

Parshas Lech Lecha פרשת לך לך

וברוך קל עליון אשר מגן צריך בידך ויתן לו מעשר מכל

“Blessed is Hashem that has delivered your enemies to your hands, and he gave him a tenth from all [the spoils]”

In this passuk the Torah relates how at the conclusion of the war between the kings, Avram gathers all the spoils, and gives a tithe to Malki Tzedek, the only Kohen at that time. Ever since this time, Klal Yisrael has emulated Avraham, by fulfilling the Mitzvah of Maaser. Although in the Torah, Maaser is only mentioned in regard to giving a tenth of one's produce and livestock¹, the Medrash learns from a passuk that all of one's profits is required to be tithed, including money.² Furthermore, in another Medrash the concept of Maaser is mentioned in regard to children. The Medrash explains how Yaakov Avinu dedicated one tenth of his children to be Kohanim and Leviyim.³ The Shl"א⁴ even mentions this concept in regard to fasting one out of every ten days. Certainly this Mitzva of dedicating a portion to the service of Hashem, is far from being restricted to grain and produce, and encompasses all aspects of our lives.

I. The Poskim discuss whether in fact the Mitzva of Maaser Kesafim (tithing money) is Min Hatorah, Midrabanan, or only a Minhag. Many Rishonim seem to say that it is a Mitzva Min Hatorah.⁵ Others conclude that it is Midrabanan.⁶ However, the consensus of most Acharonim is that it is only a Minhag that Klal Yisrael has accepted, to dedicate one tenth of their earnings to Tzedaka.⁷ Although a Minhag does not have the status of being a Mitzva, it can often involve prohibitions at a D'oraysah level. This is due to the fact, that a Minhag that is performed regularly gains the status of a Neder (vow) which is binding Min Hatorah.⁸

Another issue discussed by the Acharonim, is the possibility that Maaser Kesafim is only applicable in Eretz Yisrael. The reason for this is that since Maaser Kesafim is learned from regular Maaser of produce, it can only apply in Eretz Yisrael where regular Maaser applies.⁹ Others opine to the contrary, that since outside of Eretz Yisrael there is no Mitzva of Maaser on produce, therefore Chazal instituted a different sort of Maaser that can be fulfilled all over.¹⁰ In Shulchan Aruch there is no mention of this differentiation, implying that this Mitzva applies universally.

In regard to giving Tzedaka, the Shulchan Aruch¹¹ describes three types of people. The first is one who gives to the poor as much as is needed, or one fifth of his income. (An average individual is not supposed to give more than 1/5 of his money, except in extenuating circumstances.¹²) Such a person has fulfilled Mitzvas Tzedaka in the finest manner. The next level, is one who gives one tenth to Tzedaka, such a person has fulfilled his requirement in the average way. One who gives less than one tenth is considered to possess an “evil (miserly) eye”. Many Gedolim were indeed meticulous to set aside 1/5 of their earnings for Tzedaka, and not just a tenth.¹³

¹ע' ויקרא כ"ז ודברים י"ב

²במדבר פ"ח, ספרי זוטא פ"ה וכן בילקוט פ' נשא עה"פ ואיש את קדשיו לו יהיו, ובתשב"ץ קטן ס' תצ"ז בשם המדרש מהפסוק עשר תעשר

³ע' ב"ר פרשה ע'

⁴מס' חולין ענין מו"מ באמונה

⁵תוס' תענית ט' בשם הספרי הנ"ל, מרדכי פ"ק דב"ב ס' תרנ"ט, או"ז ח"א הל' צדקה ס' י"ג, תשב"ץ ח"א ס' קמ"ד ותשב"ץ קטן תצ"ז, וע' שיטמ"ק

כתובות נ'

⁶שו"ת מהרי"ל ס' נ"ד ובחדשות ס' ק"ח וקנ"ב ע"ש שכתב דהוה כטבל קודם שיפריש, וע' ר"ן נדרים נ"ט ד"ה שאני שכתב על דרשא אחרת בפסוק זה

לענין זרעו כלה דהוה אסמכתא, וע' דעת זקנים בראשית כ"ח דיעקב תיקן אותה, וכ"כ הט"ז בשם הב"י יו"ד ס' של"א ס"ק ל"ב דהיא מדרבנן וכן

המהרש"ל בהג"ה ס' רמ"ט, והגו"ב קמא יו"ד ס' ע"ג ותשובה מאהבה ח"א ס' פ"ז. וע"ע בשו"ת מהרי"ט ח"א ס' קכ"ז, ובשו"ת מהרש"ג יו"ד ס' ל"ו שכתבו

דאינו דאורייתא, דמן התורה אין לזה קצבה

⁷ב"ח יו"ד שם ס"ק י"ח, שו"ת מהר"ם מרוטנברג (דפוס פראג) ס' ע"ד, מאירי אבות א' ט"ז, לקט יושר ח"ב עמ' ע"ו, חו"י ס' רכ"ד והוסיף דכן דעת

הרמב"ם והסמ"ג, שאילת יעב"ץ ח"א ס"ג בשם אביו (החכם צבי), שו"ת חת"ס יו"ד רל"א, שו"ת שבוי"י ח"ב יו"ד ס' פ"ה ועוד, וכ"פ הערוה"ש ס' רמ"ט

⁸חו"י שם, חת"ס שם, שאילת יעב"ץ שם

⁹שו"ת ר' טיאה וייל ס"ס

¹⁰יד שאלו ס' רמ"ט וע' מש"כ בזה בשאילת יעב"ץ שם ותשובה מאהבה ח"א ס' פ"ז, וע"ע במנח"י ח"י ס"ס פ"ה

יו"ד רמ"ט ס"א

¹²כדאיתא בתענית ט', וע' אהבת חסד פ"כ לכללי הדבר

¹³כך ראיתי מסופר על הגרמ"מ שך, והגרי"י קנייבסקי

It is interesting to note, that in the sefer *יוסף אומץ* (the Rav in Frankfurt A.M. during the early 1600's), he states that the amount prescribed of one tenth is an obligation of Maaser that is independent of the Mitzva of Tzedaka. Therefore, even after one has given Maaser from his money he has still not yet given Tzedaka. A person must additionally give money for the Mitzva of Tzedaka in accordance to his financial abilities.¹⁴

II. When calculating a tenth of one's earnings, some Acharonim require one to keep an exact accounting and give precisely the right amount, even if one is sure that his approximation is more than required. This is similar to the Din regarding Maaser of produce, where the Mishna in Avos (א' ט"ז) states "אל תרבה לעשר אומדות" - "Do not tithe with estimation".¹⁵ Others permit approximation by Maaser Kesafim provided it is certainly 1/10.¹⁶ The Chofetz Chaim paskens, that if it is very difficult for someone to keep an exact accounting, he may make a תנאי that all his earnings will be tithed by approximation and not precisely.¹⁷ Nowadays, most people have an exact accounting of their earnings anyway, as this is required by US tax laws.

One should calculate his Maaser money once a year. Some Poskim mention Erev Rosh Hashana (the last day of the year) as the ideal time for this. However, it is also fine to do so at the end of the business's fiscal year, if that is more convenient.¹⁸ The amount of one's earnings is calculated after deducting all business expenses (costs incurred in order to run the business), but not deducting living and luxury expenses.¹⁹ Most Poskim say that Maaser may be calculated after deducting income tax.²⁰ However, some say that it is praiseworthy not to.²¹ Regarding all practical Shailos a Rov should be consulted.

III. The money that one dedicates to Maaser Kesafim does not necessarily need to be given to the poor. It may also be used for any Mitzva, for example, Hachnosas Kallah or buying necessities for a shul. However, if this person would anyway spend his own money on these items, he may not use his Maaser money for these purposes.²² Similarly, one may purchase Mitzvos and Aliyos that are sold or auctioned in shul with Maaser money.²³ However, the Acharonim stipulate that if an Aliyah was auctioned and someone else bid a lower amount, only the amount that the buyer added to the lower bid may be counted towards Maaser. For example, if Reuvein bid \$50 for an Aliyah and Shimon outbid him with an offer of \$55, Shimon may only deduct \$5 of his Maaser money, since anyway the shul would have received the remaining \$50 from Reuvein.²⁴

Another Mitzva that is discussed in the Poskim in regard to Maaser money, is purchasing Seforim. (In Parshas Nitzavim we discussed that according to many Rishonim there is a separate Mitzva to purchase Seforim (ועתה כתבו) (לכנס, aside from the Mitzva to learn from them.) The Shach and Ta"z²⁵ both say that if one purchases Seforim for the purpose of allowing others to borrow them, he may do so with Maaser money. As before though, if he would have anyway purchased them with his own money, he may not use Maaser for this purpose. If one does purchase Seforim with Maaser, he should write in them that they are from Maaser and available for public use, so that he (or his children) shouldn't forget.²⁶ If one is using the Seforim purchased from Maaser, and someone requests to borrow it, he is not required to lend it to him at that time.²⁷ On the other hand, if someone already borrowed the Sefer, he may not take it away.²⁸

However, many contemporary Poskim say that since nowadays there is a tremendous proliferation of Seforim available to everyone, one may not buy Seforim with Maaser since no one will borrow from him, and no service has

¹⁴ יוסף אומץ בסוף פרק הצדקה והמעשר

¹⁵ שו"ת אבקת רוכל ס"ג, חו"י שם וע' ברכ"י

¹⁶ פתחי תשובה שם

¹⁷ אהבת חסד פי"ח אות ג'

¹⁸ ע' נו"ב יו"ד תניינא ס' קצ"ח שהביא מקור מדכתיב "שנה בשנה", וכ"כ האבקות רוכל והחו"י שם, וע' שו"ת שבט הלוי ח"ט ס' ר"א

¹⁹ פ"ת בשם שו"ת שער אפרים וחוו"י שם ע"ש באריכות, שאילת יעב"ץ ח"א ס"ו, ערוה"ש

²⁰ ברכ"י בשם ראשל"צ, אג"מ יו"ד ח"א ס' קמ"ג ע"ש שמחלק בין סוגי המסים, תשובות והנהגות ח"א תק"ס

²¹ מנח"י ח"ה ל"ד, וע' מש"כ בכל זה בס' הל' מעשר כספים בשם הגרשז"א

²² רמ"א שם בשם מהר"ל אסר, ובביאור הגולה פי' כוונתו דדוקא כשיעשה בלא"ה, וכ"כ הדרישה בשם רבינו מנחם והובא בש"ך וכ"מ בלקט יושר שם

ע"ש היטב ודו"ק, אולם בשו"ת מהר"ם מרוטנברג שם אסר, וכן בשטמ"ק כתובות נ' ע"ש. וע' מש"כ בזה בשו"ת חת"ס ח"ב ס' רל"א שחולק על ביאה"ג

וכתב דמהני רק בתנאי מתחילה ע"ש

²³ ט"ז

²⁴ הגה' רעק"א שם

²⁵ רמ"ט וכן בדרישה בשם מהר"ם, וע' שו"ת באר שבע ס' מ"א בשם מהר"ל דמהאי טעמא גופא דמחוייב לקנות, אסור לעשות במעות מעשר, וע"ע בצ"ץ

אליעזר ח"ט ס"א מש"כ בזה

²⁶ ט"ז שם

²⁷ משיב דבר ח"ב ס' ע"ה

²⁸ שו"ת שבט הלוי ח"ח ס' קס"ג

been provided to the public.²⁹ The Steipler Gaon was accustomed to buying many of his Seforim with Maaser monies. However, in later times upon realizing that no one was coming to borrow his Seforim, he ceased this practice.³⁰

The above is only in regard to purchasing Seforim for one's private home. However, one may certainly purchase Seforim for Batei Midrashim or libraries that are dedicated to the public with Maaser Kesafim.³¹

IV. Everyone is obligated to give Maaser, unless he literally does not have what to eat.³² However, someone who does not have funds for more than his bare necessities, or he is living from Tzedaka, may use the Maaser money to support himself and his family, since they take preference to others.³³ On the other hand, the Chazon Ish once commented, that since all money given to Tzedaka is returned to the giver by Hashem, there is no reason for someone to "save" money by not giving.³⁴

The Din regarding a child that is being supported by his parents is dependant on the arrangement between them. If the parents provide the child with a set allowance to use for whatever he wishes, then according to R' Shlomo Zalman Aurbach זצ"ל, the child must separate Maaser. R' Elyashiv שליט"א disagrees, and paskens that as long as the child does not have enough to provide for himself, he is not obligated in Maaser.³⁵ However, if the parents do not give a specific amount and allow the child to spend money for his needs, all agree that the child is not obligated in Maaser. Furthermore, in many circumstances it would be forbidden for the child to use the money for Tzedaka if this is against his parent's wishes, as this would constitute Gezel (stealing).³⁶ There are many different arrangements and scenarios that can alter these Dinim, and each person should ask a Rov regarding himself.

A minor that receives money, is obligated to give Maaser from those monies after he becomes Bar Mitzva, if the money has not yet been spent. This is a very common scenario, when money is given as a Bar Mitzva present prior to the occasion.³⁷

V. One who properly fulfills the Mitzva of Maaser is assured by the Torah of financial success.³⁸ The Chofetz Chaim explains the reason for this, that through setting aside one tenth of his profits for Hashem, he has created a partnership in which Hashem is a "shareholder" in his business. Which business will not succeed with such a lucrative partnership?³⁹ Furthermore, although in regard to reward for most Mitzvos, it is not proper to test the results, regarding giving Maaser, the Torah pleads with us to try out the Torah's promise of wealth. ("ובחנוני נא בזאת") Many Poskim say that this applies to Maaser Kesafim and all Tzedaka as well.⁴⁰ Even a person that was decreed in heaven upon him to lose his wealth, through the meticulous giving of Maaser, he will be protected from this loss.⁴¹ Not only is financial success an outcome of this Mitzva, but many other Segulos are ascribed to it as well.⁴² Through keeping this Mitzva in a full and proper manner, may we be Zocheh to have fulfilled with us the Bracha – כי ברך יברכך ה' – אפס כי לא יהיה בך אביון, כי ברך יברכך ה'.

Good Shabbos.

מאיר הלוי הלמן
פעיה"ק תובב"א

²⁹ ערוה"ש, דרך אמונה להגר"ח קנייבסקי שליט"א הל' מתנו"ע פ"ז בבאו"ה, שבט הלוי ח"ז ס' קצ"ד, וארחות רבינו בשם החזו"א ח"ב עמ' קל"ח שם ח"א עמ' רצ"ד

³¹ שבט הלוי שם, אהבת חסד פי"ט, שו"ת מנח"י ח"י ס' פ"ה

³² פלא יועץ ענין מעשר כתב שיפריש אפילו מצדקה שמקבל

³³ אג"מ יו"ד ח"ב ס' ע"ה, מנח"י ח"ו ס' ק"א, תשובות והנהגות ח"ג ס' רפ"ה בשם הגרי"ז, וע' שו"ת תשב"ץ ח"ב ס' קל"א שכתב כעין זה, דעניי עירך וקרוביך קודמים

³⁴ תשובות והנהגות ח"א ס' קס"א

³⁵ ס' הל' מעשר כספים עמ' נ"ז

³⁶ תשובות והנהגות ח"ג ס' רפ"ב

³⁷ ס' הל' מעשר כספים עמ' נ"ח בשם הגרשז"א

³⁸ שבת קי"ט ותענית ט' - עשר בשביל שתעשר וכו' בהמדר"ר פרשה י"ב

³⁹ אהבת חסד פ"כ אות ו'

⁴⁰ כ"מ מתוס' תענית ט' ד"ה עשר וכ"פ הרמ"א ס' רמ"ז ס"ד וע' פ"ת בשם משנת חכמים, וע' שטמ"ק כתובות נ' דמשמע דשרי וכן באור זרוע ע' אהבת חסד פי"ח בהג"ה, אמנם בשאלת יעב"ץ ח"א ס"ג ובשל"ה שם כתבו דרק במעשר תבואה שרי לנסות

⁴¹ אהבת חסד פי"ט ע"ש

⁴² ע' מעשה איש ח"א עמ' קמ"ד מעשה נפלא באשה שהפילה ולדותיה, ובס' הל' מעש"כ בסוף בהג"ה שהביא עוד מעשה כזה עם הגר"פ שיינברג שליט"א