

## Tzedakah & Ma'aser II: Week 2

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### YOU ARE THE TRUSTEE:

Chazal teach us, the obligation of *ma'aser kesafim* is meant as a lesson for people to realize that all of their money is given to them by Hashem, and He expects them to make use of it in a responsible and proper manner.

Of course, one has to use much of his money on his own family and his own needs, but he is also expected to use a portion of it to support good causes. Since Hashem entrusted this person with the money, to a certain extent it is his choice to decide which causes he will support. In effect, he is the appointed trustee over those funds, meaning that he has the discretion to decide what to use them for.

### WHICH CAUSES CAN MA'ASER BE USED FOR?

A common question that comes up is which types of *tzedakah* causes can *ma'aser* be used for.

We can gain insight into this topic from the Gemara that discusses a *Korban Todah*. When one vows to bring a *Korban Todah*, he also must bring *Lachmei Todah* together with it. *Lachmei Todah* are special loaves of bread brought together with the *korban*. When a person promises to bring an animal as a *Korban Todah*, the obligation to also provide the bread for the *Lachmei Todah* comes automatically.

The Gemara says that if someone has an obligation to fulfill a vow to bring a *Korban Todah*, he cannot use crops of *ma'aser sheni* for this purpose. *Ma'aser Sheni* is a four-in-seven-year obligation to bring a tithe of one's crops to be eaten in Yerushalaim. (Alternatively, one can redeem these crops onto money, bring that money to Yerushalaim, use them to buy food there, and eat that food in Yerushalaim.) Since his obligation to bring the *Lachmei Todah* existed before he separated this *ma'aser sheni*, it is a preexisting obligation which cannot be fulfilled with the *ma'aser sheni*.

The reason *ma'aser sheni* cannot be used for *Lachmei Todah*

can be understood if we continue to use the analogy of the trustee. Hashem appoints a person as a trustee to take *ma'aser sheni* from his crops. As a trustee, he is in charge of the *ma'aser sheni*, but he cannot use it to dispense of his pre-existing obligations. If one had separated the *ma'aser sheni* prior to vowing to bring a *Korban Todah*, he would have the right to say, "I am obligating myself to bring a *Todah*, and the bread will come from *ma'aser sheni*." In such an instance, the *Lachmei Todah* is not a preexisting obligation from before he separated *ma'aser sheni*, which would make this permissible.

The same concept applies to *ma'aser kesafim*. It can be used for all types of *tzedakah*, but not for responsibilities one is obligated to fulfill anyway.

### TUITION:

A classic example of this is tuition. If someone has an obligation to pay his child's tuition, he would not be allowed to use *ma'aser* money for this purpose.

Rav Moshe Feinstein *zt"l* discusses the tuition question at length. He notes that the Gemara says that one is only required by halacha to pay for his sons to learn Mikrah. While this was true in days of old, it is certainly not the case today. A person has an obligation to provide a good *chinuch* for his son and to make sure that he is educated in Torah. Today, this obligation is not fulfilled until a much later age, because otherwise the child will have to go to a public school and be exposed to the negative culture of the street. Similarly, while there is no obligation to teach girls Torah, there is a responsibility to teach them the halachos they need to know, as well as how to live a proper Jewish life. Accordingly, the tuition one pays to educate his children until they reach the stage where the parents have fulfilled their responsibility would seemingly be a preexisting obligation for which *ma'aser* cannot be used.

Having said this, it should be noted that many parents have the ability to receive certain scholarships or tuition reductions. If they choose to pay more than they have to for their child's education, they certainly can use *ma'aser* money for that.

Additionally, if the parents cannot afford the tuition and the grandparents decide to help their children by paying their grandchildren's tuition, they certainly can pay this expense using *ma'aser* money, as they have no preexisting obligation to do so. The same would be true if parents have a special needs child and cannot pay the exorbitant tuition on their own. If family members pitch in to help with the tuition, they may use *ma'aser* money for this purpose.

## USING MA'ASER MONEY FOR MITZVOS:

Mitzvos that one is required to perform would also be considered pre-existing obligations that cannot be paid for with *ma'aser* money. For example, one is required to purchase an esrog for Sukkos; therefore, *ma'aser* money cannot be used for this purchase.

What if someone wants to spend more money to buy a better esrog? He technically could spend a small amount on a kosher esrog, but he desires to spend a larger amount to buy a more

*mehudar*, beautiful esrog. Can he use *ma'aser* money for the added expense? This question is debatable and one should consult a Rov if it is relevant to him.

## COMMUNAL NEEDS:

There are certain communal needs that everyone is expected to donate to. The Gemara lists specific things that a community needs that people can be obligated to donate to, such as a communal mikvah.

Since a person does have an obligation to donate towards communal needs like a mikvah, eruv and shul, at least part of his donation would be considered a preexisting obligation that cannot be taken from *ma'aser* money. If he donates beyond what is expected of him, he seemingly would be allowed to use *ma'aser* money.

The exact parameters of how much money from such a donation can be taken from *ma'aser* should be discussed with a Rov.



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