YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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***Bein Adam Le-chavero:* Ethics of Interpersonal Conduct**

**By Rav Binyamin Zimmerman**

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by Larry and Maureen Eisenberg

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Dedicated *le-zekher nishmot* Amelia Ray and Morris Ray
on the occasion of their seventh yahrtzeits
by their children Patti Ray and Allen Ray

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**Shiur #19: *Tzedaka* – More Than Just Charity**

**Agricultural and Monetary *Tzedaka***

In earlier lessons, we noted that the agricultural *mitzvot* appear in three contexts, beginning with *Vayikra* 19, the section of the Torah detailing the *mitzvot* that help one to achieve holiness. The agricultural gifts to the poor comprise a pivotal component of these *mitzvot*.

The agricultural gifts are not the only means of support that the Torah commands to provide for the needy. In our non-agrarian society, it is the obligation of *tzedaka* – monetary support – that is the central focus. Yet while this obligation is seemingly well understood as simply that of charity, its full import can be appreciated only by analysis of how the Torah presents this mitzva – or, perhaps, *mitzvot*.

Like the agricultural gifts, *tzedaka* is mentioned explicitly in a number of places in the Torah, underscoring the multifaceted nature of *tzedaka*. To gain a better appreciation of *tzedaka*, let us first take a look at these various sections of the Torah and see what we can glean from each.

**Different Perspectives on *Tzedaka***

While the agricultural gifts are contextualized with the words “I am the Lord, your God” (*Vayikra* 19:10 et al.), and the requirement to lead a holy life, the mitzva of monetary *tzedaka* focuses on the needs of the other, with the word “brother” constantly appearing in its context. The Torah’s main discussion of *tzedaka* is in *Devarim*. However, before analyzing that lengthy section, we should note that the concept of *tzedaka* is mentioned beforehand as well.

*Tzedaka* is first mentioned even before the Jewish people become a nation, as part of the legacy that Avraham is to impart to his children (see *Bereishit* 18:19).

The first instance in which the Jews are commanded to give away money is in *Shemot*, in the form of the requirement to donate materials for the construction of the Tabernacle:

Speak to the children of Israel and let them collect for Me a donation: from every man whose heart impels him to give shall you collect My donation. (25:2)

This verse can be viewed as the source of a general obligation to provide for synagogues and *yeshivot*, building and maintaining the spiritual institutions that are the hallmark of Jewish society.

The obligation of *tzedaka* in the sense of providing for the needy appears twice in the Torah. First, in *Vayikra* 25:35:

When your brother becomes poor and his ability to support himself fails where he is with you, you shall support him, [even if he is] a stranger or a sojourner, and he shall live with you.

Later, in *Devarim*, the Torah lengthily describes the obligation of *tzedaka* as part of its discussion of cancelling loans at the close of the sabbatical-year cycle:

When there is a destitute person among you, any of your brothers, in one of your settlements in your land that the Lord, your God, is giving to you, you shall not harden your heart or shut your hand against your destitute brother. Rather, you shall generously open your hand to him, and extend to him any credit necessary for providing that which he lacks.… Make every effort to give to him, and do not feel bad when you give to him, because for this the Lord, your God, will bless you in all of your deeds and in all of your endeavors. For there will never cease to be a destitute person in the land; therefore I am commanding you to open your hand generously to your poor and destitute brother in your land. (*Devarim* 15:7–11)

**The Poor Brother**

Rambam cites both of these passages as sources for the mitzva of *tzedaka*:[[1]](#footnote-1)

It is a positive commandment to give *tzedaka* to the poor among the Jewish people … as it is said, “generously open your hand to him,” and it is said, “you shall support him, [even if he is] a stranger or a sojourner, and he shall live with you,” and it is said, “and your brother shall live with you” (*Vayikra* 25:36). (*Hilkhot Mattenot Aniyyim* 7:1)

Both appearances of *tzedaka* come in close proximity to discussion of the agricultural provisions for the poor, notably the sabbatical year, during which fields are open to the poor and at whose close all debts are cancelled. With this juxtaposition, the Torah draws a line connecting monetary charity and its agricultural counterparts.

At first glance, the two selections might be understood as two separate models of *tzedaka*. That from *Vayikra* is broader in scope, applying even to non-Jews and even outside the Land of Israel, yet demands only basic support for the poor, and even this only on a private level. The selection from *Devarim*. meanwhile, is limited to Jews in the Land of Israel, and to occasions when a request for assistance is made, but requires supplying anything the person needs.

The discrepancy between the two approaches is in part one of perspective. The description in *Devarim* is focused by the continually repeated element of brotherhood. Because the one in need is our brother, it follows that we must do much more than obliterate his hunger; instead, we must provide all that he lacks, even if it is due to his personal habits. As codified by Rambam:

Even if this particular indigent man used to ride on a horse and have a servant run before him heralding his arrival, and he then became poor, one must purchase for him a horse and a servant. (*Hilkhot Mattenot Aniyyim* 7:3)

Rav Shlomo Volbe notes that the undefined call for “providing that which he lacks” indicates that there are no objective standards in *tzedaka*. Rather, a person must train himself to identify another’s needs by listening to him and seeing what he truly lacks. We must appreciate his needs even if for us they are luxuries. (See *Alei Shur*, Volume II, p. 198.) This subjective requirement is an expression of true concern for our brothers in need.

Since the obligation of *tzedaka* revolves around brotherhood, there is an order of priorities as to whose needs should be provided first. One’s first obligation is to oneself (Rema, *Shulchan Arukh* YD 251:3). Afterwards, as the verses indicate, come one’s family members, according to their degree of closeness, and then the needy of one’s city. Since the verses also refer to the poor “in your land,” the poor of the Land of Israel receive precedence over the poor of other lands.

Rav Hirsch (*Devarim* 15:7) further discusses how the Torah’s emphasis on brotherhood highlights closeness and solidarity as hallmarks of *tzedaka*:

The sense of the mitzva is as follows: Even if there is only one brother in your city or your country who is in need of help, then there is a needy man among you, in the sphere of your responsibility, and you may not turn away from him …

Again and again in this chapter the needy man is referred to as *achikha*, “your brother.” Every needy person who stands before you, even if you do not know him, is your brother, a child of your Father in heaven, and when he turns to you, he does so with a letter of recommendation, as it were, from God, who is the Father of you both.

**Coercion for *Tzedaka***

Even more than viewing the needy person as our brother, the ability of the courts to coerce one to give reflects the depth of this mitzva.

There is a general halakhic principle that a court may not coerce a person to perform any positive mitzva whose reward is stated explicitly in the Torah.[[2]](#footnote-2) A reading of the source in *Devarim* would seem to put *tzedaka* in this category:

Make every effort to give to him, and do not feel bad when you give to him, because for this the Lord, your God, will bless you in all of your deeds and in all of your endeavors.

Notwithstanding, the Gemara (*Bava* *Batra* 8b and *Ketubot* 49b) indicates that a court may force a person to give *tzedaka*.[[3]](#footnote-3)

A number of Rishonim seek to resolve this difficulty by distinguishing between different types of coercion, explaining that the Gemara refers merely to verbal, not physical, coercion (see *Tosafot Bava Batra* 8b and *Ketubot* 49b). Other commentators, however, explain why *tzedaka* qualifies as an exception to the rule, in the process underscoring the uniqueness of this mitzva.

**Individual and Communal *Tzedaka***

One of these explanations, that of Rav Chaim Soloveitchik (see *Reshimot Shi’urim Nedarim* 1:208), makes reference to the distinction we discussed above between the two models of *tzedaka*. Rav Chaim understands the two passages as referring to different obligations. The passage in *Vayikra*, says Rav Chaim, speaks of a communal obligation to ensure that all members’ minimum needs are met. The model in *Devarim*, meanwhile, concerns an individual’s obligation to open his heart and extend his hand to provide for others’ needs beyond the bare minimum, even fulfilling what the needy *feel* they lack.

The Gemara, then, refers only to coercing individuals to pay their part of a community’s *tzedaka* obligations: its context is a discussion of the *tamchui*, a communal fund that was collected daily and available to all poor people, and the *kuppa,* which was collected every Friday and provided for the Shabbat needs of the city’s poor. The courts are limited in enforcing the individual obligation found in *Devarim*, but not the communal obligation that appears in *Vayikra*.

Other commentators too distinguish between the communal and individual elements of *tzedaka*. In his treatment of the verses in *Devarim*, Rav Hirsch discusses the roles of the individual and the community in providing for the needs of the poor:

“When there is a destitute person among you” can be said only to a community, for one cannot say to an individual concerning him alone, “when there is a destitute person among you.” On the other hand, “you shall not harden your heart” and the statements that follow are directed primarily toward the individual, as is evident from the choice of expressions in these statements. Thus the mitzva addresses the community and the individual alike. The duty of caring for the poor devolves equally upon the community and the individual, and depends on both.

The foregoing clarifies an essential principal of this mitzva. There may be no other mitzva that requires the continuous, simultaneous activity of the community and also of the individual as does the mitzva of caring for the poor. The requirements of this mitzva, as we shall see, cannot be met by the individual alone, or by the community alone. Each must strive to outdo the other, and both must work side by side, if the goal set by this mitzva is to be attained. The signs on houses warning beggars to keep out because the occupants are already contributing to public relief funds are not in keeping with the Jewish spirit emanating from this mitzva …

The duty to provide in every way for the needs of the poor has made it necessary that care of the poor be the concern of every Jewish community that has the authority to compel its members to give of their material means toward these purposes …

However, the duty of the Jew does not end there. Also required are the good works of individuals and voluntary relief organizations, for whom and for which there are unending opportunities to perform charitable acts. The task imposed by the mitzva of *tzedaka* is so great and important that only a combination of these three factors – communal, organizational, and private – can lead to fulfillment.

The Torah itself details a system in which a person who has fallen on hard times need not immediately become subsistent on charity, but can go to his relatives, expecting them to follow the Torah’s directives to take care of a poor person’s needs:

Our Sages say: Anyone who falls from his wealth does not immediately become a dependent of the community fund (see *Nedarim* 65b). Rather, first his relatives are obligated to come to his aid, and only if their support does not suffice is the community obligated to supplement their efforts.

The benevolence of individuals is particularly necessary in order to help those who have become impoverished and are ashamed of their financial distress, and in order to meet people’s personal needs.

There are, however, needs that only the community can supply. Among them, special mention should be made of ensuring the Torah education of the children of the poor. This has always been considered so much a communal task that people have erroneously grown accustomed to taking the term “*talmud Torah*” as including only the obligation devolving on the community to provide for the instruction of the children of the poor.

Rav Hirsch goes on to note that the mitzva of *tzedaka* is preceded by that of *ma’sar ani*, the agricultural tithe given to the poor in the third and sixth years of the sabbatical-year cycle. The concept of tithing financial profits is derived from this juxtaposition, and this too shows that charity is not only the lot of the community.

Every Jew regards himself as the administrator of a charity fund, large or small, that has been entrusted to his care by God and consecrated to God. Hence, he is pleased when he finds an opportunity to do a good deed with these assets, which are no longer his, but have been entrusted to him for charitable purposes.

**The Debt of *Tzedaka***

The Ketzot Ha-choshen offers another answer to the question of why a court may force one to give *tzedaka*. He cites a number of sources to show that an individual may be compelled to give *tzedaka* not in order to fulfill his mitzva of supporting the poor, but by virtue of a *tzedaka*’s lien on his property. Even though the court cannot compel the performance of the mitzva, it can force an individual to pay his debts.

This explanation is fascinating, but why should an individual’s obligations to *tzedaka* be considered a debt? After all, can a person be considered to be stealing from the poor if he decides to use his hard-earned money for his own needs rather than for charity?

This notion of charity does at first seem to be a correct definition of *tzedaka*. But let us return now to Rambam’s definition of *tzedaka*, *mishpat*, and *chesed* that we last saw in [Shiur #11](http://www.vbm-torah.org/archive/chavero3/11chavero.htm). Writing in the penultimate chapter of *Moreh Ha-nevukhim*, he defines the term *chesed* as utter beneficence, and *mishpat* as strict justice. *Tzedaka*, meanwhile, is between the two other qualities.

The term *tzedaka* is derived from *tzedek* [righteousness]; it denotes the practice of giving everyone his due and of showing kindness to every being as it deserves. In Scripture, however, the expression *tzedaka* is not used in the first sense, and it does not apply to the payment of what we owe to others. Therefore, when we give the hired laborer his wages or pay a debt, we do not perform an act of *tzedaka*. But we do perform an act of *tzedaka* when we fulfill those duties towards our fellow men that our moral conscience imposes upon us, e.g. when we heal the wound of the sufferer. Thus Scripture says, in reference to returning the pledge [to the poor debtor], “and it shall be *tzedaka* for you” (*Devarim* 24:13). When we walk in the way of virtue, we act righteously towards our intellectual faculties, paying them their due.

Unlike *chesed*, which entails going above and beyond bydoing more than is required, *tzedaka* means giving everyone his due and giving to every being what it deserves*.* The act of giving “charity” to the poor is dubbed *tzedaka* because the giver performs a necessary act stemming from his own moral conscience, which strives for perfection and for positive character traits. When a person behaves in this way, he is performing *tzedek* towards his own soul. *Chesed* is the correct term only for an utter favor exceeding that which the soul requires.

This perspective is further borne out by the commentary of the Or Ha-chaim (15:4) on the discussion of *tzedaka* In *Devarim*. He explains that if “there is a destitute person among you,” this is because other people’s money is in *your* hands:

Why does the Torah have to write “among you” in addition to writing “any of your brothers?” Perhaps Moshe thus alluded to what we learned in Bava Batra (10a), where the Talmud says that the reason God chooses to afflict some people with economic hardship in this life is to afford their wealthier fellow Jews the opportunity to help such destitute people support themselves with dignity.

The words “a destitute person among you” [*bekha evyon*] may be read to mean “[a destitute person] on your account,” i.e. it is for your sake that there will be a destitute person. The Torah writes “any of your brothers” to remind you not to evaluate people on the basis of their economic prosperity. The fact that he is destitute does not make him a lesser person: he still is your brother …

Sometimes the portion that is the due of the poor person has been entrusted by God to a wealthy person instead, and all his wealth is in truth a collection of what originally was allocated to the poor person. If the rich man keeps this in mind, he will never begrudge any support he extends to the poor person, as he is only giving to the poor person what was his in the first place …[[4]](#footnote-4)

**The *Chesed* Within *Tzedaka***

Maharal (*Netivot Olam*, *Netiv Ha-chesed* and *Netiv Ha-tzedaka*) derives a similar idea from a passage in Sukkah (49b) that states there are “three ways in which performing acts of *chesed* is greater than *tzedaka*” and that “*tzedaka* is rewarded only according to the *chesed* within it.”

Maharal explains that *chesed* is an act that stems from the giver, while *tzedaka* stems from the recipient. Thus if a person gives charity to a person who falsely claims to be needy, he is not actually performing *tzedaka*. This, writes Maharal, is the meaning of the midrashic comment on *Yirmeyahu* 18:23 that when God seeks to punish people, he ensures that all of their *tzedaka* goes to individuals who do not truly need the money, so that the mitzva of *tzedaka* goes unfulfilled.

Maharal adds that one must give *tzedaka* because one’s wealth is the means by which God funnel funds to the poor. When a poor person requests money, he is requesting his own money that is in the hands of others. On a certain level, a needy individual is poor because the wealthy have some of his money.

Performing acts of *chesed*, though, does not stem from the recipient, but from the giver, who feels a desire to go and give to others more than is theirs. The act of visiting a sick individual, for instance, is one of *chesed*: the giver does not have in his possession a part of the sick person’s health, but nevertheless comes to perform an act of kindness.

There is no explicit source in the Torah for *chesed* because such a source would undermine the mitzva, which should be inspired by a feeling of wanting to give. There is, on the other hand, an explicit mitzva of *tzedaka*: the man of means is obligated to provide the needs of the recipient, because he is holding the other man’s funds.

**Reconsidering the Mitzva**

In next week’s *shiur*, we will provide one more answer to the question of why a court may coerce a person to give *tzedaka*. In light of this answer, we will take a fresh look at the Torah’s description of *tzedaka* and hopefully uncover more of the depth of this mitzva, which is so much more than mere charity.

1. The following words of Rambam serve to explain the need for two commandments in the Torah requiring the Jews to be charitable. For Ramban (*Shichkhat Ha’asin* 16), who does not view the first passage as referring to *tzedaka*, there is no need for such an explanation. [↑](#footnote-ref-1)
2. See *Chullin* 110b. [↑](#footnote-ref-2)
3. See also Rambam, *Hilkhot Mattenot Aniyyim* 7:10, 9:12. [↑](#footnote-ref-3)
4. See also *Or Ha-chaim* on *Shemot* 22:24. [↑](#footnote-ref-4)