

Does Someone Taking Tzedakah Have to Give Tzedakah?

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Question: Many young men in Kollel are supported by parents or in-laws. Does such a person have an obligation to give *ma'aser* from his wife's paycheck and his Kollel check?

Answer: This question applies to any person who takes assistance from others.

The Gemara says that even a poor man who lives off of charity has an obligation to give *tzedakah*. The *Rema* rules, however, that one's own livelihood comes before the livelihood of others. He seems to be saying that one should not give *tzedakah* if he can't afford it. This seems to contradict the statement of the Gemara.

The Aruch Hashulchan explains that even if one is living off of charity, he still must fulfill the mitzvah of *tzedakah* by giving a minimal amount to a poor man who asks for a donation; however, if he can't afford to pay his own expenses, he is exempt from giving 10% of his earnings to *ma'aser*. Regarding the actual support Kollel men receive from their parents, whether or not *ma'aser* should be taken from that money may depend on how the arrangement is structured. One only has to take *ma'aser* on earnings one receives in the form of money. There is a dispute whether one has to take *ma'aser* from earnings he makes in other forms – for example, if he receives a gift or is paid in the form of non-monetary goods. Since we always rule leniently in any case where the obligation of *ma'aser* is unclear, the halacha is that one is not obligated to take *ma'aser* from anything he receives in a non-monetary form. This means that if parents support a child in Kollel by paying his rent or his bills, since he is not actually receiving any money, he would have no obligation of giving *ma'aser*.

Even if the parents give the child support in the form of cash, the exchange can be structured in a way that does not obligate *ma'aser* to be taken. If the parents are using their own *ma'aser* money to support their child, they can stipulate that they are giving him the amount he needs to live and are providing the money with the understanding that he will only use it for his own needs and will not give 10% to charity. If the arrangement is structured in that manner, the child will not have an obligation to give *ma'aser* on this money.

Important note: Parents may only use *ma'aser* if they have this in mind before they promise support; if first they already promised a monthly sum, they cannot decide later on to give it from their *ma'aser* money.