YESHIVAT HAR ETZION

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***Bein Adam Le-chavero:* Ethics of Interpersonal Conduct**

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**Shiur #21: Extending Loans**

**The Ideal Form of *Tzedaka***

In last week’s lesson on the nature of *tzedaka*, we noted that the lengthy description of *tzedaka* found in *Parashat Re’eh* is centered on the attitude of one who fulfills the mitzva. In fact, the blessing that the Torah promises to the giver is limited to those who give with an open heart. We concluded with Rambam’s eight levels of *tzedaka*, whose hierarchy is based primarily upon the manner in which a person gives *tzedaka*. Here, Rambam notes that the ideal form of *tzedaka* is actually that found in *Parashat Behar*:

The highest level [of *tzedaka*], above which there is no other, is to strengthen the name of another Jew by giving him a present or loan, or forming a partnership with him, or finding him a job in order to shore him up so that he no longer must rely on *tzedaka*, for it states: “You shall strengthen him, the stranger and the dweller in your midst, so that he can live with you” (*Vayikra* 25:35), meaning, build him up so that he will no longer need to fall [upon the mercy of the community] or be lacking. (*Hilkhot Mattenot Aniyiym* 10:7)

Rambam here presents two novel concepts. First, describes giving charity as on a lower level that otherwise providing means of support. This is not self-evident, as providing charity means actually giving something to another, whereas supporting another person otherwise need not entail any loss on the part of the giver. Second, Rambam includes loans within this highest category of *tzedaka*.

At first glance, loans and *tzedaka* seem to be two very different means of assisting others that should not be classified under the same rubric. Even if *tzedaka* includes cases that are not outright charity, can lending money to another person actually be considered *tzedaka*?

In truth, this question is not relevant only to Rambam. After all, in both *Parashat Re’eh* and *Parashat Behar*, the Torah includes loans to the poor as part of its discussion of *tzedaka*. Notably, the lengthy description in *Parashat Re’eh* introduces the mitzva of *tzedaka* only in the middle of a host of other *mitzvot* for the benefit of those who lack. It begins with the tithe that is given to the poor in two years of the seven-year sabbatical-year cycle, then continues with the remittance of loans at the conclusion of the sabbatical year. Then, in the middle of a description of the monetary laws of the sabbatical year, the Torah makes mention of lending and giving *tzedaka* to the poor, only to return to the remittance of loans to prohibit individuals from withholding loans as the sabbatical year approaches. The placement of *tzedaka* alongside loans to the needy in this context requires some explanation.

Moreover, one would think that the most logical place for the laws of the remittance of loans would be the lengthy discussion of the sabbatical year in *Parashat Behar*, in *Vayikra*. Why wait until Chapter 15 of *Devarim* to discuss the loan aspect of the sabbatical year?

Yet the juxtaposition of these topics in *Devarim* is no exception. The agricultural description of the sabbatical year presented in *Parashat Behar* is wholly unconnected to loans. On the other hand, in the sense that all are financial *mitzvot*, it does seem logical that *tzedaka* and loans appear in close proximity to the financial discussion of the sabbatical year in *Parashat Re’eh*.

All in all, there seems to be a deep connection between the institution of the sabbatical year, the mitzva of *tzedaka*, and the mitzva to provide free loans. What is the nature of this connection?

***Parashat Behar*: The Sabbatical Year and Brotherhood**

For the beginning of our answer, let us look back at *Parashat Behar*. The section begins with the laws of the sabbatical year and the jubilee year, which, among other purposes, seek to restore a degree of equality of wealth following six or forty-nine years, respectively, of economic activity. The Torah then continues with a discussion of rehabilitating those who have become impoverished. It is this latter passage that Rambam cites in identifying loans as the preeminent form of supporting another Jew.

It seems, then, that whereas *Parashat Re’eh* defines the proper attitude for giving *tzedaka*, *Parashat Behar* is where the Torah describes how best to assist those in need.

At the same time, though, *Behar* also contributes an important dimension of the requisite attitude for giving *tzedaka*. In the several scenarios delineated in which Jews are in need of financial assistance, the Torah very clearly introduces each mitzva using the same term: “your brother.”

If your brother becomes poor and has sold some of his property … (*Vayikra* 25:25)

And if your brother grows poor and his hand fails with you … (verse 35). [This is the mitzva of *tzedaka*.]

And if your brother who dwells with you grows poor and is sold … (verse 39)

And if a sojourner or stranger grows wealthy with you and your brother who dwells with him grows poor and sells himself to the stranger … (verse 47)

The Torah here requires a Jews to redeem the estate and home of his brother who has been unable to pay off his debts, and then requires that one provide him with interest-free loans. The key term is “you shall strengthen him.” As Rashi explains, the primary obligation is to ensure that one’s brother does not sink into debt: to provide him with assistance before he is broken.

Verse 39, referring to a case in which one’s brother is forced to sell himself into slavery, requires care and concern on the part of the master.

Verse 47 introduces the requirement to redeem a Jew who has been sold as a slave to a non-Jew, describes how he must be treated if he is not redeemed, and notes his right to go free come the jubilee year.

The verses make clear that even when an individual is forced to sell himself into servitude, he never becomes a mere object. A Jew always retains his identity as a brother, and must not be overworked or abused. In the words of Rambam:

All of the Jewish people are brothers, as it is written, “You are children of the Lord” (*Devarim* 14:1). If a brother is not compassionate toward his brother, then who will show compassion to him? (*Mattenot Aniyyim* 10:2)

Without delving at length into the sources regarding indentured Jews, a short word is in order. The Torah requires that one treat an indentured worker so well that he not only shares his master’s standard of living, but even is given precedence, to the point that the Gemara (*Kiddushin* 20a) declares, “Whoever acquires a Jewish slave acquires a master for himself.”

The precedence given to a Jewish slave makes owning such a slave economically unviable, as the “slave” cannot be worked hard and must be given delicacies to eat. What, then, is the basis of the institution of slavery for a fellow Jew in the Torah?

Very simply, the placement of these verses in *Parashat Behar* indicates that this is a means of *tzedaka*. It is the final stage in the discussion of a person who has been provided assistance by his fellow Jews but nonetheless has not overcome his financial distress. He either cannot pay back his debts or has been convicted as a thief. For him to succeed, he must learn about the proper approach to money.

Anyone willing to buy such a “slave” – or, as the Gemara comments, to buy himself a master – does so only in order to reform that individual’s perspective. As the slave lives in the home of his master, he learns by example that care for others precedes accumulation of wealth. He comes to understand how to return to independent life and live with meager possessions, and comes to appreciate the dictum, “Who is wealthy? One who is happy with his lot” (*Avot* 4:1).

**Extending Loans: *Tzedaka* or Not?**

Although the economic vision of *Parashat Behar* includes means of assisting those who have lost their financial footing, the Torah prefers that one assist one’s brother before he degenerates to that point (verse 35). The most effective way of doing so is to find a job for a person who needs help, or to extend a loan. Free loans provide an opportunity for the recipient to chart his own course of rehabilitation. The hope is that he will be able to return the money he borrowed – so that the greatest level *tzedaka* in fact ensures that there will be no need for charity.

We must further clarify, however, the nature of the relationship between loans and *tzedaka*. Though we understand that Rambam lists loans as the ideal form of *tzedaka* based upon the discussion in *Parashat Behar*, the Torah actually makes mention of loans in *Parasha*t *Mishpatim*, long before unrepaid charity is mentioned at all.[[1]](#footnote-1) Nevertheless, we already have seen that loans also figure in all the passages that discuss *tzedaka*, and even are a focus in *Parashat Re’eh*. Is providing loans a separate mitzva or not?

Further, we still must clarify the underpinnings of the many prohibitions surrounding loans. Is it not extreme that the Torah not only commands that one lend to others without interest, but goes so far as to cancel the loan if it is not paid by the sabbatical year, while faulting a person who therefore refuses to lend as the sabbatical year approaches?

These questions stem from basic assumptions regarding lending and investment, and in reality it is this perspective that can prevent us from connecting with the Torah’s view of *tzedaka*. As we shall see, there are two types of loans. One is a kind of *tzedaka*, as reflected by the laws that govern it, and the other is the fulfillment of a separate mitzva to lend even when the money is not needed to put food on the table.

**The Relationship Between *Tzedaka* and Loans**

Just as the Torah describes loans at times as different from *tzedaka*, and at others as a preferred means of *tzedaka*, the Gemara takes similar discrepant views of lending.

In Shabbat (63a), lending is viewed as more ideal than *tzedaka*:

Rabbi Abba also said in the name of Rabbi Shimon ben Lakish: He who lends [money] is greater than him who performs *tzedaka*, and he who forms a partnership [thus providing employment] is greater than them all.

Meanwhile, in *Bava Metzi’a* (31b) and *Ketubot* (67b), the Gemara learns from the language of *Parashat Re’eh* that if a person in need of charity is reluctant to accept a gift, one should instead give him a loan:

Our Rabbis taught: “Lend” refers to a man who has no means and yet is unwilling to receive his sustenance [through charity]. The verse teaches that [money] must first be given as a loan and then presented to him as a gift.

Here the loan ultimately becomes a gift. Nevertheless, because the recipient is not willing to accept an express gift, a loan is provided. Otherwise a gift would be preferable.

Rambam (*Sefer Ha-mitzvot*, positive mitzva no. 197) explains:

We are commanded to lend money to a poor person, so as to help him and to ease his burden. This *mitzva* is even greater and of more magnitude than that of giving charity, for one who has already reached the point where he has to openly ask people for money is less bothered and pained by [needing to ask for assistance] than one who has not yet reached this level. He therefore needs assistance to prevent his situation from becoming known and reaching such a point.

Rav Hirsch (*Devarim* 15:8) similarly explains that it is desirable to lend to a poor person or, preferably, help him to start a business, so that he can earn a living without embarrassment:

This is the highest form of benevolence, for by supporting the needy person in this way, one treats him as an absolute equal and enables him to earn his own living, and one does not hurt the feelings of the recipient in any way.

Rabbi Yehuda He-chasid (*Sefer Chasidim* 1035) gives expression to our surprise at finding that the highest levels of *tzedaka* do not seem to be *tzedaka* at all:

There is a form of *tzedaka* that does not seem like *tzedaka* at all, but is nevertheless considered by God to be the highest form thereof. For example, when a poor person has merchandise to sell or [has written] a book that no one wishes to buy, and you buy it from him. So too, if a poor person wishes to be a scribe but no one wishes to hire him and you hire him – there is no greater *tzedaka* than this.

Meanwhile, while both Rambam and Rav Hirsch focus on how a loan spares the borrower’s dignity, there may be an additional reason, from the perspective of the giver, for the preferred status of loans. Giving *tzedaka* in a way that does not feel like charity prevents a person from fooling himself into thinking that he has saved a poor individual. Therefore a loan does more to build one’s character than charitable *tzedaka*. This sort of character growth, says the *Sefer Ha-chinukh* (66), is the reason for the mitzva of lending to the poor:

The reason for this commandment is that God wanted His creatures to be habituated and accustomed to the attribute of compassion and kindness, because it is a praiseworthy character trait, and by virtue of inculcating good character traits, they will be worthy of receiving good [from God], for good and blessing can be bestowed only on good and not on its opposite. Through God’s bestowal of goodness on those who are good, His desire to bring goodness to the world is fulfilled. Were it not for this purpose, God, blessed is He, would give the poor all they need without our involvement: it is out of His kindness that He permits us to be His emissaries, in order to make us meritorious.

**“My Nation” and Levels of Brotherhood**

The mitzva of lending found in *Parashat Mishpatim*, which we mentioned earlier, is unusually verbose. The Torah stresses that loans should be directed toward the poor, and surprisingly refers to the “poor person who is with you” as “My people”.

If you provide a loan to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him. (*Shemot* 22:24)

With the term “My people,” God refers to those in need as His own.

Israel asked the Holy One, blessed be He, “Who are Your people?”

He answered them, “The poor,” as it is stated (*Yeshayahu* 49:13), “for the Lord will console His people and have mercy on His poor” …

This is why it states, “If you provide a loan to My people.” (*Shemot Rabbah* 31:5)

The Midrash continues (*ibid.* 31:13) to observe that by not only acknowledging the poor as connected to him but even clinging to them, God behaves very differently from most wealthy individuals, who often seek to distance and disassociate themselves from any poor relatives.

The mitzva of providing loans thus serves not only to help those in need, but also to educate the individual regarding the proper perspective for giving: the giver is to appreciate that the needy are God’s people. He cares for them, and He has given excess money to their brothers so that the latter can assist them.

From the same verses that issue this almost superhuman responsibility to provide interest-free loans to all Jews in need, *Chazal* derive the halakhic order of benevolent loans. From the verse’s unexpected verbosity, we learn that priority is to be given to those who are closest to the giver, as we observed previously regarding charitable giving.

First, one is required to provide for a fellow Jew before giving to others in need. Then there are further distinctions between Jew and Jew. The Jew who is closest, either biologically or geographically, is the first to help. After helping all those who are close, one can assist others.

**Help Yourself to Help Others**

At first glance, we can understand that the Torah gives precedence to one’s own because it is requiring such an extreme act of kindness. A deeper rationale, though, is suggested in a cryptic statement of *Midrash Tanchuma* (*Mishpatim* 15):

You should look at yourself as if you are a poor man. This is [the meaning of] “with you.”

One way to understand this comment is that a person can better appreciate the need to help others if he imagines a reality in which he is in poverty and requires assistance. Alternately, we might interpret this *midrash* as indicating that before helping others, one must ensure that his own needs are met. A similar obligation exists with regard to giving *tzedaka*: one should not give away more than a fifth of his assets to the poor, lest he himself become needy. By the same token, the Gemara (*Bava Metzi’a* 33a) states that retrieving one’s own lost object takes precedence over returning that of another person, even one’s father or teacher. As evidence, the Gemara cites a phrase from the discussion of *tzedaka* in *Parashat Re’eh*: “there shall be no poor among you” is understood to mean that one’s own financial needs take precedence over those of others.

Notwithstanding, the Gemara advises against adopting such an outlook as one’s guiding attitude in life. As Rav Yitzchak Berkowitz (see [year 1, Lesson 29](http://www.vbm-torah.org/archive/chavero/29chavero.htm)) explains, the Talmud’s point is that man has a responsibility not to impoverish himself. On one level, a person has a financial responsibility to his relatives and others. However, a man’s closest relative is himself. A person makes a living first and foremost for himself, not because he does not care about others, but because of a responsibility toward himself and his own needs.

Of course, living by this rule alone is problematic. Someone who is always involved in his personal needs and therefore unable to find time to help others has thrown off the yoke of *chesed* (kindness). Conversely, an individual who recognizes that he must ensure his own needs are met if he is to help others is acting rationally and correctly, like a passenger on a plane who fastens his own oxygen mask before helping others. Otherwise, it is likely that no one will receive help.

The obligations of giving and lending begin with those closest to us, as our love of humanity and desire to help must first assure that we meet all the needs of our family and local poor before we try to help the world. Then, after providing what is required at home, one can expand his circle of family until it includes all the needy of the world.

One who goes beyond his natural circle, into which he was born (family, birthplace, nation), and flies to distant climes to heal the misfortune of humanity, the downtrodden and wretched of remote communities, while his own home, neighborhood, city and homeland cry out for his assistance, ignoring them in the conviction that their plight is too circumscribed and petty for him to bother about, is the subject of a special ruling in Halakha – A Jew comes before a non-Jew, the poor of your own circle before that of your own city, your own city before other cities – charity begins at home. The Torah does not wish love of humanity or patriotism to be built up at the expense of our omission of our obligations to those nearer to us. These broader ties of country and universal brotherhood will not be implanted by the uprooting of natural links of affection but, on the contrary, the way to love of others, to love of humanity, chosen by the Torah is by the constant widening of the human circle, or parental love for their children eventually including the children of others, gradually enveloping not only those near in kin but also those near in physical proximity, those amongst whom we happen to live. We are therefore commanded to live in mutual brotherhood with them. Our love will thus eventually embrace our people and then mankind. (Nechama Leibowitz, *Studies in Shemot*, p. 409)

Understanding the need to meet one’s own financial needs before others’, coupled with the desire to extend assistance, is the backdrop for the distinction between the two types of loans we briefly noted above. We will further explore the differences between them next week.

1. As we will discuss in the next *shiur*, the formulation in *Parashat Mishpatim* is such that it discusses giving loans without explicitly commanding one to do so. It is left to *Chazal* to explain that an obligation is implied. [↑](#footnote-ref-1)