

על פי התורה אשר יורוך

Yorucha

weekly overview

A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY OVERVIEW VIDEO

Tzedakah & Ma'aser II: Week 1

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THE DIFFERENCE BETWEEN TZEDAKAH AND MA'ASER:

There is a fundamental difference between the Mitzvos of *tzedakah* and of *ma'aser*.

Tzedakah is an obligation one has to help a poor man who approaches him by providing him with his needs. *Ma'aser*, however, is not based on the needs of another person. It is a personal obligation to give a percentage of one's earnings to charity as a sign of recognition that his money comes from Hashem and he must give back to Him from whatever he has.

Since *ma'aser* is the giver's personal responsibility, he must give it whether or not a poor person asks him for money. It is up to him to give 10% of his earnings regardless.

THE SOURCE OF MA'ASER KESAFIM:

There is no clear source in the Torah of an obligation to give a percentage of one's earnings as *ma'aser*, otherwise known as *ma'aser kesafim*.

We do find that the Torah commands residents of Eretz Yisroel to take *ma'aser* from their crops, and it is split up as follows:

- In the first and second year of the Shemittah cycle, landowners are commanded to separate *ma'aser rishon*, which is given to a Levi, and *ma'aser sheni*, which is taken up to Yerushalayim and eaten there. The same is done in the fourth and fifth year.
- In the third and sixth year, instead of *ma'aser sheni*, *ma'aser ani* is given to a poor person.

Tosafos in Taanis cites a *Sifri* that the obligation to take *ma'aser* from one's monetary earnings is learned from the obligation to take *ma'aser* from one's crops.

It is obvious that the obligation to take *ma'aser* from one's crops is a personal responsibility and is not dependent on any circumstances; therefore, if we learn *ma'aser kesafim* from *ma'aser tevuah*, it is not dependent on whether or not a poor

man asks you for a donation, as it is personal obligation to tithe one's earnings under all circumstances.

This is also evident from the fact that Chazal derive that if one gives *ma'aser*, he will become rich. The reason giving *ma'aser* is the key to financial success is because when one does so, he shows that he recognizes that his earnings are from Hashem and are not actually "his".

D'ORAYSA, D'RABBANAN OR MINHAG:

According to Tosafos it sounds like *ma'aser* is a Biblical obligation; however, we find three different opinions in the Poskim regarding this.

1. Some say that *ma'aser* is indeed *d'oraysa*,
2. Others say that it is a *chiyuv d'rabbanan*, and explain that the comparison to *ma'aser* is an "*asmachta*" and not an actual *drasha*.
3. Others learn that it is not a direct *chiyuv*, but rather only a *minhag*.

The Poskim add that even if *ma'aser kesafim* is only a *minhag*, if one starts giving with intent to continually give 10% of his money as *ma'aser*, or did so three times without saying *bli neder*, he is considered to have made a *neder* to continue to do so, and is, therefore, now obligated to give in the future.

WHEN TO GIVE:

There is one definite difference between *ma'aser kesafim* and the *ma'aser tevuah*.

It is forbidden to partake of one's crops until *ma'aser* is taken off. Until that time, the produce has the status of "*tevel*" and is forbidden to use. When one receives monetary earnings, the consensus of the Poskim is that he may use some of the money before he takes off *ma'aser*. Despite this, it is a very laudable practice to take off *ma'aser* immediately upon receiving a paycheck. Maran Rav Chaim Kanievsky *shlita* has been witnessed receiving a payment from his Kollel, and

immediately giving the money to his wife and telling her not to use it before taking off *ma'aser*. While this is a very praiseworthy practice of *Gedolei Yisroel*, there is no obligation to do so.

Everyone's financial situation is different. For some people it is easier to give *ma'aser* on every paycheck. For others, it is easier to do so once a month, once every few months, or once a year. Everyone can take *ma'aser* whenever is most convenient for them.

Ma'aser is 10% of one's net income, not his gross earnings. A person can deduct business expenses, business-related taxes, etc., before calculating how much he owes *ma'aser*. One need not separate *ma'aser* until he makes these calculations and determines how much he should give.

No matter how often one separates *ma'aser*, the Poskim advise having a set time when one does it, be it once a month, once every six months, once a year, or whatever else works best for him.

WHAT INCOME NEEDS TO BE TITHED:

Income from work is not the only earnings that are subject to *ma'aser*. If one receives an inheritance, that also should be

tithed, as should money one earns from an investment.

It is common that money one inherits is subsequently invested. In such a case, one would give *ma'aser* on the sum that he inherited. Then, if he later invests the money, he would again take *ma'aser* on the profits he makes from the investment.

If one receives non-monetary items as gifts or as an inheritance, common custom is not to take *ma'aser*, even though they increase his net worth. For example, If one receives silver or other expensive items that could be used in the household, there is no need to take *ma'aser*. Even if one receives a house as an inheritance and plans to live in it, he also does not need to give *ma'aser*. If one receives a house or property that he plans on keeping as an investment, he would have to take *ma'aser*.

It is important to remember that although most Poskim rule that *ma'aser kesafim* is not a *d'oraysa*, which means there is room for leniency, it is advisable to make every attempt to give it. We have a guarantee from Chazal that giving *ma'aser* is propitious to becoming wealthy, which should be an incentive for everyone to make every effort to give it.

One who simply can't afford to give *ma'aser* should seek guidance from a competent halachic authority whether and how he should perform this mitzvah.



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