



SHALOM HARTMAN INSTITUTE יוֹנִי  
OF NORTH AMERICA מְדִינַת הַיְבֵרִים

# Eliezer Jaffe and Rambam's Highest Level of Tzedakah: The Dignity of Empowerment

**Part One: Maimonides' Highest Level of Tzedakah**

**Part Two: The Dignities of Meaningful Labor**

## Introduction

### 1. The Abusive Practice of Making a Loan

"The rich rule the poor, and the borrower is a slave to the lender." (Proverbs 22:7)

Eliezer Jaffe was born during America's Great Depression. In the 1930's, in the midst of the Depression, his parents could no longer pay the mortgage on their home and the bank informed them of its imminent foreclosure. The Jaffes insisted they could pay the money that they owed, that all they needed was help restructuring their payments during those difficult times, but the bank clerk refused to negotiate despite their impassioned pleas. The entire Jaffe family would have been out on the street the next day had not Mrs. Jaffe convinced the bank manager to intervene and set up a more feasible payment schedule. "My parents' story made a huge impact on me," says Jaffe.

In 2007 a family of five ran out of money to pay their mortgage. The wife had contracted breast cancer two years ago, and then lost her job. The family had begun living off their savings. Now they were in debt to the bank for \$3,400 and were about to lose their apartment.

They turned to IFLA for urgent assistance, and were offered a loan with a long-term payment plan that they could afford. Just like Jaffe's parents, they will now be able to keep their home.

### 2. The Blessed Practice of the Hebrew Free Loan Society

The first Hebrew Free Loan Society in America was founded in 1847 by Jewish bachelors in NYC. It was not designed as a charity for the down and out, but as a spur to industriousness and a hand up toward wealth and fortune for ambitious young bachelors:

"Our city can boast of several benevolent institutions, whose charities are devoted exclusively to Israelites; but there are none organized on the principles of the Bachelors' Hebrew Benevolent Loan Association .... Recipients of charity spend the small pittance which is meted out to them, and when their means are expended they are again compelled to seek assistance. **The Bachelors' Hebrew Benevolent Loan Association intends to loan to industrious persons, whose means are scanty, the necessary funds wherewith to commence business, or purchase tools for any particular trade.** Knowing the obligation they are under of returning the money loaned them, and feeling that upon their exertion depends the means of gaining a livelihood, **it acts like a spur to their ambition, and eventually leads to independence, and often to the foundation of a fortune....** We have flung our banner to the winds, with the soul-inspiring words '**Never Despair**' emblazoned on it; and fanned by the favouring breeze of prosperity, like the beaconlight to the shipwrecked mariner, it will guide the worthy and industrious poor the way to the harbour of safety."<sup>1</sup>

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<sup>1</sup> Letter by D.N. Morange, etc. to Rev. Isaacs, Jan. 3, 1948, cited in Shelley Tenenbaum, *A Credit to their Community*, 37

### 3. Hafetz Haim and *Someich Noflim* Free Loan Society

"I have seen several communities where such holy societies, bear the name *Somech Nofelim*, since they support the poor and prevent them from collapsing [God forbid]. They advance a certain sum specified in their by-laws for a stipulated period of time. The burden of repayment is lightened by the borrower **returning a small amount each week**. The guardians of the fund appoint an honorary or paid official who goes to the borrowers to collect their weekly installments, so the treasury is hardly ever depleted. This procedure also confers an added advantage. At the time the loan is made, the mitzvah of '*and you shall strengthen him*' (Lev. 25:35) is fulfilled. (Hafetz Haim, *Ahavat Hesed*, Chapter 21)

"One should train oneself to deduct a tenth from his total income [and his capital] God grants him. Of this amount, he should spend two thirds on tzedakah gifts (the demand for which is the greater) and one third should be held in his possession for giving free loans." (*Ahavat Hesed*, Chapter 18)

### 4. The Advantage of Lending for the Giver

"When the poor repay their loan, the lender lends it to another poor person. When that person returns the loan and then it is lent to still another. Thus one gets credited for tzedakah several times, while the principal remains forever" (Yisrael ibn Al-Nakawa, *Menorat haMaor*, Tzedakah Gate #8).

## Part One: Maimonides' Highest level of Tzedakah

"These people are not looking for charity," Professor Eliezer Jaffe

### 5. Is Maimonides' Highest Level of Tzedakah Really "Tzedakah" at All?

#### a. Maimonides' Level Eight: (Mishne Torah, Gifts to the Poor 10:7-14)

מעלה גדולה שאין למעלה ממנה--זה המחזיק בידי ישראל שמך, ונותן לו מתנה או הלוואה, או עושה עימו שותפות, או ממציא לו מלאכה, כדי לחזק את ידו עד שלא יצטרך לברייתו ולא ישאל; ועל זה נאמר 'והחזקת בו, גר ותושב וחי עימך' (Leviticus 25: 25- 28, 35) כלומר החזק בו שלא ייפול ויצטרך.

#### b. The Advantages of Lending for the Needy

"To lend to the poor ... This is a greater and weightier obligation than tzedakah; for the suppliant who has to 'uncover his face' to beg from people does not suffer as acute stress in doing so as the one who is normally concealed (*al-mastur*) and whose need is for help that will save him from **uncovering** his condition and from becoming a suppliant." (Maimonides, Book of Commandments, Positive Mitzvah 197)

#### c. Degrees of Greatness in Helping the Needy (TB Shabbat 63a)

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

### 6. Preventative Tzedakah: The Mitzvah of "Strengthening" that Forestalls Collapse

## ויקרא פרק כה פסוק כה

כִּי יִמוֹךְ אֶחָיִךְ וּמָכַר מֵאַחֲזָתוֹ וּבָא גֹאֲלוֹ הַקָּרֵב אֵלָיו וְגֹאֵל אֶת מִמְכָּר אֶחָיו :  
וְאִישׁ כִּי לֹא יִהְיֶה לוֹ גֹּאֵל וְהִשְׁיִגָה יָדוֹ וּמָצָא כְּדֵי גֹאֲלָתוֹ :  
..... כִּי יִמוֹךְ אֶחָיִךְ וּמָטָה יָדוֹ עַמְךָ וְהִחֲזַקְתָּ בּוֹ גֵר וְתוֹשֵׁב נְחִי עִמָּךְ :  
(Leviticus 25: 25- 28, 35)

*If your brother declines, his hand dropping down with you [on a downward spiral about to fall], hold on to him / strengthen him, and let him live with you as though a resident alien (Lev. 25:35)*

### Learning from Donkeys: Rashi and Sifrei Leviticus Behar

והחזקת בו - אל תניחהו שירד ויפול ויהיה קשה להקימו אלא חזקהו משעת מוטת היד.

למה זה דומה? למשאוי שעל החמור. עודהו על החמור - אחד תופס בו ומעמידו;

נפל לארץ - חמשה אין מעמידין אותו!

“To what may this be compared? To a burden on a donkey. If it is still in place [even if the animal is tottering and about to fall under its burden], then someone can grab it [and prop it up] so it will stand firm. But if it falls to the ground, even five people cannot pick it up.

“How do we learn that even if we have already propped up the same person four or five times, we are still commanded to strengthen him again? It says: *hold on to him [or strengthen him]*.” (Sifrei Leviticus Behar)

#### d. Hatam Sofer:

“[In this economic situation] one must under no circumstances follow the law of the Torah literally .. but rather think by analogy and seek something close to the law of the Torah and yet also close to human wisdom...For example, **we must consider whether to give priority to the one who is most destitute or to the one who can be ‘strengthened’** (Leviticus 25:35) [that is helped to be raised to become economically independent after having fallen]. Maybe it is a mitzvah to give preference to one who can be helped preventively not to collapse entirely ... For we know some wealthy people who were almost brought down from their honorable standing [by the fire] and who still pay communal taxes and yet want [tzedakah] funds for temporary “strengthening.” It is a great mitzvah to strengthen their hands and so did all the contributors agree.” (Hatam Sofer Responsa Y.D. #239)

## 7. A Loan is Deceptive Tzedakah: Compassion by Subterfuge

- a. "Rabbi Yanai saw someone give a coin (*zuz*) to a poor person in public. He said: It would have been better not to give anything at all, than to give it to him and embarrass him." (Midrash Ecclesiastes Rabbah 12:1:14)

כי הא דרבי ינאי חזייה לההוא גברא, דיהיב פרוטה לעני בפרהסיא, אמר: מוטב דלא יהבת ליה, מהשתא דיהבת וכסיפתיא

- b. "Rabbi Yona says: The verse (Psalms 41:2) is *not* written [as we might expect] 'Happy is one who gives to the poor' but rather [elliptically] "*Happy is one wise enough (maskil)[to give] to the poor.*" That is, one must "look well" in doing this mitzvah to find out *how* to do it.

How did Rabbi Yona accomplish that? When he would see someone from a good family who had lost [literally, descended from] his properties, he would say to him:

'My son, since I have heard that an inheritance has fallen to you from some other place, so take [this loan] and pay me off [later].'

After he had taken it, [Rabbi Yona] would say: 'Regard it is as a gift' [and therefore there is no need to repay me]." (Jerusalem Talmud Peah 8:9)

אמר רבי יונה: אשרי נותן לדל אין כתוב כאן אלא אשרי משכיל אל דל -  
זה שהוא מסתכל במצוה היאך לעשותהו. כיצד היה רבי יונה עושה!

כשהיה רואה בן טובים שירד מנכסיו היה אומר לו: בני, בשביל ששמעתי שנפלה לך ירושה  
ממקום אחר, טול ואת פורע מן דהוה. נסיב הוה אמר ליה: מתנה!

- c. "There is a type of tzedakah which does not seem to be tzedakah but is really the most desirable tzedakah in the eyes of God. Such as when a poor person has an item or a book to sell which no one wants to buy, and yet someone purchases it from him. Or a poor person who wants to write [copy as a scribe] but no one wishes to hire him. There is no higher tzedakah than that poor person working to write and you give him profit.

But when you see someone who can learn and understand and be a scribe who can write [copy] but does not want to learn and copy, and nevertheless you give tzedakah then I apply these verses to them: *I hoped for ... tzedakah and there was tze'akah – a cry of injustice* (Isaiah 5:7) and *for they are people without understanding, therefore their Maker will show them no mercy and their Creator will not show them grace* (Isaiah 27:11)." (Sefer Hasidim #1035)

## 8. Capitalization of Those Poor in Resources for Economic Independence Amassing Capital while Collecting a Welfare Steind

"There are those who say the Mishna's poverty line [those with above 200 zuz savings may NOT collect tithe, *leket*, *peah*] does not apply to our economy today. In our era one may continue to take tzedakah until one has accumulated a

capital fund from which one can earn enough profit to support one's household. Those are sensible words!" (Yosef Karo, Shulkhan Arukh Y.D. 253).<sup>2</sup>

## Part Two: The Dignities of Meaningful Labor

### 1. David Hartman:

"The feeling of personal integration and self-confidence that makes for dignity never comes exclusively as a gift from the other, but is always also the fruit of enormous personal effort."<sup>3</sup>

### 2. Martin Luther King

"Whenever you are engaged in work that serves humanity, it has dignity and it has worth."

"One day our society will come to respect the sanitation worker, if it is to survive."

- Speech to Striking Municipal Employees, Memphis, TN, March 1968 just before his assassination

### 3. The Spiritual Calling of Learning a Profession: S.R. Hirsch.

*You strengthen him to live with you* (Lev. 25:35) means "with you" in independence by joining you in economic activity to support and live with him, with you in the moral sense [of trying to support himself]."

*To live with you* means his development of his life is intertwined with the development of your life. You do not live just for yourself but for him; you did not make purchases just for yourself. True, you worry about yourself first, but you acquire the means and tools to fulfill the calling of your life, but helping him is also one of the callings of your life. You must acquire the means and tools necessary to aid him for he is your brother connected to you socially, therefore you must help him, so as to fulfill your calling in life. His life is connected to your life. That is what makes you one people... This is a free connection – strong, eternal of mutual help." (S.R. Hirsch, Commentary on Torah, Leviticus 25).

### 4. Rav A. I. Kook: A Healthy Humiliation

"Everyone whose soul is healthy feels a certain humiliation from the benefit that comes to them *not* from their own self-help and effort... So aid to the needy brings about inner malaise and failure by weakening the power of the self's honor that was granted for the good of human beings and the spiritual heroism necessary for it."<sup>4</sup>

### 5. Rav J. B. Soloveitchik: Unhealthy Piety is a Poor Excuse for Undignified Helplessness

"The doctrine of faith in God's charity, *bitahon*, is not to be equated with the folly of the mystical doctrine of quietism which in its extreme form exempts man from his duty of attending to his own needs and lets him wait

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<sup>2</sup> A gift that keeps on giving – a heifer: "Heifer International was founded in 1944 by Dan West, who was a relief worker during the Spanish Civil War. That experience convinced him that what poor and suffering people really need far more than temporary help is the ability to support themselves. So he began shipping them cows.... Heifer partners with local groups to ensure that the agriculture it supports is sustainable, promoting animal health, and water quality, soil conservation, and efficient energy use. Heifer also champions equality for women and community development."

"Heifer International's success is also that those who receive its animals are required to share the *first offspring* with others in need, thus multiplying the impact of all donated animals and making their recipients partners in the struggle against hunger and poverty. Since 1944, Heifer has given animals to 10 million people, but through the ritual of 'Passing on the Gift,' it has helped more than 45 million people in 128 countries around the world.

"Nearly everyone can make a meaningful contribution. You can give a heifer for \$500 or a share of one for \$50; a water buffalo for \$250, or a share for \$25; a llama for \$150 or a share for \$20; a sheep, goat, or pig for \$120, or a share for \$10; a trio of rabbits for \$60; bees, a beehive, and a training kit for \$30; a group of ducks, geese, or chickens for \$20." (Bill Clinton, *Giving*, 109-110, 113-114)

<sup>3</sup> David Hartman, "The Celebration of Finitude" in *A Living Covenant*, 273

<sup>4</sup> Rav Abraham Isaac Kook *Ain Aya* to TB Berakhot 9, 64

n 'holy' idleness and indifference for God's intervention. This kind of repose is wholly contrary to the repose which the Halakhah recommends: the one which follows human effort and remedial action.

Man must first use his own skill and try to help himself as much as possible. Then, and only then, man may find repose and quietude in God and be confident that his effort and action will be crowned with success. The initiative, says the Halakhah, belongs to man; the successful realization, to God. Certainly, *except the Lord build the house, they labor in vain that build it*, but if those who labor stop building, there will be no house. The Lord wants man to undertake the task which He, in His infinite grace, completes."<sup>5</sup>

## The Dignity of Making a Contribution: A Labor of Love

### 6. The Right/Duty of the Poor to give Tzedakah

- a. "When poor persons give a coin to the *kuppah* (tzedakah fund) or a slice of bread to the *tamkhui* (the food collection plate), it is *accepted* from them. Yet if they did not give, they are *not required* to do so. If they were given new clothes (as tzedakah) and returned to worn out (used) ones, they are accepted. Yet if they did not give, they are not required to do so." (Tosefta Peah 4:10)

עני שנתן פרוטה לקופה ופרוסה לתמחוי - מקבלין אותה ממנו. אם לא נתן - אין מחייבין אותו ליתן. [נתנו לו חדשים והחזיר להן שחקים - מקבלין אותה ממנו. אם לא נתן - אין מחייבין אותו ליתן.]

- b. **Mar Zutra** says: "Even the poor living off tzedakah must give tzedakah." (TB Gittin 7b)  
אמר מר זוטרא אפי' עני המתפרנס מן הצדקה יעשה צדקה .
- c. **Rambam**: "In the oral tradition we learn that even the poor living off tzedakah are obligated by this mitzvah – to give tzedakah and to support the needy and to lighten their burden – by giving tzedakah to those who are lower than they are or to one who is like them [in financial need] – even if it is a small donation." (Maimonides, Book of Mitzvot, Positive Mitzvah #195)

#### d. The Rights and Duties of the Disabled: Serving in the IDF

At a Jerusalem conference held on the fast day of the 17<sup>th</sup> of Tammuz, 2010, the theme was the right to access and the right to contribute. 1500 people participated in this conference, sponsored by non-profits such as Ma'agalei Tzedek and organizations of people with disabilities. Rav Yuval Sherlo spoke there about the need to retool our language and restrain our one-sided rhetoric of "rights" such as the right of people with disabilities to physical access or to financial support. The needy, just like those well-off, require a list of duties and obligations as is typical in the halakha. Therefore, society should give the needy, not just goods, but opportunities to serve the common good, to perform their civil obligations.

For example, in Israel the disabled have asked for greater wheelchair accessibility in military bases so that they would be enabled to do their citizen's duty in service in the Israeli military. Today, as opposed to ten years ago, the Israeli army does encourage and enable alternative service by the disabled. Halakhically, even the poor are obligated to give tzedakah. Speaking paradoxically, there is a "**right to contribute**" as well as a duty, since it is a source of pride and a mode of accessing recognition as a full member of society.

- e. **J.F.K.'s Call for Job Corps (1962):**

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<sup>5</sup> Rav Joseph Dov Soloveitchik, "The Lonely Man of Faith" in *Tradition*, 1965, 53

"We must find ways of returning far more of our dependent people to independence. We must find ways of returning them to a participating and productive role in the community."<sup>6</sup>

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<sup>6</sup> J. F. Kennedy Message to Congress on Public Welfare (February 1, 1962) H. Doc. No. 325