (SO 251:4).
83. One who supports an orphan as a "Mitzvoh" cannot "sue" the orphan for his expenses when he grows up, even if the orphan had money at the time (SO 253:5).
84. However, if the foster parent had explicitly stated that the monies used to support the orphan were a "loan", he can collect from him. This is only true with an orphan. However, if the recipient was not an orphan, then we assume that the benefactor's monies were a loan (Ramoh 253:5).
85. We do not keep too close an eye on a wealthy man who is so stingy that he would rather starve himself than use his own money for food<sup>52</sup> (SO 253:10).

<sup>52</sup> *and if he dies, he dies.*

## RANSOMING CAPTIVES

86. Ransoming captives takes precedence over supporting and clothing the poor.

87. Since **this is a Mitzvah of paramount importance**, monies collected for any other Mitzvah can be redirected for this purpose. If money was collected for building a synagogue, the building materials must be sold and the monies given for ransoming captives (SO 252:1).

88. One who closes his eyes to the plight of captives and fails to ransom them violates numerous negative and positive commandments (SO 252:2).

89. One is considered as if he spilled blood for every minute he delays unnecessarily in ransoming captives (SO 252:3).

90. Captives are not to be ransomed for an amount greater than what they are worth (i.e. market value were they to be auctioned off as slaves)<sup>53</sup>. This is “in order to avoid the extraction of exorbitant ransom payments or repeated kidnappings by captors”<sup>54</sup>. An individual can ransom himself for however much he wishes to pay. Torah scholars go for a higher price (SO 252:4).

91. A woman is to be ransomed before a man, unless there is a danger the captive may be sodomized (SO 252:8)<sup>55</sup>

92. Ransoming oneself comes before ransoming one's rabbi who comes before one's father<sup>56</sup>. One's mother takes precedence over everyone else (SO 252:9).

93. One must ransom his wife before himself (SO 252:10).

94. Relatives precede non-relatives (Ramoh 252:10).

<sup>53</sup> *The Oruch HaShulchon* says that today we cannot make this calculation (OH 252:11).

<sup>54</sup> *Encyclopedia Judaica*, entry on Ransoming of Captives.

<sup>55</sup> This is in a case where there is no **סכנת נפשות**, threat to the life of the captive. However, in a case of danger to life, the man comes first since he is obliged in more Mitzvos than the woman (CO 245:15).

<sup>56</sup> Unless your father too is a Torah scholar (OH 252:13).

When the Rov (Rabbi Joseph B. Soloveitchik of Boston) was visited by Rabbi Yosef Sheinberger of the Eida Charedis, they would engage in long conversations. The Rov would then give him a donation, which increased every year, for many years. One day, Rabbi Sheinberger approached Mr. Samuel Feuerstein z"l for a donation. Mr. Feuerstein pointed out their differences of opinion, implying that it was inappropriate to ask him for a contribution. “But the Rov suggested that I see you,” replied Rabbi Sheinberger. Skeptical, Mr. Feuerstein called the Rov on the spot. The Rov replied: “*Shabbos heet er? Kashrus est er? Is vos is der frage?*” (“Does he observe Shabbos? Does he eat kosher? So what is the question?”) - *Jewish Action*, Vol. 53, No. 3, Summer 5753/1993.

## APPENDIX 1

### THE TAMCHUI (COMMUNAL SOUP-KITCHEN) AND THE KUPPOH (CHARITY BOX)<sup>57</sup>

95. One who has food for seven days is ineligible from taking from the Kuppoh. One who has food for one day is ineligible from taking from the Tamchui (Ramoh 256:1).
96. The Kuppoh is collected only by two. Only one person is necessary to be its treasurer. Three are required to distribute its funds. Their task is to evaluate the actual requirements of the poor. The Tamchui is collected by three (SO 256:3).
97. The Tamchui is available for any poor man; the Kuppoh is only for the poor of that town. The residents of that town can convert the Kuppoh into a Tamchui or the Tamchui to a Kuppoh. They can take these funds and use them for the needs of the public even if it wasn't so conditioned at the time the money was collected. If there was a great scholar there upon whose opinion the monies are collected and he distributes to the poor as he sees fit, he can redirect the funds as he sees fit for the public good (SO 256:4. See Ramoh there for further details).
98. One who resides in a town for 30 days is obliged to give to the town's Kuppoh; 3 months to the Tamchui; 6 months – clothing for the town's poor; and 9 months – burial fund for the poor. This is applicable to one who considers himself a transient and does not intend to take up residency in this town. However, one who moves to a town to "live therein" is obliged to contribute to all the town's charities immediately upon moving in (SO 256:5).
99. Residents of a newly established town may compel one another to contribute to the communal funds immediately (Maharik at SO 256:5). Others say that, today, everyone has a grace period of thirty days (Smak and Kol Bo at SO 256:5).

<sup>57</sup> Today, we are no longer accustomed to establish the Tamchui and the Kuppoh but set up charity administrators instead (CO 247:4).

עוֹלָם חֶסֶד יְבוּנָה



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