

Re'eh (5767) – Tzedakah: The Untranslatable Virtue

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TUCKED AWAY IN TODAY'S SEDRA, almost as an aside in the course of explaining the law of shemittah (the year of "release" in which debts were cancelled), is one of Judaism's most majestic institutions, the principle of tzedakah:

If there is a poor man among your brothers in any of the towns of the land that the Lord your G-d is giving you, do not be hard-hearted or tight-fisted towards your poor brother. Rather, be open-handed and freely lend him sufficient for his need in that which he lacks.

Tzedakah lies at the heart Judaism's understanding of mitzvot bein adam le-chavero, interpersonal duties. An idea going back four thousand years, it remains challenging today. To understand it, though, a brief historical note is necessary.

In a key passage in Bereishith – the only passage in which the Torah explains why G-d singled out Abraham to be the founder of a new faith – we read:

Then the Lord said, “Shall I hide from Abraham what I am about to do? Abraham will surely become a great and powerful nation, and all the nations of the earth will be blessed through him. For I have chosen him so that he will direct his children and his household after him to keep the way of the Lord by doing what is right and just, so that the Lord will bring about for Abraham what he has promised him.”

The “way of the Lord” is defined here by two words, tzedakah and mishpat. They are both forms of justice, but are quite different in their logic. **Mishpat means retributive justice. It refers to the rule of law, through which disputes are settled by right rather than might.** Law distinguishes between innocent and guilty. It establishes a set of rules, binding on all, by means of which the members of a society act in such a way as to pursue their own interests without infringing on the rights and freedoms of others. Few if any civilizations have robed law with greater dignity than Judaism. It is the most basic institution of a free society. It is no coincidence that in Judaism, **G-d reveals himself primarily in the form of laws, for Judaism is concerned not just with salvation (the soul in its relationship with G-d) but also with redemption (society as a vehicle for the divine presence).** A law-governed society is a place of mishpat.

But mishpat alone cannot create a good society. **To it must be added tzedakah, distributive justice. One can imagine a society which fastidiously observes the rule of law, and yet contains so much inequality that**

wealth is concentrated into the hands of the few, and many are left without the most basic requirements of a dignified existence. There may be high unemployment and widespread poverty. Some may live in palaces while others go homeless. That is not the kind of order that the Torah contemplates. There must be justice not only in how the law is applied, but also in how the means of existence – wealth as G-d's blessing – are distributed. That is tzedakah. Why then is it set out so briefly in the Torah itself? The answer is that the Torah is a set of timeless ideals that are to be realised in the course of time; and not all times are the same. **The immediate focus of the Torah from the exodus onwards is the creation of a society in the land of Israel – the society that actually emerged from the days of Joshua to the close of the biblical era. Its economy (as were all ancient economies) was primarily agricultural. Therefore, the Torah sets out its programme of tzedakah in great detail in terms of an agrarian order.**

There was the seventh year, when debts were cancelled. In the seventh year of service, slaves went free. There was the Jubilee in which ancestral lands returned to their original owners. There were the “corner of the field”, the “forgotten sheaf”, the “gleanings” of grain and wine harvest, and the tithes in the third and sixth years that were given to the poor. In these ways and others the **Torah established the first form of what in the twentieth century came to be known as a welfare state – with one significant difference. It did not depend on**

a state. It was part of society, implemented not by power but by moral responsibility and the network of obligations created by the covenant at Sinai. It was an exceptionally beautiful structure.

But the genius of the Torah is that it does not predicate its social vision on a single era or a particular economic order. Alongside the specifics is a broad statement of timeless ideal. That is the role of the verses quoted above, which served as the basis for rabbinic legislation on tzedakah. **Tzedakah refers to more than gifts of produce; it includes gifts of money – the medium of exchange in all advanced societies whatever their economic base. Thus what in biblical times was a relatively minor provision became – when Israel was no longer a nation in its own land, and when most of its people no longer lived and worked on farms – the very lifeblood of its system of distributive justice.**

Maimonides, in his halakhic code the Mishneh Torah, makes a fascinating observation: “We have never seen or heard of a Jewish community without a tzedakah fund .” He adds:

We are obligated to be more scrupulous in fulfilling the commandment of tzedakah than any other positive commandment because tzedakah is the sign of the righteous, the seed of Abraham our father, as it is said, “For I know him that he will command his children to do tzedakah.” The throne of Israel and the religion of truth is upheld only through tzedakah, as it is said, “In tzedakah shall you be established” ([Isaiah 54: 14](#)). Israel

is redeemed only through tzedakah, as it is said, “Zion shall be redeemed with judgement and those that return by tzedakah” ([Isaiah 1: 27](#)) . . . All Jews and those attached to them are like brothers, as it is said, “You are sons of the Lord your G-d” ([Deut. 14:1](#)), and if a brother will not show mercy to his brother, who then will have mercy on him?

Tzedakah was thus, both in ideal and reality, constitutive of Jewish community life, the moral bond between Jew and Jew (though it should be noted that Jewish law also obligates Jews to give tzedakah to non-Jews under the rubric of *darkhei shalom*, the “ways of peace”). It is foundational to the concept of **covenantal society: society as an ethical enterprise constructed on the basis of mutual responsibility.**

THUS FAR, deliberately, I have left the word tzedakah untranslated. It cannot be translated, and this is not accidental. Civilizations differ from one another in their structure of ideals, even their most fundamental understandings of reality. They are not different ways of saying or doing the same things, mere “garments”, as it were, covering the same basic modes of existence. If we seek to understand what makes a civilization distinctive, the best place to look is at the words that are untranslatable. Aristotle’s Athens, for example, contained the concept of the *megalopsuchos*, the “great-souled man” who, gifted with honour, wealth and rank, conducted himself with the dignity and pride that only came with such endowments. **The very word is untranslatable into a system like Judaism that values humility and the kind**

of dignity that attaches to the person as such, regardless of their income or social position.

Tzedakah cannot be translated because it joins together two concepts that in other languages are opposites, namely charity and justice. Suppose, for example, that I give someone £100. Either he is entitled to it, or he is not. If he is, then my act is a form of justice. If he is not, it is an act of charity. In English (as with the Latin terms *caritas* and *iustitia*) a gesture of charity cannot be an act of justice, nor can an act of justice be described as charity. Tzedakah is therefore an unusual term, because it means both.

It arises from the theology of Judaism, which insists on the difference between possession and ownership. Ultimately, all things are owned by G-d, creator of the world. What we possess, we do not own – we merely hold it in trust for G-d. The clearest example is the provision in Leviticus: ‘The land must not be sold permanently because the land is Mine; you are merely strangers and temporary residents in relation to Me’ ([Leviticus 25:23](#)).

If there were absolute ownership, there would be a difference between justice (what we are bound to give others) and charity (what we give others out of generosity). The former would be a legally enforceable duty, the latter, at best, the prompting of benevolence or sympathy. In Judaism, however, because we are not owners of our property but merely guardians on G-d’s behalf, we are bound by the conditions of trusteeship,

one of which is that we share part of what we have with others in need. What would be regarded as charity in other legal systems is, in Judaism, a strict requirement of the law and can, if necessary, be enforced by the courts.

The nearest English equivalent to tzedakah is the phrase that came into existence alongside the idea of a welfare state, namely social justice (significantly, Friedrich Hayek regarded the concept of social justice as incoherent and self-contradictory). Behind both is the idea that no one should be without the basic requirements of existence, and that those who have more than they need must share some of that surplus with those who have less. This is fundamental to the kind of society the Israelites were charged with creating, namely one in which everyone has a basic right to a dignified life and equal worth as citizens in the covenantal community under the sovereignty of G-d.

TZEDAKAH CONCERNS NOT JUST PHYSICAL NEEDS but psychological ones also. The rabbis gave the following interpretation of the key sentence in this week's sedra, **“Be open-handed and freely lend him sufficient for his need in that which he lacks”**:

Sufficient for his need – means that you are commanded to maintain him, but you are not commanded to make him rich. That which he lacks – means even a horse to ride on and a slave to run before him. It is told of Hillel the elder that he bought for a certain poor man of good

family a horse to ride on and a slave to run before him. On one occasion he could not find a slave to run before him, so he himself ran before him for three miles.

The first provision ('sufficient for his need') refers to an absolute subsistence level. In Jewish law this was taken to include food, housing, basic furniture and if necessary, funds to pay for a wedding. The second ('that which he lacks') means relative poverty – relative, however, not to others but to the individual's own previous standard of living. This is an indication of something which plays an important role in the rabbinic understanding of poverty. **Beyond sheer physical needs is a psychological dimension. Poverty humiliates, and a good society will not allow humiliation.**

Protecting dignity and avoiding humiliation was a systematic element of rabbinical law. So, for example, the rabbis ruled that even the richest should be buried plainly so as not to shame the poor. On certain festive days girls, especially those from wealthy families, had to wear borrowed clothes, 'so as not to shame those who do not have.' The rabbis intervened to lower the prices of religious necessities so that no one would be excluded from communal celebrations. Work conditions had to be such that employees were treated with basic respect. Here, the proof text was G-d's declaration, 'For to Me the children of Israel are servants' – meaning that they were not to be treated as servants of any human being. Freedom presupposes self-respect, and a free society will

therefore be one that robs no one of that basic human entitlement.

One element of self-respect is independence. This explains a remarkable feature of tzedakah legislation. Maimonides lists the various levels of giving-to-others, all except one of which involve philanthropy. The supreme act, however, does not:

The highest degree, exceeded by none, is that of one who assists a poor person by providing him with a gift or a loan or by accepting him into a business partnership or by helping him find employment – in a word by putting him in a situation where he can dispense with other people’s aid. With reference to such aid it is said, “You shall strengthen him, be he a stranger or a settler, he shall live with you” ([Leviticus 25: 35](#)), which means strengthen him in such a manner that his falling into want is prevented.

This ruling is the result of a profound wrestling, within Judaism, with the fact that aid in the form of charity can itself be humiliating for the recipient. (One of the most powerful expressions of this is to be found in **birkat ha-mazon**, the Grace after Meals, when we say, “We beseech You, G-d our Lord, let us not be in need of the gifts of men or of their loans, but only of Your helping hand . . . so that we may not be put to shame nor humiliated for ever and ever”). Aid can also create welfare dependency, reinforcing, not breaking the cycle of deprivation. The greatest act of tzedakah is therefore one that allows the individual to become self-sufficient. The

highest form of aid is one that enables the individual to dispense with aid. Humanitarian relief is essential on the short term, but in the long run, job creation and the promotion of employment are more important.

In this context, one detail of Jewish law which is particularly fascinating. It specifies **that even a person dependent on tzedakah must himself or herself give tzedakah. On the face of it, the rule is absurd. Why give X enough money so that he can give to Y?** Giving to Y directly is more logical and efficient. What the rabbis understood, however, **is that giving is an essential part of human dignity.** As an African proverb puts it: **the hand that gives is almost uppermost; the hand that receives is always lower.** The rabbinic insistence that the community provide the poor with enough money so that they themselves can give is a profound insight into the human condition.

With its combination of charity and justice, its understanding of the psychological as well as material dimensions of poverty, **and its aim of restoring dignity and independence, not just meeting needs, tzedakah is a unique institution.** It is deeply humanitarian, but it could not exist without the essentially religious concepts of Divine ownership and social covenant. The prophet Jeremiah says of king Josiah, **'He judged the cause of the poor and needy; then it was well. Is this not to know Me? says the Lord.'** To know G-d is to act with justice and compassion, to recognise His image in other people, and to hear the silent cry of those in need.

