

ותלמדם
"חוקי חיים"
לעשות רצונך
בלבב שלם

ליקוטי ופסקי הלכות "חוקי חיים"



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלים תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Maaser Money - 2

Vayikra - Zachor 5784

55

Using Maaser Money for Mitzvos

Just for the Poor, or Also for Mitzvos?

1. Maaser money was instituted for the poor and it is their money (מהר"ל, רמ"א י"ד סי' רמ"ט ס"א). Some poskim say it must be given to the poor and may not be used for other mitzvos (שם).
2. Others say one may use maaser money for a mitzva if the mitzva cannot be done without it (הגר"ן קרליץ באורח צדקה פ"א הע"ח (סק"ג). This is the general minhag (ה"ד סי' קס"ג).
3. Therefore, when one accepts upon himself to give maaser, he should l'chatchila stipulate that he should also be able to use it for mitzvos, satisfying all opinions (ה"ד סי' רמ"ט ס"ב (בפתחת סי' רמ"ט ס"ב). Even if he gave to the poor three times without making this condition, he may still stipulate that from now on his maaser can also be used for mitzvos (ה"ד סי' קס"ג).
4. **Chiyuv.** The poskim write that even according to the meikel opinion, one may only use maaser money for a voluntary mitzva, e.g., donating lights or other necessities to a shul, but it may not be used for chiyuvim, e.g., tefillin, mezuzah, lulav and esrog, kiddush, shofar or the like (לבוש סי' רמ"ט ס"א, לקט יושר י"ד עמ' 76).
5. **Chomesh.** One who gives a fifth to fulfill the mitzva in the best way (Issue 54, par. 9) may use half of it [a tenth] for mitzvos – even without prior stipulation, and even just for hiddur mitzva (צ"ג ח"ג סי' צ"ג) – and the other half for the poor (אהבת חסד ח"ב פ"ט ס"ג).

Mitzvos with Maaser Money

6. **Machatzis hashekel.** One should not give machatzis hashekel from maaser money. This is because once the minhag to give machatzis hashekel on Erev Purim was accepted by Jews worldwide, it became like a chiyuv (ש"ך ש"ה ר"ש). (מס' מגילה ד"ה כל דבר הובא מג"א סי' תרצ"ד סק"א).
7. **Matanos l'evyonim.** One may not use maaser money for his basic chiyuv of matanos l'evyonim since it is a full-fledged chiyuv (מג"א (סי' תרצ"ד סק"א). However, once he has fulfilled the minimum mitzva of a gift to two poor people, he may use maaser for anything beyond that. Similarly, if one gives to various mosdos and organizations, which are not considered matanos l'evyonim, he may use maaser money (ש"ך ש"ה ש"ה).
8. **Kimcha d'Pischa.** One may use his maaser for "kimcha d'pischa." Back when each town set a sum of money as the required kimcha d'pischa, one could not use maaser money, but nowadays there is no fixed amount, so it is all tzedaka (הגרש"ז (אורבאך, מעדני שלמה עמ' ב', מ"ד ש"ה ש"ה ש"ה ח"א סי' קל"ז).
9. **Kaparos.** Maaser money should not be used for kaparos during the Aseres Yemei Teshuva, whether one uses an animal or money, since kaparos are a chiyuv (מ"ב סי' תר"ה סק"ו). Anything beyond the chiyuv may come from maaser money.

Tzaddikim

10. **Pidyon.** One may give maaser money as pidyon to a Rebbe (דברי שלום ח"ג או"ח סי' קל"א), even if the Rebbe is wealthy, since he will presumably distribute it to the poor and needy. [And if the gabbai needs it, one may give him "kvittel gelt" from maaser].

11. **Traveling to a tzaddik.** If one had in mind when he designated his maaser that he would use it for travel expenses to get to a tzaddik and he has no other money, he may use it. In such a case, he must be sincerely going to get yiras Shomayim, grow in dveikus to Hashem, and fulfill the mitzva of visiting one's rebbi (ש"ך ש"ה ח"ג סי' קס"ג). If he is only going because everyone else is, or primarily for another purpose, he may not use maaser money for his travel expenses.
12. **Kivrei tzaddikim.** One may not use maaser money to travel to kivrei tzaddikim since that is not considered the mitzva of visiting one's rebbi (ש"ך ש"ה ח"ג סי' א' הלכתא פסיקתא אות י"א).

Debts

13. **Paying off a debt.** One may not use maaser money for an obligatory payment (מ"ד בצדקה ומשפט פ"ו אות ב'). Therefore, one may not pay off a debt to someone from his maaser money (מ"ד בעל קנה בשם ח"ג סי' פ"ב).
14. However, if one borrowed money from a gemach to marry off a child and he planned from the start on paying back with maaser money, he may (below, 33).

Benefiting the Poor

15. **Forgiving a debt.** If a poor person owes someone money but cannot pay him back, the creditor may forgive the loan and deduct the amount from maaser (רמ"א י"ד סי' רנ"ז ס"ה). Some says this is only true if he had this in mind when he loaned the money (ש"ך סק"ב); others permit it even if he did not have it in mind (ה"ד סי' קנ"ג).
16. If the poor man died or it becomes known that he made money (רמ"א שם), or if the lender despaired of receiving the money, he may not then deduct the amount from maaser (פ"ח דרך אמונה פ"ח (צ"ה"ל ס"ק רפ"ח).
17. **Items for a gemach.** If one donates a used item to a gemach, he may deduct its current value [not its original value] from maaser.
18. **Buying from a poor person.** One may buy something from a poor person and overpay, deducting the difference from maaser, as long as there are no other considerations (ש"ך ש"ה ח"ג סי' ר"ל).

Paying a Rebbe

Small Children

19. One must teach his son Torah (ש"ך ש"ה ח"ג סי' רמ"ה ס"א). If he does not teach him personally, he must hire a rebbi (ש"ך ש"ה ח"ג סי' רמ"ה ס"א). Since this is a chiyuv, he may not pay the rebbi with maaser money; maaser may only be used for something which is not an actual chiyuv (אהבת חסד ח"ב פ"ט ס"ב בשם הא"ר סי' קנ"ו, ש"ך ש"ה ח"ג סי' רמ"ה ס"א, ש"ך ש"ה ח"ג סי' קנ"ג).
20. Strictly speaking, a father must only pay a rebbi to teach his son Torah Shebichsav; not Mishna and Gemara (ש"ך ש"ה ח"ג סי' רמ"ה ס"א). Although it would seem one may use maaser money to pay a rebbi to teach his son Mishna and Gemara, the poskim write that since one should also teach his son Mishna and Gemara and everyone does this, it is like a chiyuv. In practice, therefore, one should not use maaser money even for teaching his son Mishna and Gemara (ש"ך ש"ה ח"ג סי' רמ"ה ס"א).

21. One who is struggling financially may use maaser money for part of the cost to teach his son Torah (ש"י שבט הלוי מהד"ק סי' רמ"ט ס"א, (פרי יצחק ח"ב סי' כ"ז).

22. **Other children.** One may use maaser money to pay for a rebbi to teach a poor person's son (אהבת חסד ח"ב פי"ט ס"ב).

Yeshiva Ketana and Gedola

23. One may use maaser money to pay for his son's yeshiva ketana or gedola tuition (ארחות רבינו ח"א עמ' רח"צ) since he could send his son somewhere else for free (ש"ת אבני ישפה ח"ג סי' פ"ח), and because strictly speaking, one is not chayav to teach his sons Gemara and Mishna (ש"ת פרי יצחק שם).

Tutor

24. One may use maaser money to hire a tutor or an avreich to learn with his son in addition to his regular studies since that is beyond his basic chiyuv (ש"ת מנח"י ח"ה סי' ה'). Similarly, if necessary, a working man may pay a chavrusa with maaser money to learn with him if he had that in mind from the start (כ"ק מרן גאב"ד ירושלים).

Daughters

25. **School.** Parents of girls in chareidi schools who struggle financially may use maaser for the kodesh part of the tuition since girls are not chayav to learn Torah. Maaser may not be used for the secular studies (ש"ת מנח"י ח"י סי' פ"ה, תשובות והנהגות ח"א סי' תק"ס).

26. **Seminary.** One may pay seminary tuition from maaser (ארחות רבינו (ח"ו עמ' ק"מ).

Bonuses

27. Many people give bonuses directly to a teacher at various points during the year, e.g., before Yom Tov, Purim, or when one marries off a child. This money is not a chiyuv and thus may come from maaser.

Seforim and Torah

Publishing Seforim

28. One may use maaser money for the expenses of publishing a sefer, whether it be his or another's, since everyone is considered poor regarding Torah (ש"ת אמר שמואל י"ד סי' ד'). This is only true for a sefer that many people need (כ"ק ציה"ל ס"ק), such as a sefer that aids in understanding Torah or clarifies pshat for children, or a halacha work that will assist those learning halacha or facilitate its fulfillment.

29. **Gilyonos.** Likewise, one may use maaser to produce weekly papers that spread Torah to the public with the above conditions.

Purchasing Seforim

30. **From a poor author.** One may use maaser to buy a sefer from a poor author if he would not otherwise buy it (ספר חסידים סי' תתר"ל).

31. **For a beis medrash.** One may use maaser money to buy seforim and leave them in a beis medrash for general use.

32. **For a home.** Based on the minhag to also use maaser money for mitzvos (above, 2), the poskim allowed one to buy seforim and keep them in his house to learn unless he would have bought them even without maaser money (ש"ך סק"ג, ש"ך סק"א, ש"ך סק"ג). He must note in the seforim that they were bought with maaser money so his heirs will not keep them for themselves (ט"ז שם).

33. However, the contemporary poskim do not allow this. Back when most people did not own seforim, if one would buy a sefer, others would benefit by borrowing it. Nowadays that seforim abound, buying a sefer for one's home does not benefit others (ש"ת אבני ישפה ח"א סי' קצ"ב בשם הגר"ש וואזנר, הגר"ח קנייבסקי, דרך אמונה פ"ז ביה"ל ד"ה (ואחד מעשר). Nevertheless, if necessary and with no other option, one may be meikel and rely on this (הגרש"א).

Marrying Off and Supporting Children

Marrying Off Children

34. If one committed a certain sum to his mechutan to marry off a child, he may not pay from maaser money since it became a chiyuv, and a chiyuv cannot be paid with maaser. If, when he committed, he had in mind to pay with maaser money, he may. It is preferable not to use more than half of his maaser for this (חת"ס י"ד סי' רל"א הובא בפתח"ת י"ד סי' רמ"ט סק"ב).

35. Similarly, if one had in mind to pay the dowry for a chosson from maaser money, he may (ש"ת מהרש"ם ח"א סי' ל"ב).



Children Before Marriageable Age

36. One may not save his maaser money in a bank account for his children's future weddings, since in the meantime, the money belongs to the current poor (הגרש"א, הגריש"א באורח צדקה פי"א אות). One may deposit the money in a gemach that will lend it to the poor in the meantime and take it back to marry off his child when the time comes (הגר"נ קרליץ). He may do this with up to half of his maaser (ש"ת שבט הלוי ח"ט סי' ר"א אות ב').

Supporting Children

37. **Married children.** One may support his married sons or sons-in-law with maaser money (ש"ת חלקת יעקב) (ש"ת חלקת יעקב), even if they are not learning, if they are not succeeding in their efforts to make a livelihood; how much more so is this true for sons or sons-in-law learning in kollel with a meager stipend. Supporting them with maaser is a worthy endeavor.

Indirectly Benefiting from Maaser Money

38. One may indirectly benefit from the maaser money he sets aside in the same way one may indirectly benefit from maaser of his produce (ט"ז י"ד סי' רמ"ט סק"א).

Raffle Tickets

39. One may use maaser money to buy a raffle ticket from an institution (ש"ת שבט הלוי ח"ט סי' ט"י) and keep the prize. Some say this is only true if his chances of winning are slim, e.g., if many tickets were sold (ש"ת אג"מ א"ח ח"ד סי' ע"ו אות ב').

Dinner

40. One may use maaser to pay for a tzedaka organization's dinner in which he is participating as long as he deducts the value of his benefit, i.e., the money he would personally have paid to enjoy the food, music, and the like (הגר"י קמינצקי).

Entries in a Dinner Journal

41. One may use maaser to buy an entry in a dinner journal in honor of or ilui nishmas someone, since that is only an indirect benefit.

42. **Business.** If a company places an entry in a dinner journal which is also an advertisement, and their intent is to benefit the institution but also to advertise the company, only half the cost may be paid with maaser money, as their intent is also to advertise the company.

Buying an Aliya or Mitzva in Shul

43. One may buy an aliya or mitzva [e.g., pesichas ha'aron or hagba] in shul with maaser money if he had in mind to do so when he bought it. If he initially bought it without having in mind to pay with maaser money, it becomes a chiyuv and he may not subsequently decide to pay with maaser (ט"ז שם).

44. However, some only allow using maaser for the difference between his bid and the previous bid. I.e., if someone bid fifty dollars and he bid sixty and got it, he would only be able to use ten dollars of maaser. This is because the shul would have gotten fifty non-maaser dollars regardless, so if he pays the entire amount with maaser, "maaser" as a whole loses out (ש"ת מס' מגילה ענין). (צדקה ומעשר, הובא ברע"א גליון שו"ע סי' רמ"ט על ה"ט סק"א). If he is in a shul of bnei Torah or poor people who all buy aliyos with maaser money, then he may pay the full amount with maaser.

45. **Mi shebeirach money.** One may pay money he pledged in a mi shebeirach from maaser (חזו"א ארחות רבינו ח"א סי' ש"ג).

A Seat for Davening in Shul

46. If one has two options of shuls in which to daven, one which charges money and one which does not, but he prefers the shul which charges, he may use maaser money to pay for a seat. The logic is that since he has the ability to daven somewhere without paying, he is not chayav to daven in the shul he prefers.

47. However, if he has to daven in a particular shul, e.g., he belongs to a certain chassidus and would not consider davening elsewhere, davening there is like a chiyuv and he may not pay with maaser money (Chukai Chaim, Issue 6). However, he may upgrade to a better seat using maaser money (ש"ת שרגא המאיר ח"ה סי' נ"ד ב').

48. If the gabboim charge a higher price for seats than is generally accepted, one may pay the amount beyond what is accepted from maaser money (ש"ת שרגא המאיר שם).

Opening Hours on Shushan Purim – 15 - in the house of Moreinu Rav Chaim Bleier Shlit"א
Minchas Yitzchok St. 20 Floor 5, Yerushalayim. Purim night: 9:30-11:30, Purim day: 11:30 a.m. – 300 p.m.