

Torah Commentary IV 7/23/11- for presentation on Shabbat 9/17/11

Deuteronomy Ki Tavo 26:13 "I have cleared out the consecrated portion of my house and have given it unto the Levite and unto the stranger, to the fatherless, and to the widow, according to your commandments"(JPS translation)

About a year or so ago, we had an interesting discussion about mitzvot in which it was agreed that Shabbat observance was everyone's favorite mitzvah . . . This started me thinking about my second favorite, giving tzedakah and, since my birthday parasha is Ki Tavo, which is one "of several parashot which contain verses dealing with tzedakah, I thought I ought to do the drosh on that date. So I consulted my best source , a small book called "The Concise Book of Book of Mitzvoth" subtitled "The Commandments which can be observed Today as compiled by The Chafetz Chayim." The book lists 77 positive commandments (what you should do), more than twice as many negative comments, 194 (that you should not do) - for a total of 271, much less than the original 613. For each of them, the text provides the supporting chapter and verse in the Torah. At least 8 verses in Deuteronomy alone deal with tzedakah. The positive version states that it is a mitzvah "to give charity to the poor in Jewry " and is supported by the verse in Ki Tavo I quoted at the beginning. The negative version states that one is not " to harden one's heart and to shut one's hand toward a poor Jewish man." which is supported by verse 7 in Chapter 14 of parasha Reeh which we heard last month.

Like most people, I have no trouble accepting the mitzvah of tzedakah (based on the word for justice and loosely translated as charity) and doing something to fulfill it. Like most people, I am made aware of it

literally daily by the letters in my mail box, messages in my e-mail, and unsolicited phone calls.

Still, most of us take for granted that such giving is a good thing, even if somewhat overwhelming. Since we are not millionaires, the main problem is to decide which causes to support. Other than the nuisance of telephone solicitations while you're fixing dinner, the process of giving is relatively painless; we control the amount given and its frequency, as well as the recipients, and we are rewarded by reporting what we gave on our tax returns by the deduction that IRS kindly gives us.

But I learned on looking into these commandments that their observance in our day as compared to the Biblical era, is not as simple as it may seem. The Torah tells us only who is to receive tzedakah and how it is to be given. The answer as in the verse I cited (leave out the Levite, that's another matter) is easy: the widow, the orphan and the stranger. Why these? In an agricultural society in which the economy is dependent on the labor of men, the early death of the breadwinner will almost certainly spell poverty for women and children. Why the stranger? This is not as clear as the case for the widow and the orphan but a verse in last week's parasha reminds us that we were strangers in Egypt. I read this to mean that the stranger may be a runaway slave, or fleeing from some disaster which leaves him without resources.

How is this charity to be given? By leaving a corner of one's field unharvested, allowing the poor to come and gather what is left.

As with everything else, the sages added more rules in the ages that followed. From a variety of sources I learned that tzedakah must be given consciously, not by accident or as an afterthought. Some say it

must be of a material nature and must meet the specific needs of the recipient: food for the hungry, housing for the homeless, etc. Other acts of kindness, not directed to the poor, are called gemillas hesed.

Tsedakah is not only for the immediate needs of the poor, but also should be enough for the recipient to sell a portion of what he receives, making it, for instance, the initial investment of a business. When Jews no longer lived in an agricultural society, tsedakah ceased to be a corner of the field, but became a tenth of one's income, but not more than 20%. The generous donor must not be impoverished and become dependent on tsedakah himself. It was to be given every three years, apparently expected to be large enough to benefit the recipient for that whole period. Wherever possible, it should be given anonymously; neither the donor nor the recipient should be known to each other.

This last is part of the well-known code of Maimonides which spelled out the various types of giving, ranking them from the most desirable to the least. The highest level of charity is the one in which the donor makes it possible for the recipient to be self-sufficient permanently. The lowest level is one in which the donor gives reluctantly or resentfully or where the donor feels sorry for the recipient. The highest level, it should be noted, makes heavy demands on the giver who would almost have to be affluent and well connected. The middle levels involve maintaining anonymity which leads to the use of intermediaries and reflects the way most modern charity is given.

Whatever the method, it is all tsedakah as long as it is for the poor. Handing change to a homeless person in the street is tsedakah even as Mark Zuckerberg's billions is for the children of Newark's public schools. The size of the gift is irrelevant.

So now we have fast forwarded to the 21st century and a more complicated world. The prophets' prediction that the poor we shall always have with us, still holds but we can't make assumptions about the poor on the basis of any single characteristic. About the only measure of poverty we have now is a dollar figure provided by the federal government which tells us that those whose incomes fall below a certain level are poor and those whose income are above it are not.

If you heard the news last week, the current figure is \$22,000 for a family of four, and one in six American families falls below this level.

This may help the administrators of government programs but most people don't know what that number is and, in any case, it changes periodically.

Widows and orphans now are protected from poverty by law, by government assistance programs, and more recently by women's capacity to be wage earners themselves.

The stranger in our time is not clearly identifiable, and may or may not be poor. Immigrants, especially the illegals, might be seen as a contemporary equivalent but their incomes are by definition, unknown.

For the last 500 years or so, some level of government has taken on the task of providing what we now call a safety net. The commandment to do tzedakah is not only directed to Jews but since the biblical era has been adopted by Christianity and Islam. Christians also have an obligation to give a tenth of their income to charity. Moslems define charity as one of the pillars of their religion. Moslem charity, I learned by Googling, comes in two forms, one called *zakat*, which requires almsgiving for those above a certain income, and the other is called

sadakah which is defined as voluntary charity and may be given at any time in any amount and is not limited to the poor. The word is based on an Arabic term for truth and honesty, in contrast to the Hebrew word based on justice. I'm sure there are some scholars who can account for the difference. In any case, widespread usage means that terminology takes on multiple meanings and leads to much confusion.

For instance, when I Googled "charity giving/Jewish" on my computer, I found innumerable links labeled *tsedakah* or charity or philanthropy interchangeably as though all three words meant the same thing. But they are in some ways, polar opposites. *Tsedakah* is a command, non-negotiable, something you must do, no excuses. Even the beneficiaries of *tsedakah* are expected to give when become able to do so. On the other hand, the essence of philanthropy is its voluntary nature. To talk about voluntary philanthropy is redundant; if it's involuntary, it isn't philanthropy, it's a tax. No one tells you that you must; you need not give any philanthropy at all and if you do, you designate the recipient, the kind of help you give and the amount. Philanthropy is more like *gemillas hesed*, not *tsedakah*.

The confusion comes from at least three sources, one of which is the association of philanthropy with wealth. The others are the low visibility of the poor and the concept of the non-profit organization.

The dictionary calls philanthropy a "disposition or effort to promote the well-being of mankind as by making donations to charities, working for the improvement of social conditions, etc." The word comes from the Greek for love and man. You are as much a philanthropist when you send a \$35 check to PBS as Mark was with his billions for the poor

children of Newark, but with the difference that his contribution is tzedakah. The object of the act, not its size is what counts.

The second source of confusion is the fact that much of poverty is not visible. Being poor is a status from which people want to escape; people brag about a poverty-ridden childhood only when they've long since left off being poor. The poor don't organize or advocate on their own behalf or have families, friends, or professional activists who will advocate for them. In recent years, we've seen the development of many self-help organizations that serve the interests of many people with disabling condition. But not the poor, or their contemporary equivalent, the unemployed.

With the widespread belief in the work ethic, the poor are often blamed for their condition; it is said that they prefer being on welfare, they don't really want to work, etc. Some observers have noted that since the Welfare Reform Act was passed 15 years ago, the poor are less stigmatized because they have demonstrated their willingness to work. But now they have disappeared from public view, overshadowed by the attention now being paid to the needs of the middle class.

I noticed, looking through the last batch of appeals in my mail, that organizations working with populations that are mostly living in poverty, make little use of the word. The poor are described as abused and neglected, homeless, hungry, etc. It is as though something must be added to raise the barometer of compassion; poor in and of itself is not enough.

In the simpler, agricultural society of the Biblical period, causes of poverty, failed crops, wars, and natural disasters, were self-evident and

would be seen as God's will and no one blamed the widow or the orphan or the stranger.

I realized in the course of working on this drosh that I had confused charity/tsedakah with philanthropy. The realization came mostly from an article that appeared in the Forward some time ago, written by Rabbi Jill Jacobs and entitled "Coming Up Short on the Tsedakah Yardstick". In it she notes studies that have shown that the average American gives away only 2-4% of his or her income. The Jewish reputation for charitable giving would lead one to expect that figures for Jewish giving would be higher than most but studies have shown that that is not the case. Furthermore, most of what we do give is not directed to the poor; it is philanthropy, not tzedakah.

Then there is the Internal Revenue Service which further complicates the tzedakah/charity/philanthropy problem by allowing us to take deductions from our taxes in the interest of what it defines as non-profit organizations that claim to work in the interests of society, not for personal gain. I checked my own tax statements and found that I'm also short on the tzedakah yardstick; I saw that in one year, I had only one deduction in 10 that was directed to an organization serving the poor but that last year, I had unknowingly improved. This time there were four out of 10 that met the criterion for tzedakah. Fabrangens' list, included in the High Holiday package is better. Of the 24 categories of the organizations recommended, half work directly with the poor. To what extent, the actual contributions meet the definition of Tzedakah, I wouldn't know.

The problem is that the concept of non-profit organizations takes us way beyond help for the needy into the realm of health, education,

culture, and the arts, much of which serves our own interests and may benefit the poor but only at some point in the future. But the poor as a stigmatized or unseen population in a media-driven culture lack the glamour and respectability of institutions supporting educational, health, cultural interests, etc so the poor lose out in the competition for the charity/philanthropic dollar, as well as the tax dollar.

One could argue that in this day and age, the inclusive, universalistic nature of *gemillas hesed* and of philanthropy is more appropriate in the modern world. We know more about the factors related to poverty so that contributions to educational or medical institutions all help the poor indirectly and should not be classified as something different from direct help. Support for this view comes from the rabbi who wrote the entry on *gemillut hesed* In the Oxford Dictionary of the Jewish Religion. He writes, “In three respects, *gemilut hesed* is superior to *tsedakah* (acts of charity): *tsedakah* can be given only in money or in kind; *gemilut hesed* can be given in personal service also. *Tsedakah* can be given only to the poor, *gemilut hesed* is to both rich and poor . . . *Tsedakah* is only for the living, *gemilut hesed* for both the living and the dead. *Gemilut hesed* is unlimited in its applications.”

On the other hand, there is this from a Chabad rabbi: “Jews don’t believe in charity. Don’t be misled by their legendary philanthropy, by their saturation of social and humanitarian movements, by their invention of the *pushka*, the *meshulach* and the UJA. Jews do not practice charity, and the concept is virtually non-existent in Jewish tradition. Instead of charity, the Jew gives *Tsedakah*, which means ‘righteousness’ and ‘justice.’ When the Jew contributes his money, time and resources to the needy, he is not being benevolent, generous or ‘charitable.’ He is doing what is right and just.”

This last makes a good exit statement but I can't stop there because these statements imply that there is a choice to be made. I don't think that is the case. Tzedakah, philanthropy, and *gemilut hesed* are all good. The question is whether the poor should be viewed differently from other objects of charity, philanthropy or *gemilut hesed*. Unlike other institutions and populations who benefit from good works, they are direct victims of the inequities of the economic system and its inability to distribute its resources in better ways than it does. It is for the poor that help must be commanded, as a corrective for social injustice; other acts of kindness may be left to individual interests, but help for the poor is not one of them.

Finally, a footnote for those who were here last week and heard Debby Goldman's drosh on unprotected workers. Obviously, the population she was discussing overlaps with the poor; the unemployed, underpaid, under employed and unprotected worker fall usually below the poverty line or are in danger of doing so.

Some belittle tzedakah as ineffective, arguing that poverty is too big a problem to be dealt with through private charity. Of course, it needs action at a national, even an international level. If the name of the game in our day is organization, what seems to be needed is an alliance of the forces that work to correct the injustices of the economic system with which Jews would be mandated by the Torah to participate.