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## ***Funding Social Services***



### Introduction

The modern government, whether of a city, state or country, uses its authority to tax its constituents for money which it plans to spend on such things as defense and security, public works and social services. Much of the political battles during the coming campaign, as in most campaigns, revolve around how much and in what way to tax and for which purposes and in what amounts to disburse the money collected.

How did Jewish communities understand their role in furthering the welfare of the people? In what way do Jewish law and values articulate the problems so that we can think about them well and thoughtfully proceed with effective and ethical actions that will achieve a well-understood and well-conceived goal?

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## I. Tsedaka *versus* Charity

### Opening Discussion Point:

Define the difference between charitable donation and taxation.

### Text 1

*The Hebrew for "charity" is not tsedaka but chessed...These two words have opposite meanings.*

*Chessed, charity, implies that the recipient has no right to the gift and that the donor is under no obligation to give it. He gives it gratuitously, from the goodness of his heart. His act is a virtue rather than a duty.*

*On the other hand tsedaka means righteousness or justice. The implication is that the donor gives because it is his duty. For, firstly, everything in the world belongs ultimately to G-d. A man's possessions are not his by right. Rather, they are entrusted to him by G-d, and one of the conditions of that trust is that he should give to those who are in need.*

Rabbi Jonathan Sacks, "Teshuva, Tefilla and Tsedakah

**Exercise: Where do we find mention of taxation in Torah? State the instances that come to your mind.**

## II. Too Taxing?

### Text 2

*And they placed sarei misim [taskmasters] over them...and they built storage-cities for Pharaoh.*

Exodus 1:11

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### **Text 3**

*And Samuel related all the words of the Lord to the people who asked of him a king.*

*And he said, "This will be the manner of the king who will reign over you; he will take your sons, and appoint them to him for his chariots and for his horsemen, and they will run before his chariots. And he will appoint them as his commanders of thousands and commanders of fifties, and to plow his plowing and to reap his harvest, and to make his weapons and the equipment for his chariots."*

*I Samuel 8:10-17*

### **Text 4**

*He was in charge of raising taxes from Israel when they were needed to give to the soldiers or to execute [the king's] policies. For that is the law for kings... and as the rabbis of blessed memory said: "It is permissible to tax them."*

*Rabbi David Kimchi (Radak), commentary on 2 Samuel 20:24*

### **Text 5**

*If there will be among you a poor person – one of your brothers, in one of your towns, in the land that G-d your G-d is giving you – do not harden your heart and do not tighten your hand against your poor brother. Rather, you should open your hand to him emphatically and be sure to give him enough for all he lacks.*

*Deuteronomy 15:7-8*

**Discussion: Compare this verse to the previous verses speaking of taxes. What differences stand out? (Where did the funds go that were raised by these by these taxes?)**

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Where do we find the laws?

	Maimonides' law code	<i>Shulchan Aruch</i>
Tax law	part of <i>Hilchot Shecheinim</i> – Laws of Neighbors	part of <i>Hilchot Shutafim</i> — Laws of Partners
Charity law	part of <i>Hilchot Matnot Aniyim</i> – Laws of Gifts to the Poor	part of <i>Hilchot Tsedaka</i> – Laws of <i>Tsedaka</i> and <i>Hilchot Matnot Aniyim</i> – Laws of Gifts to the Poor

**Discussion:**

How does this system differ from the way a modern democracy raises funds for its infrastructure, defense and social needs?

What might be the advantages of a levy system in our age of governmental austerity? What might be its disadvantages?

### III – *Tsedaka* and Social Services

**A. Who gives?**

**Text 6**

*Everyone is required to give tzedaka. Even a poor man supported by tzedaka is required to give from what is given him.*

*Shulchan Aruch, Yoreh De'ah 248:2*

**Discussion questions:** Do our government policies and societal norms stress this idea of everyone needing to give? Is it found in our tax structure? Is it found in any area of our national life? Could our policies be improved?



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### B. How much?

#### Text 7

*It is a positive commandment to give tzedaka according to one's means... Whoever gives less than is proper may be forced by the court...until he gives what they assess of him.*

*Shulchan Aruch, Yoreh De'ah 248:1, 2*

#### Text 8

*The amount one must give: If one has the means, one gives as much as the poor need. If one does not have means sufficient for that, the optimal way of performing the mitzvah is by giving one-fifth of one's possessions. A standard donation would be one-tenth; giving less than that is considered stingy.*

*Shulchan Aruch, Yoreh De'ah 249:1*

#### Text 9

*Every city in which thirty Jews dwell is required to appoint well-known and reliable people as tzedaka wardens. Their function will be to go around among the people from the eve of Shabbat to eve of Shabbat and collect from each one the proper amount of his assessment. They then distribute the money from eve of Shabbat to eve of Shabbat, giving to each food that will suffice for a week. This is called the kupa.*

*Maimonides, Laws of Gifts to the Poor, 9:4*

### C. To Whom?

#### Text 10

*Tamchui—food collected from the community—is distributed to the poor daily. Kupa – money for the poor —is distributed on Fridays for the whole week. The tamchui was available to any poor person, while the kupa funds were available only to the poor of*

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*that city. City authorities have the flexibility to transfer from one fund to another or to any purpose they see fit.*

*Baba Batra 8a*

### **Text 11**

*Whoever has food enough for two meals may not take from the tamchui. Whoever has food enough for fourteen meals may not take from the kupa. Whoever has 200 zuz and is not using them in a business, or if he has fifty zuz with which he is doing business may not take any tsadaka.*

*Shulchan Aruch, Yoreh De'ah 253:1*

### **Text 12**

*There are those who say that these sums listed as eligibility requirements were said only for their day, but that today, someone can take until he has enough for a sum [which he can invest in a business] and sustain his household from the profits. This is a persuasive position.*

*Shulchan Aruch, Yoreh De'ah 253:2*

### **Text 13**

*It is elementary that someone who has a steady wage from which he can sustain himself comfortably may not take tsedaka. However, today, even someone with a steady wage sufficient to sustain himself will not find it enough to buy or rent an apartment in Israel – they are only possible to get at a high price. Accordingly, such a person could be considered poor with respect to housing and be permitted to take from tsedaka – he lacks today's equivalent of 200 zuz. All is in accordance with the situation, as halachic decisors have made clear.*

*Rabbi Shlomo Halevi Wosznar, Responsa Sheivet Levi 2:125*

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2011 Health and Human Services Poverty Guidelines			
Persons in Family	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$10,890	\$13,600	\$12,540
2	14,710	18,380	16,930
3	18,530	23,160	21,320
4	22,350	27,940	25,710
5	26,170	32,720	30,100
6	29,990	37,500	34,490
7	33,810	42,280	38,880
8	37,630	47,060	43,270
For each additional person, add	3,820	4,780	4,390

**SOURCE:** *Federal Register*, Vol. 76, No. 13, January 20, 2011, pp. 3637-3638

### Discussion:

**Should the modern day qualifying figure include all the trappings of 21<sup>st</sup> century American life? Which of the following should have their costs figured into the poverty figures:**

**A car?**

**Computer and Internet service?**

**A cell phone? A smart phone?**

**Cable TV?**

**Netflix?**



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### D. The Best Way to Give

#### Text 14

*My teacher and grandfather Maharich, of blessed memory, was the head of the rabbinical court here. His way was to direct those in charge of the tsedaka fund that whenever they wished to put someone on the list of tsedaka recipients, they were to investigate if that person was able to do some kind of work or business. If so, he was to say to him that he would give him a lump sum to invest in his work or his business and so make a profit. The poor person would be able then to derive continuous, ongoing benefit through the labor of his own hands. The congregation would also profit by not having to make continuous, ongoing outlays. Many tried this way and succeeded, and no longer needed the congregation's funds. All this I heard from my father and teacher Maharshach, of blessed memory.*

*Examine carefully what our master of blessed memory wrote on Yoreh De'ah 249:6: "There are eight degrees of charity, one higher than the next. The highest degree, exceeded by none, is strengthening the hand of a fellow who has become poor and giving him a present or a loan or making a partnership with him or making a job for him so that he should be strengthened and not need others or have to ask for a handout. This is the meaning of Scripture: 'You shall strengthen him...'"*

*It was this superior level of tsedaka that my teacher and grandfather of blessed memory chose. And so it is proper to do, following in his footsteps, for the good of the poor and for the good of the congregation, fulfilling the mitzva of tsedaka in the best and most proper fashion.*

Rabbi Moshe Kalaphon Hakohein, *Berit Kehuna*,

*Yoreh De'ah*, p. 326

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### Discussion:

Is the way our funds disbursed important? In what ways might modern governments implement the values set forth in this reading? In what way might they improve over simply cutting unemployment checks?

### E. Supporting Someone Who Won't Work

#### Text 15a

*Should you see your enemy's donkey prostrate under its burden and [think you might] refrain from helping him – you must certainly help him [imo—literally, “with him”].*

Exodus 22:5

#### Text 15b

*This tells you that if someone wants to be **with you** in his work and wants to put it back upright together **with you**, you are required to help him. But if he sits down and says, “You alone obligated by the Torah to help; it's your job to do it all” – that is the reason why the Torah says “refrain from helping him.” You are permitted to refrain from helping if he does not want to join in the work.*

*This speaks to a few of our poor fellow Jews who throw themselves on the public and do not want to do any work even if they are able to work or feed their families in some other way. They cry, “Foul!” if their needs are not met.*

*This, however, is not what G-d commanded; He said, “Help along **with him**,” “Raise it up along **with him**.” The poor person must do all that is within his power and if even that is not enough to meet all his needs, then every Jew is obligated to support him and to give him all he lacks—“azov ta'azov—even a hundred times.”*

Commentary of Keli Yakar on Exodus 22:5

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### **Text 16**

*The poor man comes up to the rich man and says to him, "Give me mitzva [tsedaka]!"*

*The rich man does not give... and he says to that poor man, "Why don't you go and exert yourself at some work? Look at your legs! Look at your belly! Look at your fat flesh!"*

*The blessed Holy One says, "It wasn't enough that you didn't give him a thing, but you had to put an evil eye on what I gave him? Therefore...you will not leave over a penny to your son, and you will cause a defect in yourself."*

*Vayikra Rabba 34:4*

### **Discussion:**

**How do we resolve the differing values taught in these last two texts?**

### **Text 17**

*If a poor person whom no one knows says, "I am hungry, feed me!" we do not investigate to see if he is genuine, but rather feed him immediately.*

*Maimonides, Laws of the Gifts to the Poor, 7:6*

### **Text 18**

*Someone who has a trade and the strength to work and does not is like a wealthy person who starves himself, and we do not give him his livelihood. However, it is forbidden to shame him, and it seems correct to give him a little bit. If however he lacks the psychological stamina to work, we do give him his livelihood.*

*Rabbi Elchanan ben Yaakov, Ma'asei Hatsedaka, 7:3*

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