

TZEDAKA:
Keys to the
Gates of Mercy



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KEY TO THE GATES OF MERCY

“On Rosh Hashana it shall be written and on the Day of Atonement it shall be sealed. How many are to pass on, how many are to be born... Who shall live and who shall die...”

In what is quite possibly the most moving and dramatic prayer of the High Holiday services, the inherent frailty of man is brought into sharp focus, causing even the most stoic of individuals to experience the inexorable fear associated with a confrontation with one's own mortality.

The precious gift of life, a commodity taken for granted more than any other, cannot be guaranteed. Great wealth is powerless to acquire even a second of added existence, and a clean bill of health from the doctor's office does not ensure longevity. It is Hashem alone who judges mankind and His verdict is utterly concealed from man's view.

Yet, the G-d of Justice is a G-d of Mercy and in His benevolence He has given man the means to control his own destiny, to become a partner in determining

his very fate. The epilogue of this most solemn prayer is one of hope and inspiration, for it reveals the existence of three keys that unlock the gates of mercy: "But Teshuva (Repentance), Tefila (Prayer) and Tzedaka (Charity) can avert the severe decree."

So man, grateful for the opportunity to merit a reprieve from harsh judgment, sets his mind and heart to the task at hand. Three, only three small hills to climb for yet another year of life and prosperity. With no alternative options available, it would seem to be a foregone conclusion that each and every believing Jew, sincerely concerned with his and his family's future, would strive for and achieve his goal of Teshuva, Tefila and Tzedaka.

Sadly, more often than not, man falls far short of his intended destination. Teshuva, Tefila and Tzedaka are not mere hills but rather formidable and imposing mountains that defiantly challenge the essence of man's courage and integrity.

Teshuva, literally translated, means "return." It is insufficient to merely regret the iniquitous act performed against G-d, for that only succeeds in demonstrating the extent of remorse, not change. In order to consummate a true "return" one must reach a state of being that will prevent a recurrence of the same wrongdoing, should the opportunity to sin once again present itself. Therefore, only Hashem knows whether or not a person has accomplished real

“Teshuva” in his Yom Kippur prayers (Rambam, Hilchos Teshuva), for only Hashem can gaze into the heart and see if indeed this transformation has occurred. So not only is Teshuva a most difficult endeavor, it leaves the “returnee” unsure as to whether his Teshuva is genuine enough to alter or defer a harsh decree against him.

Tefila is described by the Torah as “*Avodas Halev*,” a duty or service of the heart. While all commandments are measured by Hashem for the degree of feeling and sincerity that accompany them, Tefila is by definition, exclusively a process of the heart. Thus, Tefila seems to fall within the same category as Teshuva, in that it can only be evaluated by Hashem. The mere mouthing of words is by no means security that the standard of *Avodas Halev* has been reached.

While it is imperative that every Jew strive for true Teshuva and Tefila, to fail in the performance of the third category, Tzedaka, would be virtually tantamount to criminal neglect. Specific guidelines governing the laws of charity do exist and therefore it is a mitzvah that can be measured and evaluated. One need not struggle with doubt and uncertainty as to whether “Tzedaka” has been achieved. One need only study the law and contribute the necessary amount of Maaser to the types of worthy causes outlined in the Shulchan Aruch. With so much at stake, literally a matter of life and death, it would be

folly to ignore the golden opportunity presented by the Almighty, to merit the promise of life that Tzedaka assures.

The following essays outline the requisite of giving Maaser, a tenth of one's income, to Tzedaka. If this formula is adhered to, one can be confident that the blessing "*Tzedaka Tatzil MiMaves* – Charity saves one from death" (Mishlei 10:11) shall be granted to him.

A Responsibility and an Investment

Giving Tzedaka is popularly perceived as an act of benevolence toward those in need or in disfavor. It is viewed as something an individual does beyond the call of duty or perhaps it is the response of those who, being pained at the misfortune of others, empathize with their less fortunate brethren by conferring upon them some of the material benefits that they enjoy. Although taken within this context, the individual who gives charity certainly demonstrates a nobility of soul and character, to the Torah-oriented Jew the concept of giving charity includes an added and more meaningful dimension. Giving charity is more than a reflection of one's generosity; it is an educational experience that beckons an individual to the fundamental truth that

he lives in a world that belongs to G-d. We are simply the executors of the Divine plan to confer upon others the same kindness that Hashem has showered upon us. The world and all its components are Hashem's and man receives only to give to others and further the sanctification of His name. The heightened awareness of this fact will foster a social climate permeated with a feeling of love and concern for our fellow human beings. A person is reminded that he does not live in a vacuum. It is not only his needs that become the focus of his energies. He earns a livelihood not only for his family but also for neighbor's family because, after all, we are all the children of G-d, and who would willingly close his hand to one of G-d's children in need? If we become sensitized to the fact that we are all G-d's children, we will take heed to respect the rights and feelings of our fellow man in order to please our Divine Father in heaven.

The Talmud (Bava Basra 10a) relates a fascinating dialogue between Rabbi Akiva and one of the tyrannical Roman rulers under whom many Jews had been mercilessly subjected. With scathing cynicism the Caesar asked Rabbi Akiva, "Why do Jews take care of the needs of their poor? If a king banished one of his subjects and decreed that hardship and pain be inflicted upon him, which loyal subject would dare extend him compassion or assistance? If G-d has

ordained that certain individuals live deprived lives, how dare the Jews endeavor to alter His Divine master plan?" Rabbi Akiva immediately responded, "If a father were to expel his son from his home, wouldn't he nonetheless feel profoundly indebted to one who offers his incorrigible son food and shelter? We are all G-d's children," continued Rabbi Akiva, "and we only comply with the Divine plan when we answer the pleas of those who seek our help."

In the Book of Devarim, when Moshe exhorts the Jews to organize and establish a judicial system within the local communities of Israel, he proclaims, "*Tzedek, tzedek tirdof* — you shall surely pursue justice." Interestingly, the word "tzedek" in this instance denotes justice, yet "tzedek" is the root of the word "Tzedaka", commonly understood to denote something beyond the call of duty, and not simply justice in its strictest sense. The truth is, however, that the acts of charity we perform are in fact the justice that legitimizes our claim to the possessions and wealth we enjoy. We are faithfully acknowledging the will of our Creator to share with others what He has bestowed upon us. Performing the mitzvah with this perspective will inspire and uplift a charitable benefactor and spur him on to continue his pious and generous deeds.

Give and You Will Receive

Rabbinic literature tells us that poverty is a phenomenon that escapes no one. This means that even the wealthiest of families will eventually be stricken and left to the mercy of others. If it doesn't occur to the grandfather, it will undoubtedly occur to his grandson or perhaps his great-grandson. It is a cycle that affects all, knowing no biases. Our Rabbis assure us that those who give Tzedaka will ensure that years later a needy relative will be the beneficiary of someone else's generosity. The great Rabbinic commentators point out that the word "*Venasnu*," meaning they shall give, referring to the obligation of the Jews to contribute to the Holy Tabernacle, is spelled the same way whether written forward or backward. The idea thus expressed is that an act of giving actually results in an act of receiving. Aside from the eternal bliss earned from the great mitzvah of giving charity, one's descendants gain the help they need in difficult times, becoming the recipients of goodwill because of the thoughtfulness of their ancestors. It is in this vein that the Talmud (Shabbos 151) relates that the great Rav Chiya would remind his wife to offer food and alms to the poor, and assure her that the kindness that she displayed would alleviate the difficult times that might befall her children and grandchildren.

King Munbaz, a king during the Talmudic era, once spent the entire royal fortune plus all his inherited wealth during years of famine to help the needy. His family approached him to question his actions. They protested, "Your forefathers built up this magnificent treasury and you are squandering all the money!" He answered, "My forefathers had a worldly treasure; my treasure is a spiritual one. Their treasure sees no fruition. My treasure has its rewards. They saved money while I save souls. They saved for others while I make a treasury for myself. My forefathers made a treasury in this world. I am preparing a treasury in the world to come." (Bava Basra 11)

"The law says that Tzedaka is a high duty and the repudiation of this duty can bring serious consequences, even death. Nobody becomes poor through Tzedaka and G-d has proclaimed, 'Never will Tzedaka become the cause of any grave suffering or misfortune.' To him who has compassion for the poor, G-d will also show compassion; as you wish G-d to hearken to your prayers, so shall you hearken the prayers of the poor. Give, and neither to your children nor to your grandchildren, not even to your remotest descendants will help be refused when they are in need, for riches and poverty come round in their circle and there is never a whole succession of generations that entirely escapes poverty. It is your

finest deed. As long as you practice it, misery and suffering, hunger and death will not come near you. Even the custom of vowing Tzedaka in memory of the dead makes sense. If they have been charitable in heart and deed and you feel yourself spurred on to good works by their memory, you are enabling them to do good even after their passing; and by continuing their good work, which had come to an end, you render them immortal. The surest way to get rich is to do good with that which is in your keeping, for then G-d is glad to make you the custodian of His gifts.”
(Rabbi Samson Raphael Hirsch – Horeb)

It has been suggested that to strengthen the observance of this important mitzvah, groups be organized to meet each month, where one can attend lectures and hear words of inspiration concerning Tzedaka. If only a small nucleus, of a few dedicated individuals, would commit themselves to regular attendance to these groups and at their conclusion write out their charity checks for ten percent of their income to the charity of their choice, they would generate within the Jewish community a new wave of commitment to the holy task of caring for the needs of our people.

The laws dealing with giving charity in its most precise and halachically prescribed manner are very

complex, varying with a multitude of situations that may arise. The best approach is to calculate and set aside 10% of one's income for Tzedaka, commonly known as Maaser.

The following guidelines and suggestions for properly determining and distributing Maaser funds have been taken from "Ahavas Chesed," the monumental classic of the great Chofetz Chaim that deals with laws of charity. They should prove useful for those who have not yet had the opportunity to give proper time and attention to the study of these laws.

How To Fulfill One's Obligation

1. At the time one undertakes to observe the mitzvah of giving Maaser, he should declare that he is not binding himself to any vow. This will save him from a Torah transgression if he inadvertently miscalculates or misappropriates his Maaser funds.
2. To begin, one first sets aside 10% of his total capital for Maaser. After that, he separates 10% from all future earnings. Those who begin by setting aside 10% from only their profits, without first separating 10% from their present assets, are not properly fulfilling their

obligation. For individuals finding it difficult to put out 10% of their capital, it is advisable to set aside that money for interest-free loans for those in financial straits. He may even lend the money to himself on the condition that should someone in need approach him, he can borrow the amount he has lent to himself and advance it to the needy individual. However, there are some stricter opinions that permit this practice only if this condition was expressly stipulated when he originally began separating Maaser.

3. 3) In general, it is advisable to distribute $\frac{2}{3}$ of one's Maaser for charitable gifts and $\frac{1}{3}$ for interest-free loans.
4. 4) One should keep a meticulous tally to assure an accurate record of the Maaser funds he is obligated to dispense.

Order Of Distribution

1. Poor relatives take precedence over strangers. As such, one may allocate Maaser funds for his older children, whom he no longer is obligated to support, if they have no means of supporting themselves. He may do so even if he can provide for them from other sources.
2. If his own relatives are not in need, it is

preferable to use Maaser funds to support those who study Torah.

3. Maaser funds can be used to enable a groom and bride to marry, if they could not do so otherwise. The same applies to a Bris Milah or the purchasing of seforim to be lent to others who otherwise could not afford them. You must indicate that these books were bought with Maaser funds so that the donor's heirs cannot claim them after his death.
4. According to all opinions, one may buy the right to be called to the Torah or any other honor, if the money will be used for the needs of the poor. According to the Aruch HaShulchan, he may even do so if the funds will be used for the Bais HaMedrash or those who serve it.
5. One may not deduct tuition payments for his children's education from Maaser funds. However, donating Maaser funds to defray the tuition expenses of the needy is permitted and considered a great mitzvah.
6. Some authorities declare that although the contribution of 1/5 of one's earnings is regarded as exemplary, but not strictly required, this applies only where there are no immediate cases of poor people in need of food

and clothes. However, if one knows of widows, orphans or the like, one is duty bound by law to separate 1/5 of his possessions. This is the opinion of the Vilna Gaon. This responsibility is only in effect if the donor is capable of contributing such a proportion of his earnings. One need not experience undue hardship to give this second tenth.

As we perform our charitable acts with a newfound sense of enthusiasm and purpose, let us remember the eternal words of the prophet Isaiah,

“ציון במשפט תפדה ושביה בצדקה” – Zion shall be redeemed with justice and they that return to her with the merit of Tzedaka.”

