

## SZBE EVERYDAY ETHICS: Tainted Tzedaka

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### Submitted to The Ethicist 2/11/2001:

*I am on the board of a health facility raising funds for a necessary extension. A local businessman with known ties to organized crime has offered a substantial donation. Should we take the money?*

S. Wagner, Stamford, Conn.

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## BIG JEWISH IDEAS

### העברה מן העברה /Mitzvah ha'ba'ah min ha'Aveirah/A mitzvah that derives from a sin

#### Mishlei 10:2

לא־יִנְעִילוּ אוֹצְרוֹת רָשָׁע וְצַדִּיקָה תִצְּלֵל מִמֶּנּוּת:

Ill-gotten wealth is of no avail, But righteousness saves from death.

#### Devarim 23:19

לֹא־תָבִיא אֶתֶנֶן זֹנָה וּמַחִיר כָּלֵב בֵּית יְהוָה אֱלֹהֶיךָ לְכָל־נֶדֶר כִּי תֹעֵבֵת יְהוָה אֱלֹהֶיךָ גַם־שְׂנֵיהֶם:

You shall not bring the fee of a whore or the pay of a dog into the house of the LORD your God in fulfillment of any vow, for both are abhorrent to the LORD your God.

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## JEWISH SOURCES

### 1. Bavli Temurah 30b

ת"ר נתן לה חיטין ועשאתן סולת זיתים ועשאתן שמן ענבים ועשאתן יין תני חדא אסורים ותניא אידך מותרין אמר רב יוסף תני גוריון דמן אספורק ב"ש אסורין וב"ה מתירין

The Sages taught: If one gave wheat to a prostitute and she made the wheat into flour, or if he gave her olives and she made them into oil, or if he gave her grapes and she made them into wine, it is taught in one *baraita* that these products are prohibited to be used as an offering in the Temple, and it is taught in another *baraita* that they are permitted, as the physical change transforms them into new objects.

### 2. Rashi on Devarim 23:19

The words *גם שניהם* taken as *גם שנוייהם* are intended to include in the prohibition the things into which they (whatever is given as hire) are changed, as, e.g., if he gave the woman wheat and she made it into flour.

### **3. Rambam, Mishneh Torah, Issurei Mizbeakh 4:8**

What is meant by a present given to a harlot [should not be employed in the service of the Temple]? When one tells a harlot, “This entity is given to you as your wages.” This applies to a gentile harlot, a maidservant, a Jewish woman who is forbidden to the man as an ervah [incestuous and adulterous sexual relations for which one is liable for karet] or by a negative commandment. If, however, a woman is unmarried, the present given to her may be used [as a sacrifice] even if the man is a priest. Similarly, if a person’s wife is a niddah, a present given to her may be used [as a sacrifice] even though she is an ervah.

### **4. Rambam, Mishneh Torah, Issurei Mizbeakh 4:14-15**

Only the actual physical substance of [the article given] is forbidden as “the present [of a harlot]” . . . Therefore, [these prohibitions] apply only to articles that are [in essence] fit to be sacrificed on the altar, e.g., a kosher animal, turtle doves, small doves, wine, oil, and fine flour. If he gave her money and she bought a sacrifice with it, it is acceptable. If he gave her grain and she has it made into fine flour; [he gave her] olives and she had oil made from them; [he gave her] grapes, and she had wine made from them, they are acceptable, because their form has changed.

### **5. Remah, Shulhan Arukh, Orah Hayyim 153:21**

It is forbidden to use the relations fee of a prostitute . . . for a mitzvah matter [any article in the synagogue], such as the building of a synagogue or the writing of a Torah Scroll. It is only forbidden to use the relations fee itself for a mitzvah matter, but if the prostitute was given money as her relations fee, it is permitted to purchase the requirements for a mitzvah matter with that money.

### **6. Rambam, Mishneh Torah, Gezeilah v’Avedah 5:1-2**

It is forbidden to buy from a robber property obtained by robbery, and it is also forbidden to assist them in making alterations to enable them to acquire title to it. For if one does this or anything similar to it, they encourage transgressors and they transgress the commandment “You shalt not put a stumbling block in front of the blind” (Vayikra 19:14). It is forbidden to derive any benefit from property obtained by robbery even after hope of recovery has been abandoned . . .

### **7. Sefer HaHinukh, Mitzvah 429**

That we should not attach anything from an idolatrously worshipped object to our possessions or [bring it] into our domain in order to benefit from it; about this it is stated “And you shall not bring an abomination into your house” (Devarim 7:26) (לֹא-תָבִיא תּוֹעֵבָה אֶל-בֵּיתְךָ). . . Included also in this prohibition is the rule that a person should not attach to the possessions which God has graciously given them in righteousness, other possessions acquired by robbery, forced purchase, interest charges, or by any ugly, repugnant business—for all this is included under things that serve in idolatry, which the evil inclination of a person’s heart covets, and they thus bring them into their house.

### **8. Rambam, Ma'aseh ha-Karbanot 3:4**

A Jew who is worshipping false deities . . . we do not accept any sacrifices from them at all. Even a burnt offering which is accepted from a gentile, is not accepted from this apostate.

### **9. Remah, Shulchan Arukh, Orach Chayyim 154:11**

A Jew worships false deities and donates wax or a lamp to the synagogue, it is forbidden to kindle it [for use in the synagogue].

### **10. Rabbi Yeroham, Toledot Adam v'Hava Netiv 23 Part 1 (Spain 13th-14th cent)**

The Torah forbids bringing a prostitute's hire as a sacrifice in God's house. This is the same rule today with respect to making it any sort of gift to the synagogue, like a Sefer Torah or general upkeep, a candle, or oil or other items that are needed for similar upkeep or for other mitzvot...But this is only if he gave her a lamb or some object that will itself be brought into God's house. But if he gave her money, it is permitted to buy something with those funds for the synagogue or for other mitzvot, even to buy an animal for the altar...

### **11. Orhot Tzadikim, pp. 408–410, 419, 429 (15th cent anonymous work on Jewish ethics, wrote about abuses of flattery and when specifically it's asur)**

The first category consists of a flatterer who recognizes their fellow human as wicked and deceitful...and who nevertheless comes and flatters them—not [only] flattering and praising them, but smoothing over their tongue for them, saying: “You committed no wrong in what you did.” In this there are several transgressions and many punishments. . . .

The second category consists of one who flatters the evildoer before others, whether or not in their presence, even though they do not justify the evil deeds, but simply say that they are a good person...

The sixth category consists of one who is in a position to protest but does not do so, and who does not take to heart the deeds of the sinners. This is akin to flattery, for the sinners think: Since they do not protest and they do not rebuke us, all our deeds must be good. . . Therefore, one who is a parnas [community leader], or a judge, or a disburser of charity must not be a flatterer. For if the parnas flatters someone instead of reproofing them to do good and turn away from evil, the entire community will be spoiled, for each one will say: “The parnas [community leader] flattered that person,” and they will not accept reproof.

### **12. Rabbi Walter Wurzburger, Sh'ma Magazine**

Religious leaders and institutions can hardly avoid sharing a measure of responsibility and blame for the total disdain for moral standards which is so rampant in contemporary society. We may wax eloquent in extolling moral virtues, but a variety of ethnic and financial pressures have combined to bring about a state of affairs, where ethical considerations are shoved into the background. When it comes to the promotion of Israel, religious institutions, or other philanthropic causes, the promoters are frequently interested only in the “bottom line” and are totally indifferent to matters of character

or ethical propriety . . . Have we forgotten the biblical precept that “he who praises the Botze’a (exploiter) commits blasphemy against God”? Religious leaders must face up to the fact that moral values cannot be inculcated by precept. It is only by providing inspiring models in a day-to-day behaviour that ethical teachings can be effectively communicated. The “body language” conveyed by a congregation has far greater impact than the formal abstract teaching it disseminates.

### **13. Tosefta Bava Metzia 8:26, Bavli Bava Meztia 94b**

It is very hard for tax collectors to repent. They must return funds to those they know and the rest of the stolen money should be given to public works.

Said Rav H̄isda: cisterns, canals and caves

### **14. Rav Moshe Feinstein, Igrot Moshe, HM 1:88**

...You asked what to do if you don’t know from whom you stole. It is explicit in the Talmud that one must use it [money to repay thefts] for public works...this must specifically be for public works and not for tzedakah. But the construction and repair of mikvaot are considered public works and therefore it would be good for you to give to mikvaot...You asked that it is clear to you that you have forgotten about many of the thefts you have committed. It seems to me that you need to give to public works an amount large enough such that you have no doubt that you have covered the amount you stole...You asked whether you fulfil your obligation to return the theft if you pay in a way that looks like a donation...Obviously if you give secretly so they have no ability to count it in your favor and to honor you because they think that you are donating now, you have fulfilled your obligation. But if you give in a way that makes them think that you are donating now and they will count it in your favor and honor you for this, you do not thereby fulfill your obligation of returning the stolen money...

### **15. Rav Moshe Feinstein, Igrot Moshe, HM 2:29**

We are surely warned from God, who commanded us in His holy Torah, to be warned from taking more funds than the rules and regulations of the government stipulate; even if officers of the government are willing to contrive ways to [help the institution] receive additional funds inconsistent with the rules and regulations that have been established by the governmental funding sources, [such activity is strictly forbidden]. Furthermore, it is also forbidden to deal falsely regarding the number Toward a Renewed Ethic.indb 299 4/12/10 3:25 PM Kenneth Brander of students and other acts [of trickery to increase government funding]. Not only is this a prohibition of stealing, there are other additional prohibitions, including lying, genevat da’at, the desecration of the name of God, as well as an embarrassment to Torah and its students. There is no permission in this world to permit such activities. For just as God forbids the stealing of funds to bring a [burnt] sacrifice, so does God hate the support of Torah and its students through stealing.