

על פי התורה אשר יורוך

# Yorucha

## weekly overview

A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY OVERVIEW VIDEO

## Tzedakah & Ma'aser I: Week 2

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### EVEN THE POOR MUST GIVE TZEDAKAH, YET, ONE'S OWN PARNASSAH SUPERSEDES SUPPORTING OTHERS:

The Gemara (Gittin 7A) states that one who finds himself in a tight financial situation still must give charity. Moreover, even one who needs to take charity himself should still give some money to others. One who does so will be uplifted from his state of poverty. Still, the *Rema* rules that one's own livelihood takes precedence over that of others. Consequently, it seems one who does not have enough to support himself is absolved from the mitzvah of *tzedakah*.

This seems to contradict the above mentioned Gemara that even a pauper accepting handouts must give *tzedakah*.

There are a number of answers given by the Poskim to resolve this contradiction. The Aruch Hashulchan differentiates between two levels of the mitzvah of *tzedakah*:

1. There is a basic mitzvah to give a small amount to *tzedakah* every year. This obligation applies even to paupers.
2. There is an additional mitzvah to give *ma'aser* (or *chomesh*) to *tzedakah*, as well as a mitzvah to give a donation every time the need arises to support a pauper and provide him with his needs. This second obligation is only upon those who have what is necessary to support themselves.

### HONORING A PLEDGE OR A VOW:

If one pledged to give *tzedakah*, that may constitute a *neder*; therefore, one would be obligated to fulfill that vow even if he does not have enough to support himself. Accordingly, if one has been giving *ma'aser* for a while and would like to stop as he finds himself in a situation that he cannot cover his own expenses, according to some Poskim he must first do *hataras nedarim* through a competent halachic authority before stopping to give *ma'aser*. This is because the fact that he has been giving *ma'aser* for a while can be deemed a *neder* to continue doing so.

### WHAT LEVEL OF ONE'S OWN PARNASSAH SUPERSEDES GIVING TO OTHERS?

The Aruch Hashulchan adds that the halacha that one's own *parnassah* supersedes giving *tzedakah* to others (above the minimal requirement of the mitzvah) is referring to the bare basic amount he needs to survive.

In the words of the Aruch Hashulchan, the individual must have "measured bread and enough water to survive" before he gives *tzedakah* to others. However, if one lives well, eats meat, etc. and other cooked foods and clothes himself in fine clothing, he must give *tzedakah* even if it is at the expense of his own lifestyle.

### THE MIDDLE GROUND

Rav Yaakov Yeshaya Blau (*Tzedaka U'mishpat* 1:6 footnote 15) points out that the Aruch Hashulchan discusses two extremes - one who lives on bread and water, and one who lives well. There is, however, a middle of the road situation which is very prevalent in our days.

There are many who have the financial ability to live on a basic level, but do not earn enough to support themselves according to the standard of the community. They cannot afford the basic tuition, the clothes that average children wear, and they struggle to put basic food on the table. These people can likely take from *tzedakah* themselves to enable them to live according to the lowest community standard.

Rav Blau rules that for this middle category, it is better for one to not give *ma'aser* so that he should not need *tzedakah*, rather than give *ma'aser* and be forced to accept *tzedakah*.

### ONE WHO CANNOT AFFORD TO GIVE:

As mentioned above, one who cannot make ends meet himself is absolved from giving *ma'aser*, but still must give the

minimum requirements of *tzedakah*, just as he is obligated to perform any other mitzvah in the Torah. It is recommended that although he is absolved from giving, he should write down meticulously what he would have been obligated to give had he been able to, so that he can give it at a later date when he has the ability.

The Shulchan Aruch (Yoreh Deah, Siman 251:12) rules that two individuals that cannot afford to give *ma'aser* can separate *ma'aser* and give it to each other, thereby enabling both individuals to give *ma'aser* without it affecting their income. Rav Chaim Kanievsky points out that when doing this, they should not do it as a "deal" - stipulating that I will give you if you commit to give me; rather, it should be a loose, non-binding arrangement. When doing this, they should each give *ma'aser* on the actual gift that they receive from their friend as well.

## ONE WHO HAS DEBTS:

Sefer Chasidim (Siman 454) states that one who has debts should not give a lot of *tzedakah* until his debts are paid up. One can infer from this halacha that he should not give "a lot",

but he should give the minimal amount of *tzedakah*, and if he is approached by an actual *ani*, he should give an additional minimal amount.

In addition, it seems that we are referring to one who has debts that are presently due and that his creditors are expecting to be repaid at this time. In this case, one should not give *ma'aser*; rather, one should give the bare minimum required to perform the mitzvah. The Chazon Ish rules that in such a case as well, one should keep a meticulous accounting of how much *ma'aser* he would owe if he were able to give, and do everything he can to distribute the *ma'aser* when he is able.

Parenthetically, one should refrain from taking out loans when he does not have a clear way to repay those loans. It is better for one to take charity when in need than to borrow with the impression that he will repay the loans when he actually has no realistic way to pay back the lender. Doing so, in most cases, can be considered actual theft. However, if the borrower is upfront with the lender and tells him that he is in need and has no idea how he will pay back, but will do whatever he can, that is permissible.



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