

HALOCHOSCOPE

This week's question:

May a low-income family use maaser money to pay for a religious camp for a child?

The issues:

A) Maaser kesafim

B) Parnasas atzmo, using maaser for personal or family support

C) Liftor chovo, using the funds to cover obligations

D) Qualifications of a tzedaka institution

A) Ma'aser Kesafim

Having discussed *maaser kesafim* at length in earlier issues, it will not be dealt with here. Simply, *maaser* is the tithe that one separates from his money, to be distributed to the poor, or used for a *dvar mitzvah*, towards a *mitzvah*. It is modeled on crop tithes. Some consider it Scriptural, and others, Rabbinical or *minhag*, self-imposed practice. [See Kesubos 50a, Sh. Mk. Taanis 9a, Tos. Pe'ah 1:1, Shnos Eliyahu. Sefer Hamitzvos A:195 L.S.:232. Tur, B.Y. Sh. Ar. Y.D. 249, 331, commentaries, Ar. Hash. Noda Biyehuda I:YD:73. Tshuvos Chasam Sofer YD 229. Igeress Hagra. Ahavas Chesed 2:19, etc.]

B) Parnasas Atzmo

Maaser is distributed to the poor. It would seem ridiculous to retain the money for oneself. Rather, if one cannot afford to give away his *maaser* money, he would seem to be exempt from the obligation. The threshold for not receiving *tzedaka* funds should be the same as for being obligated to donate such money. The Talmud's 'above poverty line' is possession of two hundred *zuz*. This is presumed to be sufficient to provide for a year's basic needs. It would increase according to family size or dependents. When silver was the standard currency, this figure remained almost constant. Living standards did not vary greatly either. In any other culture, whatever is needed to provide what are considered basic needs is considered the minimum. Many poskim maintain that one can expect to live above the bare basic poverty line. Nowadays, the figure can vary from person to person, and can even vary for the individual from month to month, based on varying basic necessities. A lack of in-house plumbing would be considered unbearable. Tuition costs are also much higher in the modern systems, and are considered a basic necessity until an older age than it was in former times. Depending on the locale, communication and transportation are considered essential, as are various forms of insurance coverage.

The Talmud provides for poor people exchanging their *maaser ani*, the crop tithe donated to the poor. One who has a field with his own crops may not withhold this tithe for himself. However, by 'exchanging' it, he is able to save himself from the 'loss'. For *maaser zeraim*, crop tithes, one cannot make calculations based on means. *Maaser kesafim* is like *tzedaka*. One who does not have the minimum means is exempt. However, the poskim suggest the same for *maaser kesafim*. Even if one might not meet the require-

ments to obligate him in the tithe, he could do so anyhow and exchange it with another poor person. Another suggestion applies to those who make more than the minimum. If *maaser* puts them below the minimum, they should still separate it. Then they deduct from the *maaser* what is needed to bring them up to the minimum. For example if the minimum is \$500 and the earnings are \$550, the *maaser* is \$55, leaving them with \$495, \$5 less than the minimum. They may keep the \$5 for themselves. Normally, if a poor man has less than the minimum, one may give him a large gift at one time, though it will place him far above the minimum. In this case, it is not a gift, but one is taking it himself.

There is a hierarchy of deserving recipients of *tzedaka*. The closer the relative, the higher up he or she is on the hierarchy. Thus, one should provide *tzedaka* funds for his own children before others. Accordingly, he could use his *maaser* for household expenses. However, some of these are prior obligations [see next section]. A married man has an obligation to feed, clothe and shelter his wife. One is obliged to provide the same for his children under age six, in Talmudic times. In the days of child labor, at age six they could provide for themselves. One could provide for them as an act of charity. Some say that this only applies if one stipulated at the time he separated the money, that he would use it for this. Some add that even this should only be relied on in pressing circumstances. Nowadays, many poskim maintain that the personal obligation on the parent continues until they can fend for themselves. Some claim that this applies until the children marry. [Marriage costs are debated. Some say that paying for one's own marriage is an obligation, but not paying for a child's marriage. Others maintain that nowadays, parents are expected to pay for the marriage, unless the 'child' is already independent.] Others maintain that it follows the prevailing practices of Rabbinical courts, who can compel a parent to support his child, in some communities until fifteen years old. Where the law of the land compels a parent to support a child, *maaser* may not be used.

After the child has married, but needs support, one may and should use his *maaser* for them, rather than for others. This is especially true if the children are Torah students. However, some say one is obliged to maintain his children in Torah studies until they have finished, which is indefinite. Therefore, this is also a prior obligation [see next section]. Some distinguish between those who undertake support as an obligation, and those who voluntarily provide periodic support. If one is not fulfilling his undertaking, his money is indeed considered a gift. Some suggest that if one gives enough for the students to live comfortably, the basics may be paid from *maaser*, but the extras should be paid from non-*maaser* funds. Others maintain that in this situation, one should pay half from *maaser* funds, and the remainder from non-*maaser* funds.

One could speculate whether giving children an allowance is permitted from *maaser*. This is money that the child will be using himself, though not for absolute necessities. If the accepted norm is for children to have a small allowance to use for extras, this is an allowable gift to the poor. It might not be part of the parental obligation. [See Kidushin 32a. Tur Sh Ar 248 249:1 251:3-4 12 253:1-2, commentaries. Igros Moshe YD I:143-144 OC IV:7. Tzedaka Umishpat 2:16 notes. Maaser Kesafim Bronstein 10:1-4 etc.]

C) Paying off personal obligations with Ma'aser monies

One may reserve the option to choose how to spend his *ma'aser*. The basis for this is that not everyone considers it designated *tzedaka* money. Moreover, some maintain that

it is not even a Rabbinical ordinance, but a *minhag*. Therefore, some permit using it for a *devar mitzvah*, to cover the expense of another *mitzvah*. However, there are limitations to this usage. *Ma'aser* money is considered *matnos aniyim*, gifts due to the poor, similar to the agricultural tithes for the poor. It is not considered one's personal fund, since it does not belong to him. He has discretion on how it should be distributed or spent in the same way that one can choose how to distribute his *tzedaka*. Regular tithes have the same quality. There is debate on whether this discretion, or *tovas hana'ah*, the benefit of cultivating favor by choosing a certain recipient, is considered a monetary asset. One might accept payment from a third party to give the tithe to a person of the third party's choice.

Since it is not totally his personal fund, the one separating it may not use it for *mitzvos* that are outstanding personal obligations. This is based on the laws of festival offerings and *ma'aser sheini*. [For a discussion, please see Halochoscope X:45.] It would be like using someone else's money to pay of a debt. Based on this, one may not spend *ma'aser kesafim* on outstanding obligations. A common case would be payment for one's children's Torah teachers. This is a *mitzvah*, but an obligation that one usually pays for. Paying for it with *ma'aser* would be like paying off a debt with other people's money.

Some consider a summer camp an extension of the school year. This would justify it as a *mitzvah*, but also an obligation. Perhaps it could be considered a quasi-voluntary form of *mitzvah*. One who chooses to fulfill it, could then use *maaser* money for it. Though the obligation to teach one's children Torah applies year-round, it has become acceptable to allow them a vacation. During this time, the learning is somewhat relaxed. It is still required, but a parent might fulfill it by himself at a lower expense. At the camp, the child is given a much better experience, at a higher cost. Many non-learning elements in the summer camp are added to make it attractive. These are often luxurious benefits. Could they be considered part of the package needed to promote the learning? Could such promotionals in general be counted in to the *tzedaka*? If the *tzedaka* could not function without them, they are an integral part of the equation. Otherwise, one would need to deduct the expenses of these and pay for them separately. From the perspective of the recipient, in this case the child, they might be considered basic, even if they are not the bare necessities. The Torah says that one must provide *dai machsoro*, what the poor man feels he is lacking. Some define basic needs as those that the person worries about. One does not worry about a true luxury, but might worry about something that others take for granted. Summer camp could fit either category. Some serious camps would reduce the enhancements and their accompanying fees, but if they do this, the campers would leave to a less serious or secular camp. To compete, they reluctantly add the luxuries.

In summary, for a family that has limited funds, the Torah elements of the camp may be paid for with *maaser*. If the camp could not function without the enhancements, they may also be paid for with *maaser*. Extras that the child views as *machsoro* may be paid for from *maaser*. Anything over and above that must be covered by non-*maaser* funds. If this will mean that the child cannot attend the camp at all, the question is whether his attendance is considered a necessity, based on the local practices at the time. [See Chagiga 7b-8a, Gitin 30a-b, Tosefta Peah 4:16, Poskim. Tur Sh. Ar. YD 245:4, 249:1, 253:1-2, 331:146, commentaries. Tzedaka Umishpat 1:3185, 6:7, 33. Ma'aser Kesafim (Bronstein) 10:1-4 notes 11: 14: 16: 18:21. Igros Moshe YD II:113.]

D) *Tzedaka institutions*

Another factor may apply here. The children in a camp usually include some poor children. The fees paid for the camp are added to the general account, which is used in part to subsidize these needy children. Non-profit camps raise funds to support their efforts. The institution might qualify as a *tzedaka* recipient. These are really two factors. First, some of the money paid for the camp could come from *maaser* funds, as payment towards the support of the poor children. Second, the camp as a whole could qualify as an institution that accepts *tzedaka*. The part of one's fees that cover his obligations, or those that he would use anyhow to provide basic needs for his child, would be paid from personal money. The remainder could be donated as *tzedaka*, from *maaser*.

To qualify as a *tzedaka*, an institution must be providing for the needs of qualifying needy. In the case of a summer camp, the entire needs of the needy children are provided for the duration of the camp. In keeping with the principle that a large gift may be given at one time, even though it will cover more than basic needs, this may be given to a camp that will provide some luxury to the needy children. In addition, this serves as an act of special kindness. The child will be given a rare chance to feel pampered and specially cared for. Thus, even if one has other competing causes vying for his *maaser* donations, this is also considered worthy. The camp may use its funds as any *tzedaka* might do, to cover overheads and salaries. If it wishes to be considered a *tzedaka* institution, it may not indulge in extravagances that do not contribute to its cause. Some poskim maintain that a camp for *kiruv* is considered a *tzedaka*, even if the participants are not needy. They qualify as *aniyim beda'as*, needy in knowledge. Presumably, the children will not attend unless their parents feel it is worth the money. Subsidizing the rich might seem funny, but one is really supporting the children themselves. Even the parents would only come if it was free or cheap. At the very least, *kiruv* is a *dvar mitzvah*. [See Tur Sh Ar YD 249:1 15-16 250 251:3-5 253:1 2 5 6, commentaries. Tzedaka Umishpat 3:1 25-28 6:10 14 notes. Bronstein 18: 19: 20:13.]

In conclusion, summer camp may be considered a child's needs but not a parent's obligation. Before the parent agrees to send the child to camp, he may stipulate that part of the cost, at least, come from his *maaser* funds. If he cannot afford the camp at all, and the camp qualifies as a *tzedaka*, he may pay in full with *maaser*.

On the Parsha ... *They shall take, each man, a lamb for each house of fathers, a lamb for each household. If a household is too small for a lamb, then he shall take, he, and his neighbor, who is close to his household, according to the count of the souls, each man according to his eating needs shall you count ... [12:3-4].* It was the responsibility of the head of the household to arrange for the shares of his household. Only if others would be included did they all need to participate. When including others, there was a hierarchy: first the man himself, then his neighbors, then those close to his house. The term used for 'counting' is from the same Hebrew root as to pay a tax. In giving a family *mitzvah*, Hashem indicates the financial obligation to ones family, extended family, neighbors, and acquaintances, and their reciprocal responsibilities.

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