



## Parashat Behar

In Parashat Behar the Torah issues the command to assist those in financial straits: "Should your brother become impoverished and fall into straits among you, you shall support him – [even] a foreigner or resident – so that he may live among you" (Vayikra 25:35). Maimonides cites this verse in his famous presentation of the *shemona ma'alot* – the eight "levels" – of charity, in the Hilkhot Matenot Aniyim section of *Mishneh Torah* (10:7):

"The highest level, than which there is no higher, is one who supports a Jew who has become impoverished and gives him a gift or loan, or makes a partnership with him, or finds him work to support him to the point where he will no longer have to ask people [for charity]. Regarding this it is said, "you shall support him – [even] a foreigner or resident – so that he may live among you."

According to Maimonides, the highest form of charity is enabling one to live self-sufficiently, either through a large gift, a loan for investing, an invitation into a partnership, or finding him a secure job. To this the Torah refers when it requires, "you shall support him" ("*ve-hechezakta bo*"), which means that the community must help the struggling individual earn a living independently.

Maimonides' description here indicates that lending to the poor fulfills the Torah obligation of *tzedaka* (charity); assisting a person in need through an interest-free loan is included in the *mitzva* of helping the poor. However, in his *Sefer Ha-mitzvot*, Maimonides very clearly distinguishes between giving charity and lending, as he classifies lending to the poor as a separate *mitzvat ase* (197), independent from the obligation to give charity (195). The question thus arises, how can Maimonides consider lending an example of the highest form of *tzedaka*, if he classifies giving and lending as two separate *mitzvot*?

The answer is that Maimonides distinguishes between two different kinds of loans. When he lists lending as a separate *mitzva*, he refers to a loan that helps the poverty-stricken individual in the short-term, to manage his immediate expenses. This loan indeed constitutes a *mitzva*, but it can hardly qualify as charity. Such a loan merely helps rescue the needy person from an immediate predicament by placing him in another, long-term predicament. Giving a charitable gift, by contrast – even a modest gift – amounts to a small step in alleviating his hardship, as it relieves him of at least some of his financial burdens. But a loan does virtually nothing towards solving the poor person's long-term crisis.

In Hilkhot Matenot Aniyim, however, Maimonides explicitly speaks of a loan that enables the individual to rehabilitate himself, to set up a business or make some other form of profitable investment. This kind of loan is functionally equivalent to providing a steady job, as it allows the recipient to obtain financial independence. Such a loan, through which one helps rescue his fellow from long-term financial hardship, is included under the obligation of *tzedaka*.

This distinction might yield practical implications concerning a halakhic question addressed by the *Chafetz Chayim* in his work *Ahavat Chesed* (2:18). The *Chafetz*

*Chayim* raises the question of whether a *gabai tzedaka* ("charity official") may use charity funds collected from the public for the purpose of lending to the poor. According to many authorities (the *Chafetz Chayim* cites the *Chayei Adam* in particular), funds collected for charity may not be transferred for use towards another *mitzva*. If we perceive lending as a form of charity, then funds donated for *tzedaka* may be used to offer interest-free loans to the poor, whereas if we distinguish between these two forms of assistance, funds earmarked for charity must be used strictly for charitable gifts, rather than loans.

If our reading of Maimonides' classification is correct, then he would distinguish in this regard between different kinds of loans. He would allow using charity funds to lend money that will go towards the long-term rehabilitation of a person in need, such as by helping him start or rebuild a business. Since this kind of loan falls under the general category of *tzedaka*, one may use *tzedaka* funds for this purpose. Maimonides would not, however, allow using these funds for a small loan that will merely help a struggling person manage his immediate expenses, a loan that constitutes a separate *mitzva* and is not technically classified as *tzedaka*.