

Means Testing

Excerpted and adapted from a *shiur* by Dayan Yehonoson Hool

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https://baishavaad.org/wp-content/uploads/2023/11/BER74_07_VaYeitzei_The-Origin-of-Maaser-3.mp3

Whatever You will give me, I shall repeatedly tithe to You.

Bereishis 28:22

The Da'as Zekeinim quotes a Midrash that infers from this *pasuk* that Yaakov was the first person to give Hashem *ma'aser ksafim*, a tithe from his earnings. According to Tosfos (Ta'anis 9a, citing the Sifri), *ma'aser ksafim* is a mitzvah *de'Oreisa*; according to the Chavos Ya'ir, it is a mitzvah *deRabanan*; according to the Bach and many others, it is a worthy minhag. There is a possible ramification of this dispute with regard to testing Hashem. The Gemara (Ta'anis 9a) says that one who gives *ma'aser* will become wealthy, and it derives from a *pasuk* in Malachi (3:1) that although one may not generally test Hashem, he may do so by giving *ma'aser* to see if this promise is fulfilled. The Rama (Y.D. 247:1) codifies this halacha, but the Pis'chei Teshuvah writes that the Gemara is speaking only of the mitzvah to take *ma'aser* from produce. Others say it applies to *ma'aser* from income too.

It would seem that the Pis'chei Teshuvah holds that *ma'aser ksafim* is either *deRabanan* or a minhag, and that's why the *navi's* promise does not apply to it, because if *ma'aser ksafim* is *de'Oreisa*, the promise should apply to it as well. But the Chafetz Chaim (Ahavas Chesed 18) argues that the promise could apply to *ma'aser ksafim* even if it's *mideRabanan*. (The Maharsha, Chasam Sofer, and Aruch Hashulchan concur.) He explains that Malachi lived at the start of *Bayis Sheini*, when the obligation of *trumos uma'asros* from produce was only *mideRabanan* (see Shulchan Aruch Y.D. 331:2), yet he allows using it to test Hashem, so the same should apply to *ma'aser ksafim*.