

Summary of Practical *hilchos maaser kesofim*

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Maaser kesofim: Chiyuv or Minhag?

1. *Ma'aser kesofim* is a halachic concept with its own set of rules. The *mitzvoh* of *tzedokoh* does not *require* giving a tenth of one's assets to the poor but it is a Jewish custom to do so. Should a person wish to fulfill this noble *mitzvoh* voluntarily, he can choose to do so according to the halachic standards for *ma'aser kesofim* or he can choose to give *tzedokoh* according to his own interpretation of *ma'aser* and think of it as *ma'aser kesofim*.
2. A person who has made a commitment to give *ma'aser kesofim* is responsible for fulfilling this commitment, whether it is a commitment to give *ma'aser* according to the halachic standard or according to his own formula. For example, should a person exclude certain income that halochoh would consider "maaserable" income or include beneficiaries that halochoh would not consider a proper allocation of *tzedokoh* funds, he is still obligated to maintain his commitment to give *tzedokoh* as he originally intended.
3. As mentioned, *maaser kesofim* is only a *minhog*, and any *minhog* accepted under the false premise that it was a *chiyuv* is not binding.
4. Someone who does not give *maaser kesofim* according to the rules of *maaser* has not violated any law; he simply cannot be sure he will not be placed in a situation **requiring** him to give *tzedokoh*. A person who has strictly followed the rules of *maaser kesofim* is exempt from giving *tzedokoh*, even in a situation that would normally **require** one to give *tzedokoh*. That is one of the greatest side benefits of giving *maaser kesofim* and the motivation for many people.
5. Since one does not have to give *maaser kesofim*, should you decide to commit yourself to any amount, you can make it conditional in any way you wish. That means you can decide to deduct expenses first or to use the *maaser* money for mitzvos instead of giving it to needy people. You can make any type of condition that you feel would suit your lifestyle and preferences. If this is the approach you wish to take, you should verbalize to yourself or your spouse that you plan to give one-tenth of your assets to *tzedokoh* according to your own interpretation of which assets are maaserable and what constitutes *tzedokoh*. After this, you are bound by a promise to continue this practice.
6. I recommend an alternative approach, which is to attempt to give *maaser kesofim* according to your own interpretation, but to verbalize that this commendable behavior (*minhog tov*) is being done *bli neder*, i.e., without generating a *neder* even if practiced three times. It is worth declaring once

a year that all the *tzedokob* you will give in the next year will be given without any intention to generate a promise (*neder*) to continue doing so. This way, *bli neder* does not have to be said every time *tzedokob* is given. This declaration can be made alone and does not have to be uttered in front of a *beis din* or anyone else. Such a declaration is printed in siddurim immediately following the *batoras nedorim* generally said on *erev* Rosh Hashonoh.

- 6.1. The advantage of this recommendation is that you will not accidentally violate a *neder* of *maaser kesofim* if you fail to give a full ten percent of your assets even according to your own terms (since you will not have made such a *neder*). When you give *tzedokob*, you are not fulfilling a *neder*; rather, you are performing a great mitzva of *tzedokob*. The drawback is that there is no imperative “forcing” you to give *maaser* and you might end up using the money for some personal purpose instead. Balancing the pros and cons is a personal decision. Every individual should judge his own character, considering the traits of attention to detail, consistency, benevolence, compulsiveness, and organization and his mastery of basic math when determining the better of the two approaches. Generally, due to the grave sin of not fulfilling one’s *nedorim* and the terrible consequences it may bring (mortality of one’s children), I think most people are best off performing the mitzvoh of giving *tzedokob* and not having the responsibility of a *neder*. As Shlomo Hamelech taught us, it is better not to make a promise than to make a promise and break it.¹
7. In summary, a couple who has been giving *maaser kesafim* thinking that they are required to do so, may stop if they wish. No one is required to give *maaser kesafim* but it is an appropriate behavior becoming of religious Jews. If done according to the strict laws, one is halachically free of giving any other *tzedokob*. Since it is difficult to keep all the nuances of the halochoh, my recommendation for newlywed couples is to accept upon themselves to attempt to give one tenth of their income according to their own understanding. There are halachic parameters as to what should be considered *maaserable* income, what is considered a deduction and what constitutes *tzedokob*. The details of these and other issues are presented in this pamphlet. It is advisable for most couples to read this pamphlet and create their own standards that they feel will work for them throughout

¹ טוב אשר לא תדר מִשְׁתְּדוֹר וְלֹא תִשְׁלֵם (קהלת ה: ד).

their lifetime and stick to it. Care should be taken not to accept it as a *neder* (vow). When one confronts a situation in which halachoh would require one to give *tzedokoh*, a couple who accepted their own version of *maaser kesafim* may still be required to join in the mitzvah of *tzedokoh* which presented itself. Nevertheless, in my opinion, it is worthwhile to be a giver of *maaser kesafim* even if it does not conform to all the halachic guidelines. This way the family will surely be giver of *tzedokoh*. A full tenth of one's assets may not end up in *tzedokoh*; however, a family which adopted their own formula for giving *tzedokoh* will end up giving significant amounts towards *tzedokoh*. A family who does not try to keep some form of *maaser kesafim* and just gives *tzedokoh* when they feel an urge to do so or a situation arises demanding *tzedokoh*, will likely give less to charity. Sharing one's blessing from Hashem with others is a way to put one's Jewish theological values in practice and to develop and maintain positive character traits such as benevolence, compassion and responsibility towards fellow Jews and community.

What is maaserable income?

8. In order to fulfill the custom of *maaser kesafim*, one should give *maaser* from all one's income. This includes business profits, interest on loans to *nochrin*, salary,² rental income, gifts,³ found items,⁴ and inheritance.⁵ However, one does not have to give *maaser* from a loan received.⁶
9. The Shach states that if a person invests his income after having taken *maaser* from it, he does not have to re-*maaser* the principal, but any profit resulting from the investment is maaserable.⁷

² Salary calculations for purposes of *maaser kesafim* can be based on the net salary. If income tax is withheld, it does not have to be taken into consideration. National Insurance contributions do not have to be considered part of your salary either. When National Insurance pays benefits (e.g., child allowances, maternity leave, or disability), the benefit should be considered maaserable income at that time. If the National Insurance payment was put into a separate fund (e.g., for your children) and yielded interest, when you (or your children) draw from that account the beneficiaries should consider whether they wish to pay *maaser kesafim*. Similarly, if money is taken out of your salary and put into a retirement fund, you can defer your *maaser* on that amount until the fund starts yielding income. However, if you decide to do things that way, whoever takes the *maaser* will have to calculate the principal paid by National Insurance or monies put into the retirement fund and take *maaser* from the principal, too. If *maaser* is taken immediately from the amount paid by National Insurance or put into the retirement fund, when you calculate the *maaser* later you have to deduct the amount put in and pay *maaser* on the profit only. Money withheld to pay for *keupat cholim* (health care) should be added to the net salary before the 10% is calculated. This amount has to be maasered, since it will be converted into services and will not be seen again as cash.

³ א"כ ניתן לו המתנה ע"מ שלא יעשר (עיין אג"מ יו"ד ח"ב סימן קי"ב).

⁴ שו"ת שאילת יעב"ץ ח"א סימן ג' וסימן ו' מחייב מעשר ממוצא מציאה, זוכה מהפקר וזוכה מנכסי הגר.

⁵ כ"כ בא"ר סימן קנ"ו. והיינו אע"פ שהאב כבר הפריש מעשר מנכסיו, מ"מ כשירש הבן המעות נתחייב שוב דאין חובה על הממון להתעשר אלא חובת הגברא שחייב לתת לצדקה ממה שחננו השי"ת. וכע"ז כתב הט"ז ביו"ד שלי"א ס"ק ל"ב שממה שנתן אבי החתן נדוניא לבנו, חייב הבן לעשרו אף שהאב כבר עישר, ואין לומר שהממון כבר נפטר.

⁶ בשאלת יעב"ץ (ח"א סימן ו') דן בענין נכסי מלוג ונכסי צאן ברזל שהאשה מכנסת לבעלה, ואינו זוכה אלא בפירות אבל הוי עליו כחוב והלואה, והעלה דאין הבעל חייב להפריש מעשר מני"מ ומנצ"ב אלא מהפירות שיבא לו מהם. ונראה דה"ה בכל הלואה. ונראה דכשפורע חובו, צריך לפרוע ממעות מעושרים כבר.

ואם יש לו רווחים מההלואה שלוה נראה דיכול לנכות כל ההפסדים שהיה לו מההלואה כנגד הרווחים. כגון אם לוח מנכרי ושילם רבית או קבל המעות בהיתר עיסקא ושילם בדרך התפשרות סכום מסויים לפטור אי"ע משבועה, יכול לנכות מרווח שלו. ולא עוד, אלא אפילו לא הרויח במעות הללו שלוה ורק היה צריך לשלם למלוה רבית או דרך התפשרות בהיתר עיסקא, נראה דיכול לנכות הפסדים אלו כנגד שאר רווחים שיש לו בענין אחר.

⁷ ש"ך יו"ד רמ"ט סק"ב.

10. Dividends and capital gains from stocks are considered profit; therefore, if a person is accustomed to taking *maaser* and has already taken *maaser* from the principal, he should take *maaser* from the profit **after** it is sold. *Maaser* does not have to be taken each time shares are sold; one can wait to *maaser* all of one's profits at a fixed time, as will be discussed below, but it should not be done **before** the shares are sold.
11. Dividends can be *maasered* upon payment. Alternatively, you can reinvest the dividends and defer taking *maaser* until the earnings become liquid. Calculate 10% of the dividend and 10% of the profit generated from it. For example, if the principal was *maasered*, you should only take *maaser* from the profit (generated from the principal and added dividends). If you wait until it is liquid, just subtract the principal from the total and take *maaser* from the balance. The balance would be the dividends plus the profit earned from the principal and from the invested dividends.
12. If you had invested in stocks, then the earliest you would take *maaser* would be when you sold the shares and made a profit.
13. Some funds offer payments at fixed intervals at different rates of return. In that case, you can choose to take *maaser* at any time interval you like. If you wait until the end, it will be 10% of the profit all at once. The different rates of return are insignificant with regard to your *maaser* calculations. If you take it off intermittently, it will be 10% of the profit from the last time you took *maaser* until the time you have chosen to take it again.
14. To avoid unnecessary complications it is advisable to take *maaser* when you withdraw cash from the fund for your personal needs. You will *maaser* all of the withdrawals until all that remains in the fund is the value of your principal that was already *maasered*. This explanation is relevant to a situation in which the principal was already *maasered*. It would be simpler to avoid taking *maaser* on the principal invested and take *maaser* on all the withdrawals. Ultimately you have to *maaser* all of the income. Some months the gain was less, some months the gain was more. When you withdraw the money, you take 10% of the amount withdrawn as *maaser*.⁸
15. The same principle applies to a situation in which you are constantly adding money to an investment over an extended period. The rate of return may constantly rise due to the greater amount of equity in the investment. If the principal invested was already *maasered*, and you are going to withdraw all the money at once, subtract the principal that was

⁸ You don't have to take it off at the time of withdrawal; you can wait to calculate your *maaser* at a fixed future date and calculate the total gain vs. total loss.

already maasered, and take off 10% of the balance (i.e., 10% of your income from the investment). If you are not withdrawing everything at once, every time you withdraw money you can deduct a portion of the principal from the amount withdrawn before calculating *maaser* until you have reached the total amount invested. It is of no consequence that some months you earned more than others and it makes no difference that the rate of return varied. It is all profit and is all maaserable. It is even simpler to calculate if the principal was not maasered. Whenever you withdraw money deduct 10% for *maaser*.

16. Some people erroneously think that money they plan to use for *chinuch* of their children can be deducted from their maaserable income. This is not true. According to the laws of *maaser kesefim*, one should take *maaser* from money that you plan to use for your children's Jewish education and other needs. Even after determining the maaserable income and figuring out how much *maaser* one should be giving, the *maaser* money should be used for *tzedokoh* only.⁹ The Shach does quote sources that say that *maaser* can be used not only for *tzedokoh*, but also for any *devar mitzvoh* that the person is not obligated to perform and that he could not fulfill without using *maaser* money.¹⁰ Some examples might be purchasing *seforim* for a shul, paying a father for the privilege of being *sandek* at a bris, and donating towards a mikve or community *eiruv*. These mitzvos are not obligatory, and according to the Maharshal and Maharam, one can use *maaser* money if one does not have the funds for them. The Ramo and Chasam Sofer disagree.¹¹ According to all opinions, if, **when the person decided to undertake the mitzvoh**, he planned to use *maaser* money, he may do so.¹² This is true even for one who follows the rules of *maaser kesefim* strictly.

⁹ ערמ"א רמ"ט ס"א ואין לעשות ממעשר שלו דבר מצוה כגון נרות לבית הכנסת או שאר דבר מצוה רק יתנו לעניים עכ"ל (ונראה דה"ה לכל דבר שהוא בכלל צדקה אף שאינו לעניים).

¹⁰ ש"ך רמ"ט סק"ג.

¹¹ עיין ח"ס יו"ד סימן רל"א, ולשון הרמ"א הנ"ל, יו"ד רמ"ט ס"א, לא משמע כוותיהו.

¹² ברמ"א יו"ד רמ"ט ס"א כתב וז"ל אין לעשות ממעשר שלו דבר מצוה כגון נרות לביהכ"נ או שאר דבר מצוה רק יתנו לעניים עכ"ל ממהרי"ל.

אולם יעויין בט"ז שם סק"א דבד"א בחוב שכבר נתחייב אי"י לפטור אי"ע במעות מעשר, אבל בדבר שמחייב אי"ע כעת, כגון הקונה עליה לתורה בביהכ"נ או נודב מעות לבנין ביהכ"נ וכדומה (הדוגמאות הנ"ל הן שלי ולא של הטי"ז) יכול להתנות לפני שמחייב אי"ע שעושה כן ע"ד לשלם במעות מעשר.

ונראה דגם מה שמיקל בש"ך סק"ג וכן בבאה"ג דשרי ליתן מעות מעשר לדבר מצוה כשאינו יכול לעשותו שלא במעות מעשר, מיירי בכה"ג שמחייב אי"ע כעת. אבל לכו"ע אי"א לשלם ממעות מעשר לדבר מצוה שכבר נתחייב בה. וכ"נ מח"ס יו"ד רל"א ע"ש היטב, דס"ל דליכא מחלוקת בזה.

אולם גם זה נ"ל דשרי, אם בתחילת קבלתו לנהוג במעשר כספים התנה שיוכל להשתמש במעות מעשר גם לדבר מצוה, דהרי מעשר כספים אינו חיוב מה"ת כמש"כ בשער אפרים ספ"ד, ואינו מדרבנן כדעת הר"ד אופנהיים בחו"י סימן רכ"ד, אלא הוא מנהג טוב כמש"כ בפת"ש שלי"א סק"י"ב

בשם המהר"ם מרוטנבורג וחוו"י, וכ"כ הבי"ח שלי"א, ושאלת יעב"ץ ח"א סי"ג וסי"ו, וחכ"צ סי"א, וכ"פ בבית מאיר שלי"א, ולכן אם מעיקרא לא קיבל ע"ע לתת מעשר אלא כפי איך שהוא מבין שראוי לתת, ובדעתו מעיקרא לתת לכל דבר מצוה, אף לדברי מצוה שכבר נתחייב בה, נראה פשוט דאינו מחוייב יותר מזה, ויהיה מותר לו לשלם ממעות מעשר לדבר שכבר נתחייב בה, וכן הוא הכרעת הח"ס יו"ד רל"א.

אלא היכא דנהג לתת מעשר כספים לעניים ג"פ ולא התנה כלל, ולא אמר שעושה כן בלי נדר, נראה דהוי כנדר לקיים מעשר כספים כדינו. ולכן נראה דכדאי לנהוג בנתינת מעשר כספים שיאמר שעושה כן בל"נ, או שיתנה שעושה כן ע"ד עצמו כפי איך שהוא רוצה לתת, ולכלול בזה כל דבר מצוה, ובזה ינצל מעון נדרים ויקיים מצות צדקה בהידור גדול.

והנה צרכי צבור דרבים כגון בנין והחזקת ביהכ"נ ובי"מ, מקוה טהרה, תיקון עירובין, החזקת ת"ת לבנים ובנות, כל אלו בכלל צרכי מצוה של ציבור, ומי שעשה תנאי מעיקרא כנ"ל, יכול ליתן לצרכים אלו.

בד"א כשאינו חובה עליו, ורק נותן צדקה להחזקת מצוות הציבור. אולם אם הוא כמס על הציבור, וזוכה ע"ז בזכויות כגון מקום להתפלל בביהכ"נ, ואם לא יקנה וישלם, לא מובטח לו מקום קבוע להתפלל, אינו יכול לשלם במעות מעשר. וכ"כ הט"ז ברמ"ט סק"א דאסור לפרוע מסים ממעות מעשר, ומשמע מדברי האחרונים דה"ה מס הקהל לצרכי הקהל כיון שחוב עליו. וכן משמע ממהר"י אסאד יו"ד סימן שלי"ה, וע"ע בעה"ש רמ"ט סי"ח.

ובספר צדקה ומשפט פ"ו סי"ק כ"ה כתב דכשנותן מעות לרב, חזן ושוחט (רח"ש בלשון הקדמונים) עפ"י מנהגי הקהילות הוא מתורת חיוב, ופשוט שאינו יכול לשלם ממעות מעשר. וכ"כ בסי"ק כ"ו לענין קניית מקומות ביהכ"נ, דכל שהוא חובה דינו כמס ואינו יוצא במעות מעשר.

משא"כ קיום מצוה שאינו חובה עליו, כגון עליה לתורה, הכנסת כלה, נתינת מעות לזכות להיות סנדק, תרומה לבנין ביהכ"נ שלא יזכה בה זכויות כחבר, בכל אלו שייך לתת ממעות מעשר כמשכ"ל כשמתנה בשעת החיוב או כשהתנה מעיקרא בשעה שקיבל ע"ע מנהג מעשר כספים.

אבל חוב דמי חברות חדשי לקהילה שע"י זה זכאי להטבות מהציבור וכן השתתפות בבניית בנין לצורך קהילתו, הוי בכלל מסים שאסר הט"ז לתת ממעות מעשר. ודומה לשכר לימוד בניו הקטנים שחייב בהם ופסק הח"ח באהבת חסד פ"ט סי"ב וכ"ה בא"ר דא"א לשלם ממעות מעשר. וכע"ז פסק המג"א בתרצ"ד סק"א לענין מתנות לאביונים דאינו נותן ממעות מעשר, דלא גרע משאר חוב עליו, ונראה דה"ה בנד"ד.

ואף שמדברי הפוסקים נראה להחמיר בזה וכמש"כ, מ"מ נראה דאפשר להקל עוד בזה, עכ"פ היכא דמעיקרא לא קיבל ע"ע מנהג מעשר כספים אלא כפי רצונו והבנתו. וכמו דהתיר הח"ס עפ"ז כשהתנה מעיקרא לתת לכל דבר מצוה, נראה דיש לומר דה"ה אם התנה מעיקרא שנותן לכל דבר רק כפי השערת דעתו, ויותר מזה לא קבל ע"ע, ולכן מאחר דמדינא אי"ז חיובא, אי"א לחייבו יותר מאשר קיבל ע"ע. (ועיין במנח"י ח"ח סימן פ"ג שדן על שאלה כזאת, והתיר לאחר שיעשה התרת נדרים על מנהג טוב שלו בנתינת מעשר כספים, ע"ש בטעמו.)

ולכן נלע"ד אם מעיקרא חילק מעות מעשר לצורך שכר לימוד בניו הקטנים, ומתנות לאביונים ושאר חובות ומסים המוטלים ע"ע, הרי אי"א לומר דנהג יותר מזה, וגם השתא כשבא לשאול אי שרי ליה להשתמש במעות מעשר לצורך דמי חברות ולצורך הבנין, יש להתיר לו, דהרי רק על כאלו חובות קיבל ע"ע לתת ממעות מעשר דידיה. אולם אחד שמחלק מעות דידיה לעניים, ונהג כן ג"פ, או קיבל ע"ע לתת מעשר כדין, הרי אינו יכול לשלם חוב דמי חברות ולצורך הבנין מדמי מעות מעשר, דהרי חוב דמי חברות חדשי הוא מס על כל חברי הקהילה, וה"ה לענין חוב השתתפות לבנין הקהילה, כגון אם הוטלה סכום \$1,000 על כולם בשוה, ומי שלא ישתתף אין לו מזכויות חברי הקהילה, והוא מס הקהל לצרכי הקהילה.

וחפשי עצה איך לאפשר גם אלו שנוהגים מנהג מעשר כספים כדין, ואינם יכולים לשלם השתתפות לבנין שהוא סכום גדול, מבלי לשלם מדמי מעות מעשר, ונראה שאם אינו מעונין לירשם כחבר הקהילה עם זכויות שיש לכל החברים, ומוותר על זכות הצבעה, ועליות וזכות קדימה להיות ש"ץ וכו', אז יוכל לשלם ממעות מעשר.

זוהי טעמי ונמוקי בענין מעשר כספים לדמי חברות ולבנין ביהכ"נ. ויש להסביר לראשי הקהל, שכל שואל שישאל אם מותר לשלם בדמי מעות מעשר, שיברר מהשואל באיזה חיוב מעשר יש לו על פי הכללים הנ"ל, ואם יתברר שקיבל ע"ע מעות מעשר כדין ואסור לו לשלם לבנין ממעות מעשר, ואין רצונו לישאל על נדרו או לוותר על זכויותיו, יסדירו לו סידור אחר.

17. Since the custom of *maaser kesofim* is not obligatory, one can undertake it in any way one wishes. Therefore, if when someone first made the commitment to take off *maaser kesofim* he intended to use the money for *divrei mitzvoh*, he can do so.
18. The part of your income that is earmarked for a *devar mitzva*, including the children's religious education and other needs, is maaserable and does not carry any special status. Therefore, it cannot be deducted from your maaserable income.¹³ After determining your maaserable income the question of where to give the 10% becomes relevant. Not only is it not the right way to make the calculation, but it would also not be to your advantage to do it that way.¹⁴
19. In Israel, one's return on shekel investments is usually linked to the consumer price index in order to counter inflation; on top of that, one earns interest. The adjustment for inflation (הפרשי הצמדה למדד) is not considered added income that is maaserable. The adjustment for inflation is a way of restoring the buying power that you had when you made the investment.¹⁵ The interest that you receive is the maaserable income.

אם יש בכח הוועד לקבל חברים כפי ראות עיניהם, הם יכולים להחליט שמשפחה פלונית ראויים לימנות כחברי הקהילה עם כל הזכויות בסך נמוך הרבה משאר אינשי, ואפילו יכולים לקבל חנם כיון שמכירים בהשפעה הגדולה שישפיעו על הקהילה כולה, ואין בכחם לשלם דמי החברות ושאר מסי הציבור, ע"כ יחליטו הוועד לספחו לקהילה עם הנחה גדולה או שאר תנאים כפי רצונם. וממילא ראוי לסדר מעיקרא שיהיה לוועד הכח להחליט על דברים כאלה. מאחר שהם חברי הקהילה עם כל הזכויות, כל מה שיתנו לבנין ביה"מ הרי הוא מעשה צדקה, ויכול לתת ממעשר כספים.

¹³ ואין לומר מאחר דיש אומרים דיכול ליתן ממועות מעשר לדבר מצוה אף אם לא קי"ל כוותייהו ובעינן דיתן לצדקה דוקא, מ"מ מאחר דאינו אלא מנהג ויש להקל בספיקות כמו בדרבנן, אי"כ י"ל דעכ"פ כדאי לסמוך עליהם בזה שלא נחשיב הוצאות לדבר מצוה כהוצאות לדברי רשות, וכל סכום המעות שצריך לשלם לדברי מצוה לא נחייב אותו להפריש עליו מעות מעשר, ז"א דהרי הוסיף הש"ך לשיטתייהו דאי"ז א"כ לא יוכל לקיים המצוה מבלעדי שישתמש במעות מעשר, והרי אין אנו מתירים לו להשתמש בהם ממועות מעשר, ובכ"ז הוא רוצה לתת לדבר מצוה, ועל דבר מצוה שיכול לשלם מכיסו מעולם לא ס"ד דחשיב כצדקה.

¹⁴ If you earn \$1000 and therefore owe \$100 in maaser, of which you spend \$10 on a *devar mitzvoh*, you owe \$90 to tzedokoh. If you earn the same \$1000 and deduct \$10 to be spent on a *devar mitzvoh* before calculating the *maaser*, you're left with \$990, of which you owe \$99 to tzedokoh. It's the difference between a tax deduction and a tax credit.

¹⁵ נראה דאין המדד הוא משקף את ההפרש בדיוק כפי שההלכה מחייבת, אמנם מסתבר שהוא בערך נכון. באג"מ יו"ד ח"ב ס"ס קי"ד כתב דצריך לשער לפי פירות שקונים זה ביותר רוב בני אדם ובדברים הנחוצים וקונים תמיד כענייני אכילה וכדומה שהן צרכי החיים ממש לחיותם, כי הדברים הגדולים כבתים וקרקות והדברים שקונים אותם רק מהרוחה גדולה שיש לאדם לא שייך לשער בהם כי לדברים האלו יש הרבה טעמים שמשנים את השיווי שלהם ולא שייך לשער בהם עכ"ל. וכמדומה שהמדד נקבע כפי ממוצע של כמה דברים יחד, וביניהם דברים שאין לחשב אותן לדעת האג"מ. ומאחר דכתב באהבת חסד פ"י"ט ס"ג בהגה"ה שיפריש בצמצום ולא באומד, וכ"כ בשו"ת חות יאיר סימן רכ"ד וע"ע בפת"ש יו"ד רמ"ט סק"ב ובכנה"ג שם, ואין לנו דרך מדויקת לשער היוקר יש עוד טעם לא להשקיע כספים שכבר הופרשו מהם מעשר כספים, ובפרט שיש חשש שלא

20. Therefore, if you invested money that had already been maasered, in order to calculate the sum to be maasered you will have to do the following:

1. Deduct the amount of the original investment.
2. Deduct the adjustment for inflation.

The balance is your profit from which *maaser* should be taken.

If your original investment was not maasered, then taking maaser is much simpler. Every time you withdraw cash from the investment, you take off 10%. You are taking *maaser* from the principal, the adjustment for inflation,¹⁶ and the interest all at once, which is what you want to do if the principal was not maasered. That is why it is not recommended to *maaser* income that you plan to use for an investment in Israeli shekels.

20. In the case of investments for which no adjustment for inflation is factored in (as is often the case with U.S. dollars), you can invest money that was already maasered and easily take *maaser* just from the profits. Simply deduct the amount of the principal and calculate 10% of the balance.

יפריש מספיק דאולי לפי המדד ינכה יותר ממה שמוותר לנכות מהריוח. ע"ש דפסק דמי שקנה בית לפני עשר שנים במאה אלף דולר ועתה מכר אותו במאתיים אלף דולר אולם יש לאותם מאתיים אלף דולר כח קנייה של מאה עשרים אלף דולר של שעת הקניה, שמחשב הריוח שלו עשרים אלף דולר בלבד. וע"ע בשבט הלוי ח"ט סימן ר"א שהצמדה למדד אינו בכלל ריוח.

¹⁶ Even though I have stated earlier that one does not need to *maaser* the adjustment for inflation, nonetheless, I have included it here as maaserable. The reason is that the adjustment for inflation is restoring the buying power of the principal. Therefore, when discussing a case in which the principal was already maasered, then the adjustment for inflation does not need to be maasered. If the principal was not yet maasered, then when maasering the principal one also needs to *maaser* the adjustment for inflation. They are viewed as one unit.

When to Calculate *maaser kesofim*?

1. The timing of the calculation of *maaser* is significant. *Maaser* is to be taken from the net profit, after the deduction of taxes, insurance, advertising, traveling expenses, babysitting expenses (that enable a woman to leave home to work), rental of business premises, and losses from bad investments. When can these costs be deducted? The Noda Biyehuda states that all the gains and losses of one year can be calculated together to come up with the net profit.¹⁷ Other poskim seem to say that the period for calculating losses and gains can be decided by each individual.¹⁸ However, once a calculation is made and the amount of *maaser* has been earmarked for *tzedokoh*, one cannot subtract an amount to compensate for a loss that took place **after** the date on which the *maaser* was calculated. That loss must be included in the next *maaser* period.¹⁹ A person can decide to *maaser* his money once a year, twice a year, or more, at fixed intervals or according to arbitrarily chosen periods.²⁰
2. Not only should a financial loss in the fund the person is making his money in be deducted. Even a loss in another endeavor can be factored in. Should someone suffer a sizeable loss in a **different** investment after having invested previously *maasered* money, he can only deduct that loss from the interest on the principal, not from the principal itself. If the loss exceeds his entire profit from all his investments and business transactions, he cannot deduct that loss, as he would have been able to do had he waited to *maaser* the principal and interest as one unit. Since the entire amount (principal plus profit) exceeds the loss, the loss would have allowed him to deduct more of his *maaserable* income and he would be paying less *maaser*.²¹

¹⁷ שו"ת נו"ב יו"ד סימן קצ"ח.

¹⁸ שו"ת שער אפרים סימן פ"ד וחות יאיר סימן רכ"ד.

¹⁹ ראיתי בספר צדקה ומשפט פ"ה ס"ק ל"ח דפליגי פוסקים הנ"ל בציון 18 על הנו"ב. דלפי הנו"ב זמן המוגבל לחשבון מעשר כספים הוא פעם בשנה ולפי שאר פוסקים הוא כפי ראות עיני כ"א ואחד להחליט מתי שרוצה. ואפשר דלא פליגי אלא דכו"ע ס"ל דיחשב לכה"פ פעם בשנה אולם גם יכול לחשב בתוך השנה מתי שירצה.

²⁰ בדרש משה על ט"ו בשבט הרב משה פיינשטיין מייעץ להפריש מעשר כספים לכל הפחות פעם בשנה.

²¹For example, Zevulun invested \$1100 in a stone company and earned a profit of \$200. During the same period, he invested \$700 in a restaurant and lost his entire investment. If the \$1100 invested was not *maasered*, he calculates \$1300 of *maaserable* income and a \$700 loss, which leaves \$600. He should then give \$60 to *tzedokoh*. However, if he had originally

Therefore, it is simplest to invest unmaasered money and to *maaser* it after it has been withdrawn for personal use.

invested \$1100 that had been maasered, he has already given \$110 to *tzedokob*. In this case, the \$200 profit is totally nullified by the \$700 loss, but overall he gave \$50 more to *tzedokob* than he would have if he had invested unmaasered principal.

After giving *maaser*, one is permitted to donate more to *tzedokob*, but one should specify that the additional money be for plain *tzedokob* and not *maaser*. See the note on Ahavas Chesed 19:3.

Examples of calculating *maaser kesofim*:

23. Q

If someone buys a house for \$200,000, puts down \$50,000 in equity, takes out a mortgage for \$150,000, and then receives rent on the house for several years, how should he calculate his *maaser*? (Note: The mortgage payment includes tax, interest, and some repayment of the principal.)

A

In the situation described, the \$50,000 paid for the house should have already been *maasered*. The loan of \$150,000 does not have to be *maasered* before it is used, but it should be repaid (principal, interest, taxes and other charges) with money that was already *maasered*. Only the rental income is *maaserable*. You can deduct all losses associated with the mortgage and the house from the rental income.²² The interest, taxes and charges included in the mortgage payments are deductible, but the repayment of principal is not.²³ It may be simplest to calculate how much of each mortgage payment is principal, subtract that amount from the mortgage payment, and then deduct the entire balance from the rental income. The difference is *maaserable*. At fixed intervals you should calculate the mortgage expenses that are beyond the principal and figure out the rental income for that period. Based on those figures you can calculate how much *maaser* to designate for *tzedokoh*.²⁴

²² The portion of the mortgage payments meant to repay the principal cannot be deducted as a loss, since it represents an asset that you are keeping. If you repay the mortgage with money that was already *maasered*, the house does not need to be *remaasered*, but you cannot consider the purchase price a loss and subtract it from the rental income. Therefore, the next few sentences in the text offer a formula for figuring out the *maaserable* income, taking into account that the mortgage payments include the principal.

²³ The house is not considered income or a loss. You simply exchanged your *maasered* liquid assets (money) for real estate, i.e., you converted an asset from one form into another. The home is not considered a loss either, since it remains your property.

²⁴ There are other ways of doing this. For example, if it is easier for you to use the entire mortgage payment as a deduction from the rental income, since every mortgage payment includes part of the principal, you will need to equalize the equation by adding the value of the principal to the income figure. (Since the true value of the house is not deductible as a loss since it remains your asset and by deducting the entire amount of the mortgage the principal is effectively being deducted, a correction needs to be made. That can be done by adding the value of the house as income. That would cancel out the incorrect deduction). This can be done by adding any fraction of the principal of the loan to the

24. Q

If the person subsequently sells the house for \$400,000, how should the *maaser* be calculated? I would think that the initial equity, any remaining taxes, and interest not already deducted when *maaser* was paid on the rental income can be deducted from the profit on the sale. But what about the principal of the mortgage? Does the person have to pay *maaser* on the \$150,000 value of the house? What about any home improvements (e.g., painting)?

A

Only the profit from the sale is maaserable. Assuming the \$50,000 in equity paid was already maasered,²⁵ and the balance of the purchase price was paid with borrowed money, the house itself does not have to be maasered.²⁶ The profit generated from owning the house (i.e., the rental income and profit from the sale of the house) is maaserable. If the selling price was \$400,000 and the purchasing price was \$200,000, the profit is \$200,000. The *maaser* owed on the sale of the house is \$20,000. As always, you can first deduct all expenses before calculating *maaser*. If there were taxes, interest payments or any other losses unrelated to the house, they can be deducted from the profit for the period being assessed.²⁷

rental income before making the deduction. For example, if the mortgage was for 15 years, then you can add \$10,000 to the rental income every year, and deduct the entire mortgage payments for that year. The balance will be maaserable.

²⁵ It is appropriate to separate *maaser* first from the principal and afterwards from any profits or dividends the original income yields (Shach, Yoreh De'oh 249:2).

²⁶ The logic behind this is that it is not income, since there is an outstanding debt that has to be repaid. In other words, if it were considered income, there would be a corresponding and equal reduction in income due to the debt, effectively canceling out the loan for purposes of *maaser*.

This explains why the money received as a loan does not have to be maasered. But what about the equity of the house that is owned? Does *maaser* need to be paid on the house itself? The original \$50,000 paid in cash was money that had already been maasered. Since the equivalent value in the house remains in your possession, that amount (\$50,000 worth of the house) is already maasered and need not be remaasered. Similarly, all mortgage payments should be made with money that has already been maasered. Since payment of the principal is included in the mortgage payment, the remaining value of the house (\$150,000) will have been paid with maasered money. Thus the entire house does not have to be maasered, since all you did was exchange a maasered cash asset for a real estate asset.

²⁷ ז"ל עה"ש יו"ד סימן רמ"ט ס"ז וכן הוא דבר פשוט שהריוח מחשבין בכל שנה ושנה מר"ה עד ר"ה, ואם בשנה זו היו לו עסקים שיש שהריוח בהם ויש שהפסיד בהם עושה חשבון כללי ומה שנשאר ריוח נותן מעשר לצדקה. ובכלל ריוח נחשב רק הריוח הנקי, וכל ההוצאות שהיה לו על

If the \$50,000 equity was not *maasered*, then you calculate \$250,000 in profit minus all expenses and *maaser* the balance.²⁸

Should part of the difference between the selling price and the buying price be attributable to inflation and a general rise in the cost of living, it can be factored in. This will reduce the profit margin. For example, if the buying power of the dollar dropped 50% and the same type of house that was bought for \$200,000 years ago now sells for \$400,000, the entire change in price is due to the buying power of the dollar and it is not necessary to register any profit for purposes of *maaser kesofim*.²⁹

If the house was painted or underwent some other improvement, *maaser* does not have to be paid on the increase in value before the house is sold.

העסק אף מה שנסע הוא בדרך ואכל ושתה הכל נחשב על הוצאות העסק ומנכה הכל, ומה שנשאר ריוח אחר ניכוי כל ההוצאות מקרי ריוח אבל הוצאות ביתו לא ינכה. ולכן מי שמרויח אלף זהובים לשנה נותן מאה או מאתיים לצדקה אע"ג שהוא בעל הוצאה בביתו עוד יותר מאלף זהובים מ"מ חייב ליתן מעשר מהריוח, ורק מה שהיה צדקה בהוצאה כגון וכו' לקח אורח עני על שבת וכו' יכול לנכות מחלק המעשר, אבל הוצאות בניו ובנותיו הקטנים וכו' אין זה בכלל צדקה וכו' ואף המגדל בני בניו ובני בנותיו או בנותיהם נ"ל שאינו יכול לחשוב זה בכלל צדקה, אבל המגדל יתום ויתומה ממשפחתו או שלא ממשפחתו וודאי שהיא צדקה גדולה ויחשוב זה ממעות מעשר וכו' עכ"ל. ועיין בשו"ת חוות יאיר סימן רכ"ד שיכול לקבוע לעצמו יום מיוחד בכל תקופה כגון כל ג"ח או חצי שנה, ובאהבת חסד (פ"י"ח ס"י"ב) כתב שיעשה חשבון כל חצי שנה או בכל שנה, וכן בנו"ב תניינא יו"ד סימן קצ"ח פסק שכל הריוח וההפסד של כל השנה יכול לנכות זה מזה אבל לא משנה לחברתה.

²⁸ *Maaser* means 10%. One may give up to 20% towards *tzedokob*. It is appropriate to be quite meticulous with all *maaser* calculations (Chavos Yair 224; Ahavas Chesed 19:3, note). It is advisable to declare when accepting the praiseworthy custom of *maaser kesofim* that you plan to estimate the calculations. Then you do not have to be punctilious about the exact figures (Ahavas Chesed 19:3, note).

²⁹ Rav Feinstein (Igros Moshe, Y.D., vol. 2, 114) distinguishes between *ribbis* and *maaser kesafim* regarding inflation. With respect to the latter, he rules that one has to have a clear profit before giving *tzedokob* and therefore one can factor inflation into the equation when determining if there was a clear profit. (The term clear profit means that you don't only look at the purchase price and selling price and whatever the difference is should be viewed as profit. Rather, the inflation rate needs to be calculated and after the inflation is factored in, that new price is subtracted from the selling price and that is the clear profit).

However, he argues that it is not sufficient to look at the real estate market when evaluating whether inflation caused the change in the price of the house. One might have thought that the way to calculate inflation is to determine how much a house bought 10 years ago for \$200,000 would cost today. If it would cost \$400,000 and it was sold for \$400,000, no *tzedokob* must be given since there is no real profit. If the same type of house could be bought for \$370,000 and it was sold for \$400,000, then the profit is \$30,000. This is not the case. Many factors affect the price of expensive items such as real estate. Inflation should be measured according to essential items that most people purchase regularly, such as food and basic household goods. The inflation rate for these staples should be applied to the real estate market in order to figure out the real profit.

However, once it is sold, *maaser* should be given on the profit from the sale, as mentioned earlier. The cost of the home improvement (e.g., painting) can be deducted from the profit for that period. In general, any costs expended in the hope of generating a profit are deductible.³⁰

³⁰ Even if the money was spent in the hope of generating a profit, it is deductible (Beis Lechem Yehuda, gloss of Shulchan Aruch, Y.D. 249, in the name of Shevus Yaakov, vol. 2, 86). The underlying principle is explained by Chavos Yair (224).

Here are some practical applications:

- ❖ If a woman hires help so that she can go to work, the household help or babysitter is deductible from the household income.
- ❖ Income tax (Iggros Moshe, Y.D. 143; Minchas Yitzchok vol. 5, 34:9) and business tax are deductible.
- ❖ Rent and property tax for a business are deductible.
- ❖ Security and insurance are deductible. Although the insurance premiums are deductible, it does not necessarily follow that the insurance reimbursements are *maaserable*. Should the insurance company pay out a claim for a loss, *maaser* does not have to be paid on the “income,” since the insured party generally considers such a payment as a replacement of the item claimed and not new income. For example, if you bought a car with *maasered* money and then it was stolen, the insurance company will pay the value of the car so that you can replace the car. The money received reversed the temporary loss and you are now in the same position as before your car was stolen (Tzedokoh u’Mishpot, chap. 5, note 37). Rav Blau (Tzedokoh u’Mishpot, chap. 5, note 37) infers from the *acharonim* that they are all in agreement that the determination whether monies received are to be viewed as income (and *maaserable*) or to be viewed as a replacement (and not *maaserable*) has more to do with a subjective perception than following any technical principle. In other words, if most recipients of a certain type of payment were to view the money as a replacement it is non-*maaserable* whereas if they view it as income and something “new”, it is *maaserable*.

Hence, although an insurance payment for a car that was totaled does not need to be *maasered*, whereas an insurance payment for a facial scar might be *maaserable*. Often the amounts that insurance companies have obligated themselves to pay is way above the amount that one is halachically responsible to pay were it not for the insurance agreement. Most people would probably view a high payment for a facial scar as extra income and not as compensation for the physical damage. (That is not to say that there is any element of *gezeel* in receiving such monies. Once the company has obligated themselves to pay an amount in the range that a secular court would award, they are truly halachically required to pay that amount and it is permissible to accept the insurance payment). Based on this approach, every case needs to be determined independently. Some disability insurance payments truly reflect a loss of work and can be viewed as replacing that which one had (and thus non-*maaserable*), while other disability payments are court orders or an out of court settlement that are not viewed in the context of replacing the loss, but as a

Who qualifies as a recipient of *maaser kesofim*?

25. Concerning the halachic criteria for acceptable recipients of *ma'aser*, the Ramo (Y.D. 249:1) states that *ma'aser* can only be given to poor people. The Chafetz Chaim (Ahavas Chesed 19:1) emphasizes that *ma'aser* was originally instituted for the sake of supporting people studying Torah. Only poor relatives should be provided for before *talmidei chachomim*. The Chafetz Chaim also points out that charity for the poor is not only money for food and simple shelter. He broadens the category of poor people to include wedding preparations if the couple does not have the means to arrange for a wedding, medical care for poor people, *bachnosas orchim* and burial needs of poor people.
26. When an *oni* owes money, *mechiloh* of the debt or any part thereof may be deducted from maaser that was already designated for *tzedokoh* provided the *oni* is told about it and accepts the *tzedokoh* and reduction of his debt.³¹
27. The emphasis on poor people seems to indicate that using *ma'aser* for mitzvos (e.g., *mikve*, *eiruv*, shul, *esrog*, matzoh or communal religious structures) is unacceptable. The Be'er Hagola, however, explains that the Ramo did not intend to exclude *divrei mitzvoh* from the possible uses of *maos ma'aser* unless the *devar mitzvoh* had already been the person's responsibility before the *ma'aser* money was designated for that purpose. The Taz (Y.D. 249:1) seems to concur, since he allows *maos ma'aser* to be used for the purchase of an *aliyah* in shul, provided that the person intended to use his *ma'aser* money to pay for the pledge when he made the pledge and did not decide afterwards to use his *maos ma'aser*. Apparently, the fact that the money is going to be used for the shul and not for poor people is not a reason to proscribe using *ma'aser* money. The Shach (Y.D.

financial obligation paid up. In those situations they are to be considered income and maaserable.

31

הנה כתב הנו"ב מה"ת יו"ד סימן קצ"ט דרשאי לנכות מעות מעשר כשמוחל חוב שעני חייב לו, אלא דהתנה שם שצריך להודיע לעני. אלא דהוסיף הנו"ב בסו"ד דדוקא באופן שאם העני לא היה חייב לו היה ג"כ נותן המעשר שלו לזה העני כפי השיעור שמוותר לו עכשיו. ואע"פ דהנו"ב מבסס רוב דבריו שם על הירושלמי, דין זה כתב מנפשיה מסברא, דא"כ לא שבקת חיי לעניים דכל עשיר יש לו חובות, וא"כ לא יקבלו העניים הראוי לקבל ורק אותם שחייבים לגבירים. ודבריו צ"ע דמה בכך שיפסידו שאר העניים מלקבל חוקם, הרי אם מותר לנכות, וטובת הנאה נותן מ"ט אינו יכול להחליט לתת לשיבה שמתדיין אִתָּם. וכעין דבריו כתב בשו"ת משיב דבר סימן מ"ט דמותר לנכות מעות מעשר עבור חוב שחייב לו עני מהקפת חנות, וא"צ זיכוי ונתינה וסגי בנתינת רשות. דלענין מעשר כספים שכל חיובו ברמז ולא הוזכר בו נתינה אינו צריך אלא להנות העני מכספו, ועכ"פ צריך שיהא העני ראוי לקבל צדקה.

249:3) supports this position. The Shach quotes the Maharshal and Derishoh, who add that *ma'aser* can only be used for a *devar mitzvah* if the person would be unable to perform the *mitzvah* otherwise. The Taz and Be'er Hagola omit this condition and apparently disagree. Furthermore, the Shach himself goes on to present the opinion of the Maharam of Rothenburg, who disagrees with the Maharshal and Derishoh.

28. The definition of an *oni* is someone who does not have a regular income that meets his or her yearly expenses and does not have assets (other than a home and its contents) that can last for a year.

An irregular expense (e.g., medical expenses or home purchase) can be factored in and qualify the person as an *oni*. When considering to offer someone *tzedokoh* from your *maaser kesofim*, the difference between one's income and his yearly expenses is the amount that can be considered *tzedokoh* and can be taken from *maaser kesofim*.³²

29. You can make a purchase and overpay in order to give *tzedokoh* and retain the recipient's dignity. For example, if you know you can receive a discount on a specific item by using a coupon or taking advantage of a special offer, but instead you pay the full price in order to give *tzedokoh*, the amount that was "overpaid" can be deducted from *maaser*.³³
30. Both the Beis Yosef and the Ramo agree that the responsibility for providing all the needs of a couple getting married belongs to the community and not the individual.³⁴ Nevertheless, should one give money towards the needs of a couple who cannot provide for it with their own means, it is considered *tzedokoh* and can be deducted from *maaser kesofim*.
31. It is incumbent upon every girl's father to make certain that his daughter gets married. It is a financial obligation that goes along with fatherhood.³⁵ Should the father not be able to afford the costs, he should collect *tzedokoh*;

³² Y.D. 253:1; Chasam Sofer on Y.D. 249; Tzedokoh U'Mishpot 2:6.

³³ See Maharam Shick on Y.D. 230 and Tzedaka U'mishpat, chap. 6, note 7. The Maharam Shick mentions the possibility that *maos maaser kesofim* should not be given in the form of payment for a purchase, but he seems to backtrack on that idea by the end of the *teshuvah*.

³⁴ במחבר יו"ד סימן ר"נ ס"א כתב אין לו אשה ובא לישא משיאין לו ושוכרים לו בית ומציעים לו מטה וכלי תשמישו ואח"כ משיאין לו אשה עכ"ל וברמ"א שם ונראה דכ"ז בגבאי צדקה או רבים ביחד אבל אין היחיד מחוייב ליתן לעני די מחסורו אלא מודיע צערו לרבים ואם אין רבים אצלו יתן לו היחיד אם ידו משגת עכ"ל. ועט"ז שם דכ"ד הב"י, ועי' בש"ך שם.

³⁵ א"ה סימן ע"א ס"א.

those who give him money are performing the mitzvoh of *tzedokoh*.³⁶ If her parents will not be contributing to the expenses of her upcoming marriage, the entire community should come forward and help her out financially.³⁷

32. Giving to a young couple is considered giving to *tzedokoh*, but the community (and certainly an individual) does not have to make a poor person rich; it need only provide for their basic needs. The Shulchan Aruch illustrates this with regard to a young man trying to obtain the means to provide for a wife by saying that the community shall help him *rent* an apartment. Renting is a temporary solution. One is not required to buy an apartment for a young couple. If one gives money towards the purchase of an apartment it is not entirely clear that it can be viewed as giving *tzedokoh*. Nowadays, however, due to cultural and practical considerations, some young people may not be able to find a suitable *shidduch* unless they offer a sizeable amount of money to be used towards the purchase of an apartment. Hence, money given towards the purchase is effectively being used to enable the person to marry someone suitable. The money given is therefore considered *tzedokoh* and may be taken from *maaser kesofim*.
33. A donation for a *devar mitzvoh* may be used from *ma'aser kesofim*.

The restriction on a *devar mitzvoh* is that if the *neder* to donate was made first without the intention to use *maos ma'aser* to cover it, then strictly speaking, *ma'aser* cannot be used to cover it. Only if, at the time of the *neder*, the donor was planning to use his *maos ma'aser* can it be taken from *ma'aser* money.

For example, a donation offered to a shul or library at the time of an *aliyah latorah* can be deducted from *ma'aser* if the *oleh* had that intention at the time of the *neder*.

However, many people never accepted upon themselves the stricter laws of *ma'aser kesofim* and always have used *ma'aser* money to pay for *divrei*

³⁶ עיין ש"ך יו"ד סימן רנ"ה סק"א.

³⁷ ומה שהסתפק במהר"ם אלשקר סימן ע"ב באשה שאין לאביה מספיק להשיאה דאולי אין זה נקרא דרך של מצוה (הובא בש"ך סימן רמ"ט ס"ק י"א), כתב בספר צדקה ומשפט (פ"ג סק"ג) דאין הספק אם יש מצוה לתת לה צרכי נישואיה, דודאי אם אביה אינו מקיים חיובו, דיש מצוה על אחרים להשיאה, אמנם אפשר דאייז חיוב על הצבור כיתומה ממש ואין מוכרים צרכי ציבור ודבר של הקדש.

mitzvoh. This behavior is acceptable and makes them free to deduct library *nedorim* and donations for other *divrei mitzvoh* from their *ma'aser*.

34. If a kehilla requires each member to pay a certain amount of money towards a building fund that will serve the kehilla, the money cannot be drawn from *ma'aser* according to the halachic standard. If, however, the person has not obligated himself to give *ma'aser* according to the halachic standard, he may deduct the amount of money given to the building fund if the “*ma'aser*” formula to which he has committed himself includes beneficiaries such as taxed building funds.

The reason money given to such a building fund is not an acceptable halachic use of the *ma'aser* is that the person is already obligated to give to the building fund and *ma'aser* is money given as charity when the giver does not already have a separate requirement to give it.³⁸

Membership fees used for a *mikveh*, *eiruv*, shul, Torah library, school or other religious institution cannot be deducted from *ma'aser* if one has obligated oneself to give *ma'aser* according to the objective halachic standard.³⁹ If,

³⁸ Be'er Hagola [249:1:(°)], Taz (Y.D. 249:1) and Chasam Sofer (Y.D. 231). Paying a debt, even a debt to a worthy cause, is not *tzedokoh*. If when the person obligates himself to give the money he plans to use *maos ma'aser* to pay it, then *ma'aser* money can be used since the obligation did not precede the *tzedokoh*.

³⁹ Were Kehillat Kol Rina to create KARP, Kehilla Ahavat Rei'im Project as a fundraiser around Purim time, it could be arranged like this: The kehilla distributes gifts to the associates of KR with a note mentioning the names of friends who donated money to KR. Friends can list varying number of associates depending on how much money they gave. The vaad members can arrange the project so that the friends can deduct the money given from their *maaser*. If the gifts are purchased with the money of the friends then only the balance is for KR and *maaserable*. The part of the money used for the gift is not *maaserable*. However, if the vaad decided to give all the associates a gift from the kehilla's money and receive all the money from the friends for KR then the full amount of money given can be deducted from *maaser*. The donor and recipient should realize that the gift is given by the kehilla and the money donated is for the kehilla. On the KARP form something to this effect is acceptable:

Help Kehillat Kol Rina, while you tell your friends that their connection to KR makes the Kehilla a better for place for you.

Around Purim day, the vaad of KR will give **one** beautiful hand-assembled theme-based basket to everyone on the list below, along with a list of the families who donated money to KR in appreciation of the recipients' association with the Kehilla.

however, when you made your commitment regarding *tzedokoh* you intended to use your *tzedokoh* for such purposes, you can continue to do so.

35. Educating children is considered the father's responsibility and would not qualify as a *devar mitzvoh* even according to the lenient opinion.⁴⁰ Therefore, even after *maaser* has been separated from your total income, technically the *maaser* should not be used for your children's education. As noted earlier, however, *maaser kesofim* is a *minhag* one can accept or decline. Therefore, it is acceptable for a person to undertake the custom of *maaser kesafim* along with his own interpretation of a *devar mitzvoh* (which may include his children's Jewish education) and still be considered to be acting admirably.

And on the recipients gift card it should be clear that the vaad has given the recipient this gift and a few families have donated to KR so that it can continue because they are happy that you are part of the kehilla. The card can then list those families.

⁴⁰ עיין אהבת חסד פרק י"ט ס"ב דכיון שחוב עליו ללמד או לשכור להם מלמד נמצא פורע חובו ממעשר, וע"ע שו"ע הרב ה"ל ת"ת פ"א ס"ז. וע"ע באגר"מ יו"ד ח"ב סימן קי"ג דבמקום שיש חוק מצד המלכות לשלוח בנות לבית הספר שוב הוי כדבר שבחובה ולא יוכל לנכות הוצאת חינוך בנות ממעות מעשר עכ"ד. ולפ"ז אפשר דהאידינא דחוקי המדינה נותנים רשות ללמד ילדיו בביתו יוכל לשלם לבית הספר ממעות מעשר דמי הוצאות חינוך העולים על מהשהיה צריך להוציא עליהם אילו לימד את בתו בביתו. ופשוט דרק אותו חלק של השכר לימוד שמיועד לחנכה לתורה ולמצוות אבל אותו חלק שמיועד ללימודי חול ולהסעות ולאוכל ולנה וכדומה אינו בכלל דבר מצוה. אלא דכ"ז רק אליבא דמקילים וכ"כ דאין לסמוך ע"ז אא"כ התנה כן בשעה שנתחייב לביה"ס או בעת שקיבל ע"ע מנהג מעשר כספים.

סדר עדיפויות בנתינת מעשר כספים

- א. קרוביו העניים קודמים לכולם (רמ"א יו"ד רנ"ז ס"י). אמנם נראה דאין לתת לאביו ולאמו העניים אם יכול לפרנסם שלא במעות מעשר כספים. עיין רמ"א יו"ד סימן ר"מ ס"ה.
- ב. אם קרוביו אינם עניים, יש להקדים החזקת לומדי תורה ומוסדות תורה עניים (אהבת חסד ריש פי"ט).
- ג. אח"כ, יש לתת לשאר עניים. ובכלל זה צורכי חתן וכלה, הכנסת אורחים, עזרת חולים וצרכי קבורה של עניים. עיין אהבת חסד שם פי"ט אות ב'. וגם בזה עדיף להקדים קרוביו כמה שאפשר. דעת הח"ח בהגהה פי"ח ס"א באהבת חסד דה"ה נתינת כסף לגמ"ח הלואות ג"כ בכלל צדקה.
- ד. לא יתן כל צדקותיו למקום אחד (יו"ד רנ"ז ס"ט) אלא יחלק לכמה מקומות אם יגיע לכ"א נתינה חשובה (עיין יו"ד ס"א ס"ט לענין מתנות כהונה ונראה דה"ה לענין צדקה). (עי"ע מנח"י ח"ו סק"ב).

RDF

37. Rav Rubanowitz runs a fund called RDF (Rabbi's Discretionary Fund). Sometimes receiving a little extra money at the right time can avert a tragedy. Through the Rav's involvement with people from all walks of life, Rabbi Rubanowitz has come to realize that many crises can be prevented or resolved with financial assistance. Such situations can arise to anyone, including respectable, wage-earning people who donate to the local *tzedokoh* organizations and would not want to request money from them. Rabbi Rubanowitz allocates the money to people who need help getting through difficult times. It might be used to pay for food, medical needs or urgent professional counseling. He has a high threshold in order to determine when to utilize the funds and reserves them exclusively for exceptional circumstances. Additionally, he will only dispense money if he is familiar with the case and is confident that the assistance will indeed solve the problem. You are encouraged to donate *tzedokoh* or *maaser kesofim* to the Rabbi's Discretionary Fund.

Loan Fund

38. Another project under the direction of Rav Rubanowitz is a Loan Fund. The Fund offers interest free loans to individuals for short periods. *Tzedokoh* monies can be used towards this fund as well. Please read about the benefits and virtue of donating towards a Loan Fund and take advantage of this opportunity.