

הלכה ברורה

בס"ד

Halacha Berurah

צעירי  
אגודת  
ישראל



## מעשר כספים - Ma'aser on Money

Volume 7. Issue 1.  
• Email Edition •

Reviewed by Horav Yisroel Belsky

**T**here is a time-honored practice among *Klal Yisroel* to separate ten percent of one's income as *maaser*. It is interesting to note that although the act of separating and giving *maaser* clearly has some sources in the *Torah*, there is a dispute among the *poskim* as to whether it is an obligation *Mideoraisah* or *Miderabonon*. In fact, most *poskim* maintain that it is neither *Mideoraisa* nor *Miderabonon*, and is only a *minhag tov* among *Klal Yisroel*.<sup>1</sup> Yet, we find that *Yiddin* deal so meticulously with regard to *Maaser*, and yearn to fulfill this *minhag tov* in the most scrupulous manner. The absolute adherence to this custom is easily understood if one views his obligation to give *maaser* as being a 90%-10% partnership with *Hashem*, and not as simply giving away 10% of his income. This is because we all want to consider *Hashem* as our "business partner", albeit a minor partner.<sup>2</sup> This concept also makes clear why giving *maaser* is a *segulah* to become wealthy. *Hashem*, as a partner, will ensure that one's business is successful, so that He (i.e. through the *maaser* money) may also benefit, so to speak, by getting more from His 10% portion.

### Computing One's Income With Regard to Maaser

The *Yerushalmi* states that the first year that one gives *maaser*, he is required to separate *maaser* from his principal assets, which is money he has either received (as a present, an inheritance, or a

dowry) or found. In the following years, one separates *maaser* from the income or profit that was earned that year from investing the principal.<sup>3</sup>

### A Dowry and Money That Was Inherited

There was a common practice for parents to separate *maaser* from the dowry that was designated for their children, intending to spare the couple from their obligation to separate *maaser*. Most *poskim* were opposed to this practice based on the fact that the obligation to separate *maaser* is on the recipient of the money. Therefore, each person who acquires the money (i.e. the young couple) is required to separate *maaser*, even though *maaser* on this money has already been separated by others.<sup>4</sup> The same would apply to money that was inherited.

However, Rav Moshe Feinstein rules that if after separating *maaser*, the parents give the money to the young couple for a specific purpose (e.g. so that the husband can sit and learn), the young couple may not separate their own *maaser*, since that will adversely affect the parents. Nevertheless, Rav Moshe maintains that in certain circumstances, the young couple should give *maaser* from the interest earned by the money in the bank.<sup>5</sup>

The entire preceding discussion of whether children are obligated to give *maaser* on the dowry they receive from their parents or parents in-law is limited to cases where the parents gave a certain

**Please Note:** Due to the intricacy of the material discussed in each issue, and the brevity of its treatment, a *Rov* should be consulted for a final *psak halacha*. In addition, this publication does not intend to be מכריע on issues that are a *machlokes haposkim*. Although we have usually brought the dissenting views in the footnotes, we have selected for simplicity sake to incorporate into the main text the views of the *Mishnah Berurah*, R' Moshe Feinstein, R' Shlomo Zalmen Auerbach and several other preeminent *poskim*. Please send all questions and comments to 1341 E. 23rd Street, Brooklyn, NY 11210 or email to halachaberurah@thekosher.net

sum of money to assist the children in getting started on their own. This money is viewed as a present where each recipient is required to separate *maaser*, as will be explained below. However, some *poskim* maintain that if the parents accept upon themselves to support their children continuously and provide all their necessities, the children are not required to give *maaser* from that money. This is because even though the children are married, they are dependent on their parents for continuous support, and are considered similar to unmarried children who do not have to separate *maaser* from the money that their parents give them for support. This money is no different than any money that belongs to the parents which they may spend in any way they choose. Therefore, if they decide to spend it on their children, the *maaser* which they separated themselves is sufficient.<sup>6</sup> It is important to note that the married couple is required to separate *maaser* from any other sorts of income (e.g. a salary paid by a *kollel*).<sup>7</sup>

### **Presents**

We mentioned earlier that one is required to separate *maaser* from monetary gifts. The *halacha* regarding non-monetary gifts, however, is an issue discussed among the *poskim*. Some *poskim* maintain that it depends on whether one would purchase such an item using one's own funds. If one would have purchased such an item with his own money, *maaser* should be separated from the item's estimated value. However, if one would not have purchased the item otherwise, *maaser* need not be separated. If one would have purchased a less expensive item had he not received the present, and he will not make the purchase now that he has received the present (e.g. one intended to buy a small apartment and received a house), he should estimate the amount that he would have spent which he is now saving, and add it on to his annual income when calculating *maaser*.<sup>8</sup>

Other *poskim* disagree, and the general custom nowadays is not to give *maaser* from any non-monetary present, unless it is sold afterwards.<sup>9</sup>

### **Determining One's Annual Income With Regard to Maaser**

We mentioned that one is required to separate one-tenth of his annual income as *maaser*. Only profit earned from buying and selling assets is sub-

ject to *maaser*. Profit that is earned from an increase in the value of one's assets is only subject to *maaser* when they are sold and the actual profit is received.<sup>10</sup>

All profit is subject to *maaser*, whether the profit was acquired through a business venture or otherwise. For example, one who sold his house and received more money than he originally paid for it, is required to separate *maaser* from the profit. However, this requirement is only if the increase in value is the result of a greater demand for his home, or due to the fact that the location of the house is heavily sought after. If a portion of the increase was due to inflation of the real estate market or the devaluation of the local currency, one need not separate *maaser* from that portion of the profit.<sup>11</sup>

### **Deducting Expenses**

One may deduct losses and expenses that are directly associated with his income, prior to calculating how much *maaser* he must separate. One may also deduct the amount of income tax he paid from his earnings. Similarly, one may deduct the real estate tax that he pays for his business. All other taxes that are not directly associated with one's business (e.g. a poll or head tax) may not be deducted.<sup>12</sup>

Some examples of business expenses that may be deducted are: wages paid to an employee, the cost of leasing property or vehicles, traveling expenses, advertising expenses, etc. Similarly, the cost of damage caused by theft or broken machinery may also be deducted. There is a *machlokes* among the contemporary *poskim* whether one may deduct the cost of purchasing vehicles or other property. The *poskim* dispute whether these purchases are to be viewed as expenses or as a capital investment. All agree that the depreciation in value or the cost of wear and tear may be deducted. One should consult a *Rov* for a final *psak*.<sup>13</sup>

Some *poskim* say that one who purchased an expensive suit to wear while he is at his business may deduct the extra amount that he spent because of his business. He may not deduct the cost of the entire suit, unless he would not have bought it otherwise.<sup>14</sup> Some *poskim* say that one may deduct the cost of hiring domestic cleaning help, if one would have done the cleaning themselves had it not been for the business. (For example, if one did not have the time to clean their house because they were

busy with business matters, they may deduct the cost of the hired help that did the cleaning instead.) However, if the hired help washed laundry that would have otherwise been given to a laundromat or cleaners, the cost of the hired help may not be deducted.<sup>15</sup>

### Net Profit

If a person was involved in two business ventures and made profit from one but suffered a loss from the other, he may deduct the loss from the profit, and give *maaser* from the net profit alone. Likewise, if one received a present or an inheritance and also had a business loss, he may deduct his losses from his profits if he makes the accounting for the two ventures at the same time, and as a result, only give *maaser* from the net profit.<sup>16</sup>

### The Importance of Keeping a Record of One's Dealings

The *Chofetz Chaim* suggests that a person designate one day every six months or at least one day every year, on which he will make an accounting of all his dealings. On this day, one should calculate all the profit that he made since his last accounting, deduct all his losses, and then separate 10% from his net profit as *maaser*.<sup>17</sup> This allows one to combine his losses and profits from different business ventures and only be required to give *maaser* from his net gain. It must be stressed, however, that making an accounting is very important, for according to some *poskim* one only fulfills the requirement of *maaser* if he has a *detailed record of all his dealings*, even if he ends up giving more than 10% of his earnings. The money that is given in such a case is considered regular *tzedakah*. By giving the money in this fashion one will only have the guarantee that he will not be impoverished which is found regarding one who gives *tzedakah*, but he will not have the guarantee of becoming wealthy which is found regarding one who gives *maaser* and has a detailed record of his dealings.<sup>18</sup> This idea can be understood very well with what we discussed earlier that when it comes to a person's earnings, he is a 90%-10% partner with *Hashem*. One can only be an authentic partner if he has a detailed accounting of all his dealings.

1. ע"י משניות מס' פאה א.א. כפי' הרע"ב ושנות אליהו שם שסברו שהוא מדאורייתא, אכן ע"י רע"קא במס' פאה שם, וע"י ערוה"ש יו"ד סי' רמ"ט סעי' ב', ושו"ת מהרי"ל סי' נ"ד, וברכי יוסף סי' רמ"ט שסברו שהוא מדרבנן, אמנם רוב פוסקים סוברים שהוא אינו מדאורייתא ואינו מדרבנן, ע"י פתחי תשובה סי' של"א ס"ק י"ב, וב"ח שם, וע"י שו"ת חות יאיר סי' רכ"ד, וע"י שו"ת שאלת יעב"ץ ח"א סי' ו', וע"ע שם בסוף סי' ג', וע"י שו"ת חת"ס יו"ד סי' רל"א, וע"י שו"ת מהרש"ג חו"ד סי' ל"ו, וע"י שו"ת ציץ אליעזר ח"ט סי' א' שהביא כמה פוסקים כזה, וע"י אג"מ אבהע"ז ח"ג סי' מ"ג, וע"י בסוף ספר מעשר כספים שהביא תשובה מהגרש"ז אויערבך ומהגר"י ווייס זצוק"ל, וכולם סברו שהוא רק מנהג טוב.
2. ע"י שו"ת חות יאיר סי' רכ"ד.
3. תלמוד ירושלמי ריש מס' פאה, והובא להלכה בשו"ע יו"ד סי' רמ"ט סעי' א'.
4. ע"י ט"ז יו"ד סי' של"א, וע"י ערוה"ש שם בס"י רמ"ט סק"ו, וע"י בפתחי תשובה סי' רמ"ט סק"א, אכן ע"י שו"ת שאילת יעב"ץ ח"א סי' ו' שם התייר רק אם ההורים עושים כן ככוונה בעבור בניהם.
5. אג"מ יו"ד ח"ב סי' ק"ב, וע"י שו"ע חו"מ סי' רמ"א סעי' ה', וסמ"ע שם, וע"י דרך אמונה (מהגר"ח קניבסקי שליט"א) מש"כ בשם דודו מרן החזו"א, וע"י בעם התורה מהדורה ב' חוברת יא' בפסקי הגרש"ז אויערבך זצוק"ל, ויש לע"י אם פליגי על יסוד זה בצירור שלנו.
6. כך שמעתי מהגר"י בעלסקי שליט"א, אכן ע"י בעם התורה שם בפסקי הגרש"ז אויערבך זצוק"ל.
7. ע"י צדקה ומשפט (מה"ג ר' יעקב ישעי' בלויא שליט"א) פ"ה הערה כ"ז, וע"י בעם התורה מהדורה ב' חוברת ה' בפסקי הגר"מ שטרנבוך שליט"א מש"כ בשם הגר"י זצוק"ל בענין אברכים אם דינם כעניים לפורטם מחיובי מעשר, אכן ע"י בערוה"ש סי' רנ"א סעי' ה', ואג"מ יו"ד ח"ב סי' ק"ב.
8. ע"י צדקה ומשפט שם, וע"י ביוסף אומץ שכן היה המנהג כפראנקפורט, אכן ע"י בעם התורה מהדורה ב' חוברת י"א בפסקי הגרש"ז אויערבך זצוק"ל, וגם בתשובתו שמובא בסוף ספר מעשר כספים שיש ליתן מעשר לפי השווי שקיבל ואין, נפק"מ אם הוא היה קונה לעצמו חפץ אחר בזול יותר.
9. ע"י דרך אמונה מש"כ בשם החזו"א, וכן עמק דבר.
10. ע"י ספר מעשר כספים שהביא תשובה מהגרש"ז אויערבך זצ"ל סק"ז, ובתשובת הגר"מ פיינשטיין זצ"ל שם.
11. אג"מ יו"ד ח"ב סי' ק"ד, וע"י שם מחלק בין מעשר כספים לריבית שדיני ריבית תלוי בדינא דמלכותא. ושמעתי מהגר"י בעלסקי שליט"א דאם מכר ביתו וקנה בית אחר באותה שכונה אין צריך להפריש מעשר בשביל הרוחה באותה מטעם טובת השכונה מפני שעכשיו צריך לקנות בית אחר ביוקר באותה שכונה.
12. ע"י שו"ת חות יאיר סי' רכ"ד, וע"י שו"ת נר"ב מהדר"ת סי' קצ"ח, וע"י אג"מ יו"ד ח"א סי' קמ"ג, וע"י פתחי תשובה ביו"ד שם, וע"י אהבת חסד פ"ח, ובענין לנכות צרכי ביתו ע"י שו"ת אבקת רוכל סי' ג', וע"י כנה"ג ביו"ד סי' רמ"ט, אכן ע"י ברכי יוסף ושו"ת ברכה ביו"ד שם שכתב שתשובה זה הוא מזויף ואינו רשאי לנכות צרכי הבית וכן הוא מסקנת הפוסקים.
13. ע"י ערוה"ש סי' רמ"ט סעי' ז' מש"כ בענין מי שנסע בדרך שמותר לנכות דמי אכילה ושתייה, אכן ע"י בשו"ת ב"ד של שלמה יו"ד סי' א', וע"י בספר מעשר כספים בתשובת הגרש"ז אויערבך זצ"ל בסק"ט, וע"י בית לחם יהודה סי' רמ"ט.
14. ע"י שו"ת מנחת יצחק ח"ה סי' ל"ד סק"ו.
15. ע"י צדקה ומשפט פ"ה הערה ל"ה.
16. ע"י בפתחי תשובה סי' רמ"ט סק"א, וע"י בספר אהבת חסד פ"ח סעי' ב', וע"י בשו"ת חות יאיר סי' רכ"ד, וע"י בשו"ת נר"ב מהדר"ת סי' קצ"ח מה שמחלק בין שנה אחת לשתי שנים.
17. ע"י בספר אהבת חסד שם, וע"י בשו"ת נר"ב שם, וע"י בשו"ת חות יאיר שם.
18. ע"י שו"ת אבקת רוכל סי' ג', וע"י כנה"ג בשו"ע סי' רמ"ט שכתב מכל עשרה יפריש אחד לא פחות ולא יותר וע"י אהבת חסד פ"ח סעי' ג' שכ' שיפריש בצמצום. וע"י ב"י ורמ"א סי' רמ"ו סעי' ג' שדוקא במעשר מותר לנסות הקב"ה אבל לא בשער צדקה, אכן ע"י ערוה"ש שם, וע"י פתחי תשובה שם.



Halacha Berurah is a bi-weekly publication affiliated with Zeirei Agudath Israel of Brooklyn, NY

**Ephraim Elli Bohm**  
Publisher; Author

**Yitzchok Hisiger**  
Managing Editor

**Mordechai Goldburd**  
Typeset & Design

**Rabbi Meier Saslow**  
Administrative Assistant

**Avraham Goldberg**  
Technical Manager

**Tzvi Geller**  
Zeirei Liaison

### We Need Your Support!

For the funding to continue our *Harbotzas Torah*, we rely heavily on our readers. Your help in defraying the substantial expenses involved in this project will surely be a tremendous zechus for you and your family.

To dedicate an issue please call Rabbi Meier Saslow at (718) 851-5259. This dedication can be made individually — לז"ג a relative, in honor of someone, לכבוד a Bar Mitzvah, Chasuna, Bris, etc. The dedication will appear on all printed issues for that week. If you cannot dedicate an issue, your contribution, in any amount, will be greatly beneficial and appreciated. Donations are tax deductible and should be made payable to Halacha Berurah. Mail to: 1341 East 23rd street, Brooklyn, NY 11210.

**This Project is Dedicated** לז"ג ר' פנחס בן ר' זאב חיה שרה בת ר' יצחק הלוי



## Subscribe to Halacha Berurah Today!

### 3 ways to subscribe:

#### Individual Subscriptions

Receive Halacha Berurah at your home! To subscribe, send \$12, along with your name and full mailing address to: Halacha Berurah, 1341 E 23rd St, Brooklyn, NY 11210, or call (718) 851-5259.

**Only \$18!**

**\$12! Savings of over 30%!** Limited time offer

#### Shul Sponsorship Subscriptions

Sponsor Halacha Berurah for your shul! To have 18-20 copies mailed every other week, send \$25 to Halacha Berurah, 1341 E. 23rd St, Brooklyn, NY 11210. Be sure to include the full mailing address of the shul you wish to sponsor. If you prefer, the issues can be mailed to your home.

**Only \$30!**

**\$25! Savings of over 30%!** Limited time offer

#### Email Subscription

Receive Halacha Berurah via Email, free of charge! To subscribe, simply send an email to [hinfo@thekosher.net](mailto:hinfo@thekosher.net).

**Only \$12!**

**Free! Savings of over 30%!** Limited time offer

**For credit card orders call (718) 851-5259**

All subscriptions are valid for one year. Halacha Berurah is published every other week except during the months of July thru September. US addresses only.

### In the next issue

- May one use *maaser* money to purchase a *lulav*, *esrog*, *tefilin*, or *shofar*? To purchase an *aliyah* in *shul*? To purchase a *sefer*?
- May one use *maaser* money to pay for *Yeshivah* tuition costs?
- May one use *maaser* money to support his unmarried children? To support married children?
- May one use *maaser* money to purchase tickets at a Chinese auction or raffle of a *tzedakah* organization?

### Sponsorship Opportunities Available

To have your dedication appear on over 7000 printed issues on a desired week, for only \$180, please call (718) 851-5259.

All donations are tax-deductible.

We are proud that *בְּעוֹזְשֵׁית* our national distribution has expanded to thousands of readers and hundreds of shuls across the United States and Canada.

Halacha Berurah is now distributed to the following cities:

**Arizona**

Tucson

**California**

Beverly Hills

Los Angeles

**Colorado**

Denver

**Florida**

Boca Raton

Jacksonville

Miami

**Georgia**

Atlanta

Savannah

**Illinois**

Chicago

**Indiana**

Southbend

**Maryland**

Baltimore

**Massachusetts**

Brighton

**Michigan**

Detroit

**Minnesota**

Minneapolis

**Missouri**

St. Louis

**New Jersey**

Deal

Edison

Elderon

Elizabeth

Englewood

Highland Park

Lakewood

Passaic

Teaneck

**New York**

Bayswater

Belle Harbor

Brooklyn

Cedarhurst

Far Rockaway

Flushing

Forest Hills

Great Neck

Hewlett

Hillcrest

Kew Gardens

Kew Garden Hills

Lawrence

Long Beach

Manhattan

Monsey

Suffern

Staten Island

Woodmere

**Ohio**

Cincinnati

Cleveland

**Pennsylvania**

Philadelphia

Pittsburgh

Scranton

**Washington**

Seattle

**Canada**

Toronto

Montreal

