



DVAR TZEDEK TEXT STUDY

Parashat Mishpatim 5773

February 9, 2013

This week's Dvar Tzedek takes the form of an interactive text study. We hope that you'll use this text study to actively engage with the *parashah* and contemporary global justice issues.

Consider using this text study in any of the following ways:

- Learn collectively. Discuss it with friends, family or colleagues. Discuss it at your Shabbat table.
- Enrich your own learning. Read it as you would a regular Dvar Tzedek and reflect on the questions it raises.
- Teach. Use the ideas and reactions it sparks in you as the basis for your own *dvar* Torah.

Please take two minutes to share your thoughts on this piece by completing this [feedback form](#).

Introduction

In the midst of its long series of laws and ethical prescriptions, *Parashat Mishpatim* includes one verse that has sparked a millennia-old debate about how to prioritize charitable giving. The debate—which has been characterized as one about particularism vs. universalism—continues today, not only in Jewish circles but also in the pages of *The New York Times*. Scholars and individuals alike wonder whether one has a stronger obligation to care for one's own family, friends, neighbors or "tribe" or whether one is equally compelled to care for every person in need, regardless of who or where that person is.

The verse that serves as a springboard for this debate at first seems to focus on another topic entirely. It prohibits the charging of interest on loans and instructs: "If you lend money to My people, to the poor among you, do not act toward them as a creditor; exact no interest from them."¹ However, the Talmud quotes Rabbi Yosef, a fourth-century scholar, who interprets the verse to imply a hierarchy of charitable giving.

Babylonian Talmud Bava Metzia 71a

Rabbi Yosef taught [about the verse which says]: "If you lend money to My people, to the poor among you."

[This verse teaches that if you have to choose between:]

- a Jew and a non-Jew, give to the Jew first;
- a poor person and a rich person, give to the poor person first;
- a poor relative and poor people in your town, give to your poor relative first;
- poor people in your city and poor people in another city, give to the poor people of your own town first.

תלמוד בבלי בבא מציעא עא.

דְּתַנִּי רַב יוֹסֵף: "אִם כָּסֶף תִּלְוֶה אֶת עַמִּי אֶת הָעֲנִי עִמָּךְ."

- עַמִּי וְנֹכְרִי: עַמִּי קוֹדֵם.
- עָנִי וְעָשִׂיר: עָנִי קוֹדֵם.
- עֲנִיָּךְ וְעֲנִי עִירְךָ: עֲנִיָּךְ קוֹדֵם.
- עֲנִי עִירְךָ וְעֲנִי עִיר אַחֲרֶיךָ: עֲנִי עִירְךָ קוֹדֵם.

¹ Exodus 22:24.

Guiding Questions:

- Why do you think these four statements are listed in this specific order?
- If you were to apply this approach in your own giving, what would that look like?
- Do you agree or disagree with these statements of priority? Why?

The first, third and fourth statements of Rabbi Yosef seem to indicate that priority should be given to those who have a closer geographical and/or familial or tribal relationship to you. The second statement, however, introduces level of need as a factor when making decisions about giving. The challenge of prioritizing proximity/relationship versus need is a complex one, especially in today's world, when some of the people who experience the greatest need are also farthest away from us and outside our "tribe."

19th-century Jewish legal scholar Rabbi Yechiel Michel Epstein addresses this question in his code of Jewish law, the Aruch HaShulchan:

<p>Aruch HaShulchan, Yoreh Deah 251:5</p> <p>A large portion of the <i>tzedakah</i> that you give should go to your relatives and the poor of your town. You are also obligated to give a little to those who live far away, and to the poor of another city. For if [one were] not [so obligated], a city [consisting entirely] of poor people would die in a famine, God forbid."</p>	<p>ערוך השולחן, יורה דעה רנא:ה</p> <p>וְחֶלֶק גָּדוֹל מִהַצְדָּקָה יִתֵּן לְקְרוֹבָיו וְעֲנֵי עִירוֹ וּמַעֲט מְחוּיֵיב לִיתֵּן גַּם לְרְחוּקִים וְעֲנֵי עִיר אַחֶרֶת דָּאֵם לֹא כֵן עִיר שֶׁל עֲנֵיִים יִגָּעוּ בְּרָעַב, חֵס וְשָׁלוֹם.</p>
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Guiding Questions:

- How does the Aruch HaShulchan think one should balance the competing factors of geography and level of need?
- If you were to apply this approach in your own giving, what would that look like?
- Do you agree or disagree with this approach? Why?

This debate about the relative importance of factors such as need, geographic proximity and familial/personal/tribal relationships has recently played out in *The New York Times*, with Professor Stephen T. Asma's critique of moral philosopher Peter Singer. Below are excerpts representing each of their philosophies about the obligation to care for others.

<p>Peter Singer, "Famine, Affluence, and Morality"²</p> <p>The fact that a person is physically near to us, so that we have personal contact with him, may make it more likely that we <i>shall</i> assist him, but this does not show that we <i>ought</i> to help him rather than another who happens to be further away. If we accept any principle of impartiality, universalizability, equality, or whatever, we cannot discriminate against someone merely because he is far away from us (or we are far away from him).</p>
<p>Stephen T. Asma, "The Myth of Universal Love"³</p> <p>All people are not equally entitled to my time, affection, resources or moral duties—and only conjectural assumption can make them appear so. (For many of us, family members are more entitled than friends, and friends more entitled than acquaintances, and acquaintances more than strangers, and so on.) It seems dubious to say that we should transcend tribe and be utilitarian because all people are equal, when the equal status of strangers and kin is an unproven and counterintuitive assumption.</p>

² Philosophy and Public Affairs, vol. 1, no. 1 (Spring 1972), pp. 229-243 [revised edition]. Available at <http://www.utilitarian.net/singer/by/1972----.htm>
³ *The New York Times*, 5 January 2012. <http://opinionator.blogs.nytimes.com/2013/01/05/the-myth-of-universal-love/>



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Guiding Questions:

- What do you think Singer means when he writes about a “principle of impartiality, universalizability, equality, or whatever”? Do you believe that we have equal obligations to care for all human beings? Why or why not?
- Do you agree with Asma that “all people are not equally entitled to [your] time, affection, resources or moral duties”? Why or why not?
- If you were to apply Singer’s approach in your own giving, what would that look like? If you were to apply Asma’s approach to your own giving, what would that look like?

Conclusion

As the texts above have illustrated, the questions that we face today about how to allocate our *tzedakah* are incredibly difficult and complex. The economic challenges of the last several years have likely increased the level of need in our own communities, while the growth of communication technology brings us into daily contact with people around the world facing extreme poverty and injustice. *Parashat Mishpatim*—which marks the transition from the Exodus and revelation at Sinai to the laws and instructions about building a just society—gives us an opportunity to appreciate how truly complex it is to determine the most just and ethical system for allocating our charitable giving. As we read this *parashah*, let us commit ourselves to struggling with these questions and striving to respond to the poor—both those “among us” and those “far away”—with compassion, reason and justice.

For resources about personal/individual *tzedakah* as well as teaching about *tzedakah*, please visit www.wheredoyougive.org.

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