

Rav Dovid Grossman, Rosh Bais HaVaad

Question: We are all familiar with the terms “*tzedakah*” and “*ma'aser*”. Are these two words synonymous or do they have different definitions?

Answer: While people often confuse the two, there are a number of definitive differences between *tzedakah* and *ma'aser*.

Tzedakah is a mitzvah *d'oraysa* which is derived from several *pesukim*. Whether the obligation of *ma'aser* stems at all from a *d'oraysa* is a 3 way *machlokes* Rishonim.

1. Some say that the mitzvah of taking *ma'aser* of one's earnings is derived from the Biblical halacha of taking *ma'aser* from one's crops.
2. Some say that it is learned from Yaakov Avinu, who promised to take *ma'aser* from everything he received.
3. Others disagree and say that *ma'aser* is not derived from either of these sources and is simply an obligatory *minhag*. We *pasken* like the latter. Since *ma'aser* is not a *d'oraysa*, whenever there is a *safek* in halacha as to whether one is obligated to take *ma'aser* or not, the ruling would be that he can be lenient. *Tzedakah*, however, is a *d'oraysa*; therefore, one would have to be stringent in any case of uncertainty.

The amount of money one must give to fulfill the mitzvah is another area where *tzedakah* and *ma'aser* differ.. *Ma'aser* has a defined amount of 10%, with individuals being encouraged to give up to 20%. *Tzedakah*, on the other hand, has no clear amount. There is a very small minimum amount of *tzedakah* that everyone must give of one-third of a shekel a year - which equals just a few dollars, yet at the same time there is a halacha that one must give a donation to every reputable pauper that asks him for alms. There is a mitzvah to give every poor person “*dei machsoro*”, which basically means the amount that he needs to fill his personal needs. This is not a very clear amount and would vary depending on numerous factors. It is true that whenever one gives *ma'aser*, he receives a mitzvah of *tzedakah*. As we have seen, however, the obligations of *ma'aser* and *tzedakah* are quite different in a number of ways.

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