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Sivan 5781
May 2021

Dear Reader,

The Religious Zionists of America (RZA)–Mizrachi is pleased to partner with the National Council of Young Israel (NCYI) to offer you this exciting resource for Shavuot – a learning unit from the Lax Family *Tzurba M’Rabanan* Series.

Tzurba M’Rabanan is unique series presents halachic topics in a clear way, providing *mekorot* from the Chumash all the way to modern day *poskim*, with color-coding and English translation. There are eight volumes of *Tzurba M’Rabanan* that have already been published, with more to come in the coming months.

On Shavuot, we commemorate how Am Yisrael received the Torah “*Ke’ish Echad, BeLev Echad*,” as one person, with one heart. We are proud that over 50 communities across the United States and around the world will be using *Tzurba* materials over Shavuot.

This program is dedicated in memory of Rabbi Dr. Norman Lamm *zt”l*, an Honorary President of the RZA–Mizrachi USA, whose first *yartzeit* is just after Shavuot. May our learning serve as an *aliya* for his *neshama*.

We hope that this exciting program will help ignite a new spark of Torah throughout our community as we celebrate Shavuot!

Sincerely,

Rabbi Ari Rockoff
Executive Vice President
RZA–Mizrachi USA

Rabbi David Warshaw
President of the Board
National Council of Young Israel

Rabbi Aron White
Torah Projects Coordinator
RZA–Mizrachi USA

THE LAX FAMILY EDITION
IS DEDICATED
IN LOVING MEMORY
OF OUR DEAR SONS AND BROTHERS

Jonathan Theodore Lax z"l
Ethan James Lax z"l

לעילוי נשמת

יונתן טוביה בן מרדכי ז"ל
איתן אליעזר בן מרדכי ז"ל

ת.נ.צ.ב.ה.

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REBECCA AND RAMI LAIFER

9

The Laws of Tzedaka (Charity) I

הלכות צדקה א'

Introduction to the Mitzva of Tzedaka

The Different Levels of Tzedaka

The Amount That Must Be Given

For quick reference, some long website URLs have been shortened. For the complete list of referenced websites visit www.tzurbaolami.com.

	Tanach
	Talmud (Chazal)
	<i>Rishonim</i>
	<i>Acharonim</i>
	<i>Contemporary Poskim</i>

INTRODUCTION TO THE MITZVA OF TZEDAKA

The mitzva of *tzedaka*, giving charity to the poor, is an extremely important one, as it is based on the notion that we as Jews have a responsibility to help others who are less fortunate. In addition, the impact of *tzedaka* for the giver is quite powerful, as Shlomo says in *Mishlei* (10:2): “*Tzedaka* delivers from death.” In addition, we say in *tefillot* of Rosh Hashana and Yom Kippur: “תְּשׁוּבָה וְתַפִּילָה וְצְדָקָה מְעַבְרִין אֶת רַע הַגְּזֵרָה” “*Teshuva*, *tefilla*, and *tzedaka* can abolish the evil decrees that may hang over us”. If *tzedaka* is placed on the same elevated level as *teshuvah* and *tefilla*, it certainly pays to investigate how to fulfill it properly. With this in mind, in the next two *shiurim* we will explore the basis for the mitzva as well as many of the halachic details involved in our properly fulfilling the mitzva in modern times.

The source for the positive mitzva of *tzedaka* can be found in the Torah in the following *pasuk*.



Devarim 15:11

For there will never cease to be needy ones in your land, which is why I command you: Open your hand to the poor and needy kinsman in your land.

1. דברים | טו:יא

כִּי לֹא יִחַדֵּל אֲבִיוֹן מִקְרֵב הָאָרֶץ עַל כֵּן אֲנֹכִי מְצַוֶּה לְאֹמֵר פְּתַח תַּפְתַּח אֶת יָדְךָ לְאֹחֶיךָ לְעֹנֶיךָ וּלְאֲבִינְךָ בְּאֶרֶץךָ:

In addition, one who does not give another who is needy also violates a negative prohibition.



Devarim 15:7

If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman.

2. דברים | טו:ז

כִּי יִהְיֶה בְּךָ אֲבִיוֹן מֵאֶחָד אֹחֶיךָ בְּאֶרֶץ שְׂעָרֶיךָ בְּאֶרֶץךָ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לְךָ לֹא תֹאמֵץ אֶת לִבְּךָ וְלֹא תִקְפֹּץ אֶת יָדְךָ מֵאֹחֶיךָ הָאֲבִיוֹן:

However, not giving *tzedaka* is not simply a violation of any Torah prohibition. The Sages in the **Gemara** in ***Ketubot*** also compare one who doesn't give *tzedaka* to a person who worships idolatry, perhaps because he is worshipping his money (in not wanting to part with it) similar to an idol.



Masechet Ketubot 68a

And Rabbi Chiyya bar Rav of Difti taught: Rabbi Yehoshua ben Korcha says: Anyone who averts his eyes from the obligation to give charity, is as if he engages in idol worship. It is written here concerning charity: “Beware that there be

3. מסכת כתובות סח.

ותני רבי חייא בר רב מדיפתי: רבי יהושע בן קרחה אומר: כל המעלים עיניו מן הצדקה – כאילו עובד עבודה זרה, כתיב הכא: “השמר לך פן יהיה

not a base [*beliya'al*] thought in your heart... and you will not give him" (*Devarim* 15:9), and it is written there concerning idolatry: "Certain base [*beliya'al*] fellows have gone out" (*Devarim* 13:14). Just as there, in the latter verse, the word "base [*beliya'al*]" is referring to idol worship, so too here, this expression indicates a sin on the scale of idol worship.

דָּבַר עִם לְבַבְךָ בְּלִיעֵל וְכוּ' (דברים טו, ט), וכתוב התם: "יִצְאוּ אֲנָשִׁים בְּנֵי בְלִיעֵל" (שם יג, יד) – מה להלן עבודה זרה, אף כאן עבודה זרה.

In addition to being associated with idol worship, the refusal to give *tzedaka* to a needy person standing before him may also constitute a particularly severe transgression because it can potentially endanger lives. This is evident from the incident related in the **Gemara** in **Ta'anit**.



Masechet Ta'anit 21a

They said about Nachum of Gam Zu that he was blind in both eyes, both his arms were amputated, both his legs were amputated, and his entire body was covered in boils...

His students said to him: Rabbi, since you are evidently a completely righteous man, as we have just seen, why has this suffering befallen you? He said to them: My sons, I brought it upon myself. As once I was traveling along the road to my father-in-law's house, and I had with me a load distributed among three donkeys, one of food, one of drink, and one of delicacies. A poor person came and stood before me in the road, saying: My rabbi, sustain me. I said to him: Wait until I unload the donkey, after which I will give you something to eat. However, I had not managed to unload the donkey before his soul left his body.

I went and fell upon his face and said: May my eyes, which had no compassion on your eyes, be blinded; may my hands, which had no compassion on your hands, be amputated; may my legs, which had no compassion on your legs, be amputated. And my mind did not rest until I said: May my whole body be covered in boils. His students said to him: Even so, woe to us that we have seen you in this state. He said to them: Woe is me if you had not seen me in this state, as this suffering atones for me.

4. מסכת תענית כא.

אמרו עליו, על נחום איש גם זו, שהיה סומא משתי עיניו, גדם משתי ידיו, קטע משתי רגליו, וכל גופו מלא שחין... אמרו לו תלמידיו: רבי! וכי מאחר שצדיק גמור אתה – למה עלתה לך כך? אמר להם: בניי, אני גרמתי לעצמי. שפעם אחת הייתי מהלך בדרך לבית חמי, והיה עמי משאוי שלושה חמורים: אחד של מאכל, ואחד של משתה ואחד של מיני מגדים. בא עני אחד ועמד לי בדרך, ואמר לי: "רבי, פרנסני". אמרתי לו: "המתן עד שאפרוק מן החמור". לא הספקתי לפרוק מן החמור, עד שיצתה נשמתו. הלכתי ונפלתני על פניו, ואמרתי: "עיניי שלא חסו על עיניך – יסומו, ידיי שלא חסו על ידיך – יתגדמו, רגליי שלא חסו על רגליך – יתקטעו". ולא נתקררה דעתי, עד שאמרתי: "כל גופי יהא מלא שחין". אמרו לו: אוי לנו שראינוך בכך! אמר להם: אוי לי אם לא ראיתוני בכך.

We also see the seriousness of not giving sufficient *tzedaka* from the halacha mentioned by the **Yalkut Yosef** (based on the **Shulchan Aruch**, Y.D. 248:1) that the *beit din* theoretically has the right to compel a person to give *tzedaka* according to his capabilities.

**Yalkut Yosef, Kitzur Shulchan Aruch,
Hilchot Tzedaka Se'if 2**

Every individual is obligated to give *tzedaka*. Even one who is poor and is supported from the charity fund himself is obligated to give from what is given to him. And if one who gives less than he should, the *beit din* compels him [to give the appropriate amount], and they give him rabbinic lashes until he gives what they estimate he can give, and they descend to his property before him and take from him what he should have given.

**5. ילקוט יוסף | קצשו"ע,
הל' צדקה סעיף ב**

כל אדם חייב ליתן צדקה. אפילו עני המתפרנס מן הצדקה – חייב ליתן ממה שיתנו לו. ומי שנותן פחות ממה שראוי ליתן – בית דין היו כופין אותו, ומכין אותו מכת מרדות, עד שייתן מה שאמדהו ליתן, ויורדים לנכסיו בפניו, ולוקחים ממנו מה שראוי לו ליתן.

The Great Value and Benefit to Tzedaka

In contrast to the severity of one who fails to fulfill the mitzva of *tzedaka*, performing the mitzva properly is considered an act of great merit, as evident from the **Gemara** in **Bava Batra**.

**Masechet Bava Batra 9a–10a**

And Rav Asi says: Charity is equivalent to all the other mitzvot combined, as it is stated in that verse: “**We also established mitzvot upon ourselves**, to charge ourselves yearly with the third part of a shekel for the service of the House of our God” (*Nechemiah* 10:33). **A mitzva is not written here, but rather mitzvot**, in the plural, thereby teaching that this mitzva of charity is equivalent to all the other mitzvot...

And Rabbi Yitzchak says: Anyone who gives a peruta to a poor person receives six blessings... And Rabbi Yitzchak says: What is the meaning of that which is written: “He who pursues charity and mercy finds life, charity, and honor” (*Mishlei* 21:21)? Is this to say that **because one has pursued charity, he himself shall find charity**? Shall the reward of one who has always given charity be that he become poor and other people will act charitably toward him? **Rather**, the verse serves to tell you that **anyone who pursues charity**, giving to the poor and leading others to do so, **the Holy One, Blessed be He, furnishes him with money with which to perform** his acts of charity...

It is taught in a *baraita* that **Rabbi Yehuda says: Great is charity in that it advances the redemption, as it is stated: “So said the Lord, uphold justice and do charity, for My salvation is near to come, and My righteousness to be revealed”** (*Yeshayahu* 56:1)...

6. מסכת בבא בתרא ט.י.

ואמר רב אסי: שקולה צדקה כנגד כל המצות, שנאמר: והעמדנו עלינו מצות וכו', מצוה אין כתיב כאן, אלא מצות... ואמר רבי יצחק: כל הנותן פרוטה לפני מתברך בשש ברכות... ואמר רבי יצחק, מאי דכתיב: רודף צדקה וחסד ימצא חיים צדקה וכבוד? משום דרודף צדקה ימצא צדקה? אלא לומר לך: כל הרודף אחר צדקה – הקדוש ברוך הוא ממציא לו מעות ועושה בהן צדקה... תניא, ר"י אומר: גדולה צדקה שמקרבת את הגאולה, שנאמר: כה אמר ה' שמרו משפט ועשו צדקה כי קרובה ישועתי לבא וצדקתי להגלות...

The **Rambam** also writes at length about the great value and reward for the mitzva of *tzedaka* to the extent that one must be more careful in fulfilling this mitzva than any other positive mitzva.



Rambam, Hilchot Matnot Aniyim

10:1–2

1. **We must be especially careful to observe the mitzva of tzedaka more so than any other positive mitzva, for tzedaka is a sign of the righteous, the lineage of Avraham, our father,** as it is stated, (*Bereishit* 18:19): “For I have singled him out, that he may instruct his children and his posterity to keep the way of the Lord doing what is just [tzedaka] and law.” And the throne of Israel is established and the religion of truth stands only on tzedaka, as it is stated, (*Yeshayahu* 54:14): “You shall be established through righteousness [tzedek].” **And Israel will only be redeemed through tzedaka,** as it is said, (*Yeshayahu* 1:27): “Zion shall be saved through justice, and her repentant ones, through charity [tzedaka].”

2. **Never will a person become poor by giving tzedaka, nor has anything evil or harm ever come of it,** as it is stated, (*Yeshayahu* 32:17): “The work of righteousness [tzedaka] is peace.” Anyone who shows compassion, others will show compassion to him, as it is stated, (*Devarim* 13:18): “[May God] show you compassion, and let your compassion increase.” And if someone is cruel and without compassion, then his lineage is suspect, for cruelty is only found among the idolatrous nations, as it is stated, (*Yirmiyahu* 50:42): “They are cruel, they show no mercy.” All Israel and all who are associated with them are like brothers, as it is stated, (*Devarim* 14:1): “You are children of the Lord your God.” And if a brother does not show compassion for another brother, then who will have compassion for him? And to whom can the poor of Israel look? To the idolatrous nations that hate them and pursue them? They can only look to rely upon their brothers.

7. רמב"ם | ה' מתנות עניים

א-ב:

א. חייבין אנו להזהר במצוות צדקה יותר מכל מצוות עשה, שהצדקה סימן לצדיק זרע אברהם אבינו, שנאמר: "כִּי יִדְעֲתִיו לְמַעַן אֲשֶׁר יִצְוָה אֶת בְּנָיו וְאֶת אֶחָיו וְשִׁמְרוּ דְרָךְ ה' לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט". ואין כסא ישראל מתכונן ודת האמת עומדת אלא בצדקה, שנאמר "בְּצִדְקָה תִּכּוֹנְנִי" (ישעיה נד, יד), ואין ישראל נגאלין אלא בצדקה, שנאמר: "צִיּוֹן בְּמִשְׁפָּט תִּפְדָּה וְשָׁבִיָּה בְּצִדְקָה" (ישעיה א, כז).

ב. לעולם אין אדם מעני מן הצדקה, ואין דבר רע ולא היזק נגלל בשביל הצדקה, שנאמר: "וְהָיָה מַעֲשֵׂה הַצְדָקָה שְׁלוֹם" (ישעיה לב, יז). כל המרחם – מרחמין עליו, שנאמר: "וְנָתַן לָךְ רַחֲמִים וְרַחֲמֶךָ וְהִרְבֶּךָ" (דברים יג, יח), וכל מי שהוא אכזרי ואינו מרחם – יש לחוש ליחסו, שאין האכזריות מצויה אלא בגויים, שנאמר: "אֲכַזְרֵי הַמָּדָה וְלֹא יִרְחֲמוּ" (ירמיה נ, מב), וכל ישראל והנלווה עליהם כאחים הם, שנאמר: "בְּנִים אַתֶּם לַה' אֱלֹהֵיכֶם" (דברים יד, א), ואם לא ירחם האח על האח – מי ירחם עליו? ולמי עניי ישראל נושאים עיניהן, הלגויים ששונאים אותן ורודפים אחריהן? הא אין עיניהן תלויות אלא לאחיהן.

RABBI MOSHE BEN MAIMON – THE RAMBAM (1138–1204)

One of the greatest Torah scholars of all time, Rabbi Moshe Ben Maimon, known commonly as the Rambam, Maimonides, or the Great Eagle, was born in Cordoba, Spain. His father, Rabbi Maimon, was the *dayan* of Cordoba and a student of Rabbi Yosef Ibn Migash (Ri Migash), the disciple and spiritual successor of Rabbi Yitzchak Alfasi (Rif). In 1148, following the invasion of Spain by a tribe of fanatic Muslims, the family fled Cordoba and eventually settled in Fez, Morocco in 1160, where the Rambam began composing his famous works. In 1165, the family immigrated to Eretz Yisrael, but subsequently returned to Egypt.

In Cairo, the Karaite cult ruled the community, and their social and religious influence impacted upon Jews who were loyal to the Oral Law. After the Rambam was appointed as Head of the community, he was able to fight the Karaite influence. Besides learning, teaching, and writing, he was appointed as physician of the Egyptian Sultan Saladin and his family.

The Rambam composed many works in halacha, philosophy, science, and medicine, and replied via responsa to the inquiries of many Jewish communities from around the world. He had a special connection to the Jews of Yemen, many of whom follow his rulings to this day.

Many of his works have had lasting influence throughout Jewish history. His philosophic views in one of his famous works, *The Guide for the Perplexed*, provoked great controversy that continued for many generations to come. In his monumental work the *Mishneh Torah* (the only book he wrote in Hebrew, as the rest were written in Arabic), the Rambam summarizes and organizes the conclusions of the entire Oral Law. In *Sefer HaMitzvot*, he set criteria for counting the 613 commandments and lists each one with a brief explanation; in his responsa, in addition to the rulings themselves, there is also much information about the Jewish world of his time – customs, beliefs and problems – from which we learn how he led and guided his generation.

The Rambam died at age 69 in Egypt, and as per his request, was brought to Eretz Yisrael for burial and ultimately buried in the city of Teveria (Tiberias) in the Galilee, where his tombstone reads: “ממשה ועד משה לא קם כמשה”; “from Moshe to Moshe, there was no other Moshe.”

The **Tur** adds other positive effects of giving *tzedaka*.



Tur, Yoreh De'ah 247

Furthermore, it delays all the harsh decrees and saves the hungry from death, as happened to the woman of Tzarfat (*Melachim I 17*) due to the small cake that she gave to Eliyahu.¹ Abstaining from it will push away those close to the Divine presence from it and from the Torah, as occurred to Amon and Moav, who were close to us and were pushed away, as they did not offer us bread and water. It also brings close those distant to be covered under the wings of the Divine presence, as occurred to Yitro for saying [about Moshe in Midyan], “call him and let him eat bread” (*Shemot 2:20*). Therefore, a person must be extremely careful to give as is fitting...

8. טור | יו"ד רמז

ועוד, כי הוא דוחה את הגזירות הקשות, וברעב תציל ממוות, כאשר אירע לצרפית (מלכים א' יז) בשביל עוגה קטנה שנתנה לאליהו. ומניעתה תרחיק הקרובים לשכינה ממנה ומן התורה, כאשר אירע לעמון ומואב, שהיו קרובים אלינו ונתרחקו, על אשר לא קידמו אותנו בלחם ובמים. ומקרבת הרחוקים לחסות תחת כנפי השכינה, כאשר אירע ליתרו על אמרו (שמות ב, כ): “קראן לו ויאכל לחם”. על כן צריך אדם ליזהר מאוד מאוד ליתנה כראוי...

1. This refers to the story related there that during a time of famine, Eliyahu requested from this woman to make him a cake before feeding her family, despite her not having very much food. She agreed, and as related in the *pesukim*, she ultimately was provided by Hashem with sufficient food thereafter. [Addition of the English editors]

THE DIFFERENT LEVELS OF TZEDAKA

As we will see below, the **Rambam** lists eight different levels or methods of performing the mitzva of *tzedaka*. The highest level though is assisting a needy individual in procuring a job in order that he can earn a living in an honorable manner. This type of assistance is referred to in another *pasuk* in the Torah, as understood by the **Sifra**.



Vayikra 25:35–36

And if your brother become poor, and his means fail beside you, and you shall support him... and your brother shall live with you.

9. ויקרא | כה:לה-לו

וכי-ימוך אחיך, ומטה ידו עמך-והחזקת בו... וחי אחיך עמך:



Sifra, Behar Parasha 5

And if your brother become poor, and his means fail beside you – Do not let him fall. To what is this comparable? To a load on the back of a donkey. While it is still standing, one person is able to hold it upright and support it. Once it falls, even five people cannot lift it. Now where do we know that if a person helped someone even four or five times he is obligated to continue? The Torah states, “And you shall support him”...

10. ספרא | בהר פרשה ה

[ו]כי-ימוך אחיך ומטה ידו עמך – אל תניחנו שיירד. הא למה זה דומה? למשאוי על גבי החמור: עודנו במקומו – אחד תופש בו ומעמידו, נפל לארץ – חמישה אין מעמידים אותו. ומניין אם החזקת אפילו ארבעה וחמישה פעמים, חזור והחזק? תלמוד לומר: “והחזקת בו”...

The **Sifra** understands that one must support another caught in difficult straits before he falls excessively, which would seem to refer to helping him find a livelihood before his life is ruined. In this manner, one can allow the person to stand on his own.

The **Gemara** in **Shabbat** supports this notion as well by stating that one who lends another money has achieved a higher level of *tzedaka* than simply giving him charity, and supporting him in business by forming a partnership is the highest level of support.



Masechet Shabbat 63a

Rabbi Abba said in the name of **Rabbi Shimon ben Lakish**: **One who loans another money is greater than one who gives him charity. And the one who places money into a common purse, i.e., one who enters into a partnership with a needy person, is the greatest of them all.**

11. מסכת שבת סג.

ואמר רבי אבא, אמר רבי שמעון בן לקיש: גדול המלווה יותר מן העושה צדקה. ומטיל בכיס יותר מכולן.

The **Me'iri** explains that the reason that forming a partnership with a needy person is considered the highest level is because he enables the needy person to support himself in a dignified manner.

**Me'iri, Shabbat 63a**

He creates profit for him and prepares a livelihood for him with dignity.

12. מאירי | שם

שממציא לו ריוח ומכין לו פרנסה בכבוד.

One who loans money to another also fulfills an additional mitzva, that of loaning money to another Jew (*Shemot* 22:24).² Moreover, such a person also fulfills the mitzva of *tzedaka* on the highest level just like one supports another through finding him employment. This is apparent from the formulation of the **Rambam**.

**Rambam, Hilchot Matnot Aniyim 10:7**

There are eight levels of giving *tzedaka*, each one higher than the other. **The greatest level** is to support a Jew who is struggling and give him a present or a loan, or make a partnership with him, or create work for him in order to support him to the point where he no longer needs to ask people for money. And about this it is stated, “and you shall support him, whether a convert or a resident, and he will live with you.” In other words, support him so that he doesn't fall and need [additional help].

13. רמב"ם | הל' מתנות עניים י:ז

שמונה מעלות יש בצדקה זו למעלה מזו. מעלה גדולה שאין למעלה ממנה – זה המחזיק ביד ישראל שְׁמֵךְ, ונותן לו מתנה או הלוואה, או עושה עמו שותפות, או ממציא לו מלאכה כדי לחזק את ידו, עד שלא יצטרך לבריות לשאול, ועל זה נאמר: “והחזקת בו גֵר וְתוֹשֵׁב וְחֵי עִמָּךְ”, כלומר: החזק בו, עד שלא ייפול ויצטרך.

The reason that this is considered the highest level is that helping a person support himself through providing a loan or enlisting him as a business partner is not shameful and he does not perceive himself as the beneficiary of *tzedaka*.³

The **Rambam** continues by listing the seven other levels of *tzedaka* in descending order of merit.

**Rambam Hilchot Matnot Aniyim 10:8–11, 13–14**

8. One level lower than this is one who gives *tzedaka* to the poor **and does not know to whom he gives, and the poor person does not know from whom he receives**. This is purely a mitzva for its own sake, such as the Chamber of Secrets in the Holy Temple, where the righteous would give in secret [and leave], and the poor, of good background, would sustain themselves from it in secret. [A level that is] very close to this is one who gives to the communal *tzedaka* fund, but **one should not contribute to the communal *tzedaka* fund unless one is certain that the one responsible for it is trustworthy and wise and conducts himself appropriately**, like Rabbi Chanania ben Teradion.

14. רמב"ם | הל' מתנות עניים

יח–יא, יג–יד

ח. פחות מזה: הנותן צדקה לעניים, ולא ידע למי נתן, ולא ידע העני ממי לקח, שהרי זו מצווה לשמה, כגון לשכת חשאים שהיתה במקדש, שהיו הצדיקים נותנים בה בחשאי, והעניים בני טובים מתפרנסים ממנה בחשאי. וקרוב לזה – הנותן לתוך קופה של צדקה. ולא ייתן אדם לתוך קופה של צדקה, אלא אם כן יודע שהממונה נאמן וחסם ויודע להנהיג כשורה כר' חנניה בן תרדיון.

2. See also Rashi there, who cites the interpretation of the *pasuk* that it refers to an obligation even though the word אם, if, is used.

3. For this reason, giving a gift is also accepted, since gifts are often given even to those who do have sufficient means.

9. [One level] lower than this is [one who gives *tzedaka*] **where the giver knows to whom he gives but the poor person does not know from whom he takes**, like the greatest of the Sages who would go in secret and throw money at the entrances to [the houses] of the poor. This is a fitting way to give and a high level when the trustees of *tzedaka* do not conduct themselves appropriately.

10. One level lower than this is **when the poor person knows from whom he received but the giver does not know** [to whom he gives]. Such was the way of the Sages who would tie coins to their garments and throw the bundle over their shoulder, and the poor could come up [behind them] and take [them] without being embarrassed.

11. [One level] lower than this is to give him [money] before he asks.

12. [One level] lower than this is to **give to him after he has asked**.

13. [One level] lower than this is to give him less than one should but with kindness.

14. [One level] lower than this is to **give to him begrudgingly**.

ט. פחות מזה: שיידע הנותן למי ייתן, ולא יידע העני ממי לקח, כגון גדולי החכמים שהיו הולכין בסתר, ומשליכין המעות בפתחי העניים. וכזה ראוי לעשות, ומעלה טובה היא, אם אין הממונין בצדקה נוהגין כשורה.

י. פחות מזה: שיידע העני ממי נטל ולא יידע הנותן, כגון גדולי החכמים שהיו צוררים המעות בסדיניהן ומפשילין לאחוריהן, ובאין העניים ונטלין, כדי שלא יהיה להן בושה. יא. פחות מזה: שייתן לו בידו קודם שישאל.

יב. פחות מזה: שייתן לו אחר שישאל. יג. פחות מזה: שייתן לו פחות מן הראוי בסבר פנים יפות.

יד. פחות מזה: שייתן לו בעצב.

The **Shach** explains that the last level refers to a person who gives begrudgingly but doesn't disclose his feelings to the poor person. In this case, he has still fulfilled the mitzva, though on the lowest level. If, on the other hand, he reveals his resentment when giving, he has lost the merit of the mitzva.

⌘ **Siftei Kohen (Shach), Yoreh De'ah**
249:9

This refers to where one gives begrudgingly but does not display this displeasure [to the poor person], for if one does, it is not considered one of the eight levels [of *tzedaka*], as he has lost his merit and transgresses the prohibition of “your heart shall not be grieved” (*Devarim* 15:10).

15. שפתי כהן (ש"ך) | יו"ד
רמט:ט

והיינו שצר לו בנתינתו אבל עכ"פ אינו מראה לו פנים זועפות דא"כ לא נחשב בשמונה מעלות דהא הפסיד זכותו ועובר על משום לא ירע לבבך.

THE AMOUNT THAT MUST BE GIVEN

The Minimum Amount

Although the Torah clearly commands us to support one in need financially, it does not delineate the required amount. What is the minimum amount one must give in order to fulfill the mitzva of *tzedaka*? The **Gemara** in **Bava Batra** (in the section immediately prior to that quoted in source 5) addresses this question.

ח Masechet Bava Batra 9a

Rav Asi says: A person should never prevent himself from giving at least one-third of a shekel a year in charity, as it is stated: “And we also established mitzvot upon ourselves, to charge ourselves yearly with the third part of a shekel for the service of the House of our God” (Nechemiah 10:33).

16. מסכת בבא בתרא ט.

אמר רב אסי: לעולם אל ימנע אדם עצמו [מלתת] שלישית השקל בשנה, שנאמר: “וְהִעֲמַדְנוּ עָלֵינוּ מִצְוֹת לָתֵת עָלֵינוּ שְׁלִישִׁית הַשֶּׁקֶל בְּשָׁנָה לְעִבְדַת בַּיִת אֱלֹהֵינוּ” (נחמיה י, לג).

According to the Gemara, one has fulfilled the absolute minimum requirement for *tzedaka* by giving just one-third of a *shekel* per year. The **Shulchan Aruch** cites this passage as the halacha as well.

א Shulchan Aruch, Yoreh De'ah 249:2

A person should never give less than a third of a shekel per year, and if one gave less than this, he has not fulfilled the mitzva of *tzedaka*.

17. שולחן ערוך | יו"ד רמט:ב

לעולם לא ימנע אדם עצמו פחות משלישית השקל לשנה, ואם נתן פחות מזה – לא קיים מצוות צדקה.

The value of a third of a shekel in today's currency is approximately fifteen shekels in Israeli currency (the value of about six grams of silver), which equals about four American dollars (depending on the exchange rate), though this value can fluctuate from year to year. This obligation applies to everyone, including one who is needy and receives *tzedaka* himself, as clarified by the **Gemara** in **Gittin**:

ח Masechet Gittin 7b

“And though I have afflicted you [*ve'imnitich*]” (Nachum 1:12). **Mar Zutra says:** This means that **even a poor person [*ani*] who is sustained from charity** must also perform charity.

18. מסכת גיטין ז:

ועיניתיך – אמר מר זוטרא: אפילו עני המתפרנס מן הצדקה יעשה צדקה.

According to the later *poskim*, this amount need not be given all at once, but is a total sum of all *tzedaka* one has given during the year, even when the individual sums are less than a *shaveh peruta* (a minimal amount of money). Thus, one who gives a small amount of *tzedaka* on a regular basis certainly has fulfilled this minimal level of the obligation.

There is, however, another obligation as well to ensure that a needy person is not turned away empty handed. Therefore, every poor person who asks for money should be given something, as stated by the **Rema** (based on the **Rambam**).

⌘ Shulchan Aruch, Yoreh De'ah 249:4

If a poor person asks [for money] and one doesn't have anything to give him, one should not rebuke him or raise one's voice. Rather, one should appease him with words and express his good heart that he wishes to give him, but he does not have the means.

Rema: And it is prohibited to leave the poor person who asks empty handed, even if one only gives a small fig, as it is stated, "Let not the poor turn back in disgrace" (*Tehillim* 74:21).⁴

19. שולחן ערוך | יו"ד רמט"ד

אם שאל לו העני, ואין לו מה ייתן לו – לא יגער בו ויגביה קולו עליו, אלא יפייסנו בדברים, ויראה ליבו הטוב שרצונו ליתן לו, אלא שאין ידו משגת.

הגה: ואסור להחזיר העני השואל ריקם, אפילו אין נותן לו רק גרוגרת אחת, שנאמר "אל ישוב דך נְכַלָּם" (תהילים עד, כא).

Based on this halacha, if someone collecting *tzedaka* for himself knocks on one's door, one must give him at least a minimal amount of money.⁵

The Maximum Amount

The maximum amount that one should give is one fifth of one's wealth. The reason for this is that one should not become poor as a result of giving *tzedaka*, as the **Gemara** in ***Ketubot*** states:

⌘ Masechet Ketubot 50a

Rabbi Ile'a said: In *Usha* the Sages instituted that one who dispenses his money to charity should not dispense more than one-fifth. That opinion is also taught in a *baraita*: One who dispenses should not dispense more than one-fifth, lest he render himself destitute and need the help of other people. And an incident occurred involving a certain individual who sought to dispense more than one-fifth of his property as charity, and his friend did not let him act upon his wishes. And who was this friend? **Rabbi Yeshevav.** And some say that **Rabbi Yeshevav** was the one who wanted to give too much charity, and his friend

20. מסכת כתובות נ.

אמר רבי אילעא: באושא התקינו: המבזבז – אל יבזבז יותר מחומש. תניא נמי הכי: המבזבז – אל יבזבז יותר מחומש, שמא יצטרך לבריות. ומעשה באחד שביקש לבזבז, ולא הניח לו חברו. ומנו? רבי ישבב. ואמרי לה: רבי ישבב, ולא הניחו

4. In a situation where one cannot verify that the one asking for money is indeed legitimately deserving of it or that he will use the money properly, this principle does not apply. This issue is discussed more fully in the next *shiur*.

5. See the *Pesakim Uteshuvot* (y.d. 249:7) who summarizes the discussion of the commentaries as to how this prohibition differs from the Torah's injunction not to ignore the poor mentioned above in source 2. He explains that the Torah prohibition applies only when the poor himself asks for *tzedaka* and he requires the funds for his needs on that day, not for future needs. Otherwise, only the prohibition based on the *pasuk* in *Tehillim* may apply. Thus, when a poor person is collecting money, the Torah prohibition often does not apply, since he does not usually plan to use all of the money for that day's needs. See the *Pesakim Uteshuvot* for further details as to the parameters of this prohibition, many of which are very practical. [Addition of the English editors]

did not let him do so, **and who was the friend?** **Rabbi Akiva. Rav Nachman said, and some say** it was **Rav Acha bar Ya'akov** who said: **What is the verse** that alludes to this maximum amount of charity? **“And of all that You shall give me, I will surely give a tenth of it [aser a'asrenu] to You”** (*Bereishit* 28:22). The double use of the verb that means to donate one-tenth indicates that Yaakov, who issued this statement, was actually referring to two-tenths, i.e., one-fifth. The Gemara asks: **But the latter tenth is not similar to the first tenth**, as it would be one-tenth of what remained after the first tenth had been removed. Consequently, the two-tenths would not equal one-fifth of the original total. The Gemara answers that **Rav Ashi said**: Since the verse could have said: I will surely give one-tenth [*aser a'aser*], and instead stated: **“I will surely give a tenth of it [aser a'asrenu],”** it thereby alludes to the fact **that the latter tenth is like the first one.**

חברו, ומנו? רבי עקיבא. אמר רב נחמן, ואיתימא רב אחא בר יעקב: מאי קרא? וְכָל אֲשֶׁר תִּתֶּן לִי עֲשֹׂר אֶעֱשְׂרֶנּוּ לְךָ. והא לא דמי עישורא בתרא לעישורא קמא! אמר רב אשי: אעשרנו לבתרא כי קמא.

The **Rema** cites this principle as the practical halacha as well.

נ Rema, Yoreh De'ah 249:1

One should not dispense more than a fifth [of one's wealth] so that one does not become dependent on the community.

21. רמ"א | יו"ד רמט:א

ואל יבזבז אדם יותר מחומש, שלא יצטרך לבריות.

However, there are circumstances where this principle does not apply, as pointed out by the **Aruch HaShulchan**.

נ Aruch HaShulchan, Yoreh De'ah 249:5

It seems to me that for the sake of redeeming captives, one is permitted to give more than a fifth, and similarly for people that are starving or thirsty, or anything that entails saving a life. And in fact one is obligated to add on [more than a fifth].

22. ערוך השולחן | יו"ד רמט:ה

ונראה לי דלפדיון שבויים רשאי להוסיף על החומש וכן לרעבים וצמאים וכיוצא בהם בדבר שיש בזה פקוח נפשות ומחוייב בזה להוסיף.

The **Chafetz Chaim** mentions a number of additional cases (based on earlier *poskim*) in which one is permitted to give more than a fifth:

1. If one is exceedingly rich
2. Before one's death
3. One who has a set salary (he may give any excess money)
4. Supporting Torah study, for one who supports Torah receives the reward of the learning.

נ Ahavat Chesed 20:2–4

2. ...Unless one is **an exceedingly rich person**, for it is implicit from the *poskim* that the enactment was never instituted for such a person (*Sheilat Ya'avetz* 3)... and similarly **one who gives before his death** (Rema 249:2) is permitted to give freely, as [the concern] that one may become dependent upon the community does not apply...

23. אהבת חסד | כ:ב-ד

ב. ...לא מי שהוא עשיר מופלא, משמע בפוסקים דעליו לא הייתה התקנה... (שאילת יעבץ ג) וכן לבזבז קודם מותו (רמ"א רמט:ב), שבזה לא שייך "שמא יצטרך לבריות" – גם כן מותר לבזבז הרבה...

3. Know that the decree instituted by the Sages not to give more than a fifth applies only where one gives away the wealth of his household, as the word *mevazbez* [lit. squanders] implies. But for a small amount, such as where a person has a set job or business that covers his needs every week, and he has some surplus funds, **he is permitted to give the rest to tzedaka even though it is worth more than a fifth...**

4. Know further that the enactment was only instituted for general *tzedaka* needs, but with regard to supporting Torah, the *Shita Mekubetzet* (*Ketubot* 49) rules that it does not apply at all...

ג. ודע, דמה שהתקינו חז"ל שלא לפזר יותר מחומש – נראה דהיינו דווקא כשמבזבז נכסי ביתו על ידי זה הפיזור, כדמשמע לשון "המבזבז", אבל בדבר מיעוט, כגון שיש לו איזה מלאכה או עסק קבוע שמשתכר בה כדי מחייתו כל שבוע ויותר מעט – מותר לו לפזר היותר לצדקה, אף שהוא עולה יותר מחומש לפי ערך...

ד. ודע עוד, דכל עיקר התקנה הוא לסתם צדקה, אבל להחזקת תורה – מצדד בספר "שיטה מקובצת" כתובות דף מט, דלא שייך זה כלל...

The **Chafetz Chaim** offers another potential exception to the rule: He first notes that if Chazal direct a person not to spend too much on the mitzva of *tzedaka*, then one certainly should not squander large amounts of money on material objects more than necessary. However, he then states that if one does live such a lavish lifestyle (even if one is not extremely wealthy), he is uncertain whether the principle of one-fifth would apply. If it does not, perhaps the person would be allowed to give *tzedaka* lavishly as well.

Ⓝ Ahavat Chesed 20:5

...How much more so must a person be careful not to squander his money on empty matters such as perceived honor, such as dressing lavishly, living in a magnificent home, and having many servants and fancy vessels, for all of these things consume a person's money very quickly and bring him to poverty and even theft... (Note: And regarding such people, I am not sure if the decree of Usha applies at all...)

24. אהבת חסד | כ:ה

...על אחת כמה וכמה יסור לאדם להיות זהיר, שלא לפזר ממנו לעניין ריק של כבוד המדומה, היינו להתלבש במלבושי רקמה ולדור בהיכלי כבוד ולהשתמש בריבוי המשרתים ובכלים היותר יקרים, שכל זה מכלה ממנו של אדם בזמן קצר, ומביאו לידי עוני ובסוף לידי גזל גם כן... (הגה: ובאנשים כאלו איני יודע אם שייך אצלם הך תקנתא דאושא כלל...)

We have seen that giving one fifth of one's assets to *tzedaka* is the upper limit of how much one should give in most cases. Is it ideal to give this much if one is capable of doing so? If not, what is the ideal amount to give? *Rishonim* such as the **Tur** explain that the ideal amount relates more to the degree of need of the poor: Ideally the needs of the poor should be provided for completely. If that is not possible, then it is optimal (though certainly not required) to give a fifth of one's earnings if at all possible.

Ⓜ Tur, Yoreh De'ah 149

The amount to be given [is as follows]: If one has the ability, one should give according to the needs of the poor person. If one doesn't have the ability to [provide] for all of the needs of the poor, one should give according to his capability. How much should he give? Up to a fifth of his wealth is **the ideal way to perform the mitzva**, one tenth is the average level, and less than that is considered stingy...

25. טור | יו"ד רמט

שיעור נתינתה: אם ידו משגת – ייתן כפי צורך העניים. אם אין ידו משגת לכל צורך העניים – ייתן כפי השגת ידו. כמה הוא ייתן? עד חומש נכסיו – מצווה מן המובחר, ואחד מעשר – מידה בינונית. פחות מכך – עין רעה...

The **Beit Yosef** comments that the *Yerushalmi* seems to indicate that giving a fifth is the most ideal option if possible, and he then claims that even the *Talmud Bavli* may agree as well.



Beit Yosef, Yoreh De'ah Siman 249

How much should he give? Up to a fifth of his wealth is the ideal way to perform the mitzva – These are the words of the Rambam. And in the chapter “*Na'ara Shenitpateta*” (*Ketubot* 50a), Rabbi Ilai states: the Sages instituted that one who dispenses his money to charity should not dispense more than one-fifth lest he become dependent upon the people. **Now even though this does not indicate that there is a mitzva to give a fifth**, for it only states that if one is giving one shouldn't give more than a fifth, **nevertheless from the *Yerushalmi* (*Pe'ah* 1:1) it appears that it is a mitzva [to do so].**⁶ And even from our own Talmud [*Talmud Bavli*] **one can extrapolate that the best way to fulfill the mitzva is to give a fifth**, for the enactment of Usha is based on the verse, “and everything that You give me I shall surely tithe (*aser a'srenu*), [the double language] showing that there are two tenths, i.e., a fifth.

26. בית יוסף | יו"ד סימן רמט

וכמה הוא נותן? עד חומש נכסיו – מצווה מן המובחר – כן כתב הרמב"ם. ובפרק “נערה שנתפתתה” (כתובות נ.) אמר רבי אילעאי: “באושא התקינו: המבזבז – אל יבזבז יותר מחומש, שמא יצטרך לבריות.” ואף על גב דלא משמע מהכא שיהא מצווה לבזבז חומש – דלא קאמר אלא שאם בא לבזבז אל יבזבז יותר מכן – מהירושלמי (פאה א:א) נראה שהוא מצווה. וגם מתלמודא דידן יש לדקדק דמצווה מן המובחר לבזבז חומש, דמייתי להא דתקנת אושא, מדכתיב: “וכל אשר תתן לי עשר אעשרנו לך” (בראשית כח כב), כלומר – תרין עישורי, דהיינו חומש.

The ***Shulchan Aruch*** cites the same ruling as well.



Shulchan Aruch, Yoreh De'ah 249:1

The amount to be given [is as follows]: If one has the ability, one should give according to the needs of the poor person. If one doesn't have such an ability, one should give up to a fifth of his wealth as the ideal way to perform the mitzva, [giving] one tenth is a mediocre level, and less than this is considered stingy. With regard to the fifth that they discussed: In the first year it is [calculated] from the capital, from then on [it is calculated] from the earnings of that year.

27. שולחן ערוך | יו"ד רמט:א

שיעור נתינתה: אם ידו משגת – ייתן כפי צורך העניים. ואם אין ידו משגת כל כך – ייתן עד חומש נכסיו מצווה מן המובחר, המובחר, ואחד מעשרה – מידה בינונית, פחות מכאן – עין רעה. וחומש זה שאמרו: שנה ראשונה – מהקרן, מכאן ואילך – חומש שהרוויח בכל שנה.

When the Rambam and *Shulchan Aruch* state that one should provide for all of the needs of the poor, it does not necessarily mean that one person must provide for all of the poor's needs on their own. Rather, it is assumed that they will share in the burden of providing for the poor together with others in the community, as explained by the work ***Pesakim Uteshuvot***.⁷

6. The language of the *Yerushalmi* is: “They decided in Usha that one should separate a fifth from his assets as a mitzva.” The language of “as a mitzva” clearly implies that doing so is praiseworthy if one is capable.

7. See “*The Laws of Kibbud Av V'eim I*,” footnote 2, for a brief description of this contemporary *sefer*.


Pesakim Uteshuvot, Yoreh De'ah 249:1

One who has means [to support the poor] is not obligated to give everything needed by the poor people who turn to him. Rather, the poor person should turn to the entire community, and together they need to provide what he is lacking, each according to his wealth, and here [in the *Shulchan Aruch* above] it is referring to where there are no other people or the other people do not have sufficient capability to help.

28. פסקים ותשובות | יו"ד רמ"א

מי שידו משגת אינו חייב לתת כל ההצטרכויות של כל העניים הפונים אליו, אלא העני צריך לפנות לכל הציבור וכולם יחד צריכים למלאות מחסורו, כל אחד לפי עשרו, וכאן מיירי כשאין שם רבים, או שאין יד הרבים משגת לסייע לו.

FURTHER IYUN

For further *iyun* on the subject of *tzedaka* and a welfare state, see page 363.

SUMMARY OF THE LAWS OF TZEDAKA I

Introduction to the Mitzva of Tzedaka

1. There is a positive commandment from the Torah to give *tzedaka*.
2. **Gemara** – Someone who doesn't give *tzedaka* transgresses a negative commandment, is compared to one who worships idolatry, and can even endanger a life.
3. There are many different levels to giving *tzedaka* listed by the Rambam.

The Different Levels of Tzedaka

1. The highest level is finding a person a job in order that he doesn't need to ask for *tzedaka*.
2. Another option is to give a person a loan, where the lender fulfills an additional mitzva other than *tzedaka*.
3. The Rambam lists seven lower levels of *tzedaka*, the lowest being giving money unwillingly.
 - a. **Shach** – If one shows the poor person that he is giving resentfully, he does not receive any reward for the mitzva.

The Amount That Must Be Given

1. **Gemara Bava Batra** – The minimal amount is a third of a silver shekel per year, approximately 15 shekels.
2. This obligation applies to everyone, including one who is poor and supported by *tzedaka* himself.
3. One isn't obligated to give the entire amount at once.
4. **Rambam/Rema** – Even though this is a set amount, if a poor person asks for money, one is obligated to give in any event.
5. **Gemara Ketubot/Shulchan Aruch** – The maximum amount that should be given is one fifth of one's wealth.
 - a. This rule does not apply when dealing with redeeming captives, where one is permitted to give more than a fifth.
 - b. **Chafetz Chaim** – Mentions a number of other exceptions to the rule.

6. ***Tur/Shulchan Aruch*** – The ideal mitzva is to provide for the needs of the poor.
 - a. If that is not possible, one should give up to one-fifth.
7. ***Pesakim Uteshuvot*** – One need not provide for all of his needs alone, but together with the community.

FURTHER IYUN

A Torah Perspective on Welfare States

Rav Sam Millunchick (Participant, the Manhigut Toranit program)

Tzedaka (charity) is often held up as an ideal among Jewish communities, both by those who consider themselves to be Torah-observant and by those who do not, and this is as it should be. However, in the process of actualizing the value of *tzedaka*, many times the halacha is ignored in favor of policies of giving that **feel** more correct and are more immediately satisfying. Unfortunately, this can have grave long-term consequences for the society as a whole and may in fact contradict the foundational principles of the Torah's view of a charitable society. While it is difficult to find exact parallels to modern society in our ancient texts, one can attempt to distill principles from them, which can then be applied to contemporary contexts. It is important to note that the Torah is not merely a system of disconnected rules and regulations. Rather, the Torah is trying to create a certain type of society, and to that end, the societal framework of the Torah shines through all of its various halachot, including those surrounding charity. In this brief exploration of the halachot of *tzedaka*, we will attempt to evaluate the claim that a welfare society is sanctioned by the Torah, and indeed that it



may even be the optimal mode of actualizing the principles that underpin the Torah's views on charity.

What Is a Welfare State?

Wikipedia¹ defines a welfare state as: “A form of government in which the state protects and promotes the economic and social well-being of the citizens, based upon the principles of equal opportunity, equitable distribution of wealth, and public responsibility for citizens unable to avail themselves of the minimal provisions for a good life.” **Rav Eliezer Melamed**² explains the ideology behind the welfare state: “According to their conception [of society], every human has a natural right to live in relative comfort, as defined by the society... it is his right to demand that society provide him with that which most of the other people in that society have. If society doesn't fulfill this duty, then it is they who are responsible for inequality and must be ashamed by this. For wealth is communal, and therefore when there are people in the society who live with more wealth than others, they are considered as if they are exploiting the poor and living at their expense.”

1. See www.en.wikipedia.org/wiki/Welfare_state.

2. See the Revivim website at bit.ly/tz2s9ef2.

There are two key ideas to point out in the above quotes. The first is the idea that there is a fundamental human right to live with relative wealth. The idea of inequality is anathema in this conception of society, and therefore it is seen as legitimate that those who create wealth and have wealth **ought** to provide for those with less. The second key idea, a logical outcropping of a society bent on destroying inequality, is that equitable distribution of wealth has become the state's responsibility, rather than any particular individual. If someone is needy, it is the state's responsibility to provide for them. The state has the right, through taxes and other means, to appropriate wealth and redistribute it as it sees fit.

Does this idea of the forced central redistribution of wealth fit in with the type of society that the Torah is trying to create?

The Basic Obligation to Give Charity

The Torah states in *Devarim* (15:8):

כִּי־פָתַחַ תִּפְתַּח אֶת־יָדְךָ לּוֹ וְהֶעֱבַט תִּעֲבִיטֵנוּ דֵּי מַחְסָרוֹ אֲשֶׁר יֵחָסֵר לוֹ:

Rather, you shall open your hand to him, and you shall lend him sufficient for his needs, which he is lacking.

This verse becomes the source for the mitzva of *tzedaka*, as the **Rambam**³ writes:

וְהַמְצוּהָ הַקְצ"ה הִיא שְׂצוּנוֹ לַעֲשׂוֹת צְדָקָה וְלַחֲזֹק הַחֲלָשִׁים וְלִהְרַחֵב עֲלֵיהֶם. וְכָבֵר בְּאֵי הַצִּיּוּי בְּמַצוּהָ זֶה בְּמַלּוֹת מִתְחַלְפוֹת. אָמַר יִתְעַלָּה (רֵאָה טו ח) פְּתוּחַ תִּפְתַּח אֶת יָדְךָ וְכו' וְאָמַר (בְּהָרָה לָהּ) וְהַחֲזֹקֶת בּוֹ גַר וְתוֹשֵׁב וְכו' וְאָמַר (שָׁם לוֹ) וְחֵי אַחֲרָיִךְ עִמָּךְ.

וְהַחֲזוּנָה בְּאֵלֵי הַלְשׁוֹנוֹת כּוֹלֵם אַחַת וְהִיא שְׂנֵעֲזוֹר עֲנִיּוֹ וְנַחֲזָקִים דֵּי סַפְקָם.

The 195th mitzva is the commandment to do *tzedaka* and uphold the weak and relieve their stress. This commandment is stated in many different ways. God said, "Open your hand," (*Devarim* 15:8), and He said, "and you should support the stranger and the resident" (*Vaykira* 25:35), and He said, "and your brother should live with you" (*ibid.* 36). And the intention in all of these verses is the same, namely that we should help the poor and provide for their needs.

The **Rambam** writes the same thing in his *Mishneh Torah*,⁴ as do the *Tur*⁵ and the *Shulchan Aruch*.⁶

Now that we understand that there is a basic obligation to give charity and support the down-trodden in our society, it behooves us to delve deeper into the details to discover who qualifies for such help, when, and in what circumstances. More fundamentally, we must discover the scope of one individual's obligation – does this apply to family, friends, one's neighborhood or city, or perhaps the world? How far do the ripples of obligation reach?

Who Does One Give Tzedaka To?

We can use a framework of concentric circles to understand an individual's obligations of *tzedaka*. The **Gemara**⁷ states that *tzedaka* begins at home, with one's own children. Halachically, one is not obligated to provide for his children from the age of six, so any provisions he makes for them after that age are considered *tzedaka*.

3. *Sefer HaMitzvot, Aseh* 195.

4. *Matnot Aniyim* 7:1.

5. Y.D. 247.

6. Y.D. 247.

7. *Ketubot* 50a and Rashi.

The first circle is thus one's immediate family.

The *Sifrei*,⁸ in its discussion of the *pasuk* in *Devarim* 15:7, expands our circles:

כי יהיה ברך, ולא באחרים. אביון, תאב תאב קודם. אחיך, זה אחיך מאביך כשהוא אומר מאחד אחיך, מלמד שאחיך מאביך קודם לאחיך מאמך. באחד שעריך, יושבי עירך קודמים ליושבי עיר אחרת. בארצך, יושבי הארץ קודמים ליושבי חוצה לארץ. כשהוא אומר באחד שעריך היה יושב במקום אחד אתה מצוה לפרנסו היה מחזור על הפתחים אי אתה זקוק לו לכל דבר. אשר ה' אלהיך נתן לך, בכל מקום.

When there will be in your midst," [in your midst] and not by others. "A poor person," the neediest takes precedence, "Your brother," your brother from your father, so when the *pasuk* says "from one of your brothers," it means to say that your brother from your father takes precedence over your brother from your mother. "In one of your gates," those in your city take precedence over those in another city. "In your land," those in your country take precedence over those in another country. When the *pasuk* says: "In one of your gates," it means that if he was in one place you need to help him, but if he goes door to door you don't need to help him as much. "That which God gives you," [even those] anywhere in the world.

According to this *Midrash halacha*, we are at the center of concentric circles of obligation, each level connected to us just slightly less than the one before. Indeed, when this *din* is brought in the *Shulchan Aruch*,⁹ the **Rema** comments: "One's own welfare comes before any other person." What the Rema is telling us is simple

but powerful, and is a point to which we will return later on in the essay – one is, first and foremost, responsible for oneself.

If we pause and evaluate our thesis in the light of these concentric circles, we see that rather than a welfare state allowing us to fulfill the mitzva of *tzedaka* in a more productive way, a welfare state actually destroys the vision of personal responsibility in which one has to look out for his fellow. If one can outsource one's *tzedaka* needs to the central government, then one's personal sensitivity towards those who are less fortunate dwindles. In the words of **Rav Melamed**:¹⁰

When one places the financial responsibility for the poor person on his relatives and neighbors, they will attempt with all their ability to find him a job, so that he will be able to earn a living by himself and won't be a constant burden, and through this they will help him to get back on his feet. However, when the poor person receives a stipend from the government, his relatives relieve themselves of any responsibility and don't make enough of an effort to ensure that he will work and earn a living. The damage this causes is deep and lasting, for in many circumstances, once the poor person becomes accustomed to the stipends and charity, he loses his honor and ability to stand on his own two feet; he becomes a bad example for his children, and the chances that they will succeed in getting out of the circle of poverty diminishes.

Who Is Considered Poor?

The *Mishna* in *Pe'ah*¹¹ discusses who may take charity from public funds (*kupah* and *tamchui*):

8. *Devarim, Re'eh* 116.

9. Y.D. 251:3.

10. *Ibid.*

11. 8:7–8.

משנה ז

אין פוחתין לעני העובר ממקום למקום מככר בפונדיון מארבע סאין בסלע. לן, נותנין לו פרנסת לינה. שבת, נותנין לו מזון שלש סעודות. מי שיש לו מזון שתי סעודות לא יטול מן התמחוי, מזון ארבע עשרה סעודות לא יטול מן הקופה. והקופה נגבית בשנים ומתחלקת בשלשה.

משנה ח

מי שיש לו מאתים זוז לא יטול לקט שכחה ופאה ומעשר עני. היו לו מאתים חסר דינר אפילו אלף נותנין לו כאחת הרי זה יטול. היו ממושכנים לבעל חובו או לכתובת אשתו הרי זה יטול. אין מחייבין אותו למכור את ביתו ואת כלי תשמישו.

Mishna 6

One should not give a travelling pauper less than less than a loaf that is the price of a *pundion*, when four *seah* [of grain] cost a *sela*. If he stays over, one should give him enough money to get a hotel room. If he stays over Shabbat, one should give him three meals worth of food. One who has enough food for two meals shouldn't take from the soup kitchen (*tamchui*), and one who has enough food for fourteen meals shouldn't take from the weekly charity box (*kupa*). The weekly charity box is collected with two people and is distributed with three.

Mishna 8

One who has two hundred *zuz* shouldn't take *leket*, *shichecha*, *pe'ah*, or *ma'aser ani*. If he had almost two hundred, even if one thousand people give him at once, he may accept. If his money was mortgaged as part of his wedding contract or another debt, he may take [charity]. We don't force him to sell his house or possessions in order not to take charity.

The Mishna outlines three basic categories of poor people. First, there is the person who is

not starving, but doesn't have a large amount of money. He may take general *tzedaka* like *leket*, *shichecha*, and *pe'ah*, but he may not take more direct forms of charity, like from the *tamchui* or the *kupa*. The second level of poverty is one who doesn't have enough food to last him for the week. This person is allowed to take both general *tzedaka* and also to feed himself from the *kupa*. The third, and most destitute, doesn't have enough food to last one day. This person may take from all the available resources.

It is not entirely clear, though, which types of assets should be included with regard to determining a person's wealth. Are we discussing purely liquid assets, as it seems from the Mishna, or do we take a person's total financial picture into account? A cursory reading of the Mishna tells us that, at a minimum, there are certain protected assets, which aren't liable to be sold in order to sustain oneself before taking charity.

The **Gemara**¹² explores this further:

תנן התם: אין מחייבין אותו למכור את ביתו ואת כלי תשמישו. ולא? והתניא. היה משתמש בכלי זהב – ישתמש בכלי כסף, בכלי כסף – ישתמש בכלי נחושת! אמר רב זביד, לא קשיא: הא במטה ושולחן, הא בכוסות וקערות. מאי שנא כוסות וקערות דלא? דאמר מאיסי לי, מטה ושולחן נמי אמר לא מקבל עילואי. אמר רבא בריה דרבה: במחרישה דכספא. רב פפא אמר, לא קשיא: כאן קודם שיבא לידי גיבוי, כאן לאחר שיבא לידי גיבוי.

It was taught in a Mishna: "One is not obligated to sell his house or possessions." Is this the case? We learn in a *baraita* that "if he had gold utensils, he should use silver [and sell the gold]. If he had silver, he should use bronze." Answers Rav Zvid: This isn't a question. The case of the Mishna [where one is obligated to sell] was talking about a bed and table,

12. *Ketubot* 67b–68a.

whereas the case of the *baraita* is referring to cups and bowls. What is the difference concerning cups and bowls that one need not sell them? They might say that it's disgusting to eat from lesser dishes. If so, say that about the bed and table as well! Rather says Rava the son of Rabba: We're talking about a silver comb. Rav Papa says, "There is no difficulty: There we're talking about when he still isn't being supported by the community, and here we're talking about where he has taken support.

The Gemara, in explaining the Mishna in *Pe'ah*, tells us that there are certain categories of items that we **do** obligate the potential poor person to sell to avoid falling below the poverty line of two hundred *zuz*. Which items are protected and which aren't is a dispute among the *Rishonim*.

Rashi¹³ explains that one is obligated to sell his possessions only when he dishonestly takes from *tzedaka*. In this case, if he can no longer repay the money because he became poor, then he must sell his possessions to pay back his debt. If he was honestly poor, though, there is no need to sell any possessions.

Tosafot¹⁴ explain that when he moves from the first level of poverty to the second, namely that he is now taking from the weekly *kupa*, then he must sell his things. Tosafot understand that the first level is *hefker*, charity which is not allocated to a particular person, whereas the public funds from the *kupa* are only for the truly poverty-stricken.

The **Ritva**¹⁵ explains that those items that he owned before he became poor he need not sell,

but expensive items that were purchased after he became poor must be sold. According to the Ritva, it would be incongruous for one to claim to be poor and buy an expensive smartphone with one's welfare stipend; in such a case, we would not allow for further charity to be given until all luxury items bought after that person became poor were sold.

The **Shita Mekubetzet**¹⁶ brings an opinion in the name of the "French Rabbis" that if one has two items that are the same, only one is more expensive than the other, such as a Kiddush cup from gold and silver, then we would obligate the person to sell the more expensive one before he took charity, whether from the first level (*leket*, etc.) or the second and third (*kupa/tamchui*).

The **Rif**¹⁷ gives an interpretation that is somewhat akin to that of the Geonim (that is quoted in the following section) that where one takes in private (*leket*, etc. or other private charity), there is no obligation to sell one's items to support oneself. However, once the person is on the official charity rolls at the *kupa/tamchui*, he must first sell his possessions. This seems to be the position of the **Rambam**¹⁸ as well.

The **Tur**¹⁹ synthesizes the various opinions as follows:

יש לו בית וכלי בית הרבה ואין לו מאתים וזו ה"ז
 יטול ואין צריך למכור כלי ביתו ואפילו הם כלי
 כסף וכלי זהב. בד"א בכלי אכילה ושתייה ומצעות
 וכיוצא בהן, אבל יש לו מנורה או שלחן של כסף
 וכיוצא בהן צריך למכור ולא יטול מהצדקה. והוא
 דאין מחייבין אותו למכור כלי תשמישיו של כסף

13. *Ketubot* 68a, s.v. "Here before he came to be supported"

14. *Ibid.*, s.v. "Here before he came to be supported"

15. Ritva, *Ketubot* 68a.

16. *Ketubot* 68a.

17. *Ketubot* 29b in the Rif's pagination.

18. *Mishneh Torah, Matnot Aniyyim* 9:14.

19. Y.D. 253.

וזהב דוקא כל זמן שאין צריך לטול מהקופה אלא מקבל בסתם מיחידים ומקרוביו ויכולין ליתן לו, וא"צ למכור כליו, אבל אם בא לטול מהקופה של צדקה לא יתנו לו אלא ימכור כליו.

If he has many possessions but doesn't have enough cash to stay above the poverty line, we don't make him sell his things, even if they're made of silver and gold. This is only where he has food and drink utensils of these precious metals. However, if he has a lamp or table of silver or the like, he must sell them and not take charity. And this is only the case where he isn't taking from the public coffers (*kupa/tamchui*) but rather is taking from individuals. However, when he is taking from the *kupa* he must sell his possessions first.

This is how the *Shulchan Aruch*²⁰ rules as well.

From this entire fascinating discussion about what exactly defines a poor person, it is easy to see that the Torah's *weltanschauung* is one where only people who have the very bare minimum are provided for out of public coffers. There are those who are in a slightly more well-off position, and these people are allowed to take individual charity up to the minimum poverty line of two hundred *zuz*. Above that, there doesn't seem to be any *heter* to take charity, even from an individual, as the *Gemara*²¹ writes: "One who takes charity when it's unnecessary will live to see the day when he *needs* to take charity to survive."

What Must One Provide for a Poor Person?

As we read in the *pasuk* quoted from *Devarim*

(15:8), we must provide for the poor person "sufficient for his needs, that which is lacking." The *Gemara*²² discusses the definition of these two terms.

תנו רבנן: די מחסורו – אתה מצווה עליו לפרנסו, ואי אתה מצווה עליו לעשרו; אשר יחסר לו – אפילו סוס לרכוב עליו ועבד לרוץ לפניו. אמרו עליו על הלל הזקן, שלקח לעני בן טובים אחד סוס לרכוב עליו ועבד לרוץ לפניו; פעם אחת לא מצא עבד לרוץ לפניו, ורץ לפניו שלשה מילין.

Our rabbis taught: "Sufficient for his needs" – you are commanded to support him, but not make him rich. "that which is lacking" – even a horse to ride on and a servant to run before him. They said about Hillel the Elder that one time he took for a certain poor person from a wealthy background a horse and servant to run before him. One time, he couldn't find a servant, and he ran before him himself.

There is a critical distinction to be made here, between that which he is lacking – which we are commanded to provide for him – and that which will make him rich, which does not fall within the rubric of *tzedaka*. The *Rishonim* understood this category in different ways. *Rabbeinu Yona*²³ writes that there is only an obligation to sustain someone at this high level if they were accustomed to it in the past. For example, were Bill Gates to suddenly lose everything, the obligation would be to keep him, as much as possible, at the level of comfort that he was used to before he went bankrupt. However, one is not enjoined to enrich someone who is not used to such a high standard of living. The *Geonim*²⁴ write that one is obligated to give such a high level

20. Y.D. 253:1.

21. *Ketubot* 67b.

22. *Ketubot* 67b.

23. Quoted in *Shita Mekubetzet* to *Ketubot* 67b.

24. *Ibid.*

of *tzedaka* only in order to prevent embarrassment of the previously rich person. But once word gets out that he has lost his money, there is no longer any need to sustain his lifestyle at such a high level; rather, he reverts to the same standard as all other poor people. It seems that Bill Gates wouldn't fare so well according to this opinion, as word would travel quickly that he was bankrupt, and he would be entitled to only the basic fare.

In his discussion of what one must give to a poor person, the *Shulchan Aruch*²⁵ writes:

כמה נותנין לעני, די מחסורו אשר יחסר לו. כיצד, אם היה רעב, יאכילוהו. היה צריך לכסות, יכסוהו. אין לו כלי בית, קונה לו כלי בית. ואפילו אם היה דרכו לרכוב על סוס ועבד לרוץ לפניו כשהיה עשיר, והעני, קונה לו סוס ועבד. וכן לכל אחד ואחד לפי מה שצריך. הראוי לתת לו פת, נותנים לו פת. עיסה, נותנים לו עיסה. מטה, נותנים לו מטה. הראוי ליתן לו פת חמה, חמה. צונן, צונן. להאכילו לתוך פיו, מאכילין. אין לו אשה ובא לישא, משיאין לו. ושוכרים לו בית ומציעים לו מטה וכלי תשמישו, ואחר כך משיאין לו אשה. הגה: ונראה דכל זה בגבאי צדקה, או רבים ביחד, אבל אין היחיד מחוייב ליתן לעני די מחסורו, אלא מודיע צערו לרבים, ואם אין רבים אצלו יתן היחיד, אם ידו משגת.

How much must one give to a poor person? That which he is lacking. How is this applied? If he's hungry, feed him. If he needs clothing, clothe him. If he has no furniture, buy him furniture. And even if he's used to riding around on a horse with a servant, and then he became poor, buy him a horse and servant. And so to each and every person according to what they need. Where's it's proper to give baked bread, give baked bread. Where it's proper to give dough, give dough. A bed, give a bed. Hot bread, give hot bread. Cold,

give cold. If he needs to be fed, feed him. If he doesn't have a wife and is engaged, help him get married. Rent him a house, prepare him a bed and things for the house, and then marry him off.

Rema: All of this is incumbent upon a *gabbai tzedaka*, or the community, but one person is not obligated to fulfill all of the poor person's needs. Rather, he [the poor] should make his pain known to the community. If there is no community, he [the donor] should give as much as he can afford.

It's unclear which conceptual framework the *Shulchan Aruch* is choosing to work with – that of Rabbeinu Yona or that of the Geonim. The Rema seemingly rules like Rabbeinu Yona, as he writes that one must actively inform the community, in order to enlist their help in shouldering the burden – he's certainly not arguing that one must hide the embarrassment of the poor person.

What is clear from the way the *Shulchan Aruch* frames his words, however, is that a prerequisite for the optimal performance of this mitzva is an intimate knowledge of the poor person. Indeed, his treatment of the individual indicates as much, as in when he says, "if he needs to be fed, feed him." The Torah is attempting to build a close-knit society here, with each responsible for his kin and close friends, and in the process creates a network of caring individuals who are able to support each another when one of them inevitably stumbles.

A Poor Person's Responsibilities Towards Himself and Society

Until now, we've been discussing the obligations of the individual towards the poor person. There are, however, certain obligations that the poor

25. Y.D. 250:1.

person bears in terms of raising himself out of poverty. Indeed, as the **Gemara**²⁶ writes, there is a certain value in living a modest lifestyle, or certainly not an extravagant one:

ההוא דאתא לקמיה דרבי נחמיה, אמר ליה: במה אתה סועד? א"ל: בבשר שמן ויין ישן. רצונך שתגלגל עמי בעדשים? גלגל עמו בעדשים ומת, אמר: אוי לו לזה שהרגו נחמיה! אדרבה, אוי לו לנחמיה שהרגו לזה מיבעי ליה! אלא, איהו הוא דלא איבעי ליה לפנוקי נפשיה כולי האי.

There was a certain poor man who came to Rav Nechemia [to ask for charity]. He said to him, "What do you eat?" The poor man replied, "fattened meat and old wine." "Would you like to try more standard fare of lentils?" Rav Nechemia asked him. So he did, and the poor man died. It was said: "Woe is the one who Nechemia killed." On the contrary, says the Gemara, shouldn't we say, "Woe is Nechemia who killed someone?" Rather, he [the poor man] shouldn't have pampered himself to that point.

Even if one does, unfortunately, come to the point where he is poor, Chazal were very clearly in favor of extreme personal responsibility, even at the expense of optimal mitzva performance, as Rabbi Akiva says:²⁷ "One should make his Shabbat like the weekday [and eat only two meals] rather than rely on other people [and take *tzedaka* for *seudah shlishit*]." There is a similar statement made by Rav Kehana:²⁸ "Skin a carcass in the market and take payment, but do not say, 'I am a great man and this matter is beneath me.' Thus, the **Rambam**²⁹ writes:

לעולם ידחוק אדם עצמו ויתגלגל בצער ואל יצטרך לבריות ואל ישליך עצמו על הצבור, וכן

צוו חכמים ואמרו עשה שבתך חול ואל תצטרך לבריות, ואפילו היה חכם ומכובד והעני יעסוק באומנות ואפילו באומנות מנוולת ולא יצטרך לבריות, מוטב לפשוט עור בהמות נבלות ולא יאמר לעם חכם גדול אני כהן אני פרנסוני, ובכך צוו חכמים, גדולי החכמים היו מהם חוטבי עצים ונושאי הקורות ושואבי מים לגנות ועושי הברזל והפחמים ולא שאלו מן הצבור ולא קיבלו מהם כשנתנו להם.

כל מי שאינו צריך ליטול ומרמה את העם ונוטל אינו מת מן הזקנה עד שיצטרך לבריות, והרי הוא בכלל ארור הגבר אשר יבטח באדם, וכל מי שצריך ליטול ואינו יכול לחיות אלא אם כן נוטל כגון זקן או חולה או בעל יסורין ומגיס דעתו ואינו נוטל הרי זה שופך דמים ומתחייב בנפשו ואין לו בצערו אלא חטאות ואשמות, וכל מי שצריך ליטול וציער ודחק את השעה וחיה חיי צער כדי שלא יטריח על הצבור אינו מת מן הזקנה עד שיפרנס אחרים משלו, ועליו ועל כל כיוצא בזה נאמר ברוך הגבר אשר יבטח בה'.

One should always strain oneself and endure hardship and not come to depend on others rather than cast oneself onto the community. Thus the Sages commanded, "Make your Sabbaths into weekdays rather than come to depend on others." Even if one is wise and revered and becomes poor, he should engage in some kind of craft, even a menial one, rather than come to depend on others. Better to stretch leather from carrion than to say, "I am a great Sage," [or] "I am a priest: Feed me." Thus have the Sages commanded. Great sages were splitters of wood, raisers of beams, drawers of water for gardens, ironworkers, and blacksmiths rather than ask [for their living] from the community or accept anything when they gave to them.

26. *Ketubot* 67b.

27. *Shabbat* 118a.

28. *Bava Batra* 110a.

29. *Matnot Aniyim* 10:18–19.

Anyone who does not need [*tzedaka*] but deceives people and takes will not reach death in old age without having come to depend upon others [in reality]. For such a one fits the type (*Yirmiyahu* 17:5): “Cursed is he who trusts in man [and does not heed divine providence].” And anyone who needs to take [*tzedaka*] and cannot live without it unless he takes, such as an elderly person, a sick person, or one who has many afflictions, but whose mind is full of pride and will not take is like one who sheds blood, is guilty of his own death, and gets nothing for his hardship except sins and guilt. But anyone who needs to take and endures hardship, presses himself, and lives a life of hardship so as not to burden the community will not reach death in old age without being able to sustain others from his wealth. Of him and those like him it is written (*Yirmiyahu* 17:7), “Blessed is he who trusts in the Lord.”

The *Shulchan Aruch*³⁰ cites this Rambam as *halacha l'ma'aseh*.

The **Rambam** also writes famously³¹ that one who learns Torah and expects to be supported through charity has “profaned the name of God, degraded the Torah, extinguished the light of God’s law, caused damage to himself, and removed himself from the world to come.” The *Kesef Mishneh*³² tempers this slightly and writes that one may take money for teaching Torah or for being a *dayan*; however, he does not allow for someone to simply learn all day with no practical application.

It’s clear that there is an ethic of personal responsibility for one’s position in life. This need to

ensure that one earns a living independent of others is so important that it supersedes one’s personal honor, and even learning Torah! A welfare society, which removes the onus of responsibility from the individual and places it upon the state, acts to counteract this ethos. Indeed, in such societies, states often times become responsible for many different societal issues that rightfully should be solved at the communal or personal level.

Does Society Have an Obligation of *Tzedaka*?

The **Gemara**³³ lists two communal charity organs (already mentioned previously), the *tamchui* and the *kupa*. These two bodies provide immediate financial relief, in the short term and the medium term, respectively. The *tamchui* is roughly akin to a soup kitchen, and provides food on a day to day basis to those who are in need. It is collected each day from the residents of the town and distributed by three *gabbaei tzedaka*. The *kupa* is collected from week to week and operated by three *gabbaei tzedaka*, and provides weekly meals or money for weekly meals for the poor. The Gemara also tells us that the *tamchui* is for all poor people, regardless of their origin, whereas the *kupa* is only for the poor of that village.

The **Rambam**³⁴ explains this idea in detail:

א: כל עיר שיש בה ישראל חייבין להעמיד מהם גבאי צדקה אנשים ידועים ונאמנים שיהיו מחזירין על העם מערב שבת לערב שבת ולוקחין מכל אחד ואחד מה שהוא ראוי ליתן ודבר הקצוב עליו, והן מחלקין המעות מערב שבת לערב שבת

30. y.d. 255:1–2.

31. *Hilchot Talmud Torah* ch. 3.

32. *Loc. cit.*

33. *Bava Batra* 8b.

34. *Matnot Aniyim* 9:1–2.

ונותנין לכל עני ועני מזונות המספיקין לשבעה ימים, וזו היא הנקרא קופה.

ב: וכן מעמידין גבאין שלוקחין בכל יום ויום מכל חצר וחצר פת ומיני מאכל או פירות או מעות ממי שמתנדב לפי שעה, ומחלקין את הגבוי לערב בין העניים ונותנין לכל עני ממנו פרנסת יומו, וזהו הנקרא תמחוי.

Any city with Jews is obligated to appoint *gabbai tzedaka*. These should be relatively famous individuals, who are trustworthy, who will make a weekly collection. These monies are to be distributed on *Erev Shabbat* and are to be enough to sustain a poor person from week to week. This what's known as a *kupa*.

Similarly, one should appoint *gabbaim* to collect food or money daily from each household, according to what they are willing to give at that moment. Each evening this sustenance should be distributed among the poor, enough for one day. This is what's known as a *tamchui*.

There is a *machloket* among the *Acharonim* as to the nature of this obligation. Is it merely a way for an individual to fulfil his obligation of charity, or is it a separate rabbinical decree? The *Kiryat Sefer*³⁵ writes that this is indeed a separate rabbinic obligation, in order to ensure that when the need arises, there are funds available. On the other hand, **Rav Aharon Lichtenstein** writes³⁶ that there is no separate rabbinic enactment, and compares this halacha to that of building a wall in a city. Members of a city can force one another to build a wall, but there is clearly no mitzva to do so. Therefore, says Rav Lichtenstein, these communal charity organs are not a separate part of the mitzva. If that is the case, we can infer that

the *kupa* and the *tamchui* are ways of fulfilling one's original obligation of *tzedaka*.

One way or another, there are clearly communal charitable organizations that handle the most immediate needs of the community. How does this fit in with our thesis that state oversight of the charitable process is destructive to the Torah's conception of a charitable society? To understand more fully, we need to understand two fundamental points. The first is that these two funds are only for immediate financial relief, and do not encompass the full scope of the mitzva of *tzedaka*. The second is that these funds were not administered by a faceless government office after the poor person filled out some paperwork. Rather, the money was apportioned by *gabbaim*, trusted officers of the community.

These *gabbaim* were important to the entire process of the allocation of charitable funds. The *Derech Emuna*³⁷ writes that these *gabbaim* were tasked with interviewing and investigating each and every poor person to determine what his needs were, and to make sure that they were truly deserving. Indeed, he continues and writes that if one cannot ascertain the truthfulness of the *gabbaim*, he should cease to donate to the public funds and instead give charity privately. He concludes that this process isn't only to protect the donors. Rather, it is also critical for the purpose of the poor building trust in the *gabbai* that he is fair in his manner of distribution. Clearly, the element of communal trust was critical here, as the **Radbaz**³⁸ writes: "That which [the Rambam] wrote that they have to be well-known and trustworthy: I understand

35. *Matnot Aniyim*, ch. 9.

36. See the article "האם יש חובה ציבורית למילות חסדים?" at the Yeshivat Har Etzion Virtual Beit Midrash at bit.ly/tz2s9ef36.

37. *Matnot Aniyim* 9:5, 35.

38. *Matnot Aniyim* 9:1.

why they have to be trustworthy. Why do they need to be well known? [The answer is] in order that the poor people will know them, and the donors will be embarrassed [to reject] them and will donate.”

Rav Melamed summarizes the issue nicely: “According to the accepted practice today, the state is responsible for dealing with poor people. The social workers don’t have extended exposure to the communities in which they’re working. According to the Torah, help for poor people needs to come from *gabbaim* who are native to and have intimate knowledge of that community, for only they will be able to help the poor people in the most effective manner. If possible, they will find him work, so that he can earn a living with honor. If he’s not able to work in a job that will sustain him, they will try and find him work through which he can take at least a partial share in his sustenance, and thus help him to save face in his own eyes and the eyes of his family.”

Again, we see how the state destroys the community cohesion which is so intrinsic to charitable giving. Not only does it not exist in practice in such an environment, but the underlying values that this type of charitable giving espouses fall by the wayside.

In Conclusion

We have seen through numerous facets of *hilchot tzedaka* how a state-run welfare system seems to run counter to halacha. The concentric circles of responsibility disappear, as do the communal cohesion and personal accountability that come with a community-based charity program.

In his commentary to the verse³⁹ enjoining us to join in the unloading of the donkey of our enemy, the **Malbim** writes:

When he [your enemy] is working with you, then you are obligated to help him. However, if he sits on the side and says ‘you have a mitzva to help me’ so do it yourself, you are no longer obligated. From here we can answer those few poor people of our time who throw themselves on the community and don’t want to work, even if they’re capable, and complain that they’re not receiving their full due. For God did not command that we help him unless he is doing all that he can to sustain himself and is not succeeding, at which point we are commanded to help and support him, and to provide him with what he is lacking.

Tzedaka is not a “get out of jail free” card that one can play and get instant support. Instead, one must employ extreme responsibility for oneself, and only then, when all options are exhausted, may one take charity. The goal of the Torah is to make poverty a transient state, not a permanent one that God-forbid drags down multiple generations of people.

We will conclude with the words of **Rav Melamed**: “This is the most moral course of action, for the free will and responsibility of each individual is a foundational principle of man’s moral and ethical existence in this world. If he chooses good – he will merit a good life and the world to come, and if he chooses evil – he will pay the price in this world and the next. And so is the proper attitude towards money and property. If he chooses to be lazy – he will be poor, and if he is diligent – he will reap the rewards.”

39. *Shemot* 23:5.