

Tzedakah as the Defining Social Marker of Jewish Identity

A. The Test of a True Jew: Check the Pocketbook

B. Maimonides: Appealing to Jewish Genes – The Perfect “Pitch”

“[God] has told you, human being, what is good and what Adonai requires of you: Nothing but to do justice (*mishpat*), to love kindness (*hesed*), and to walk humbly with your God.”
(Micah 6:8)

הַגִּיד לְךָ אָדָם מַה-טוֹב וּמַה-יְהִיָּה דוֹרֵשׁ מִמֶּךָ
כִּי אִם-עֲשׂוֹת מִשְׁפָּט וְאַהֲבַת חֵסֶד וְהִצָּנֵעַ לְכַת עִם-
אֱלֹהֶיךָ.

Noam Zion, Hartman Institute, Noam.zion@gmail.com

– excerpted form from

Jewish Giving in Comparative Perspectives: History and Story, Law and Theology, Anthropology and Psychology.

Book One: From Each According to One’s Ability: Duties to Poor People from the Bible to the Welfare State and Tikkun Olam

Previous Books:

A DIFFERENT NIGHT: The Family Participation Haggadah By Noam Zion and David Dishon

LEADER'S GUIDE to "A DIFFERENT NIGHT" By Noam Zion and David Dishon

A DIFFERENT LIGHT: Hanukkah Seder and Anthology including Profiles in Contemporary Jewish Courage By Noam Zion

A Day Apart: Shabbat at Home By Noam Zion and Shawn Fields-Meyer

A Night to Remember: Haggadah of Contemporary Voices Mishael and Noam Zion
www.haggadahsrus.com

Our teachers have said: "If all troubles were assembled on one side and poverty on the other, poverty would outweigh them all." - Midrash Shemot Rabbah 31:14

"The sea of a mighty population, held in galling fetters, heaves uneasily in the tenements.... The gap between the classes in which it surges, unseen, unsuspected by the thoughtless, is widening day by day. No tardy enactment of law, no political expedient, can close it. Against all other dangers our system of government may offer defense and shelter; against this not. I know of but one bridge that will carry us over safe, a bridge founded upon justice and built of human hearts." - Jacob Riis, Lower East Side of NY (early 20th C.)ⁱ

"Society shall inscribe on its banners:
From each according to one's ability, to each according to one's need!"
- Karl Marx, *Critique of the Gotha Program* (1875)

"We make a living by what we get, but we make a life by what we give." - Winston Churchill

"A man's biography is conveyed in a gift. The only gift is a portion of thyself."
- Ralph Waldo Emerson

"I can only answer the question: What am I to do?
If I can answer the prior question: Of what story or stories do I find myself a part?"
- Alasdair MacIntyre, *After Virtue*

"I have chosen [Abraham] [to found a people] so that he may instruct his children and his household after him to keep the way of Adonai, doing what is just (*tzedakah*) and right (*mishpat*)." - Genesis 18: 18-19

"Someone who provides money for charitable causes or engages in acts of **charity** is an unusually good person, going beyond the call of duty. [By contrast, however **tzedakah**] implies that caring for the poor is not an unusually good act but rather is simply what is expected of us. It is **plain justice** to help the poor, not an unusual display of love."
- Elliot Dorffⁱⁱ

"Tzedakah and *Gemilut Hasadim* (acts of lovingkindness) are valued as equivalent to all the other mitzvot of the Torah together.
However, Tzedakah is for the living, while *Gemilut Hasadim* is for the living and the dead. Tzedakah is for the poor, while *Gemilut Hasadim* is for the poor and the rich. Tzedakah is rendered from one's money, while *Gemilut Hasadim* is rendered with one's money and one's body." - Tosefta Peah 4:19

"Modern bureaucracies [are] based on rationality and rules. Rules prescribe treatments for categories of people, so a tremendously important feature of our lives is that we fit into categories; our rights, entitlements, burdens, etc...These shape our lives, make us see ourselves in new ways, in which category-belonging bulks large, and the idiosyncratically-enfleshed individual becomes less relevant, not to speak of the ways in which this enfleshed person flourishes though his network of friendships [or social class]." - Charles Taylorⁱⁱⁱ

A Personal Note

Tzedakah is a mitzvah I have performed regularly - probably because it often involves just writing a check and few people skills, while most of my life has been devoted to Torah study and teaching. But I must admit that my life has been devoted to Torah study and teaching with very little social activism to my credit and only occasional acts of support to neighbors in trouble. In this way I was unlike my father to whom these books are dedicated. My father was a rabbi who loved books and studied incessantly, but also devoted time to public protest for the victims of the Holocaust as it was developing in 1942-1943, for African-Americans in Birmingham, Alabama in 1963, and for persecuted Soviet Jewry in the 1970s. He was an outstanding pastoral rabbi, comforting those in need and counseling those in trouble. When Israel needed him in the 1948 War of Independence, then both he and my mother volunteered. Only in giving tzedakah did he feel himself delinquent. So when he wrote his will and sold his apartment he left 25% of his inheritance to tzedakah.

My firmest moral and religious belief is that what is truly valuable is not the *vita contemplativa*, but the *vita activa* – the pursuit of justice and the practice of kindness, *tikkun olam* and *gemilut hasadim*, which are the essence of the human calling as proclaimed in Judaism. Thus, I live the contradiction between my actual profession as scholar and teacher and my lifelong ideals. Even in exploring tzedakah I have preferred to write, though in theory I ought to prefer to do. So this trilogy of books about *tikkun olam*, tzedakah, and *gemilut hasadim* is offered as a promissory note that must yet find fulfillment when study leads to practice in myself and my readers. That is the subject of a major debate among the Rabbis – what is greater action or study, *ma'aseh* or Talmud Torah? Rabbi Akiba's view that "Talmud Torah is greater" won the majority vote over Rabbi Tarfon who said: "Action is greater." However the Rabbis explained their vote in terms of the instrumental value of "Talmud Torah to bring about action" (TB Kiddushin 40b).¹

¹"Rabbi Tarfon, Rabbi Akiba, and Rabbi Yose HaGalili were reclining at the house of Aris in Lod. The question was raised before them: 'Which is greater, study or action?' Rabbi Tarfon said: 'Action is greater.' Rabbi Akiba said: 'Study is greater.' They all answered and said: 'Study is greater because it leads to action.'" (Sifrei Devarim 41)

Despite this consensus, Rabbi Yishmael holds his own and maintains that action is greater than study, and that "a person is judged by his deeds: *If you do what is right in His eyes* [Exodus 15:26]. This refers to business transactions. This teaches that if a person conducts business transactions honestly and if people look upon him favorably, it is considered as if he has fulfilled the entire Torah." (*Mekhilta deRabbi Yishmael, Beshalah, Vayasa*, 1)

Rabbi Yose HaGalili said: "Study is greater ...and just as the punishment for study is greater than that for action, so too is the reward for study greater than that for action. As it is written: *And you shall teach them to your children, and speak of them* [Deuteronomy 11:19]." (*Sifrei Devarim* 41)

The dispute continues for many generations: Rava said: "When a person is brought in to judgment, he is asked: Did you conduct your business transactions honestly? Did you set aside fixed times for Torah study? Did you engage in procreation? Did you hope for Messianic redemption? Did you delve into wisdom? Did you infer one thing from another?" (TB Shabbat 31a)

That unresolved debate is evident in contradictory statements about the highest values in Rabbinic Judaism. On one hand, there is the view in concert with Rabbi Tarfon:

"The giving of tzedakah and acts of loving kindness (*gemilut hasadim*) are equal in value to all of the commandments in the Torah." (Tosefta Peah 4.19)

On the other, while acknowledging the immeasurable benefits of acts of tzedakah and lovingkindness, the Rabbis conclude this famous list which opens the Mishna with the assertion that Talmud Torah trumps all of them:

"These are the matters that have no specified amount (measure, *shiur*): *peah*, first fruits, the festival offering, acts of loving kindness, and Torah study. These are the things whose fruits [interest on their rewards] one eats in this world and yet their principal remains for the world to come: honoring one's father and mother, acts of loving kindness, bringing peace between one person and another, **but Talmud Torah is greater than them all.**" (Mishna Peah 1:1)

For me the moral truth lies with the list in the mishna and with Rabbi Tarfon's preference for action, but my lifestyle reflects the ending of the mishna and Rabbi Akiba's preference for Torah study. I am proud when my adult children choose the path of activism as they do, even though Rabbi Abahu was disappointed with his son who was delinquent during his years of (subsidized?) study:

"Rabbi Abahu [of Caesarea, c. 280 – 320 CE] sent his son Rabbi Haninah [whose name means asking for mercy] to study in Tiberias [where the father had studied under Rabbi Yochanan]. But they came and told him: he is doing acts of *hesed*, lovingkindness [i.e., burying the dead which is the purest form of *hesed shel emet*, true unrequited kindness].

He sent his son a message: *Aren't there enough graves* (Exodus 14:11) in Casarea that I had to send you to Tiberias?! Haven't the rabbis already voted and concluded in the upper rooms of Beit Arim in Lod that *talmud* [i.e. learning Torah] is greater than action?

However, the Rabbis of Tiberias retorted: The rabbis only issued that ruling when there is someone else to engage in the action aspect [of the Torah], but if there is no one else to perform the actions, then actions take precedence." (TJ Pesachim 3:7)

May God inspire us with the willpower to turn theory into wise practice.

The other view is that of Rav Hamnuna: "And just as the study of Torah precedes the performance of mitzvot, so too does the judgment for one's study of Torah take precedence over the judgment for one's performance of mitzvot, in accordance with Rav Hamnuna. For Rav Hamnuna said: The beginning of man's judgment concerns nothing but his study of Torah." (TB Kiddushin 40b)

Tzedakah as the Defining Social Marker of the Jew

A. The Test of a True Jew: Check the Pocketbook

B. Maimonides: Appealing to Jewish Genes – The Perfect “Pitch”

Appendices:

What Marks a Real Bar Mitzvah? An Italian Celebration and a California *Tzedakah* Collective

Philanthropy as the Identifying Mark of Membership in a Social Elite

The Psychology of Motivation in Giving: Reflections by Contemporary Fundraisers

Rav Assi said: “*Tzedakah* is equivalent in worth to all the other *mitzvot*.”
(TB Baba Batra 6b)^{iv}

"We make a living by what we get.
We make a life by what we give." Anonymous

"To give away money is an easy matter and in any man's power, but to decide to whom to give it, and how much, and when, and for what purpose and how is neither in every man's power nor an easy matter." - Aristotle.^v

"A decent provision for the poor is the true test of civilization."
- Samuel Johnson, (1709-1784)

The Rabbis looked back on the many *mitzvot* and institutions of the Bible concerned with the needy and vulnerable and singled out “*tzedakah*,” a Rabbinic term derived from the Biblical commandment to pursue social, economic and judicial justice, *tzedakah umishpat*. They connected *tzedakah* to the Biblical setting-aside of agricultural tithes, gleanings and corners of the field for the poor. The giving of *tzedakah* they took as central to defining *the* practices and *the* traits of the Rabbinic Jew. The Rabbis understood such material generosity to the needy, not as a universal trait of human beings created in the image of God, but as a particular character trait of Jews shaped by their religious self-understanding and their history.

One of the great Jewish philanthropists of North America - measured by his innovation, by his self-reflection, by his turn to Jewish learning to enrich his thinking, and by the size of his gift - is Charles Bronfman.² His introduction to his own book on philanthropy captures the

² Bronfman, founder of Birthright, explains his decision to sign the Giving Pledge to allocate at least half his assets to *tzedakah*: “Philanthropy is in the DNA of my family. My parents were both active participants in Jewish, local Montreal and Canadian charities. The dining table conversation was a place for discussing what was important to them in that world. I'll never forget we four siblings knitting (yes, the 2 boys also) squares for blankets to be sent to the troops overseas during World War II! An inspiration from Mother! It is no surprise then, that each of us has contributed to society, each in his or her own way.”

basic premise of my study of tzedakah, as well as the social urgency of revisiting the narratives of tzedakah in our fast-changing social world. He writes:

“Few donors are selfless. That is fine. The question is what self governs these philanthropic choices?”

Therefore we must know the narrative of *who we are* to be able to identify **the self that governs our choices**. The motives may be past, present or future oriented – social obligation growing out of our communal and historical identity including guilt; ephemeral and idiosyncratic whims like hobbies; the needs and crises encroaching on our society now; or the visions of what we can do to change the world. Since giving is highly individual without a sense of social obligation deriving from membership, it must fit one’s self. It requires much sorting of one’s preferences and values which means **self-reflection**. Therefore choosing one’s philanthropic thrust is 'doing what’s right for you.’^{vi}

Truly giving defines the self as much as it transcends the self in moving toward the other. For Jews tzedakah is not primarily about altruism, about a sacrifice of self for the other. Jewish generosity is less about overcoming greed and self-transformation and more about self-expression and confirmation of one's ideal self within a community. While Bronfman is correct to speak today of the centrality of individualistic self-expression involved in the way one chooses to make a donation, nevertheless individual preferences are always shaped by the social languages one speaks. Historically-speaking for Jews tzedakah has been more about their social identity than about their idiosyncratic personalities.

Since *tzedakah* relates to how Jews think about their relationship to the needs of others, it is a matter of their **social identity**, of who Jews are, or who they would like to be, as Jews. The motivation and meaning of this *mitzvah* is rooted not only in the recipients’ needs but in **the givers’ collective autobiographies and their God-narratives**. The story we tell of who we are shapes the rules we make for doing good and giving material aid to the needy. **Narratives of our identity** underlie the bodies of laws of giving - in the Bible, the Mishna, and the Talmud; narrative and *nomos* are interwoven. So too Professor Robert Cover, himself a knowledgeable and practicing Jew, suggests that the nature of all law is also story-like: “Once law is understood in the context of the narratives that give it meaning; it becomes not merely a system of rules to be observed, but a world in which to live.”^{vii}

However, Jewish social obligation is no longer self-evident in Western society and the fabulous structures of American Jewish giving built over the last half century on the basis of thousands of years of communal existence are in danger of collapsing at a time of generational change. One veteran fundraiser told me the number of givers to the United Jewish Appeal nationally is down from 1990 to 2010, from 1,000,000 to 500,000 and most of those and most of the big donors are over 60 or 70 years old. Jeffrey Solomon sums up what many have written of late about the new self-awareness of younger donors in America – Jewish and non-Jewish:

"Old philanthropy is being replaced by new philanthropy. While Charles Bronfman’s father, head of Seagrams, used to donate to the major umbrella organizations of the Jewish and general community out of a sense of social obligation as one gives taxes regularly and annually with fluctuations by the economic success of one’s own business, his son Charles sees himself as new kind of philanthropist. His book, *The Art of Giving: Where the Soul Meets a Business Plan* (2010), is an attempt to articulate that difference and help other donors make that transition in streetwise ways. The old philanthropy was about fulfilling a social obligation, while the new is about fulfilling my life by making a difference in the world.”^{viii}

As we shall see later, for at least two hundred years philanthropists – Christians and Jews – have been loudly proclaiming a "new philanthropy," such as the scientific philanthropy of Rockefeller, Carnegie, and Rosenwald. All three of these mega-donors would have nodded in agreement with what Bronfman writes about the "new philanthropy" of the 21st century:

"In the new philanthropy donors have sought to make a difference. They are ready for their second act [after making a name for themselves in business]. And they are ready to make use of sophisticated management instruments they have developed in their business life to achieve greater performance in this new, more challenging arena, and with potentially more impact. They give purposefully, think strategically, rely on measurements and regular monitoring. In short, they are relying on the focus and rigor of for-profits to enhance the effectiveness of their philanthropy... Business' best attributes of purposeful, honed intelligence and strategic-mindedness have a place in philanthropy."^{ix}

"Old and new philanthropy may be contrasted as downstream or upstream interventions, as rescue or preventive projects. We are like the parable of two men who see a series of people drowning in a river. One responds by jumping in to save each person. The other races up stream to try to keep any more people from falling in. This is the essential dilemma in philanthropy – whether to address consequences or causes?"^x

The Zionist fundraisers of the Jewish National Fund would also have identified their cause with upstream philanthropy since Zionism is the problem-solving project par excellence. Zionist thinkers and pioneers proudly and vehemently rejected what they called derisively "tzedakah," meaning the *haluka* (distribution) of funds from the Diaspora to indigent, ultra Orthodox Jews in the Holy land according to their national origins.

One aspect of the new philanthropy of the last two hundred years is particularly well-epitomized by Bronfman:

"In the old philanthropy, donors gave largely out of **obligation**, routine, and guilt, if not to gain influence, **social** standing, or a place in heaven...[It was social as a reflection of one's communal identity, out of nostalgia for the values of old, out of a desire to meet an emergency or support those too weak to support themselves]. In the new philanthropy, the donor's giving is like their doing: it is **individual**, forward looking, leveraged for effect, and bent on changing the world...It signifies the transformation of society from **noblesse oblige** to one of **entrepreneurial problem solving**. The new philanthropist looks at her activities with a refreshing frankness and realism. She is less saint than engineer."

"The new philanthropy is the business of change; it is not so much about process as it is about outcomes."^{xi} "The invention of the new philanthropy is credited to the successful young entrepreneurs of the dot-com world of 1990s. Thus they are called social entrepreneurs or strategic donors who have a founder's attitude to their projects, a sense that this is mine and I will succeed. Therefore they give their 'energy, enthusiasm, creativity, passion, and connections."^{xii}

Bronfman's so-called "new" philanthropy is not so new regarding its strategic intent or its desire to leave a personal mark on the world, but he is certainly correct that the attenuation of a sense of mitzvah or social obligation among Jewish donors is new and disturbing. By contrast, the sense of personal empowerment in societal change is accentuated. As we shall see, the use of the term "philanthropist" and more important its content suggest the relevance of the ancient Greek tradition of philanthropy to Bronfman's "new philanthropist." Greek and Hellenist citizens of means gave enormous sums and much time to unpaid public service to their cities in ways that made their communities great and contributed thereby to make their own names immortalized. It would be much too

superficial conceptually to reduce the new directions in philanthropy merely to the dot-com "revolution" even if historically it played some causal role in triggering this reorientation. Not the causal links but the conceptual ones are our chosen task in this research.

Just as we cannot understand giving today without reference to what is going on in American society, so too we cannot explore Jewish traditions then and now in isolation from non-Jewish ones – Greek and Christian. That will be an express goal in this trilogy, even though Biblical and Rabbinic sources will play the largest role in the research. Nor should we stick religiously to classical traditions – though they will be our major focus – without following these ancient narratives into their modern reincarnations and critiques.

What is very different than classical Rabbinic, classical Greek and classical Christian giving is the 21st century commitment to the new uses of philanthropy or *tzedakah* to support *tikkun olam* – social justice and systemic reform. Since the 19th C. scientific giving is about strategic local, national and global problem-solving. Modern movements have added the urgency to giving as problem-solving, as well as a sense that the giving may take advantage of a time-sensitive opportunity to make a difference. This modern sensibility also partakes of a *hubris* to change the course of human society fundamentally, especially with big ticket *tzedakah* projects. Yet while peculiarly modern, this kind of *tikkun olam* philanthropy also has its own Biblical roots especially in the Biblical prophets and in the far-sighted legislative model of the Jubilee. Making these connections as well as identifying the differences between ancient and modern visions of addressing poverty will be an important task for us.

But let us add to the change in philanthropic patterns the context of the modern social welfare state that has taken over so much of the maintenance aspects of *tzedakah* and left the field of innovation to private foundations. Taxpayers are great givers of *tzedakah* in the modern world even though their gifts are not voluntary, do not express their individual selves or their religious identities. Taxation in a modern welfare state is a great – in amount and in ideology - but not unproblematic feature of modern giving to the needy. It has a very interesting and full-bodied precedent in Rabbinic municipal *tzedakah* system when the word "tzedakah" first became institutionalized as aid to the poor. This too will be a big part of the grand narratives of giving which we will sort and describe.

In speaking of *tzedakah* and the modern welfare state we will also compare and contrast the great Christian tradition of charity or alms under whose title, "charitable giving," so much philanthropy earns its tax credits in the United States. To see how much these seemingly interchangeable terms – charity, philanthropy and *tzedakah* – continue to resonate very differently consider the vast difference in usage of the term charitable contribution in the United States and Britain of today.

Even in the shared linguistic and cultural universe of British and American Protestant givers,^{xiii} "charity means wholly different things – different recipients and different motives and hence a different image of the giver. Americans may be more generous in total gifts but are not - even in their own minds - necessarily more altruistic. "Americans believe in giving to needs that they can directly see, feel, and understand." Taking a bottom-line approach, they want to know about results and how giving to others will make their own lives better. Karen Wright distinguishes between the "generosity" of Americans and the "altruism" of the British.

"U.S. giving is heavily interlaced with self-interest, either directly through tax benefits, benefits from the supported charity, or social status; or indirectly through the achievement of social goals which one might desire, such as better child care, civil rights, better parks, etc. Moreover these self-interested motivations are not only acceptable, but are socially approved.... Giving is seen as an expression of personal and social identity and goals."^{xiv}

Most charitable contributions in the US go to religion and higher education: 38 percent and 15 percent, respectively, of total gifts in 2001. In the U.K., international aid received the largest chunk of charity, about 25 percent. That enormous difference in giving practices is manifest in small difference in terminology and a big distinction in their narratives of giving.

"The British expect that giving should be altruistic, even self-sacrificing. Unlike Americans, who prefer organized philanthropy, the British prefer the spare-change method, according to Wright. When they donate through organizations, they tend to choose universal causes such as Oxfam or Save the Children, which benefit them neither directly nor indirectly. **'For the British, moral motivation is deeply rooted in collective duty,** a concept that would be quite foreign to Americans.' ...The religious and educational institutions that dominate American giving-institutions that benefit themselves-are not deemed charitable in the UK."^{xv}

This divergence of British and American uses of English reflects the quip that Brits and Americans are a people divided by a common language. So too, Jewish notions of giving vary widely as manifest in their varied terminology.³ One might profitably write a history of Jewish institutional approaches to poverty, a theoretical guide to the laws of giving gifts to the poor, or a manual for the spiritual practice of generosity – overcoming selfishness and loving one's neighbor. This book however will draw on Jewish history, law and character education to map the Biblical and Rabbinic narratives of identity related to giving to the needy. These competing and complementing narratives generate both **visions of a giving society** and matching **practical policies** to meet the moral challenge of human need and the religious imperative to love one's neighbors as ones' selves. To better highlight these internal Jewish models of giving, we will compare them to Greek understandings of **philanthropy** (or *euergesia*) and Christian views of **charity** (or in Greek, *agape*). The readers can then place themselves on this map of how people of means are best educated to embody the moral calling to become givers and decide how we think people in need are best helped.

In our approach, the key to "how" and "to whom" to give is to be derived from "who" we are or would be. "We make a life by what we give"⁴ and we make a name for ourselves as a

³ An Era of Philanthropic Tourists: "The late 18th C. and early 19th C. were also the era of the philanthropic journey. This new activity gave rise to an international network of philanthropists, writing and visiting each other, admiring each other's philanthropic enterprises, and imitating them in their own countries. Many philanthropists, John Howard being an early example, visited philanthropic institutions abroad. This tourism was a way of gaining knowledge as to how such institutions were built and managed. 'Penal tourism', looking at prisons, and 'agrarian tourism', visiting agrarian colonies, offers two examples of this new phenomenon. The foundation of agrarian colonies for the re-education of criminal or potentially delinquent children in numerous different nations." (Jeroen Dekker, "Transforming the Nation and the Child," in J. Innes, *Charity*, 137)

⁴ David Moss, the illuminator of *ketubot* and *haggadot* and the architect of Jewish space to represent Jewish values, once invented a unique tzedakah box to tell the personal tales of giving that give meaning to the life of the donor. After designing a beautiful campus of the centrist Orthodox Jewish day school in Dallas, he needed to add a donor's wall with the contributors names. But he felt nothing could be less representative of the donors and of the educational example of their tzedakah than putting their names in stone. So instead he designed a giant interactive electronic tzedakah box that stands in the lobby like a counter. By putting in some tzedakah money one activates the "jukebox" and chooses the name of one donor. Then a video interview of the donor appears in which he tells about his

community by our patterns of **generosity**. The very term “generous” derives from the same root as the modern scientific word, “genes.” It refers most probably to the noble-born whose privileges of birth are supposed to reflect excellence of character expressed in their *largesse*, in their generosity. *Noblesse oblige* means that our sense of who we are as a people of noble birth shapes our obligation to care for others. So, too, Jewish giving is a marker of identity, even from an outsider’s perspective.

Thus tzedakah has often been *the* social marker defining what it means to be a Jew. Its conceptual and emotional baggage is deeply familial and tribal. The following anecdote reveals the centrality of mutual aid among Jews. After the fall of the USSR in 1989 prisoner guards in the **Gulag**⁵ prison camp system in Siberia were interviewed: How did you identify a Jew among the inmates who were all similarly dressed? One might have expected, given the powerful anti-Semitic myths in Russia, to be told of some ethnic stereotypes about how Jews smell or how long their noses are. But the guards said that Jews were identifiable easily by two social markers: **glasses** and **packages**. Jewish prisoners needed glasses because they continued to read, to be intellectuals among a hardened population mixing political prisoners and mostly criminals. The second external sign was packages sent by Jewish families on a regular basis at a higher frequency than to non-Jewish prisoners. The guards noticed the packages, of course, because they benefited from bribes taken from these gifts. Even for long-term Jewish prisoners whose permission to communicate with their relatives was severely restricted or denied completely, their families often remained attentive and loyal. These packages expressed their families’ solidarity with these otherwise socially isolated^{xvi} Jewish prisoners, exiled off the face of the earth and off the margins of society.

If we apply the term tzedakah to this kind of faithful ongoing-support for prisoners, then we can say the prisoners’ families were motivated by the most basic familial responsibility. They responded “yes, I am my brother’s keeper,” unlike the first murderer, Cain, who killed his brother and then denied being his brother’s keeper.^{xvii} In the Biblical worldview brotherhood is considered the universal feature of human life and we are all one family, children of the same God. Familial solidarity may extend in ever wider circles of caring and material support to include a whole people (the ethnic sense of the Jewish people as “members of the tribe” in American Jewish slang), or the whole “family of man,” children of Adam and Eve subsumed under this Biblical ideal of universal brotherhood. Yet from the point of view of the Gulag guards in the multi-ethnic Soviet Empire, this brotherly love was considered a distinctive mark of the Jew, a characteristic Jewish trait.

motivation for giving. Some spoke of their time of need and how much the help they received helped them. One non-Jew spoke of how much the Jewish community gives to general causes and how the Jews must know that non-Jews will reciprocate and support Jewish causes. One man recalled that as a ten year old he was running to catch the Hebrew school bus and demanded some money from his mother for tzedakah that was collected daily in school. She said: No, it has to be your own money. He objected and his mother said: Okay, if you do not understand, then you must go interview your grandparents who can teach you the value of tzedakah. Thus David Moss allowed norms to be taught by personal tales which are the deep motivation of giving.

⁵ Ironically the Gulag system was invented by a communist Jew named Berman who was part of Lenin’s Stalin’s politburo. Later he was forced by Stalin in the Purge trials to admit his deviations from true communism and executed. His grandson Baruch Berman became a Jewish scholar who made aliyah and lead the Russian Jewish scholars Beit Midrash at the Shalom Hartman Institute until his tragic death in a car accident. Baruch Berman felt the turn of events that brought him back to Judaism and Zionism was a fitting reversal of his grandfather’s contribution to Soviet communist tyranny, its anti-Zionism and its anti-Judaism.

Eight-hundred years earlier the same trait of extended familial loyalty to those in prison is reported as a mark of Jewish identity by Rav Yosef Kimkhi (1105-1170) for use as an argument in his disputation with Christians attempting to convert Jews:

“It is so with all the Jews in the world that they act toward their brothers with compassion. If they see their brother a captive, they ransom him. If naked, they clothe him. They do not allow him to go about begging. They send him provisions in secret [so as not to embarrass him]... No one can deny that all these good traits which I mention are found among the Jews and that their opposites are found among Christians.”^{xviii}

While we may allow for exaggeration in this polemical context, it is interesting to note that research shows that in the medieval period, the political leadership of the Jews and Muslims, but not the Christians, viewed ransoming captives as the responsibility of the state or the city as well as of the relatives to ransom the captive. However medieval Christian states did not have that norm, though sometimes the church would take an initiative to raise funds to redeem captives even by selling silver and gold vessels.^{xix} The church would then cite that verse that Jesus himself said: “I was in prison and you came to me” (Matthew 25: 36). In general however the primacy of ransoming captives in the Jewish world might well have stood out as an identifying factor of a Jewish ethos in Christian Europe.

Another eight-hundred years earlier another outsider identified giving to the poor as indicative of the uniqueness of the Bible-based religion of Jews⁶ and Christians.⁷ In the fourth century, the pagan Roman Emperor Julian (nicknamed by Christian historians as the Apostate) followed the reign of the first Christian Emperor Constantine. Julian sought to reverse the rapid spread of Christianity by shoring up the pagan cults and teaching their priest the “tricks” that made Christianity so attractive to Romans of all classes. He writes to the pagan priests to whom the Roman Empire supplies grain:

“Why do we not observe that it is their [the Christians'] *philanthropia* to strangers, their care for the graves of the dead and the pretended holiness of their lives that have done the most to increase atheism [i.e., Christianity]? [Ironically, the pagan Julian calls the monotheistic Christianity ‘atheist’ because it denies the existence of pagan gods and refuses to worship the gods of the Roman cities]. [Its attractiveness lies in that] ... in every city [Christianity] establishes frequent hostels in order that strangers may profit from our *philanthropia*]; I do not mean for our own people only, but for others also who are in need of money.” (Ep. 22.429D-430C)

“I think that when the poor were neglected by our priests, the impious Galileans [Jesus of Nazareth was a Galilean] observed this and devoted themselves to *philanthropia*. We ought then to share our money with all men, but more generously with the good, and with the helpless and poor so as to suffice for their need. And I will assert, even though it be paradoxical to say so, that it would be a pious act to share our clothes and food even with the

⁶ A German traveler, Hans Darnschwamm, who visited Istanbul in the mid-16th century: “The Jews do not allow any of their own to go about begging. They have collectors who go from house to house and collect into a common chest for the poor. This is used to support the poor and the hospital.” (cited in Cecil Roth, *Dona Gracia*, 96)

⁷ Libanius' characterization of the Jewish people in one of his letters to the Jewish patriarch: “For such people you are who belong to that nation, for it is your habit to help all, but most especially the best: taking care of all as human beings, but of the best as living a life of virtue.” (Menahem Stern, *Greek and Latin Authors on Jews and Judaism*, 2:593)

wicked. For it is to the humanity in a man that we give, and not to his moral character: Hence I think that even those who are shut up in prison have a right to the same sort of care, since this kind of *philanthropia* will not hinder justice. (290D291A).

It is disgraceful that, when **no Jew ever has to beg**, and the impious Galileans [Christians] support not only their own poor but ours as well, all men see that our people [pagans] lack aid from us." (Ep. 22.430D)

Obviously, the pagan emperor Julian in his efforts to undermine Christian influence in the Roman Empire has probably exaggerated the virtuosity of his opponent, the Church, and its religious ancestor, Judaism. There are and always have been Jewish beggars whose needs have not been fully met. Yet despite the eternal gap between an ideal self-image and social reality, there is much to learn from an **ethic of aspiration** that makes *tzedakah* the test case for Jewish identity rather than keeping Shabbat or *kashrut* or purity of creedal faith. As we mentioned above, contemporary Jews still give significant amounts of money to the needy and "*tikkun olam*" is recognized as a Jewish social marker among liberal North American Jews and it has become a moral bar against which to judge one to be a "good Jew."⁸ Though this book is devoted primarily to the classical Biblical and Rabbinic views of *tzedakah*, our last chapter will bring us up to date by examining the origins of this new terminology *tikkun olam* and its relationship to earlier forms of *tzedakah*.

Method: Narrative and Nomos

Charles Bronfman correctly emphasizes how an individual's voluntary choice to give funds in a particular way to a designated recipient to advance a particular cause may - when thought through - express and help define that individual donor's sense of self. When the giving is done within a social context – the Jewish Federation or the chamber of commerce of one's city or one's university – then the individual expresses and reinforces a social identity shared with others and often accepts and functions within the values, priorities and mission statement of that social institution. One's individual narrative of identity melds with and gains reinforcement by its ties to something greater than one's own life and something that will hopefully outlast one's short lifespan. One's voluntary act of charity is often understood as a response to an obligation to a higher value and institution that does not begin and end with my individual wishes and whims. The study of social narratives – Biblical, Rabbinic, Greek and Christian – is an important backdrop for individual choices about donations.

These historic communities or institutions are the matrix out of which emerge individual donors. A broad and deep historical and textual review of the many competing Jewish narratives of giving will offer the individual giver greater resources for self-reflection about the relationship between self and giver as well as provide the educator and fundraiser with tools to enable that spiritual process to develop more richly. I hope the modern donors and activists will understand their motives and methods better by knowing where they diverge from the past and where they renew and transform sometimes forgotten narratives from the

⁸ A German traveler, Hans Darnschwamm, who visited Istanbul in the mid-16th century: "The Jews do not allow any of their own to go about begging. They have collectors who go from house to house and collect into a common chest for the poor. This is used to support the poor and the hospital." (cited in Cecil Roth, *Dona Gracia*, 96)

classical Jewish tradition. I hope to encourage them to re-engage in a fruitful dialogue with classic narratives of giving.

The Christian theologian Stanley Hauerwas conceives of Israel and, thus, the Church as a **story-formed community**:

“Biblical ethics only makes sense as that story takes up residence in a community committed to remembering and embodying that story. The ethical use of scripture in the church requires that the community that carries the scriptures be a community of interpretation, a community that understands that ‘interpretation is the constant adjustment that is required if the current community is to stay in continuity with tradition.’”

David Pleins explicates Hauerwas’ views as follows:

“This is not to say that the community’s appropriation of biblical ethics is a simplistic replication of the past; in fact, for Hauerwas the contemporary Church may find itself at odds with its venerable ‘guides.’ **Reappropriation means a new appropriation.** Yet Scripture’s place is such, indeed the every quest for truth is such, that for Hauerwas, ‘truth is known only by the conversation initiated by the tradition and carried out through political means. [It is] the great conversation between a remembering community and in community-sustaining biblical traditions.’

Since this re-appropriation is decidedly not mere replication, **each generation is afforded the opportunity to ask ‘what kind of a community we must be to be faithful to Yahweh and his purposes for us.’**”^{xx xxi}

Hauerwas’ story-telling community is important for Protestants who have rejected Catholic canon law and hierarchal Church authority and returned to New Testament Gospels which have very few laws. The community he discusses further seeks to replace earlier Catholic and Protestant predilections for catechism and orthodox definitions of required dogmas that differentiate sects and exclude heretics. Stories told in scripture and reenacted in ritual on holidays is for Hauerwas become not only a source of faith but also of ethics.

For a Jew the characterization of religion as a story-telling community is very congenial since most of the Bible is stories and those tales take the form of autobiographical national sagas of our relationship with the God of Israel. A Jew’s personal identity is most famously "passed over" to the next generation in the holiday of Passover with its core text – the Haggadah – which means the mitzvah to tell (*vhigadta* – Exodus 13:8) one’s story to one’s children in the first person. But important parts of the Torah are legal and much of Rabbinic Judaism is an explication of law. Most of the sources on tzedakah are legal, so how might that be integrated into a story-telling identity? How does law – obligatory and communal – relate to the voluntary giving of funds to the needy which may more readily be seen as expressive and constitutive of individual identity?

Here the answer I have found most fruitful lies in the methodology of narrative and *nomos* presented in a groundbreaking series of articles in American law review journals by Robert Cover, a professor of law and a traditional Jew.

First, laws cannot be understood simply by a literalist analysis of their stipulations. The law is not merely whatever the authoritative lawmaker says it is. Law is part of a story about the lawmaker and the judge interpreting the law and about the community they represent which generated those laws and committed itself to seek to live its societal life according to them.

Suzanne Stone, professor of law, summarizes Robert Cover's notion of a **meaning-generating community** that is not far from Stanley Hauerwas' **story-telling community**:

“In *Nomos and Narrative*^{xxiii} Robert Cover's view is informed by socio-anthropological theories about how human beings create worlds of meaning. The individual subject and law itself exist only in relation to a **meaning-generating community** or, in Cover's words, the normative universe of the *nomos*. In the world of the *nomos*, law, is a resource in the larger effort of the community to endow life with meaning ... These commitments are learned and expressed through communal **narratives** - myths, histories, stories, textual traditions, and *corpus juris*.^{”xxiii}

Second, law is **redemptive**. It seeks not merely to regulate interests and preserve order but to gradually embody in society and in the practices and character of its members the aspirations of its narratives regarding what kind of society it is. For Robert Cover the law is, in a self-consciously Jewish sense, a bridge connecting the world we have and the “world to come”— which is the future redeemed (messianic) world on earth. For Cover “messianic” does not mean miraculous redemption for he follows the Maimonidean sense that the messianic world remains within the historic realm of human possibility. Law is, then, potentially redemptive for a whole community, not merely the preservation of the natural law or the conventional ordering of society:

“Robert Cover did not refer to the static, classical natural law conception of law as a means to achieve natural ends which themselves constitute the good life. Rather, Cover described a dynamic teleology in which law expresses the striving of communities toward imagined, alternative goals. The demanding object is the law that the community creates.

Cover wrote: ‘The community posits a law, external to itself, that it is committed to obeying and that it does obey in dedication to its understanding of that law.’ (*Narrative and Nomos*). Thereafter, it perceives that law as a set of commandments or obligations addressed directly to the community that reflects the community's common goals.

Cover illustrated this point with an example drawn from the American anti-slavery movement. When Frederick Douglass insisted that the Constitution did not permit slavery, despite professional consensus to the contrary, he engaged in a redemptive form of legal interpretation. Douglass embraced a vision of an American legal system free from slavery. His transcendent vision eventually led to the transformation of the legal landscape.... For Maimonides too the Torah is concerned with human transformation.^{” xxiv}

Third, law is not primarily coercive. The judges justify their interpretations by an appeal to a consensus of the people's identity represented in the precedents of the tradition.

“In this system, interpretation is a consciously **collaborative search for shared values** among prior, present, and, eventually, future interpreters. This conception of authority is egalitarian: **the function of law is not to coerce behavior, but rather to solicit the consent of its subjects to the law's larger goals**. Such a conception of law better reflects a commitment to consensual relationships based on mutually acknowledged equality.^{”xxv}

In our study of narratives of giving we will trace Jewish law and practice as a **persuasive law** based on a narrative of larger goals emerging from the community's historic self-understanding. It appeals to consent and to an aspirational identity not yet fully realized in the character of society and each of its members. Of course, Jewish law also has its claim to authority in a positive sense of what the halakha commands. But our study will not be of what the law stipulates, what the majority opinions decree, but what the competing visions

and stories implicit in the laws teach about ethics and identity. Very often these motivational narratives can be detected in the formulation of the laws.

Robert Cover, as Suzanne Stone notes, often elides the role of God in Jewish law and emphasizes communal consensus because it overlaps better with his conception of American law. Suzanne Stone feels that Robert Cover's correlation of law and community making its own meaning and its own identity is inadequate to capture the powerful religious motivation of halakha. She notes an alternative:

“Consider Arthur Jacobson's alternative formulation of how a jurisprudence of duty fuses together the law and the community so that they become one.^{xxvi} In any jurisprudence of duty, the source of law in the first instance is God, the issuer of commands. Thus, Jacobson wrote, ‘the answer to the question, What are my duties? is that they are what God has commanded. The answer to the question, Why should I perform my duties? is that if I do not, I shall be a stranger to God.’

This jurisprudence has two essential features. First, the source of law in the jurisprudence of duty is a deific person who reveals His will and, in so doing, reveals a personality. Second, wrote Jacobson, ‘the subject of the commands, the ordinary legal person, is God's partner in lawmaking.’ Because no statement of duty can foresee every situation in which the duty might be applicable, ordinary persons try to discover the exact parameters of their duties by using both the revealed list of duties and **God's personality as a model.**”^{xxvii}

Note that even the introduction of God's role as the source of a duty which is not wholly consensual but a *mitzvah*, a commandment, does not necessarily mean that law is an arbitrary expression of the will of the lawgiver. The Biblical God is a personality and the religious adherent of God's law seeks not mere submission but friendship or intimacy with a God who shares some features with the adherent. The Biblical God is an actor in history with a story, the God who “took us out of Egypt, the house of bondage,” as the Ten Commandments declares at its beginning. So narrative characterizes God, teaches values, and appeals to the adherent to be Godlike voluntarily – not out of legal coercion.

Suzanne Stone elaborates Jacobson's message about "*halakha*" – which means literally walking with God, to attain perfection (Genesis 17:1) – by connecting it to the same Maimonidean understanding of law that inspired Robert Cover:

“Educating people into the *paideia* of obligation is not sufficient to correlate the law and the community. Rather, it is the idea of **walking with God** that causes the correlation. In order to walk with God, persons seek guidance from human tribunals to help them ascertain and fulfill their duties. In such a system, **aspirationism and law coincide**. Over time, aspirational norms become fixed duties, because the goal of community members is to become like God. Maimonides described the command of *imitatio dei* - to become like God - as the cardinal principle of the Torah (Maimonides, Guide to the Perplexed III 54).”^{xxviii}

Robert Cover then follows a typically Jewish path in integrating law and communal identity as well as *nomos* and narrative, halakha and aggadah. Our book too is about how law *and* lore generate narratives that guide decision-making, as well as give motivation and meaning to our giving of aid to various causes and persons. Thus, law is a central genre of text for our study. It is no surprise that Biblical and Rabbinic Judaism place law at the center of their educational system, insisting that not only the king but that every Jew study all the laws for their spiritual and ethical wisdom, as much as for their practical authority in daily life (Deut. 17: 18-19).

In Christianity in general and in American Christianity in particular law is not a significant aspect of religious thinking, but in American society as such it has been typified - as far back as Alexis de Tocqueville in 1832 - as a land of legal thinking that penetrates to its core values and thinking patterns. De Tocqueville found that lawyers' habits of mind, as well as their modes of discourse "infiltrate through society right down to the lowest ranks."^{xxix} As both a person educated in the United States and inspired by the Bill of Rights and the Declaration of Independence and, as a Jew who studied Torah and Talmud, these legal discourses are precious lenses for understanding the world. By bringing Jewish, Christian and Greco-Roman traditions into dialogue with American traditions I wish to enrich the way we think – in our public and private lives – about aiding the poor.

Most broadly this trilogy addresses the relationship of religion as a God-centered narrative (what many scholars of religion call “myth”) and as an ethical practice. This study of religious motivations for giving follows in the methodological tradition of Max Weber, who made a causal claim about the influence of religion on practical economic behavior. His classic, *The Protestant Ethic and the Spirit of Capitalism*, set as its goal to “ascertain those psychological sanctions which, originating in religious belief and the practice of religion gave a direction to practical conduct.”^{xxx} By contrast, this trilogy seeks not to prove a casual historical thesis about how Jewish texts shape Jewish tzedakah institutional practice. Its claims are more moderate, just as max Weber himself wrote: "The religious determination of life-conduct, however, is also one – note this – *only one* of the determinants of economic ethic.”^{xxxi}

A system of ethics such as *tzedakah* - which is usually associated in Jewish thought as “mitzvot between humans” (*bein adam lhavero*) and categorized by rationalist or naturalist thinkers as natural law – is nevertheless embedded within religious worldviews as part of a grand narrative of the relationship between God and human beings imitating God. Thus theological stories are often deeply intertwined with ethical practice. The way humans conceive of God’s personality – divine love and divine justice – is often central to how they structure the economic relations among themselves. In the rest of the trilogy we will try to flesh out this conceptual correlation between religious imagination and ethical policies and institutions serving the poor. The pursuit of spirituality and the distribution of material goods to the needy poor do not fall into separate categories.

What this trilogy seeks to explore is the rich languages of generosity to the needy. The philosopher Charles Taylor has stressed the constitutive dimension of language; one function of which is to create “a **common vantage point from which we survey the world together**; a public space where we share moral evaluations and establish social relations, the kind of footings we can be on with each other.”^{xxxii}

Religion and the Practice of Charity: The Statistics

Most of this trilogy deals with religious narratives and the practice of tzedakah and charity embodied in laws and sermons but not with the study of what Jews, Christians or Muslims actually do historically and sociologically. In a sense we take these ancient traditions at their word and analyze the phenomenology of their self-presentation as generous, loving, and just societies. Of course, we know that there is a gap between theory and practice, between religious rhetoric and good deeds, between pious prescriptions and descriptions of what really

happens. But our focus is on the ideals of contrasting religious civilizations. We have no access to what people really did with their money thousands of years ago and we leave to historians the study of the institutional behaviors, while we analyze the rich record of what they thought, preached and legislated about tzedakah and charity.

Nevertheless, in this introduction it is interesting to point out that religious motivations *do* have a measurable statistical effect on actual generosity of time and money even today in the West. In the contemporary American Jewish community it is a well-known phenomenon that Jews more than other Americans give a much higher percentage of their income to “good causes,” though less and less to identifiably Jewish causes or organizations:

"For a group that makes up only 2–3 percent of the total U.S. population, Jews represent a disproportionately large share of the wealthiest Americans (about a quarter of the *Forbes* 400) and of the nation's biggest donors (four of the country's top seven donors in 2009 were Jews). Nearly half of the 40 billionaires who have signed the Gates-Buffett Giving Pledge—to give at least half of their wealth to charity—are Jewish."^{xxxiii}

" [Jews] accounted for 1,107 mega-gifts from 2001-2003, which amounted to nearly \$7 billion. Jewish giving represented 12% of total gifts and 16% of total dollars among all American donors."^{xxxiv}

Jewish giving is not primarily motivated by “religiosity” in the narrow sense of religious ritual observance or theological belief since many of the big givers and most American Jews in general are not highly identified with religious dogma or weekly synagogue attendance. Jewish generosity as a value is not perceived by Jews themselves as restricted to Jewish *causes* in the narrow sense or Jewish organizations as those delivering the service. However giving is statistically⁹ an identifiable trait of Jewish civilization and of Jewish family traditions and the organized Jewish communities worry that with assimilation that trait will be dissipated.

What was new to me in the statistical analysis of American giving patterns is that religiosity in the narrow sense of Christian belief and church attendance are highly correlated with charity and volunteerism both positively and negatively. The less religious (and the smaller the families) of Americans and Europeans, the less likely they are to give time and money. Arthur Brooks in his book, *Who Really Cares: The Surprising Truth about Compassionate Conservatism*¹⁰ (2006), marshals the latest statistics on giving in America to show that

⁹ 25% of the largest donations to higher education in America are from Jews. Of Jewish donations of \$1,000,000 and over, 90% go to non-Jewish charities. Jews as a group are the religious group most likely to give to nonreligious causes. Membership in a Jewish organization *increases* the likelihood of giving to non-Jewish causes as well. (Gary Tobin and A. Weinberg, “Mega-Gifts in Jewish Philanthropy, 2001-2003, in Institute of Jewish and Community Research, 2007, 1)

“Among the Jews group norms support general communal giving as opposed to religious giving. 72% of Jewish giving is directed toward non-religious causes making the Jewish group the highest givers in the non-religious domain.” (I.E. Berger, “Influence of Religion on Philanthropy” in *Voluntas* #17, 2006, 126). Note however that Berger seems to ignore the fact that for Jews it is mitzvah to give to the needy so that *is* a religious cause to give even to so-called secular causes.

¹⁰ Brooks’ central contention is that **conservatives are more compassionate than liberals on a personal level of practice**. American liberals often claim that conservatives, especially religious ones, who vote against expanded government welfare programs, are unconcerned for the poor because of their capitalist selfishness. However he shows that in the US: “Religious people are far more likely than secularists to be politically conservative. People who believe - as liberals often do - that the government should equalize income, give and volunteer far less than people who do not believe this. Secularism and family breakdown

religious engagement deeply increases charitable giving. His facts apply mainly to Christians, of course. It applies to volunteering as well as donating blood and money:

“There is a huge ‘**charity gap**’¹¹ that follows religion: Religious people are far more charitable with their time and money than secularists. Religious people are more generous in informal ways as well, such as giving blood, giving money to family members, and behaving honestly. Charitable giving is learned, reinforced, and practiced within intact families—especially religious families. Much of this difference comes in gifts to religious causes, but [religious people] also give and volunteer generously with secular¹² charities.”^{xxxv}

Brooks’ results are most graphically manifest in his comparison between San Francisco and South Dakota:

“In 2002, religious people were far more likely to donate blood than secularists, to give food or money to a homeless person, to return change mistakenly given them by a cashier, and to express empathy for less fortunate people. For example, religious people were 57 percent more likely than secularists to help a homeless person at least once a month.”^{xxxvi}

“Families in [mostly secular] San Francisco give almost the same amount to charity each year as families in [mostly religious and half as college-educated South Dakota: about \$1300. But the San Francisco family enjoys 78 percent more personal income than a family in South Dakota. Yet for a family making \$45,364 (the South Dakota state average), \$1,300 represents a much larger sacrifice than for one making \$80,822 (the San Francisco County average). So the real difference in giving between the communities is this: The average South Dakotan family gives away 75 percent more of its household income each year than the average family in San Francisco.”

“I asked an executive at the South Dakota Community Foundation why South Dakotans donate so much of their incomes to charity. Her response was immediate: religion. ‘We were all taught to tithe here.’ Further, she explained, even those who do not attend church regularly donate a lot because they were taught to do so by their parents, who probably did attend. That is the question I took to the director of a major San Francisco foundation. ‘Yes,’ she told me, ‘this is a pretty godless place. People don’t feel very obligated to give.’ Fifty percent of South Dakotans attend their houses of worship every week, versus 14 percent of San Franciscans. 49 percent of San Franciscans never attend church. The two foundation executives were claiming that religion causes people to behave charitably.”^{xxxvii}

occur less frequently among conservatives than liberals. The net effect is that conservatives generally behave more charitably than liberals, especially with respect to money donations. The American working poor are, relative to their income, very generous. The nonworking poor, however - those on public assistance-give at extremely low levels. The charitable working poor tend to be far more politically conservative than the nonworking poor.” (Arthur Brooks, *Who Really Cares*, 177-178)

¹¹ “The average amount in [charity] given per household from the five states combined that gave Mr. George Bush, jr, the highest vote percentages in 2003 was 25 percent more than that donated by the average household in the five northeastern states that gave Bush his lowest vote percentages; and the households in these liberal-leaning states earned, on average, 38 percent more than those in the five conservative states. In 2003, the residents of the top five ‘Bush states’ were 51 percent more likely to volunteer than those of the bottom five, and they volunteered an average of 12 percent more - total hours each year.” (Arthur Brooks, *Who Really Cares*, 24)

¹² “Although the charity gap between these groups was not as wide in secular giving as it was for all types of giving, religious people were still 10 points more likely than secularists to give money to nonreligious charities such as the United Way (71 to 61 percent), and 21 points more likely to volunteer for completely secular causes such as the local.” (Arthur Brooks, *Who Really Cares*, 38)

”In 2000 American national survey religious people were 25 percentage points more likely to give than secularists (91 to 66 percent). Religious people were also 23 points more likely to volunteer (67 to 44 percent). Religious people - who, per family, earned exactly the same amount as secular people, \$49,000- gave about 3.5 time more money per year (an average of \$2,210 versus \$642). They also volunteered more than twice as often (12 times per year, versus 5.8 times).”^{xxxviii}

“For Europeans giving at the private level is a foreign concept to them. There is a huge charity gap that we can be confident has grown only in the intervening decade. No Western European population comes remotely close to the United States in per capita private charity. The closest nation, Spain, has average giving that is less than half that of the United States. Per person, Americans give three and a half times as much as the French, seven times as much as the Germans, and fourteen times as much as the Italians. Americans give more than twice as high a percentage of their incomes to charity as the Dutch, almost three times as much as the French, more than five times as much as the Germans, and more than ten times as much as the Italians.”

“Americans are 15 percentage points more likely to volunteer than the Dutch (51 to 36 percent), 21 points more likely than the Swiss, and 32 points more likely than the Germans (fewer than one in five of which volunteer for any charities, churches, or other causes). These volunteering differences are not attributable to the average level of education or income. On the contrary, if we look at two people who are identical in age, sex, marital status, education, and real income - but one is European and the other American - the probability is far lower that the European will volunteer than the American.

“On a trip to Russia, I showed shockingly low Russian average volunteering rates to a professor of nongovernmental studies at a Moscow university: ‘No, that can’t possibly be right,’ he said. But then he surprised me: ‘There is no way that such a high percentage of Russians actually volunteer each year. You are overestimating Russian voluntarism, because Russians overstate their charitable activities.’ And this was the same reaction about reported giving and volunteering levels that I got from colleagues in other European countries.”

“First, many Europeans argue that their high taxes, which provide revenues to generous social welfare systems, pay for much of what Americans cover with private charity. But one technical problem arises with this argument: The average tax burden in all European countries is not higher than it is in the United States. A British family, for instance, relinquishes an average of 10.8 percent of its household income to the government in income taxes. This is lower than what an average American family pays-11.3 percent.

“No rational moral idealism can [by itself] create moral conduct. It can provide principles of criticism and reasons; but such norms do not contain a dynamic for their realization.... Rationalism not only suppresses the emotional supports of moral action unduly, but it has failed dismally in encouraging men toward the realization of the ideals which it has projected.”^{xxxix}

The most common European justifications for the transatlantic charity gap are twofold, but upon examination they are both mistaken rationalizations:

“The second justification we often hear from Europeans is that Americans give more because our tax system creates incentives to be charitable.^{xl} But this argument is wrong. American tax deductions represent only about 20 percent of the total value of U.S. private charity. This is nowhere near the size of the gap in average giving between the United States and the European nations. For example, even if we erase 20 percent of American gifts, the average American still gives five and a half times as much money to charity each year as the

average German. Many European countries have tax incentives similar to (or more generous than) those in the United States. Further, this argument pertains only to money donations, but non-monetary giving in Europe is much lower than in the United States as well. Tax deductions do not drive the vast majority of private donations in America.”

Brooks explains the relatively low levels of European giving by the same factors that account statistically for the less-generous sectors of American society – the non-religious and those unwebbed in families with children

“Why is Europe so uncharitable? For many of the same reasons, it turns out, that uncharitable Americans are. We saw that Americans are relatively unlikely to behave charitably if they are nonreligious, believe that it is the government's job to redistribute income, and suffer from unstable family conditions. Each of these forces is stronger in Europe than in America, and that these forces suppress charitable giving more in Europe than they do here.”^{xli}

Secularism, non-marriage, and small families correlate directly with low rates of charity in Europe, just as they do in the United States.^{xlii} In conclusion, in the last fifty years statistics about ethnic-religious American Jewish giving and religious Christian charity show how important culture with religious roots embodied in families is for levels of generosity. Secular ideologies and American nonreligious culture have not proven as reliable in motivating personal giving. Thus, the practical significance of revisiting religious worldviews in Judaism and Christianity is evident. In a time of much religious flux in the West the traditions of generosity are at risk.

Our study— unlike Brooks’ work – is qualitative, not quantitative. Brooks did not ask how different religious traditions fared in terms of generating amounts of charity. Nor did he distinguish types of beneficiaries of charity.¹³ Our analysis of the rhetoric of giving will identify the preferred beneficiary and the preferred mode of help implicit in often-divergent religious narratives.

Moral Education and Historic Communities

Our study of historic traditions of giving and their reverberations though time is not only motivated by a desire to collect eclectic, inspirational texts. It is also designed to strengthen – in a critical and self-reflective way - the connections of the reader to the multiple communities in which they participate – national, religious, and Western philosophical and political. It is not by deconstructing the particular that one approaches the universal but by connecting the two organically. One moves educationally from loyalty to one’s biological and, then, ideological brother to commitment to a universal solidarity. Empirically it appears that effective narratives of giving are rooted in particular communities and their historic memories, not in abstract universalism, which has not proven capable of motivating self-sacrificing behavior in a broader society. It is not that local traditions are opposed in content to universal ideas, like the Jewish people’s axiom that “all human beings are created in the image of God,” but that they generate a commitment to act on that axiom because they have

¹³ Churches have no obligation to report the breakdown of their use of charitable contributions, so we cannot distinguish religious expenses from welfare expenditures by churches. In 1957 a survey of Protestant churches showed that 81% of charitable donations went to congregational expenses and 19% to benevolence including foreign missionaries. (O. Zunz, *Philanthropy in America*, 178)

shaped and nourished a particular identity in which that universal idea has its roots, along with the dramatic memories of one's own local history, such as *you shall love the stranger, for you were strangers in the land of Egypt*.

Ehud Luz, a cultural historian of Zionism and modern Jewish thought, argues persuasively:

“Moral judgment in any given society is not based only on abstractions but also on a distinctive tradition that rationalizes morality in reference to particular collective memories. Particularistic communities provide a necessary grounding for individual moral development in that **the bonds of loyalty that these communities foster among their members are an important source of motivation for moral behavior**. For most people, universal morality is not sufficient for this purpose, nor is it capable of overriding narrower loyalties.”^{xliii}

The Protestant theologian Reinhold Niebuhr expresses pessimism about the educational force of merely abstract ethics. That is why particularist communal ties – after being vetted for chauvinist tendencies - must be nurtured for their own sake and as necessary stage on the way to more universal inclusion. Transmission of values is achieved by identity-defining narratives, not scientific proofs. Philosophers such as Alasdair MacIntyre, Michael Walzer, and Paul Ricoeur have stressed the link between narrative and morality, between historic traditions that shape identity and the moral force that educates individuals to commit themselves to ethical behavior even when it entails “self”-sacrifice. Self-dedication of one's life to serve others can still be understood by them as “self”-fulfillment within their “communal self”:

“Social morality thus needs the support of forces arising from religion, tradition, and history. Loyalty gives rise to covenantal relationships and intimate partnerships, which in turn supply the motivation for self-sacrifice and reaching out to others. In this way, loyalty undergirds moral behavior in a way that goes beyond the Kantian notion of obligation without, however, contradicting it.”^{xliv}

That is our credo as we go forth on our voyage to study the historic narratives of giving that nourish Western societies that are heirs to Greek, Jewish and Christian heritages. To launch this study of historic social narratives of identity and giving, let us look at two classic Rabbinic texts – the Talmudic guidelines for interviewing a potential convert to Judaism and Maimonides' introduction to the *Laws of Gifts to the Poor*. Both single out *tzedakah* as the defining characteristic of the Jew.

A. The Test of a True Jew¹⁴ is in the Pocketbook

“Suppose you get hit by a truck and someone finds your checkbook. What would the check stubs reveal about your giving habits? How recently did you make your last contribution, and how generous was it relative to your means? Who were the beneficiaries of your giving, and why did you choose those causes?”

- Letty Cottin Pogrebin, a novelist, and her pitch for raising money^{xiv}

"We all write our autobiographies in our checkbooks [or perhaps today with our credit card charges], and leave a record for our children of the causes to which we gave."

- Rabbi Israel Stein^{xvi}

“The principle of justice has as its consequence the **relativity of the principle of property** and the latter is the bulwark of egotism, of eudaemonism, of opportunism and everything else that is opposed to religious morality.” - Hermann Cohen^{xlvii}

Interviewing a Candidate for Conversion to Judaism and for Citizenship in the Jewish People

Our Rabbis taught: If at the present time a person desires to become a *ger* (convert), address the candidate as follows: "What reason have you for desiring to become a *ger* (convert)? Don't you know that the people of Israel at the present time are persecuted and oppressed, despised, harassed and overcome by afflictions?"

If the candidate replies, 'I know and yet am unworthy,' accept him/her immediately. Then let him/her know some of the minor and some of the major commandments = *mitzvot*.

Inform him/her of the sin [of the neglect of the commandments] of Gleanings, the Forgotten Sheaf, the *Peah* and the tithe for the poor. (Babylonian Talmud Yevamot 47a)

In the Rabbinic interview with the potential convert there is only one set of *mitzvot* singled out that *must* be explicated to the *ger* – the agricultural laws of giving to the poor.¹⁵ Before

¹⁴ Consider the similarities to the test of a true Muslim based on *zakat*, i.e. tzedakah.

Allah speaks about another group of unbelievers: "But if they turn in repentance and establish the prayer and pay *zakat*, they are your brothers in the *deen* [familial-tribal unit]. (Quran 9:11)

When Jibril came to teach Muslims their religion by politely questioning the Prophet . He asked the Prophet, "What is Islam?" The Prophet answered, "Islam is to testify that there is no god but Allah and Muhammad is the Messenger of Allah, to establish prayer, pay *zakat*, fast [during] Ramadan, and to make pilgrimage to the House if you are able to do so." (Hadith)

An-Nawawi said, "Anyone who does not pay *zakat* on the basis of denying its obligation is considered a disbeliever except if that person is new in Islam or has lived all his or her life far from sources of information (in an isolated desert, for example.) Then he or she should first be made aware of the importance of the obligation of *zakat*. One who denies this obligation denies the words of Allah and His Messenger , and therefore is a disbeliever." (Yusuf al-Qardawi, *Zakat*, 25,35)

¹⁵ Here is a brief explication of these ancient land-based welfare laws: "Inform him/her of the sin [of the neglect of the commandments of] **Gleanings** (the exclusive right of the poor to glean the remainders of fruits and grain left on the plants after the first go-round of the harvest), **the Forgotten Sheaf** (the exclusive right of the poor to take scattered sheaves bound but forgotten in the first go-round of the harvest), **the Peah** (the corner of the field

speculating on why laws of giving material aid to the poor are so central to defining a Jew, let us recall the historical context, as best as it can be reconstructed. Historians suggest this conversion interview was formulated at the nadir of Jewish history, during the Roman period – after the Temple and Jerusalem had been destroyed in 70 CE in the Great Jewish Revolt and after the Bar Kochba Revolt had been crushingly defeated in 135 CE. Perhaps this was formulated right after the Hadrianic persecutions of Judaism (including the prohibition of public teaching of Torah and of circumcision) and the execution, according to the legend, of ten martyrs executed by Rome for publicly teaching Torah. What an inauspicious time for any Greek or Roman to wish to convert to Judaism, especially in Eretz Yisrael!

The opening question to the convert is historically contextualized by the law itself:

“If at the present time a person desires to become a *ger* (convert), address the candidate as follows: ‘What reason have you for desiring to become a *ger* = proselyte? Don't you know that the people of Israel at the present time are persecuted and oppressed, despised, harassed, and overcome by afflictions?’” (TB Yevamot 47a)

Invading the usually sober and technical language of the halakha is a gushing outpouring of synonyms for persecution. They actually rhyme like a tragic elegy. With what pathos the Jewish interrogator questions the sanity of the would-be Jew! Before we show the convert the requirement to give of one's produce, we expose the candidate for conversion to the Jewish reality of need, to suffering experienced in our own flesh. In a world where Jews are persecuted as a group the convert can expect no ulterior benefit from conversion. The Divine redeemer of the Red Sea and even the Divine Judge giving out abundance according to merit in this world are hidden. The Jewish court of conversion insists that new members be fully “informed” so their decisions are free choices based on full disclosure. “I never promised you a rose garden,” but rather I informed you about a world of Jewish persecution.

The response of the candidate is unconditional: “I know and yet am unworthy” and so the court's response is equally unequivocal: “Accept him/her immediately.” As my teacher David Hartman describes this process, the non-Jew becomes a Jew not by a leap of faith but by a **leap of solidarity**. That defines the Jew and that lays the basis for *tzedakah* - for mutual responsibility for each other's physical welfare even in times of suffering - as an expression of identity.

The first part of the interview is over. Now the Rabbis who served, so to speak, as the “gatekeepers” on Jewish membership rolls suddenly become “recruiters” who, having approved the application of the convert as far they are concerned, now want to sign the convert up and just let him/her know what is entailed in terms of Jewish practice and responsibility as a citizen of the Jewish people. **Emotional solidarity comes first and then responsibility in action.**^{xlviii} Emotional solidarity is not enough. To be a member of a covenantal community with God entails *mitzvot* and the consequences for one's actions (reward and punishment).¹⁶ But it is enough to give some examples without “reading all the fine print.” First come a few examples of harder commandments to observe or ones whose

left unharvested to which only the poor have access to harvest on their own) and the **poor's tithe** (a tenth of the produce already stocked up by the farmer which may only be given to the poor).”

¹⁶ As Maimonides says, the halakha does not wish to burden the prospective convert with learning all the laws at once. “Do not go on too long about the mitzvot...Do not multiply descriptions of the punishments lest this cause the convert to be pushed away and deflected from the good path to the bad path. For one draws people in, initially, with gentle words of desire.”

violation brings harsher punishments, like Shabbat and, then, a few easier ones, like residing in a sukkah on the holiday of Sukkot. But among various laws that could be presented, only one set is obligatory – sharing one’s produce with the needy. Why is this essential in this context? What does this practice teach us about the gateway to Judaism for new members?

Let us speculate. On one hand, the *ger* will be leaving his/her family in which s/he was embedded. Rabbinic law regards the *ger* as if reborn. So who will take care of this newly isolated individual? The interviewer reassures the convert. You will benefit from these agricultural welfare rights which are not typical of Greco-Roman culture that generally shuns strangers and the poor underclasses. Recall what we learned from the pagan Emperor Julian (4th C. CE) who saw the attractiveness of Christian and Jewish welfare support and how unusual this was for pagan cults. You are now **a familyless *ger***,¹⁷ but you will join the mutual support system of the Jewish community that will take you in as they take in other family-less people - i.e., orphans and widows.¹⁸ Later in this Talmudic discussion Ruth the Moabite is cited as the model for unconditional loyalty to God and the Jewish people, but she is also according to the Book of Ruth both the beneficiary of the rights of the *ger* in her gleaning and the benefactor of her mother-in-law Naomi to whom she brings the gleanings. Thus she is also the Tanakh’s paradigmatic exception to the exclusion of all Moabites from entry into the community of God with Israel. Why? Perhaps her very generosity as a giver of tzedakah to her destitute mother-in-law is revision and reversal of the reason for the exclusion of her people:

“Amon and Moav were distanced [from the Jewish community] for holding back tzedakah as it says, [“*Amonites and Moabites may not enter the community of God..*] *because of that thing they did when they did not come forth to greet you with bread and water when you were on the road coming out of Egypt (Dt. 22 4-5).*” (Arukh HaShulkhan YD 247:6)

On the other hand, the *ger* will have new obligations bearing on one's financial assets. The *ger* will be obligated to give (as well as privileged to receive) social welfare. Judaism is not only about one’s spiritual relationship to God, but also one’s relationship to the other mediated **through one’s property**. In Judaism there is an implicit theory of ownership that denies that whatever you produce, even by your own labor, on your own land, belongs exclusively to you. That theory of property is presumably new to the Greco-Roman.^{xlix} The *ger* must be educated to this religious worldview which directly undergirds the Jewish giving society in Eretz Yisrael.

The *mitzvah* of giving and the entitlement to benefit are also tied to the Rabbis’ opening question in the interview process, the question that focused on Jewish suffering at the hands of other nations. The Rabbis offer the *ger* no expectation of Divine historical "providence" *in this era* after the Temple’s destruction, though later rewards are promised. In this world Jews

¹⁷ In Rabbinic law the convert is like a child newly born into a spiritual brotherhood and all other previous biological or marital ties are dissolved. If a mother and a child both convert, they enter as individuals with no ties. Legally speaking they might even marry one another – although the Rabbis later prohibited that anomaly lest it look bad in the eyes of the Gentiles who might think that people enter Judaism in order to commit incest, to lower the level of sanctity in their sexual relationships (TB Yevamot 62b).

¹⁸ Recently an adult convert in NYC told me that when she and her Conservative rabbi went to an Orthodox run mikveh. The mikveh rabbi welcomed her as a full-fledged Jew as she emerged from the immersion and announced that from now on her fellow Jews would help her when she was in need. Now she could come to the mikveh rabbi for economic or any other kind of help. He only asked her to promise to light Shabbat candles every Friday night, which she has done faithfully ever since.

must provide for one another for no one else will. To express this surprising emphasis in a provocative way, I sometimes think the language of the conversion process suggests that the Jews themselves function in lieu of the "absent" God to "redeem" those Jews in need on earth. The Jews as a collective are responsible for their own self-redemption. The convert must be introduced to activist redemption, which here means neither spiritual salvation nor even political messianism, but simply taking care of one another financially (Leviticus 25:25).

Louis Jacobs, the British scholar and rabbi, recounts a Hasidic master's quip: "Since everything in God's world must have a purpose, what purpose is served by the phenomenon of atheism?" God allows the possibility of unbelief, he concluded, because otherwise the rich would have so much faith that God will help the poor that they would not themselves think of trying to alleviate their suffering. Faith is admirable when exercised on one's own behalf. Where the needs of others are concerned, it is essential to act as if there is no God to intervene."¹

While Maimonides adds to his version of the conversion interview an extended discussion of God's oneness, the faith in monotheism,¹⁹ the original Talmudic formulation itself remarkably says almost nothing about God but a great deal about the Jewish people and Jews' responsibility to each other. As implied in the Talmudic interview being a Jew essentially begins with a relationship of unconditional loyalty to a national community i.e. a horizontal relationship to a people, not a vertical relation to God. Individuals may suffer as a result of being in that group, but economic solidarity is a positive response of taking responsibility for one's collective fate.

In short, in a world that does not, to say the least, manifest adequate Divine justice and mercy, Jews must show solidarity with one another and a new Jew is expected to join that **mutual aid society** as an equal brother or sister. Judaism cannot be accepted merely as a set of faith statements or rituals or as a relationship between an individual and God, without a sense of community including mutual financial support. One must bring one's pocketbook to the altar of conversion.

¹⁹ "Inform the candidate for conversion of the principles of religion: God's unity and uniqueness and the prohibition of idolatry, and that should be done expansively at length. Inform him/her of some of the easy and some of the hard mitzvot, but do not do so expansively at length" (*Mishne Torah*, Book of Holiness, Laws of Forbidden Relationships 14:2).

B. Maimonides: Appealing to “Our” Jewish Genes – The Perfect “Pitch”

“This people [Israel] has three markers [of identification as when lost objects are claimed]:

The compassionates ones, (*rakhamim*), the modest (shame-faced) ones (*bayshanim*), and those who do deeds of loving kindness (*gomlei hasadim*).” (TB Yevamot 79a)

It is incumbent on Abraham’s family to establish a humane society, which will embody human nobility and human honor/dignity on the basis of freedom and equality, in which all will be equally governed by the common task to observe ‘*the way of Adonai to do tzedakah and mishpat, justice and law.*’” – Rabbi Shimon Raphael Hirsch (Commentary on Genesis 37:11-12)²⁰

The second seminal text connecting Jewish identity with giving *tzedakah* is from “RaMbaM” (Rabbi Moshe ben Maimon = Maimonides = Moses son of Maimon) for whom the role of gifts to the poor as a social marker defining Jewishness is made absolutely explicit in his atypically rhetorical introduction to his *Laws of Gifts for the Poor*. Throughout our study of *tzedakah* Maimonides will provide the basic rabbinic text because, as Mark Cohen, the great historian of Maimonides, observes:

“Maimonides was the first to codify the dispersed laws of charity in the Bible, rabbinic, and geonic literature. He had no model, no prior codification of Jewish eleemosynary legislation before him.”^{li}

Maimonides knew what need and collective support are about. When he was a child, he and his family from Spain were forced by radical Islam to flee and then adopt the religion of Islam in Morocco until they could return to Judaism under a more moderate Moslem regime in Egypt. Maimonides served as the political and judicial leader of the Jews in 12th C. Egypt, where he served a physician to the Caliph. He personally led many fundraising campaigns to redeem Jewish captives from pirates and from Crusaders. As a political refugee and immigrant arriving in Fustat in the mid-1160s, he rose to become head of the Jewish

²⁰ **The Calling of the Jewish Nation: A Blessing for the Nations and Blessings from the Nations**

The calling of Jewish nationhood is to work to build and to be built up to improve our world and our lives, to raise up ourselves and others, to the peak of fullness and human success in paths of peace and love. We sanctify ourselves with divine sanctity in thought and action in order to become a blessing to ourselves, a glory and honor to the nations of the world and a holy people to our God, Creator of the world and the human being.

Each country and each nation which respects itself does not and cannot be satisfied with its narrow boundaries and limited domains; rather, they desire to bring in all that is good and beautiful, that is helpful and glorious, to their national [cultural] treasure. And they wish to give the maximum flow of their own blessings to the [cultural] treasury of humanity as a whole, and to establish a link of love and friendship among all nations, for the enrichment of the human storehouse of intellectual and ethical ideas and for the uncovering of the secrets of nature. Happy is the country and happy is the nation that can give itself an accounting of what it has taken in from others; and more importantly, of what it has given of its own to the repository of all humanity. Woe unto that country and that nation that encloses itself in its own four cubits” and limits itself to its own narrow boundaries, lacking anything of its own to contribute [to humanity] and lacking the tools to receive [cultural contributions] from others.” (Rabbi Benzion Hai Meir Uzziel, First Sephardi Chief Rabbi of Israel, 1948,

Hegyonot Uzziel Jerusalem 5714/1954 vol. II 118)

community, *Raid-al-Yahud*, in large part due to his leadership in raising funds for ransoming captive Jews from pirates and Crusaders. His forcible and passionate fundraising letters to the Jewish communities of Egypt reflect his method of persuasion:

“Act upon it in the same way as we, all the judges and the elders and the student(s), have acted, going around, night and day, urging people in the synagogues, the markets, and at the doors of dwellings, in order to collect something towards this great goal. Having contributed as much as we ourselves are able, you, too, should do for them (the captives) as fits your generosity and your [renown] as seekers of merit [through] kindness and love. Write to tell us the total amount you collect on their behalf, through God the ex(alted's) compassion and your own. Exert yourselves to collect it quickly and send it to us with our above-mentioned dignitary.” (1169 CE, Manuscript 8254.7 JTSA)^{lii}

In his personal life, after the death of his merchant brother, who had long supported his scholarship, Maimonides had to cover the debts and support the family of his deceased brother. Though a great Aristotlean philosopher who valued intellectual love of God above all, Maimonides here, in his surprising rhetoric of *tzedakah*, characterizes the provision of material aid to the needy as *the* mark of the Jew and the Jewish community. In an almost unprecedented hyperbole, Maimonides rates *tzedakah* as so important that it must be *more* carefully observed than *any other positive mitzvah*. *Tzedakah* is both the point of origin of the Jewish people in the character of Abraham, its spiritual and biological forefather, and the essential key to the end of history in the redemption of Israel on earth:

“We are obligated to be more scrupulous²¹ in fulfilling the commandment of *tzedakah* than any other positive commandment^{liii} because *tzedakah* is the sign of the righteous = *tzaddik*, the seed of Abraham our Father, as it is said, *For I came to know him* (= chose him), *so that he would command his children . . . to do righteousness* = *tzedakah* (Gen. 18:19).

The throne of Israel is established and the religion of truth is upheld only through *tzedakah*, as it is said, *In righteousness shall you be established* (Isaiah 54:14). Israel is redeemed only through *Tzedakah*, as it is written, *Zion shall be redeemed with judgment and they that return of her with righteousness* (Isaiah 1:27).²² (Laws of Gifts of the Poor, 10:1-2)

Tzedakah is not merely an action, but it is also a **character trait**.^{liv} In fact, for Maimonides, the famed doctor to the caliph of Egypt, it is comparable to DNA, which he refers to using his contemporary medical terminology as the biological "seed." For Aristotle, Maimonides' scientific authority, the seed determines the form of development of the whole plant or animal, just as an acorn predetermines the whole growth of the oak (if it develops to its full potential). So *tzedakah* is not merely an externally-imposed positive commandment or a sign

²¹ By contrast, Yosef Karo (*Shulkhan Arukh* Y.D. 260) says circumcision is "greater than all other positive *mitzvot*."

²² Mordecai Kaplan was a member of the first Jewish fraternity in the USA in 1899 at the City University of New York. Its name ZBT is reputedly an acronym of *Zion B'mishpat Tipadeh* = "Zion will be redeemed by virtue of justice" (Isaiah 1:27). Kaplan's commitment to both the creative survival of Jewish civilization and to human justice was consistent with this motto. Besides founding the Orthodox Young Israel movement and the first Jewish centers that combined synagogues and JCCs, inventing the first Bat Mitzvah – his daughter's, teaching egalitarianism at the Conservative Movement's Jewish Theological Seminary in the 1940s, and establishing the Reconstructionist movement, Kaplan wrote a haggadah that introduced Moses (whom the traditional haggadah left out) and emphasized Moses' fight for justice. It should also be noted that the Hadassah women's organization was founded in his home at a meeting presided over by Henrietta Szold.

of obedience to the Divine will, but a natural expression of the inner form, the image of God, embodied in the righteous person's being, character, and habitual behavior. Playing on the linguistic connection between righteous (*tzaddik*) and *tzedakah*, Maimonides identifies *tzedakah* with the paradigmatic expression of righteousness^{iv} that defines God's and Abraham's way in the world, but also with Abraham's trait of compassion.²³

Since *tzedakah* is a mark of the seed of Abraham, it is an ethical trait analogous to the biological origins of the Jewish people that go back to the first Jew, who was himself a *ger*. But which image of the multi-faceted Abraham is essential? Here Maimonides' Abraham is neither Avram, the idol smashing son of an idol salesman, nor the obedient follower of the proto-Zionist command to "leave your homeland for the land that I will show you" nor the self-sacrificing father in the *akedah* narrative of the binding of Isaac, willing to sacrifice his son. Rather, in observing the mitzvah of *tzedakah* we following model of our ancestor Abraham who practices justice toward all and who demands that God judge all peoples impartially (Gen. 18:19).

Embodying that Jewish trait is the fulfillment of one of the chief goals of Abraham and his people, so the Jew should "naturally" be an advocate for a universal system of justice that leads to, a fully redeemed world as Isaiah, whom Maimonides cites, has foretold.

In our treatment of the Biblical concept of social welfare that is summed up in the phrase *tzedakah umishpat* we will have much more to say of that **universal ideal of justice**.

***Tzedakah uMishpat* are the traits that justified God's choice of Abraham.** But those traits are passed on in the Jewish people through **teaching**. Abraham was chosen **to be teacher** of his children and also of the non-biological members of his community. Hence, the child of Abraham must learn to develop this spiritual-ethical virtue, which is not merely inherited, as if it were a racial characteristic. The children of Abraham are the students of his Torah and their character is shaped by its practices.

Here my key point is that the Jewish people in their "particular" calling are to embody and to promote a universal ideal. In the language of the 19th C. German philosopher Hegel, the Jews comprise a "universal class" representing not their own sectorial interests within human society but God's meta-interests in the good of the whole of society. *Tzedakah* is, thus, central to a religious view of what Maimonides terms "**true religion**." Faith and ethics are inseparable. *Tzedakah* is essential to the **messianic narrative of redemption** based on Isaiah 1:27. Maimonides conflates the prophetic vision of a just society, of what is today called *tikkun olam*, of *tzedakah umishpat*, with the much more limited matter of giving money to the poor – the usual province of Rabbinic *tzedakah*.

Nevertheless, for many Jews the spiritual calling of spreading the universal Torah is not a sufficient motivation to give money. Their Jewish identity – formed in the crucible of discrimination and social isolation and defamation – is more particularist and their

²³ Rashi too uses the midrash on Jewish character trait of compassion as social marker for how is and who is not Jewish. He writes in a responsum about a husband who sought to avoid paying the ketubah settlement to his wife when he divorced her on the trumped-up charge that when he married her, she had hidden her blemishes under cosmetics. Rashi shames the husband by calling into question his Jewish lineage if his character is so cruel as to try to cheat his wife:

"This man showed by his bad behavior that he is not of the seed of Abraham our father whose way was to have mercy on human beings, especially when this woman is his flesh and he had a marital covenant with her. For if he had put his heart into bringing her closer as much as he put his heart into distancing her, she would have found favor in her eyes... But he hardened his heart toward this daughter of our Father in heaven."
(Responsa of The Rabbis of France and Lothar #40, p. 24)

sympathies are restricted to their biological brothers.²⁴ Here pragmatism rather than idealism reigns:

"All Jews and those attached to them are like brothers, as it is said, "*You are sons to the Lord your God*" (Deut. 14:1), and if a brother will not show mercy to his brother, then who will have mercy on him? And to whom can the poor of Israel look for help - to those other nations who hate and persecute them? They can look for help only to their brethren." (Gifts of the Poor 10:2)

Strikingly in his era Maimonides assumes that Jews have no one else to turn to for tzedakah, In that situation Maimonides' best advice is to turn first, **not to God directly**, but to one's fellow Jews who knows in his heart the solidarity that emerges in response to **ethnic discrimination**. That is perhaps a too-radical reading of Maimonides, but his pained question – "And to whom can the poor of Israel look for help - to those other nations who hate and persecute them?" - *should* have been answered – their "Father in Heaven!"²⁵ But instead the answer is: "They can look for help *only* to their brothers!" This echoes our interpretation of the interview process of the would-be convert that fails to mention God the redeemer of history and, instead, speaks of agricultural tithes provided by Jewish farmers for the needy and for the convert.

In his appeal for tzedakah Maimonides argues that, within the social reality of medieval animosity to Jews, Jews in need have no one to rely on except their brothers. His formulation of the rhetorical question recalls directly a typical question in Psalms but not its traditional answer – *I raise my eyes to the mountains, from where will come my helper? God is my helper, Maker of heaven and earth* (Psalm 121:1-2). In mishna Sotah we find a similar answer. Given as its premise the demise of the generation of great scholars and pious persons (100- 200 CE), the Jewish people have no one upon whom to rely as leaders, no one to rescue them, the only hope is reliance on God. Those scholars and leaders that have replaced them are inferior compared to the leaders of the past.^{1vi} Persons of violence have taken over society, and there is no one to intervene. Hierarchies of respect have been reversed with the young challenging their elders contemptuously and there is no truth:

"In the footsteps of the Messiah, arrogance will increase ...the people who used reside in border areas now wander from city to city and none will show them compassion; the wisdom of authors will stink; sin-fearing people will be detested; truth will be missing; young men will humiliate the elderly; the elderly will stand while the young sit sons will revile their fathers; daughters will strike their mothers, brides will strike their mothers-in-law; and a man's enemies will take over his house. The face of the generation is like the face of a dog! Sons have no shame in front of their fathers. And so, on whom can we depend? - **Only upon our Father in heaven!**" (Mishna Sotah 9:15)

²⁴ In contrast to Maimonides rational functionalism, Judah Halevi's rationale for *tzedakah* is based on an organic theory of society: "For the relation of the individual is as the relation of the single limb to the body. Should the arm, in case bleeding is required, refuse its blood, the whole body, the arm included, would suffer. It is, therefore, the duty of the individual to bear hardship or even death for the sake of the welfare of the commonwealth." (*Kuzari* 3:19)

²⁵ "Pinhas ben Yair said: "Since the destruction of the Temple, scholars of Torah (*haverim*) and people of pedigree are shamed and cover their heads; men of good deeds have diminished, while men of violence and informers (*baalei lashon*) have increased... So on whom may we rely? On our Father in Heaven." (TB Sotah 49a).

The Mishna's answer is the thrice repeated refrain: **“So upon whom can we rely? Only upon our Father who is in heaven”** (Mishna Sotah 9:15). These words appear on a popular bumper sticker in Israel. This spiritual adulation of dependence represents what Rav Yuval Sherlo has complained against - a new wave of passivity in the spirit of the dominant Ultra-Orthodox spiritual path of *bitakhon*, trusting in God's miracles and minimizing human striving. This attitude is rooted in rabbinic²⁶ and medieval pietistic literature (such as Bahya Ibn Pakuda's *Hovot HaLevavot*). A popular Israeli spiritual represent this sentiment and its lyrics are:

“We are those who trust in God, sons of those of who trust in God and we have no one upon whom to rely but our Father in Heaven.”

Sherlo says he would prefer to change the words and the attitudes they embody as follows:

“We are those who trust in God, sons of those of who trust in God and we have no alternative but to take responsibility for the world and to act in the ways that the Master of the world commanded us - and then to pray that God will make our efforts successful!”^{lvii}

Sherlo's own paradigm is a more Maimonidean and he adopts a self-reliant religious worldview like that of the medieval Spanish halakhic authority, Rabbenu Nissim. Rabbenu Nissim interprets the Moshe's warning to Jews to avoid self-congratulatory arrogance as follows. When you enter the Promised Land do not and *you say in your heart: My own power and the might of my hand have won me all this wealth! Remember that it is Adonai who gives you the power to get wealth* (Deuteronomy 8:17-18), recall:

“It is true that various people have special talents for various things, some with the capability potential for receiving [theoretical] knowledge, and others with the wisdom to accumulate [commercial] products. So a rich person might truly say, *My own power and the might of my hand have won me all this wealth!* - even though the potential is planted in him . But remember who gave you that potential and where it came from. *Remember that it is Adonai Who gives you the power to get wealth!*” (*Derashot HaRan* #10)^{lviii}

Rabbenu Nissim's sentiment acknowledges God's role in granting human beings talent without denigrating human effort. In the ancient Aramaic Targum Yonatan the "power" God gives you to make money is glossed as follows: "Remember that Adonai your God gave you the *eitza* = practical sagacity to buy properties." It is only when one says I do not need God's gift of talent that human self-reliance is idolatrous and haughty. Similarly when Maimonides writes that Jews in distress have no one to run to but their brothers: “Who will have mercy upon us? To whom can Israel raise its eyes?...Their eyes^{lix} are dependent on no one but their brothers,” he should not be understood as rejecting out of hand the Mishna in Sotah that says: “So upon whom can we rely? Only upon our Father who is in heaven.” For that Mishna describes dependence on God *alone* as the *last resort* when responsible, wise and virtuous human leadership has disappeared completely. Maimonides seeks to encourage the Jews to take responsibility for one another when there is no one else – not to cast their burden on God alone. When families function as expected and the trait of compassion characterizes the Jewish community, we do not have to rely on God alone for then we have

²⁶ “There were four kings and what one asked for the other did not ask for. These are David, Asa, Yehoshafat, and Hezkiah. David said: 'I will pursue my enemies and catch them....' Then Asa said: 'I have not the strength to kill them but I will pursue them and You will do the rest...' Then Yehoshafat said: 'I have not the strength to kill them or to pursue them but I will recite a poem and You will do the rest...' and then Hezkiah said, 'I have not the strength to kill them or to pursue them or to recite a poem, but I will sleep in my bed and You will do the rest...'” (*Lamentations Rabbah* 4:15)

a decent society informed by the Torah's ethical values. A Jew's *first resort* is Jewish solidarity.

An anecdote from Pottsville, Pennsylvania, in 1943 captures the hands-on significance of defining a Jew by his willingness to give to his people in time of need. My father Rabbi Moses Sachs recalls how he served the small mountain town of Pottsville as a rabbinical student intern. The Jewish community was chiefly run by one community activist who was wealthy enough to control every Jewish organization. He was president of the synagogue, the Zionist organization, the United Palestine Appeal (which after 1948 became the United Israel Appeal), the local federation (which funded community services and aided the needy, especially recent refugees) and the *hevrah kaddisha* or burial society. Everyone was expected to be a dues paying member of those organizations. If a person did not contribute an amount in keeping with what the president knew he or she could afford, then the president would imperiously return the contribution and wait for a higher sum. Those who refused to up their gifts were excluded from the synagogue and the *hevrah kadisha*. Their names were publicized in the community book of annual contributions for not having contributed.^{lx} My father recalls funerals being delayed²⁷ as the heirs of the deceased negotiated to "pay back" missed contributions from the life of the deceased.^{lxi}

The president was unapologetic about the pressure he put on reluctant donors. He said, if you want to be buried as a Jew, you must behave as a Jew in life – that means giving adequate tzedakah according to your capacity. A Jew must take responsibility for his community. His argument was rendered more urgent by the greatest threat to Jewish existence in history. It was 1943, news of the Holocaust in Europe was trickling in and the Zionist Yishuv in Eretz Yisrael was very vulnerable. Jews, he felt, may not exclude themselves from these crucial struggles for national survival.²⁸

Finally, in pursuit of the most effective rationale for giving, Maimonides goes on to make a new pitch for Jewish generosity aimed at individuals who are less than idealistic.²⁹

²⁷ A similar practice is described in Salonica, the center of Sephardic Jewry in Greece under Turkish rule: "The community agreed unanimously that if, God forbid, someone died in the community and still owed tzedakah, then they would not permit the burial until the heirs paid the tzedakah." (Maharshdam Y.D. 128). However later rabbis in Salonica overturned that communal oath ruling it invalid for it violates the Torah's commandment to bury the body immediately out of respect for the image of God imprinted in the human being. Generally Elon notes that he knows of almost no other place where such a delay of burial could be incurred by debt or an obligation to fulfill a tzedakah pledge. (Menahem Elon (2), *Human Dignity*, 238, 242, 247, 254).

²⁸ Pottsville was not a unique phenomenon. In Pittsburgh exclusive Jewish country clubs were once known to require members to make UJA contributions before renewing their annual memberships. In Marshall Meyer's Conservative synagogue, Bet El, in Buenos Aires High Holiday tickets could not be purchased without a receipt for one's annual contribution to the community fund (*The Scroll and the Cross*, 211). Rabbi Shawn Simon Hazani recalls, as a teenager, being scandalized when the rabbi of his synagogue in the 1970s, before Kol Nidre on Yom Kippur eve, passed out Israel Appeal Pledge Cards and then called out aloud the names of congregants whom he knew had not made contributions to Israel. He said he expected to see them after services in his office. This coercive policy aroused opposition among people who saw it as autocratic, as an unforgivable act of shaming people in public and who felt that non-monetary contributions to communal needs were systematically ignored in this approach to tzedakah.

²⁹ The Ropshitzer Rabbi's wife said to her husband, "Your sermon was long today. I wonder how it was received and whether the rich will be more generous in their contributions to the poor." The rabbi answered, "Half of my audience was pleased. The poor have agreed to accept the contributions!" (Nilton Bonder, *The Kabbalah of Money*, 68)

"Whosoever displays mercy to others will be granted mercy himself, as it is said, *And God will grant you mercy, and have compassion upon you, and multiply you* (Deut. 13:18).

No person has ever become impoverished by giving tzedakah and no evil or damage has ever resulted from tzedakah, as it is said, *and the work of righteousness is peace* (Isaiah 32:17)." (Laws of Gifts of the Poor 10:2)

Thus, tzedakah has also been motivated by a desire to obtain benefits for the donor rather than to provided benefits for the needy. Here, the givers' peace of mind is central. That motivation for giving is not about self-sacrifice or selflessness as is Christian charity. Speaking to self-preoccupied potential donors, Maimonides assures them that no one ever went broke giving too much philanthropy. By showing mercy to others you are really evoking Divine mercy for yourself.

Taken together, the genre of this text in Maimonides' great code of law should be classified neither as philosophy nor law but rather as a grab-bag of exhortations. If you will, it is a **repertoire of fundraising pitches**,³⁰ each of which might work with a differently-motivated potential contributor. Each mini-narrative seeks to make giving tzedakah seem the most "natural" thing to do. For example, Maimonides suggests that it is natural to give tzedakah, because we are the natural heirs of Abraham whose character is marked by generosity and hospitality. It is natural to give because God created all of humankind with this *telos* to be merciful and to share with the needy. (*Telos* is an Aristotelian term for natural potential that desires to be actualized, a natural drive to self-development of its core pattern). It is natural to show solidarity given the historical predicament of the Jews who are fated to be in the same boat and who cannot count on other to bail them out of trouble. Their historic solidarity is the meaning of their national particularity as blood brothers sharing a common fate of persecution. In short, what is "natural" is determined by the fundraisers' logic and the rhetorical narrative they invoke. Appealing for contributions often involves telling not just a good story that pulls at the heart strings of the listeners but one that appeals to their particular identity and ideals.³¹

³⁰ In *Why the Wealthy Give* by F. Ostower seven rationales are suggested and the percentage of donors interviewed who used these rationales:

- (1) Communitarian – supporting the flourishing of one's own community (26%) and seeking to associate with elite givers
- (2) Devotional – obeying God's command to be generosity (21%)
- (3) Investor – utilizing the tax benefits of deductions for charitable giving (15%) and obtaining social prestige by making donations
- (4) Pursuer of Social Justice (11%)
- (5) Altruist (9%) and empathy with needs of other.
- (6) Repayer – showing gratitude to institutions that have helped them in the past (10%)
- (7) Dynastic – following family tradition of generosity (8%)

³¹ "Although religious tradition contains many doctrines and teachings that encourage altruistic behavior, these doctrines and teachings are often expressed most vividly in stories, parables, testimonials, and other narratives. Thus, the role of religious tradition goes well beyond that of merely encouraging a compassionate response to the needy: Its narratives shape our very definitions of what it means to be needy and what an appropriate response may be. Even for those who wish to be helpful, some situations will be more likely to elicit a caring response simply because those situations conform to a pattern recognizable to those familiar with religious narratives. Anyone who has worked in fund-raising or who has solicited volunteers knows the power of narrative. Personal testimonials that describe how one decided to become involved with volunteer work and what one learned as a result of this activity are common fare in churches and synagogues—from testimonials by young people who have volunteered a weekend to paint the church to testimonials by missionaries telling how they decided to spend their lives working in a distant land. These testimonials call on the listener to identify with the speaker; they model the

In his exposition of tzedakah Maimonides places Jewish giving tzedakah within several larger meta-narratives – one related to national survival through solidarity under persecution and one that calls for prophetic justice for the whole world. Yet both the particularist and the universal motives are both rooted in a Jewish self-understanding about one’s religious-ethnic-historical identity. Each of these appeals will be examined initially in Maimonides and subsequently in greater depth in Biblical narratives and, then, the rabbinic ones.

By reviewing the ancient intellectual history of appeals for funding in Jewish, Christian and Greco-Roman literature we can enrich the contemporary discussion. Considering that “alternative models of human society are rapidly disappearing” as localism dissolves into globalization, this historical study may help us retrieve the “**biodiversity**”^{lxii} **of different cultural conceptions of poverty and welfare** that have been steamrolled by rationalism, globalization and the ingathering of Jews from varied communities.^{lxiii}

In addition I hope our review of tzedakah “itches” has a profoundly practical function for they should nuance our ability to raise money from variously motivated individuals by filling the fundraiser’s toolbox. Over a thousand years ago the Christian theologian Gregory pleaded that those who know the art of “speaking with the wealthy” in persuasive ways share their wisdom:

"Let him that have understanding beware lest he withhold his knowledge; let him that has abundance of wealth, watch lest he slacken his merciful bounty; let him who is a servant to art [an artisan] be most solicitous to share his skill and profit with his neighbor; **let him who has an opportunity of speaking with the wealthy, fear lest he be condemned for retaining his talent, if when he has the chance he plead not with him the cause of the poor.**" Therefore the aforesaid alms deeds are suitably enumerated in respect of those things whereof men have abundance or insufficiency.^{lxiv}

Tzedakah and Jewish Identity

Maimonides is concerned with Jewish identity almost in the modern sense. While he gives several answers in describing the motivation for giving, we should pay particular attention to the identity question, as well as the answers, for it is unknown in the Talmudic and Greco-Roman world. Adiel Schremer,^{lxv} a Rabbinic scholar at the Hartman Institute, has pointed out the peculiar philological fact that the Greek and Latin words for “Judaism” - so prevalent in classical writers about the Jews and in the Church fathers - almost^{lxvi} never appear in Jewish self-descriptions, nor does any other abstract noun for Jewish identity or religion appear until Ibn Gabirol. In the rabbinic era Jewishness appeared as a more natural characteristic not in need of justification; *Juda-ism* was simply the way of life of Judeans – not a religion defined by its beliefs. However, Maimonides does not take the definition of Judaism and Jewishness for granted. He has thought about what a Jew is supposed to be and his appeal to donors reflects those various understandings.

process of thinking about becoming a volunteer, show the internal struggles involved, and then bring the story [to a happy close with action].” (Robert Wuthnow, *Faith and Philanthropy*, . 275)

First, Maimonides, as do almost all the medieval halakhic authorities, restricts membership in the people to religious Jews. Only those who observe mitzvot are to be legitimate objects of the command to *love your neighbor* and eligible recipients of tzedakah:

"These constitute deeds of loving kindness performed in person and for which no fixed measure is prescribed. Although all these commands are only on rabbinical authority [and not explicitly enjoined in the Torah], they are implied in the mitzvah "*You shall love your neighbor as yourself*" (Leviticus 19:18); that is, what you would have others do unto you, do unto them who are **your brothers in the Law [Torah] and in the performance of the commandments.**" (Maimonides, Laws of Mourning 14:1)^{lxvii}

Second, Maimonides invents a new term for Judaism - *dat ha-emet* – the “true religion” and, for the first time in Jewish history he excludes heretics from the community by specifying 13 principles of Jewish belief. Radically and atypically for Biblical and Rabbinic Judaism, Maimonides redefines the Jewish people as essentially “**a community of true belief rooted in believers in knowledge.**” Only true believers and practitioners of Maimonidean Judaism are included in the halakhic understanding of those we are commanded to love and those we are commanded to hate on account of their heresies.^{lxviii}

However, in his Laws of Gifts to the Poor Maimonides chooses a third path - to define Jewish identity not by belief or by laws but by virtuous character traits, which he holds to be characteristic of Jews. Jews by definition must share the virtues of the first Jew, Abraham, and brotherly solidarity. Elsewhere Maimonides excludes from the Jewish people those who do not identify with their dress, their behavior, and their communal sympathy for one another – "one who does not identify with their troubles and does not fast on their days of mourning" (Laws of Teshuvah/Repentance 3:11-13).

In the Post-Modern era of the 21st C. ethnic, linguistic and even genealogical criteria for Jewishness are hard to maintain coherently at least outside of Israel. However there has been a contemporary attempt to define the Jews by their calling in ways reminiscent of Maimonides’ appeal to Abraham as a paradigm. In late 20th C. America the identifying mark of Jewishness for secular and liberal religious Jews has become *tzedakah umishpat* identified with the verse *Justice, justice shall you pursue*" (Deuteronomy 16:20). The shorthand for this purported religious vocation in the United States is the rabbinic and kabbalist term “*Tikkun Olam*” - fixing the world. The evolution of that rich term will be the subject of the penultimate chapter of this first book of the trilogy. An earlier attempt in the 20th C. to offer such succinct features of modern secular Jewishness was proposed by Albert Einstein as three criteria for his own Jewish identity:

“The pursuit of knowledge for its own sake, **an almost fanatical love of justice** and the desire for personal independence - these are the features of the Jewish tradition which make me thank my stars that I belong to it.”^{lxix}

The Rabbinics scholar Gary Anderson points out the identification of the essence of the way of Torah with tzedakah and *gemilut hasadim*. In fact, more than 1000 years before the ritual initiation of adolescents into *mitzvot* was invented, the Rabbinic Aramaic term "*bar mitzvah*" meant - being generous to the needy:

“The Talmudic declaration that tzedakah is equal to all the other commandments in the Torah is a widespread motif not only in rabbinic literature but also in contemporary Hebrew and Aramaic idioms. Saul Lieberman, the leading Talmudist of the twentieth century, pointed out that the Hebrew

and Aramaic term for commandment, *mitzvah*, can often mean simply "giving tzedakah."^{lxx} What does it mean to keep *the* commandment - give alms! Indeed, in Aramaic the phrase *bar mitzvah* does not mean "a son of the commandment" or "a commandment keeper" but, rather, "a generous person," that is, one who is in the habit of giving alms. This is exemplified in a fifth century rabbinic commentary: 'Better is one who goes and works and gives tzedakah of that which is his own, than one who goes and robs and takes by violence and gives tzedakah of that belonging to others.... It is his desire to be called a *bar mitzvah*.' (Leviticus Rabbah 3:1)^{lxxi}

In the Aramaic dedication on the 4th century synagogue at Hamat Tiberias the donors are blessed as follows: "May peace be on all who gave *mitzvata* in this holy place and who will give *mitzvata*. May it be for him a blessing, amen, amen, *selah*, and for me, amen."^{lxxii} In fact, in Christian texts in Amharic, the semitic language of Ethiopia, *mitzvah* means alms.^{lxxiii}

Then, in the formative Rabbinic era, and now, in 21st century Judaism, tzedakah is central to our self-understanding as a Jewish community:

"So vital is the philanthropic current within American Jewish life that Jewish theologian and historian Jacob Neusner has written a book entitled, *Tzedakah: Can Jewish Philanthropy Buy, Jewish Survival?* wherein he claims that philanthropy may be the single most unifying force in a Jewish community defined by fiercely held differences. This leads Neusner to determine that if Jewish philanthropy cannot buy Jewish survival, no other program can: 'If we are to shape a way of life common to us all, a way of life to define what makes us a community at all, it will have to emerge from the world of philanthropy.'

Neusner recognizes the power of philanthropy and its potential to confer a sense of purpose for American Jews. Bearing in mind the long-standing tradition of Jewish self-help and the integrationist-survivalist contest that has vexed American Jewry throughout the twentieth century, we may cast new light upon an old deed to understand philanthropy as a conduit that enables many otherwise unaffiliated Americans to center their Jewish selves." (Kerri Steinberg, "Contesting Identities in Jewish Philanthropy")^{lxxiv}

Developing a narrative of tzedakah that aims toward social justice and *tikkun olam* is part of a worldwide movement for social and economic justice for all human beings as reflected for example in the UN's UDHR. I believe such universal aspirations ought to be part and parcel of the Jewish religious calling but also the national dream of revival in the state of Israel.

Tzedakah and the Return to Jewish National Sovereignty

Maimonides identifies *tzedakah* in the larger sense of social justice, as well as generosity to the poor, as an essential aspect of the messianic goal of rebuilding a Jewish national state:

"The throne of Israel is established and the religion of truth is upheld only through tzedakah, as it is said, *In righteousness shall you be established* (Isaiah 54:14). Israel is redeemed only through tzedakah, as it is written, *Zion shall be redeemed with judgment and they that return of her with righteousness* (Isaiah 1:27)." (Laws of Gifts of the Poor 10:1-2)

For him messianism is not a supernatural but a political process and, as we shall see in our final chapter on *tikkun olam*, Maimonides puts great emphasis on constant repairing of the judicial and legislative system. Inspired by Maimonides, my teacher David Hartman in his book *A Living Covenant* plumbs the religious significance of the reestablishment of Israel as the "The Third Jewish Commonwealth" and the special role of *tzedek*, social justice, in that experiment in integrating power and ethics which is the Jewish state.

“The religious meaning [of the rebirth of an independent Jewish state] relates to... a new perception of the scope of Torah; it widens the range of halakhic action and responsibility; ...it intensifies and widens the way God can be present in the daily life of the individual and the community. One can religiously embrace modern Israel through the fullest actualization of the world of mitzvot.”^{lxxv}

The scope of tzedakah may remain limited to basic social welfare when Jewish power over the economy is limited by the minority status of Jews in societies ruled by other cultural and religious majorities. However, expanded power means that tzedakah as welfare aid can be a part of *tzedek*, social and economic justice. Judaism in a state with a Jewish majority comes to have greater emphasis on societal *mitzvot* and less on those ritual practices designed to separate Jews from others. My teacher David Hartman captures eloquently this larger vision of tzedakah in the context of an autonomous Jewish state:

"When Judaism becomes a total way of life of a reborn nation, the covenantal passion cannot be poured only into those mitzvot which separate Israel from the rest of humanity [i.e. home observances, Shabbat, *kashrut*]. When Jews live in their own environment and are responsible for the unfolding of the spirit of Judaism in a total society, they must also **link their covenantal religious identity to the mitzvot through which they share in the universal struggle to uphold human dignity.**

The normalization of the Jewish people brought about by Zionism makes possible a new appreciation of the mitzvot, whereby the social, ethical, and political attain their full covenantal place... The society's entire social and economic structure have to mirror God's covenantal judgment. The Sabbath is not only the Sabbath of the seven-day week but also the Sabbatical and jubilee years. The egalitarian spirit of the laws of those years should move the society and its political leaders to a concern with greater degrees of social and economic equality. How the laws of the Sabbatical and jubilee years can be expressed in a modern economic system is a serious halakhic question.... Something radical will happen to Judaism when we are challenged to have our economic and social order mirror the Sabbath's celebration of the world as a creation and of human beings as creatures - not absolute masters over nature or other human beings.”^{lxxvi}

The nature of study, Talmud Torah, must also change when Torah is wholly integrated with society-wide social action. The theories of tzedakah, which are explored in this trilogy, must be tested, refined and perhaps revolutionized when put into practice in a particular land in Israel:

"The centrality of the land in Judaism teaches us that mitzvah must not remain an aspiration, a utopia to be realized in messianic conditions of history, but must be tested and concretized within the normal, everyday conditions of human existence... The Jewish society that we build in Israel has to validate the claim made in the Jewish tradition regarding **how a Torah way of life creates a holy community, a kingdom of priests and a holy nation** (Exodus 19:6). If the Torah is truly capable of sanctifying every aspect of human reality, if it is capable of giving new moral and spiritual dimensions to politics, if *its ways are ways of pleasantness and all its paths are peace* (Prov. 3:17), if the Torah scholar is a paradigm of the builder of peace, this must be seen and confirmed through the way we live our daily lives and not only proclaimed in our prayers."

As we begin the long journey into the narratives of giving preserved in the literature of the Torah, the Rabbis and beyond, we must recall David Hartman's warning not to be too

enamored with inspiring ideas unless they motivate action and they pass a laboratory test in society:

“A community that defines itself by learning and prayer is liable to be deceived by the richness of its powers of linguistic expression when evaluating its own moral and religious integrity. The existence of the state of Israel prevents Judaism from being defined exclusively as a culture of learning and prayer. Here Judaism must draw its pathos also from the exigencies of the concrete needs of life. [The Rabbinic view teaches that:] 'Not the learning is essential but the doing,'[then later Torah study becomes central].

When the nation enters the land of Israel, the manna ceases to be the source of their economic sustenance. In the land of Israel the community must face the challenge of planting trees and harvesting crops, of exposure to **economic hardships**, of building a national political reality in a world that does not necessarily share and appreciate God's 'dream' that Israel become a holy nation. **The Torah was not given at Sinai for a messianic society; it was meant to be implemented and developed within an unredeemed world.**

In the spirit of Maimonides I regard the land of Israel as central to the mitzvot because it invites **greater initiative** and gives the community a wider range to express its normative consciousness. The land of Israel represents the freeing of Jews from the direct and total dependence on grace experienced in the desert [i.e. manna from heaven] and signifies the movement toward human initiative and responsibility.”^{lxxvii}

It is my prayer that our study contribute to the embodiment of social justice in the state of Israel and to the discourse about social policies in many Western societies.

Postscript: A Time for Givers to Reflect on their Community's Traditions

"No ethnic minority has taken the responsibilities of philanthropy more seriously than has the Jews, whose proportion of the American population in the twentieth century barely rose above 3 percent. Yet, their generosity has been striking. The United Jewish Appeal (UJA) had been reconstituted on the eve of World War II, during which annual drives produced between fifteen and twenty million dollars. By the mid-1970s, nearly half a billion dollars was being raised annually by the UJA, local federations, and Israel Bonds. In 1994, the UJA had become, according to the *Chronicle of Philanthropy*, the fourth largest charity in the United States.”^{32lxxviii}

In a seminal article, "Only Reflect: A Philanthropic Education for Our Time," Elizabeth M. Lynn and D. Susan Wisely,^{lxxix} two leading professionals in the American world of private foundations, reported that more and more donors were expressing a need to think more deeply about the narrative of giving and its relationship to the identity of the giver:

"In our experience those who are interested in giving need something more. They hunger for help with the 'why' and 'wherefore' of giving. Why give to one cause, or institution, or individual rather than another? What are we hoping will happen as a result of our giving? What should we expect

³² "The annual budget of the UJA has been about a third of the size of the United Way (to which Jews - it must be noted again - also contribute). In 1972, the Red Cross raised \$132 million from all Americans, including, of course, Jews. In 1983, the Wall Street Journal reported that the UJA raises more money each year than the American Cancer Society, the American Heart Association, the Muscular Dystrophy Association, the March of Dimes, and National Easter Seal Society *combined*." (Woocher, Jon, *Sacred Survival*).

from those we help with our gifts? ... **Giving well requires not just technique but reflection, not just expertise but wisdom.**"

"But where can Americans turn for wisdom about giving? Here, money managers and charity watchdogs have little guidance to offer. Some of us may turn to religious traditions or family traditions as a source of wisdom. Yet on the whole, Americans are disinclined to rely on tradition. As Alexis de Tocqueville observed more than 150 years ago, because we Americans believe that no one person is better than another, we seek the reasons for things largely in ourselves, not in tradition, nor in the wisdom of singular individuals.

[de Tocqueville wrote:] 'Not only does democracy make every man forget his ancestors, but it hides his descendants and separates his contemporaries from him; it throws him back forever upon himself alone, and threatens in the end to confine him entirely within the solitude of his own heart.'

The result, in our own time, is **unprecedented freedom-and loneliness - especially when it comes to choosing how to give.**"

One difficulty of generating a serious discussion about giving is the taboo on talking about money. 'We have few people with whom we can comfortably talk about our giving choices. ... Talking about money is one of the great American taboos. ... When it comes to giving, this taboo gains new intensity, fueled by fears that others will judge us or, worse yet, try to manipulate us for their own purposes.'^{lxxx}

Therefore, many philanthropic organizations have begun to formalize the discussion under the title "civic reflection seminars"^{lxxxii} or "giving circles"^{lxxxii} and to seek enriching resources from their tradition to deepen the reflective process:

"Civic reflection acknowledges the desire of people to decide for themselves about giving as an aspect of the good life. Like giving circles, it invites attention to personal experience. But it also seeks to enlarge the circle of wisdom by connecting contemporary givers with larger traditions of understanding about giving and serving, through group reading and discussion of selected texts from literature, religion, and history."^{lxxxiii}

These seminars allow people to ask fundamental questions like: "What is a good gift?" "Who is my neighbor?" "What should we expect from those we serve?" It encourages them to explore their own autobiography of receiving and giving. Then it encourages them to undertake philosophical and literary reflections, often drawing on their own religious and national traditions. The trilogy seeks to contribute to the same in-depth process of reflective practice of giving. It is not a manual of sources for lay seminars, but it does provide givers, fundraisers, and educators, as well as scholars, with the opportunity to engage in serious study of the Jewish sources that have helped shaped the ethos of Jewish community. Here the community may find both practical guidance in order to be financially responsive to the human needs of their beneficiaries and also inspirational personal and collective meaning for the givers.

In short, this book uses Jewish classical sources to explore questions posed by thoughtful donors:

"All philanthropists, tacitly or explicitly, must ask themselves fundamental questions: What do I think is good? What do I think is important? What do I think is urgent? The varying answers display our most treasured and often conflicting aspirations: for freedom, justice, equality, dignity, excellence, happiness, love and community." ^{lxxxiv}

Since Jews live now and have always lived in the midst of clashing and accommodating world cultures, Jewish self-understanding about giving requires contextualizing by comparison to Greco-Roman and Christian notions of philanthropy, charity and tzedakah. These nuances also help identify the appropriate recipients of varied kinds of generosity. For example, while the traditional thrust of both Rabbinic tzedakah and Christian charity is focused almost exclusively on the material needs of the poor, by contrast 2/3 of American gifts recognized by the US government as tax-deductible charitable donations are *not* for the poor. In a first survey of its kind conducted jointly by the Center on Philanthropy at Indiana University and Google they asked and answered this question:

“How much of the **charitable** giving by households in the U.S. (\$250 billion) focuses on the needs^{lxxxv} of the poor?^{lxxxvi}

Less than one-third of the money individuals gave to nonprofits in 2005 was focused on the needs of the economically disadvantaged. Only 8 percent of households' donated dollars were reported as contributions to help meet basic needs - providing food, shelter, or other necessities. An estimated additional 23 percent of total private philanthropy (including donations from foundations, corporations, and estates) went to programs specifically intended to help people with low incomes--either providing other direct benefits (such as medical treatment and scholarships) or through initiatives that create opportunity and empowerment (such as literacy and job training programs).

Looking at the largest, publicly-announced gifts, it turns out that higher education receives 63% of all gifts of \$10 million or more, with a large majority of them going to private institutions. Organizations in human services or higher education that are serving people in lower income groups are not likely to be receiving the largest contributions. Organizations in low-income neighborhoods had a high percentage of government funding and almost no philanthropic support (2005).³³

Tax money *does* support the indigent, but in America relatively little money from private donations does so. The Greek ideal of philanthropy tends to dominate philanthropy in America as in the case of the massive support for cultural institutions such as universities. By contrast, much household giving^{lxxxvii} in America goes to the support of religious activities, just as many Biblical gifts, like first fruits and most tithes, were for the Temple upkeep and its priesthood. However this book narrows giving to giving to the poor as opposed to philanthropy and maintenance gifts to religious institutions. It is society's duties owed to the poor which lie at the heart of the Jewish and Christian narratives of giving and these will be compared with modern Western notions of the social “welfare state.”

³³ **Giving USA** reports for 2010:

INPUT: 73 % Individuals, 14% Foundations, 8% Bequests, 5% Corporations.

OUTPUT: 35% Religion, 14% Universities, 11% Foundations, 9% Human services, 8% Health, 8% Public society benefit, 5% Arts, culture. 5% Abroad, 2% Environment/Animals

Gross National Product to Giving 2%. Total \$300,000,00

Appendices:

What Marks a Real Bar Mitzvah? An Italian Celebration and a California Tzedakah Collective

Philanthropy as the Identifying Mark of Membership in a Social Elite

The Psychology of Motivation in Giving: Reflections by a Contemporary Fundraiser

Appendix: What Marks a Real Bar Mitzvah? An Italian Celebration and a California Tzedakah Collective

The Bar Mitzvah is a perfect occasion to teach the younger generation what the core identity beliefs and practices of an adult Jew ought to be. In most synagogues it is synagogue ritual mitzvot that set the bar, not commandments between human beings. Yet tzedakah has been key in some Bar Mitzvah traditions both old and new. In Italy in the 17th C., one of the first-ever reported Bar Mitzvah ceremonies is retold by an eye witness who later converted to Christianity. This is how he presents his former religion and its relationship donations:

“The boy aged 13 comes with his father to the synagogue where they are greeted with blessings. Then the cantor calls up the new Bar Mitzvah to read publicly from the Torah. **Then the Bar Mitzvah thanks God for making him a Bar Mitzvah and publicly announces how he will contribute his own Tzedakah.** How much to this? How much to that. How much to the *hazan* (cantor). How much to the *shamash* (synagogue caretaker). Then he descends from the *bimah* and receives everyone's blessings and kisses the hands of his father and his teacher.”

In Northern California at the Brandeis Hillel Jewish Day School, one of the parents was disturbed by the materialism of Bar Mitzvah parties, so he reinvented the school practice of giving *bnai mitzvah* gifts:

“He brought all of the parents together from his daughter's class and convinced most of them to pool gift monies (about \$150 each) together rather than giving them to each other and to form a non-profit, the 7th grade fund. At the Koret Foundation he was able to parley the students original \$6,000 into another \$20,000 through matching and leveraging with other small funds. The school has brought the project into the curriculum as a major part of the seventh grade Judaic studies program. Students research a charitable enterprise that is of personal meaning to them, prepare a comprehensive analysis and report for their classmates and teacher, including discussing the Jewish values inherent in their choice. Recipients do not need to be Jewishly-connected, or Israel-connected, but they must promulgate values which are part of Jewish teachings. The head of school, Chaim Heller, reports that in 14 years the students have donated \$200,000 and that this has left a powerful impression on their Jewish identities.”³⁴

³⁴ In the Perlman Jewish Day School in Philadelphia Rabbi Shawn Simon Hazani coordinates an extensive *tzedakah*-oriented *Bnai Mitzvah* program. Not only do the seventh grade pupils decide how to donate the \$360 given by each family in lieu of *Bnai Mitzvah* gifts, but they meet the school benefactor, Ray Perlman, who teaches them about all the organizations to which he has donated large amounts of money, especially in the city. Then they meet the founder of an investment firm that requires each investor and each employee to donate 10% of their profits or commissions. They also loan some of their funds through the international micro-loan bank of *kiva.org*. Each student investigates a particular organization and advocates for it with their peers who decide on allocations.

The principal in this school describes the transformative collective tzedakah process practiced among Bnai Mitzvah:

“The group of students set up non-profit guidelines and they let individuals and agencies come to them for money. After studying the laws of tzedakah and the needs of the community, the students ask the nonprofit organizations bidding for their support to make formal presentations and answer hard-nosed questions from the young 13 year old philanthropists about overhead charges and long-term results.³⁵ This is how they now inaugurate their children’s entrance into the yoke of mitzvot.”

Appendix: Philanthropy as the Identifying Mark of Membership in a Social Elite

In Maimonides' narratives of giving, he defines tzedakah as a mark of being a Jew. In a kind of parallel many Diaspora Jews even today see their contribution to the local Jewish federation as a membership tax.

“The rationale for contributing to the Jewish-affiliated fund [UJA] was posed in communal, rather than individualistic terms. People spoke of giving to the Jewish affiliated fund as a 'tax' that you simply pay as a member of the community. One donor told me that 'not to participate in that particular philanthropy is not to be a member of the Jewish community.' He said, 'Now, you can be a member of a synagogue or not be a member of a synagogue. Do as you please.... But you can't be a citizen of New York and of the Jewish faith and not feel that you have an obligation to support [the fund]. It's as simple as that to me. It's as if it were a tax.' Another emphasized that these donations are not a question of interest but of 'obligation - if we don't support it, nobody will.’^{lxxxviii}

In a similar way contemporary philanthropists in America also give to demonstrate their belonging. Their social “club” is defined not religiously or ethnically but socially, as a sophisticated and prestigious cultural economic elite concerned with the well-being of their city. Francie Ostrower in *Why the Wealthy Give: The Culture of Elite Philanthropy*, develops this thesis in detail by conducting interviews with big donors in New York City, many of them Jews.^{lxxxix} Typical of this kind of giving is a multi-year commitment to specific non-profit institutions that is expressed not only financially but also by active participation in the board of the institution along with fellow members of the elite. It is a special honor to be accepted onto many boards. Donors have institutional philanthropies to which they are devoted, which express their individualized identity and taste, which give them prestige both in terms of what is accomplished and with whom the fellows board member socialize. When donors in the elite solicit contributions from among their social colleagues they often exchange reciprocal donations in deference to each other’s individualized preferences. .

³⁵ Jeremy Shine, who taught at Brandeis Hillel school, recalls this anecdote. In spring 2008 the seventh graders were joined by the sixth grade class (as observers) to interview representatives of organizations competing for the *tzedakah* allocations to be determined by the students. A representative of an anti-AIDS street clinic for homeless in San Francisco made a successful appeal and received an allocation of \$1,500. The representative was so moved by these children’s generosity and seriousness that they brought tears to his eyes. He told the young students how much joy their money would bring the homeless, who would receive free condoms and lubricants. The students, even the sixth graders, learned , prematurely perhaps, about the real world. Then, the representative offered to make his own personal contribution to the day school in recognition of his admiration for the *tzedakah* collective.

While the kind of cause which is to be supported is individually-chosen, the duty to support some important philanthropy is felt as an obligation, as noblesse oblige, for anyone who wishes to be considered a member in good standing of high society. Members of such leading families report:

“I think I would feel very guilty if I didn’t give my money away.”^{xc}
‘There are many very, very wealthy people who give hardly anything, and who give only under extreme pressure when they can get some powerful advantage ... in our New York society. And I think they’re looked upon with disdain, disfavor, and are highly criticized... There’s such an enormous amount of need.... It doesn’t matter where you give - as long as you give to something.’^{xc}

Appendix: The Psychology of Motivation in Giving: Reflections of Modern Fundraisers

The need to survey so many disparate approaches to giving has a profoundly practical function. As different as classical theories of giving may be, they are still a far cry from the actual panoply of motivations of donors. The contemporary researcher of mega-donors in the United States, Waldemar Nielsen, has collected a sampler of actual quotations from working with various donors:

"He who dies rich dies disgraced."
"If I could, I'd just buy an extra big shroud and take it with me."
"I made the money. You guys'll have to figure out what to do with it."
"It's fun. It's exciting. It's like a kid in a candy store. I love it."
"I don't want to be forgotten. I don't want to be forgotten. That's what it's all about."
"I like to hear and touch the little ones we help. Their hugs and laughter are my reward."
"Setting up a foundation is like a premature death ritual. I can't face it."
"Frankly, my money is a lot bigger than my ideas."
"I'm doing this simply out of love for my dear dead mother."
"Getting is my *forte*. Giving it away just isn't my line of business."
"I believe God wants me to do this, and He will reward me."
"From this base, like that old Greek said, I could move the world. But where to? You got any ideas?"
"The supremest pleasure life can furnish."
"It all comes too late. Too late. And too many lawyers."
"My father died of cancer. My brother died of it. I have it. I want to help put a stop to this scourge."
"Getting even. Getting some respect. That's what charity gets you, and it's very sweet."
"This is going to be my mark, my little scratch on the face of eternity."
"I can do it. I can make a difference. I did it in my business, I can do it with my foundation. If God will just give me time."³⁶

Nielsen sums up his study:

“Why donors become donors, their motivation in creating a foundation, varies widely and is interpreted very differently by different observers. Donors differ in every possible respect - in age, in health and energy, in motivation, in family situation, in aptitude or ineptitude - for philanthropy, in fields of interest, in social outlook,

³⁶ Waldemar Nielsen, *Inside American Philanthropy*, 18-19

and in style of operation. They also differ in their state of mind and morale at the time of creating their foundations - ranging from hyper-enthusiastic to deeply depressed.

Some do it out of a spirit of simple altruism. Some do it essentially as an aspect of their 'estate planning.' Some do it out of religious belief. Some do it for publicity and to gain social status; some to try to perfume a sordid reputation. Some do it as a means of supporting a cause they believe in-education, the arts, health care, or whatever. Some do it out of affection for a community and locality. Some do it as a memorial to a mother, father, or beloved child. Some do it in the hope it will be a vehicle for 'keeping the family together.' Some do it with a clear purpose; but some apparently have nothing in mind except perhaps a hope of remembrance.^{xxcii}

As we saw above, Maimonides has catalogued the rationales for giving emphasizing collective self-interest of a persecuted people, moral and religious idealism, manifesting one's Jewish identity expressed as a best self, an ideal character. For comparison with a more nitty-gritty approach see the following report on the psychology of American donors proposed by a perceptive modern fundraiser, Roy W. Menninger:

"Reasons for giving. .. not always conscious; one can discern, if one looks carefully, several lower levels of motivation even in the most altruistic acts of giving....The psychological trappings of the transaction may in fact be of greater influence in the donor's decision to give than the practical details of the proposal itself..

The first level is the **narcissistic** level. A donor gives money **for honor and glory** - for the name on the building, or even the whole institution. Here is a wish-often a transparent one-for the visible evidence of one's commitment. This kind of giving fights the anonymity many of us find disturbing in life and intolerable in prospect after death.

The narcissistic level of giving also reflects **a great need for love and recognition**. Giving often masks a fearful preoccupation that one is unlovable or unwanted for oneself alone, as if only **by generosity can one gain a sense of worth**. The self-esteem of such a donor is actually quite low. But precisely because giving can increase one's sense of worth, it also confounds the basic question: would people love me if I had no money at all? This is a point of concern that people who've never had money have trouble understanding and accepting.

The second level of giving is **moralistic and conscience-driven**, with **guilt as the motivation**. Sometimes the guilt stems from having more than others, or for the way in which the money was earned, or simply for having it at all. ... Giving reflects the moral or religious view that giving is **a duty**. 'It is expected of me; I have to.'...

The third level - which might be described as the most mature form of giving - is **a way of participating in the life of others, or an expression of gratitude**. Here the key element is **the other, the recipient, not the self, the giver**. The giver wishes to be, and becomes a genuine participant who shares in an achievement by facilitating it. This giving also has the reward of a beneficent return, although the benefits are primarily for others rather than oneself.

We all like to think that what we do is altruistic giving. Why, then, emphasize some less attractive sides of giving? Because giving is never pure. The most altruistic and most noble giving also contains elements of narcissism and guilt."^{xxciii}

Whatever the motivation, responsible donors must have sufficient persistence to persevere in contributing their money effectively for this is not an easy or wholly satisfying task. A biographer of Andrew Carnegie reports:

"**This business of benevolence**,' as Andrew Carnegie called it, is anything but a straightforward proposition. Benevolence had proved far more difficult than he had dreamed when he glibly wrote in his *Gospel of Wealth* about 'the man of wealth becoming a trustee for his poorer brethren, bringing to their service his superior wisdom, his superior ability to administer, doing for them better than they

could or would for themselves:’ Before long, Carnegie was disenchanted with ‘the supremely difficult art of spending large sums of money in undertaking to be of permanent advantage to the public’:

The public, he discovered, recognized no experts in philanthropy; there were only men with money, and other men trying to get it away from them. He was to say repeatedly that he had not worked one-tenth as hard at acquiring money as at divesting himself of it. By 1906 he was so sick of the game that he wrote, ‘the final dispensation of one’s wealth preparing for the point of exit is, I’ve found, a heavy task. You have no idea of the strain I’ve been under.’ And he went on to say, ‘Millionaires who laugh are very, very rare indeed.’^{xxciv}

ⁱ *How the Other Half Lives*, 226

ⁱⁱ Elliot Dorff *The Way into Tikkun Olam*, p. 107-108 cited in Joseph Telushkin, *A Code of Jewish Ethics* Vol. II 157

ⁱⁱⁱ Charles Taylor, *A Secular Age*, 739-740

^{iv} “The giving of tzedakah and works of loving kindness are equal in value to all of the commandments in the Torah” (Tosefta Peah 4.19)

^v Cited in Arthur Brooks, *Who Really Cares*, 31-32

^{vi} Charles Bronfman, *The Art of Giving*, 1, 40

^{vii} Cover (1), Robert

^{viii} Bronfman, *The Art of Giving*, 25

^{ix} Bronfman, 23-24

^x Bronfman, 57

^{xi} Bronfman, 28

^{xii} Bronfman, 25,35

^{xiii} Karen Wright

^{xiv} Karen Wright

^{xv} Julie Salamon, *Rambam’s Ladder*

^{xvi} Often prisoners in the Gulag were sentenced not only to ten years in Siberia but to ten years with no right of communication – no letters could be sent and sometimes none could be received.

^{xvii} Genesis 4:8

^{xviii} Frank Talmage, 33

^{xix} Yvonne Friedman, 55-57

^{xx} Stanley Hauerwas, *A Community of Character: Toward a Constructivist Christian Social Ethic*, 53-54, 61, 62, 67

^{xxi} David Pleins, *Social Visions*, 518

^{xxii} *Harvard Law Review* 4, 4, 11-19, 1983

^{xxiii} Suzanne Stone, “In Pursuit of the Counter Text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory” in *Harvard Law Review*, Vol. 106, Feb. 1993 #4, 824

^{xxiv} Suzanne Stone, “Jewish Legal Model,” 824-826

^{xxv} Suzanne Stone, “Jewish Legal Model,” 840

^{xxvi} Arthur J. Jacobson, *Hegel’s Legal Plenum*, 10 *Cardozo Law Review*. 877, 892 ff (1989)

^{xxvii} Suzanne Stone, “Jewish Legal Model,” 868

^{xxviii} Suzanne Stone, “Jewish Legal Model,” 868

^{xxix} Alexis de Tocqueville, *Democracy in America*, I 270

^{xxx} Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, 97

^{xxxi} Max Weber, *From Max Weber: Essays in Sociology*, edited by H.H. Gerth, 26

^{xxxii} Charles Taylor, *Human Agency and Language, Philosophical Papers*, 1: 259, 263, 270, 271

^{xxxiii} Tevi Troy reviewing *Toward a Renewed Ethic of Jewish Philanthropy*, edited by Yossi Prager

^{xxxiv} The Institute for Jewish and Community Research (IJC) headed by Gary Tobin

^{xxxv} A. Brooks, *Who Really Cares*, 177-178

^{xxxvi} A. Brooks, *Who Really Cares*, 39

^{xxxvii} A. Brooks, *Who Really Cares*, 177-178

^{xxxviii} A. Brooks, *Who Really Cares*, 34

^{xxxix} Reinhold Niebuhr, *An Interpretation of Christian Ethics* (1935), 206

^{xl} Under US charitable gifts law, the donor receives a tax credit for a percentage of his gift to a charitable fund. For example, a donor who pays 36% tax, receives \$36 credit on a \$100 gift. Thus, the government matches his

grant of \$64 with its own, \$36 which would otherwise have been tax money that the government could allocate as they wished. (See A. Brooks, *Who Really Cares*, 168)

^{xli} A. Brooks, *Who Really Cares*, 120-132

^{xlii} "The status of religion in Europe is 'post-Christian.' For example, a British citizen in 2002 was three times as likely to be completely secular as an American (63 to 19 percent), and one third as likely to be religious (13 to 37 percent). In Holland, 9 percent of the population attends church regularly; in France, 7 percent; and in Norway, 4 percent. European secularism is also more aggressive than American secularism. It is one thing to neglect religion; it is another thing entirely to disdain it openly. Yet Europeans are far more likely than Americans to do precisely this. For example, in 1998, 40 percent of Swedes and 40 percent of Norwegians 'strongly agreed' with this statement: 'Looking at the world, religions bring more conflict than peace.' European leftist politics [has also been opposed to charity seeing it as reflex of a capitalist fig leaf for class arrogance and oppression. Former communist countries and socialist democratic ones have taught the citizen to rely on state solutions.] As in America, there is evidence that childless Europeans are less likely to donate to charity than their kids." (A. Brooks, *Who Really Cares*, 120-132)

^{xliii} Ehud Luz, *Wrestling with an Angel: Power, Morality and Jewish Identity*, 3

^{xliv} Ehud Luz, 3

^{xlv} Letty Pogrebin, 172

^{xlvi} Cited in Joseph Telushkin (2), 223

^{xlvii} Hermann Cohen, 430-431

^{xlviii} Maimonides, Laws of Forbidden Intercourse 14:2

^{lix} TB Yevamot 47b suggests that ancient pagan non-Jews were educated to demand the death penalty for the theft of any amount of their own money no matter how small. So converts must realize that they forfeit that demand when it comes to the poor entering their land to receive their God-given portion. This polemical stereotype of the other is an essential dark side

^l Cited in Jonathan Sacks, *To Heal a Fractured World*

^{li} Mark R. Cohen, "Maimonides and Charity in the Light of the Geniza Documents," 65

^{lii} Mark R. Cohen, "Maimonides and Charity in the Light of the Geniza Documents," 68

^{liii} Maimonides' unusual claims for the supreme importance of tzedakah rest on Talmudic maxims such as:

"Rav Assi said: The mitzvah to give tzedakah is equivalent to all other mitzvot combined" (TB Baba Batra 9a); "Ulla said: Jerusalem will only be redeemed with tzedakah" (TB Sanhedrin 98a)

^{liv} Jews are expected to be filled with mercy, while the Torah forbade to accept the Canaanite tribe of Givon as Jews because they are known for cruelty (Maimonides, Laws of Forbidden Intercourse 12:24).

^{lv} While I have interpreted Abraham the *tzadik* as paradigm for justice and tzedakah, the Arukh HaShulkhan interprets "the seed of Abraham our father as master of *hesed*, lovingkindness" (Arukh HaShulkhan YD 247:6).

^{lvi} In contemporary Israel the cult of visiting the graves of the righteous rabbis in hope of obtaining miracle cures and instant spouses or children has given people access to the merit of the greater piety of earlier generations without needing a renewal of leadership to solve the problems naturalistically. (Yuval Sherlo (2), 42-43)

^{lvii} Yuval Sherlo (2), 129-130

^{lviii} Cited in Yuval Sherlo (2), 34-35.

^{lix} The phrase "one eyes are dependent upon" or "one lifts one eyes towards" is almost always used for heavenly help. Israel turns its eyes to God their father in heaven, when no earthly father or brother can help them (Midrash Psalms 121 based on Isaiah 63:16). But Maimonides directs the needy to their flesh and blood brothers.

^{lx} In Turin, Italy, after the Black Plague, a list was made public of the givers in order to praise the generous and shame those who had refused to help the poor. (Lawrence Friedman, *Charity*, 388)

^{lxi} "During the interwar period the *khevre kadisha* (the burial society) remained a focal point of conflict, and communal political alignments and tensions were often reflected in the *khevre*. In Minsk Mazowiecki, where the *handverker fareyn* [= the craft union] managed to bring the *khevre* under its effective control, rich families who had been at odds with the *fareyn* often had to bargain for a few days before their relatives could be buried." (Samuel Kassow, 210)

^{lxii} Diamond, Jared, *The Third Chimpanzee*, 218

^{lxiii} Diamond, 229, 233

^{lxiv} Gregory, *Nom.* in *Evang.* ix cited in Aquinas, *Summa Theologica, Second Part of the Second Part. Charity: Almsgiving: Question 32*

^{lxv} Adiel Schremer's lecture at Hartman Philosophy Conference in Jerusalem, June 22, 2011

^{lxvi} Adiel Schremer mentions as exceptions II Maccabees and the Targum of Esther.

^{lxvii} According to Maimonides, *You shall not stand idly by the blood of your neighbor* (Leviticus 19:16) does not apply to persistently sinful Jews or gentiles. (Maimonides, Laws of Murder 4:11) and *Sefer Mitzvot Gadol* Positive Mitzvah #9 of "love your neighbor" restricts the neighbor to "your fellow in Torah and mitzvot."

^{lxviii} "When a human being believes [which means to *know* philosophically]^{lxviii} all these [13] foundations and his faith/knowledge of them is clarified, then one enters the community of Israel, and then there is a mitzvah to love

him [the convert], to have mercy on him and to treat him according to all that God has instructed about relations between people – with love and brotherhood.

Even if one has done whatever one can to transgress – motivated by desire or overcome by a despicable nature [i.e. traits of character] – then one is punished according to his sins, but still retains one's place in the world to come, along with the great sinners of Israel.

But if a human being's faith in one of the fundamentals is fundamentally corrupt, then that one has left the community and denied the root beliefs, so that person is classified as an *epikorus*, a sectarian, 'the cutter of the roots' – so it is a mitzvah to hate him and try to destroy him as it says: "*Your enemies, God, I hate*" (Psalm 139:21).(Maimonides, Introduction to *Helek*, Principle #13)

^{lxi} M. Jammer, *Einstein*, 222

^{lxx} Saul Lieberman, 69-72

^{lxxi} Gary Anderson, *Sin*, 174

^{lxxii} Naveh, *On Stone and Mosaic*, no. 26

^{lxxiii} Theodore Noldeke, *Neue Beitrage zur semitischen Sprachwissenschaft*, 36, cited in Michael Satlow, "Fruit and the Fruit of Fruit," *JQR* #100, 256

^{lxxiv} In *Diasporas and Exiles* edited by Howard Wettstein, 256- 258

^{lxxv} David Hartman, "The Third Jewish Commonwealth" In his *A Living Covenant*, 281

^{lxxvi} David Hartman (4), 290-291

^{lxxvii} David Hartman (4), *A Living Covenant*, 283-284

^{lxxviii} Yet, if present trends continue, even the UJA and the local federations may soon be outspent within the community. Private and family foundations have begun to complement the communal infrastructure, especially for educational and cultural projects. The Harry and Jeanette Weinberg Foundation of Baltimore, the Charles H. Revson Foundation of New York, the Wexner Foundation of Columbus, and others [like the Sheldon Adelson Fund] add up to perhaps thirty "mega-foundations," according to the executive vice president of the UJA, Rabbi Brian Lurie. They will soon be disbursing more wealth to assorted Jewish causes than Lurie's own UJA." (Stephen Whitfield, 301)

^{lxxix} Cited in A. Kass, *The Perfect Gift*, 409 ff

^{lxxx} Elizabeth M. Lynn and D. Susan Wisely, "Only Reflect: A Philanthropic Education for Our Time," 410-411

^{lxxxi} "Civic reflection seminars share five essential features:

First, they are for civic leaders—men and women who are actively engaged in giving and serving. These conversations are not designed to engage the disengaged. Instead, civic reflection seminars are designed to offer the many men and women who are already engaged in civic life a rare opportunity to understand and deepen their giving and service.

Second, they offer these leaders opportunities for candid conversation with peers, unconstrained by the prospect of a pledge card marking the conclusion of the process. Donors and other civic leaders seldom have unpressured space for conversation where they are neither "targets" nor "prospects" but people with convictions, experiences and questions of their own. Civic reflection seminars provide these leaders with an opportunity to talk with one another candidly about the challenges, choices, questions, and doubts arising out of their philanthropy. These seminars are not lectures or "visits with a prospective donor" but facilitated conversations.

Third, these seminars start with the participants' own questions about giving. Some of the most troubling questions civic leaders encounter in their work are enduring human questions—questions not unique to one organization or profession, time or place, but arising in a variety of times, places, and circumstances—questions like, what is a good gift? Who is my neighbor? What should we expect from those we serve? Seminar facilitators listen carefully to participants and help them articulate the fundamental human questions that arise naturally out of their giving activity. Indeed, in our experience, one of the greatest gifts of these occasions is the gift of one's own questions—and the discovery that those questions have been asked by other persons in other times and places.

Fourth, participants read and discuss texts with other givers. Starting from participants' questions, facilitators assign readings that address their questions in an accessible yet thought-provoking way. In our experience, the use of readings is important for two reasons, one substantive and the other practical. Substantively, texts enlarge understanding and deepen imagination, connecting participants with larger traditions of thought and imagination and other times and places. But readings have practical benefits as well for enhancing discussion. They provide a fresh and shared point of reference for participants, and so help to move the conversation beyond personal experience and hardened opinion. There is no set canon of readings for philanthropic education. All sorts of texts, from classic works of literature or philosophy to movies and children's books have been found useful. The key to successful reflection seems to be less the nature of the text itself and more the asking of interesting and personally important questions about the texts.

Finally, civic reflection seminars include opportunities for civic leaders to look back on how they learned to give and to perceive and describe their own familial, religious and regional traditions of giving. For instance, facilitators

might ask participants to write down their earliest impressions of service to others. Or they might invite philanthropists to fill out a giving autobiography or timeline, plotting key memories and experiences that have shaped (for better or worse) their ideas about giving, and then to reflect upon striking patterns or themes. These exercises have proven useful in starting group conversation about individual values and larger traditions of giving, and in helping participants think about how they can in turn teach others to give." (Cited in A. Kass, *The Perfect Gift*. 413-414)

^{lxxxii} "In Fort Wayne, Indiana, civic leaders gathered for a seminar on "Giving in America: Tradition, Challenge and Choice:" These leaders, all actively involved in giving through volunteering, fundraising, institutional development, foundation leadership, trusteeship, and individual giving, wanted an opportunity to explore fundamental questions, like: What does it mean to give well? How can we give more effectively? How can we encourage others to give? Participants discussed these questions in light of short texts by writers such as Alexis de Tocqueville, Robert Wuthnow, and Jane Addams. They also created their own 'giving autobiography' and drafted a giving plan for personal use. This seminar, too, spawned several other study circles, including an inter-generational effort that brought together parents and children of several families for reading and conversation about giving." (Cited in A. Kass, *The Perfect Gift*. 413)

^{lxxxiii} Lynn and Wisely, "Only Reflect: A Philanthropic Education for Our Time," 412

^{lxxxiv} Amy Kass, *Giving Well, Doing Well*

^{lxxxv} Just under 13 percent of the U.S. population lives below the federal poverty line. Worldwide, an estimated 1.9 billion people (of 6.0 billion) lived on less than \$1.50 per day (purchasing power parity) in 2001

^{lxxxvi} The Center on Philanthropy at Indiana University and Google produced "Patterns of Household Charitable Giving in 2005"

^{lxxxvii} Note these figures do *not* include volunteer hours nor personal gifts to friends, neighbors, and relatives in need.

^{lxxxviii} F. Ostrower, 56

^{lxxxix} In the 1980s the Sirota and Alper study of 78 New Yorkers with incomes of \$100,000, the donors of \$5,000 or more included 2% Protestants, 11% Catholics and 37% Jews. (F. Ostrower, 52)

^{xc} F. Ostrower, 13

^{xc} F. Ostrower, 15

^{xcii} Waldemar Nielsen, *Inside American Philanthropy*, 12

^{xciii} Roy W. Menninger, 129-131)

^{xciv} Joseph Frazier Wall, *Andrew Carnegie*, 880ff