

Limits of Tzedakah

Torah quote

If there is among you a needy person, from one of your brothers, in one of your cities, in your land which the Lord, your God, is giving you, you shall not harden your heart, nor close your hand from your needy brother.

Rather, you shall surely open your hand to him, and lend him **all that he lacks**, which he is lacking. (אֲשֶׁר יֵחָסֵר לוֹ -- *dei machsoro asher yech-sar lo*) (Deut. 15:7-8)

Discussion: Meaning of “all that he lacks”? Is there an upper limit to tzedakah? If so, what is it?

Some rules of tzedakah

1. Every Jew is obligated to give charity. Even one who is himself dependent on charity. (Talmud, Gittin 7a)

-Norm is 10% of income ('tithe'); minimum is ~\$2/year

-Mitzvah: "Rabbi Yehoshua taught: The poor man does more for the master of the house than the master of the house does for the poor man" (Midrash, Lev. Rabbah 34:8); Elijah appearing as a poor man to a dying man to give him one last chance to perform mitzvah.

-Tzedakah is as important as all the other commandments put together (Baba Batra 9a). Not giving is tantamount to idolatry (Ketubot 68a).

2. If you refuse to give, or give less than you could, the court can assess an amount and take it by force, and even have you flogged if you stand in the way. (Ketubot 49b, Rambam's *Yad*, Mattenot Aniyyim 7:10 -- 'Yad' from here on.)

3. Charity must be given to the non-Jewish poor 'in the interests of peace' (Gittin 59b, Shulchan Aruch, Yoreh Deah 254, 256)

-Mishnah in Gittin 59b: The following rules were laid down in the interests of peace. A kohen is called up first to read the Torah, and after him a Levite, and then a lay Israelite, in the interests of peace. An 'eruv is placed in the room where it has always been placed, in the interests of peace. The pit which is nearest the

[head of the] watercourse¹ is filled from it first, in the interests of peace. [the taking of] beasts, birds and fishes from snares [set by others] is reckoned as a kind of robbery, in the interests of peace. R. Jose says that it is actual robbery. [To take away] anything found by a deaf-mute, an idiot or a minor is reckoned as a kind of robbery, in the interests of peace. R. Jose says: it is actual robbery. If a poor man gleanes on the top of an olive tree, [to take the fruit] that is beneath him is counted as a kind of robbery. R. Jose says it is actual robbery. **The poor of the heathen may not be prevented from gathering gleanings, forgotten sheaves, and the corner of the field, in the interests of peace.**

-Only 6% of Jewish mega-gifts (>\$10M) go to Jewish institutions. Most goes to universities, health-related charities, and the arts and culture. (Tobin, Gary A., Jeffrey R. Solomon and Alexander C. Karp. Mega-Gifts in American Philanthropy: General & Jewish Giving Patterns Between 1995-2000, San Francisco: Institute for Jewish & Community Research, 2003).

4. Charity should not be accepted from non-Jews unless it is absolutely unavoidable.
5. Women have priority over men in receiving charity.
6. Relatives have priority over strangers in receiving charity.
7. The poor of one's own community have priority over others in receiving charity.
8. The poor of Eretz Yisrael have priority over everybody else in receiving charity. (Shulchan Aruch, Yoreh Deah 251:3).
9. A traveler out of money may receive charity no matter how much he owns, and does not have to pay it back. (Pe'ah 5:4)
10. Cash-poor Jews are not forced to sell household goods to be eligible for charity (Pe'ah 5:4). They are not forced to sell other property either if market prices are lower than usual (Talmud, Baba Kamma 7a,b).
11. One may fool a proud man into thinking he is getting a loan rather than a handout (Talmud, Ketubot 67b).
12. Misers who refuse to use their own means to help themselves should be ignored (Talmud, Ketubot 67b).
13. Charity wardens [gabba'ei tzedakah] must be appointed to collect and distribute charity (Yad, 9:1-3).

- At least two must collect together and at least three must decide where the money goes
- The poor register with the wardens, who prioritize the poor's needs.
- These wardens are 'eternal stars' and greater even than the givers (Talmud, Baba Bathra 8a, 9a).

14. Individuals soliciting charity outside the 'charity warden' system must not be given large amounts. (Talmud, Baba Batra 9a)

15. A promise to give charity must be fulfilled immediately (Yad, 8:1).

16. Maimonides' eight levels of tzedakah

1. Give a little with a frown
 2. Give a little with a smile
 3. Give what is needed when you are asked
 4. Give what is needed without being asked
 5. Give without knowing who you give to, but the person you help knows you
 6. You know who you give to, but he doesn't know you
 7. You don't know who you give to, and the person you help doesn't know you
 8. Help people help themselves (jobs, loans, tuition to learn trade, advice, etc.)
- R. Jonah said: It says in Psalms: "Happy is he who considers the poor" (Ps. 41:2). It is not written 'Happy is he who gives to the poor,' but "Happy is he who considers the poor", that is, he who ponders how to fulfill the commandment to help the poor. (Talmud J, Pe'ah 8:9, 21b).

17. Avoid depending on charity

- Make your Sabbath a weekday (by not eating special food or wearing good clothes) rather than be dependent on other people (Pes. 112a)
- Even a wise and honored man should do menial work (even skinning unclean animals) rather than take charity (Pes. 113a).

Limits of tzedakah

-No more than 20% of wealth

- R. Elai stated: It was ordained at Usha that if a man wishes to spend liberally [for charity] he should not spend more than a fifth... [of his wealth, since by spending more] he might himself come to be in need...

It once happened that a man wished to spend more than a fifth but his friend did not allow him. .. And who was [the friend]? R. Akiba. R. Nahman, or as some say, R. Aha b. Yaacov, said: What [is the proof from] Torah? '[Jacob said to God:] And of all that you shall give me *I will surely give the tenth to you*' [Gen.

28:22 -- עֵשֶׂר אֲעֲשֶׂרְנִי לָךְ — *aser a'asrenu lach* — repetition of 'aser' means *TWO tenths*.] (Ketubot 50a)

- Reason: Fear that donor will himself become poor. (Reasonable concern?)

- Also, it takes money to make money?
- If you give time, advice, ideas, does it count?
- Exceptions: CAN give more to save a life, ransom the captive, support Torah scholars, atone for sin, or if you are near death (up to 30-50% depending on needs of surviving family). (But not if you are rich?)

-*Dei machsoro* -- give the needy 'all that he lacks'

-You must support him to the standard he is used to. Even a horse to ride on or even a slave to run before him. (Ketubot 67b)

-A refugee king must be supported in regal style

-How much should be given to the poor? *Dei machsoro asher yechsar lo:*

All that he lacks... How is that?

-If he is starving, feed him.

-If he needs clothing, clothe him.

-If he needs items for his house, buy him those items for his house.

-Even if he was used to riding on a horse with a slave running ahead of him while he was rich, and now he is poor, buy him the horse and the slave -- each man according to his needs.

-If he was used to receiving bread, give him bread.

-If he was used to receiving dough, give him dough.

-If he was used to having a bed, give him a bed.

-One fitting to receive hot bread should continue to receive hot bread; cold bread, cold bread.

-If he was fed into his mouth, feed him in his mouth.

-If he came to get married, rent a house for him, prepare a bed for him and house utensils, and find him a wife.

(Shulchan Aruch, Yoreh Deah, 250:1)

-If the community can afford it

-Fair? Limits? How applied in practice?