

Using Ma'aser Instead of Charging Interest

Rav Baruch Fried

Question: I have a friend who is struggling in business. He needs an interest-free loan to stay afloat and he asked me to lend him the money, explaining that he is only able to pay it back if no interest is charged. Can I give him the loan interest-free and then deduct the amount I would have charged as interest [using a heter iska] from my *ma'aser* account?

Answer: I saw a similar *shailah* in a sefer. An individual had some money that he intended to invest in a specific stock. Before he did so, he was approached by a friend who needed a loan. This person decided that he would use the money to give the loan rather than investing it; however, he wanted to deduct the amount he would have gained from the investment from *ma'aser*. The sefer ruled that he could not do so because it would be a violation of *ribbis*, being that the lender is benefiting financially from giving a loan.

I would disagree with this conclusion. *Ribbis* is an issue when a lender is receiving a benefit from the borrower for lending him money. In this story, the benefit is coming from a third party, not from the borrower, so I don't think this would classify as *ribbis*.

However, even if this is not *ribbis*, I would still find it improbable that one could "do business" with *ma'aser* in this way.

Rav Moshe Feinstein *zt"l* does say that if someone wants to give his friend a loan, he can take out a loan with interest from a non-Jewish bank, and use that money to give his friend an interest-free loan. He can then deduct the amount he is paying for interest from *ma'aser*. It seems to me that while this is permitted, it wouldn't be permitted to deduct from *ma'aser* an imaginary profit that one potentially could have earned.

A proper solution would be to lend the money with interest (with a proper *heter iska*) and then forgive the interest payments, with the lender having in mind clearly that he is counting the money he is forgiving as *tzedakah* and taking it out of his *ma'aser*.