

Parashat Mishpatim 5774: Loans and the Highest Rung of Tzedaka

I was 25 years old, comfortable in a responsible position advocating for Jewish concerns within Washington's diplomatic and governmental communities. Although not apparent on the day-to-day surface, the roots of this advocacy ran deep in Jewish tradition. I wanted to understand the roots and how they came together to generate the Jewish public life we know today. It was time to learn, and to give greater foundation to my work as a professional Jew.

I decided to leave my job and go to a place where many 20-somethings go to grasp Jewish roots -- Jerusalem -- and to an institute on the cutting edge of educating this population -- the Pardes Institute. I wasn't yet in graduate school, and didn't want to ask my parents for help. Instead, I sent a letter to all the non-Orthodox rabbis in the D.C. area asking them for contributions from their discretionary funds to support my efforts. Many generously pitched in.

And I sought out the support of the agencies of the Jewish Federation of Greater Washington and Rhode Island. It was there that I came first into contact with a Hebrew Free Loan Association. The association in Washington came forth not just with a loan but also with a significant grant to help me make my year of study possible.

Hebrew Free Loan was there for me to help me help myself. To help me get started along my path. To give me the boost that eventually led to my entry into rabbinical school and an even greater immersion in Jewish civilization

a bit over a year later. I learned, along the way, that Hebrew Free Loan associations across the country were there for all Jews -- to provide interest-free loans in both acute situations and to help people like myself begin to spread their wings educationally, professionally and personally.

Hebrew Free Loan is true to the ideal of Jewish lending and takes tzedaka to one of its highest expressions.

Let's take a look at the text in this week's parasha.

The mitzvah to lend without interest, which is the heart and soul of Hebrew Free Loan's mission, comes in our portion, in Exodus 22:21:

כִּד אִם-כֶּסֶף תַּלְוֶה אֶת-עַמִּי אֶת-הָעֲנִי עִמָּךְ לֹא-תִהְיֶה לוֹ כְּנִשָּׂה לֹא-תִשְׁיִמּוֹן עָלָיו
נֶשֶׁךְ.

²⁴ "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."

"Do not act toward them as a creditor." Implicit is the notion that creditors typically regard the lending relationship as a financial one, as an opportunity for profit -- not as a relationship of mitzvah which highlights the humanity of the relationship.

The Jewish mitzvah of lending without interest is reinforced and given more definition and purpose in Leviticus 25:35-36:

לה וכי-ימוך אחיך ומטה ידו עמך והחזקת בו גר ותושב וחי עמך. לו אל-תקח
מאתו נשך ותרבית ויראת מאלהיך וחי אחיך עמך. לז את-בספך לא-תתן לו
בנשך ובמרבית לא-תתן אכלך.

³⁵ "If your brother becomes destitute and *his hand falters beside you, you shall support him* [whether] a convert or a resident, so that he can live with you.³⁶ Do not exact from him advance or accrued interest, but fear your God. Let him live by your side as your kinsman.³⁷ Do not lend him your money at advance interest, or give him your food at accrued interest."

The key phrase here is *וכי-ימוך אחיך ומטה ידו עמך והחזקת בו*. What do we learn from this phrase? Number one, that, literally, "his hand falters." This presumes that we do things with our hands, that our natural state is to be involved in handiwork, and that, as often as not, we fail. The boundary between sustenance and destitution, between success and failure, is thinner than we might think. Number two, that we should support, hold and strengthen the one who becomes destitute. Maintaining a poor person is a worthy ideal, but the ultimate goal is to give him strength, so he can live with us, by our side, a person with dignity and self-respect like ourselves .

The mitzvah is reinforced and elucidated yet again in Deuteronomy 15:8:

ח כי-פתח תפתח את-ידך לו והעבט תעביטנו די מחסרו אשר יחסר לו.

"⁸Rather, you must open your hand and lend him sufficient for whatever he needs."⁹

Lest we think that our lending is a one-shot deal, we are told to **פְּתַח תְּפִתַּח**, "to open" our hands, repeatedly, according to Rashi, to lend to those who need it. That being the case, the Bible warns against the deleterious relationship that can develop if people have to go back for loans too many times (Proverbs 22:7).

עָשִׂיר בְּרָשִׁים יִמְשׁוּל וְעֶבֶד לֹהֵ לְאִישׁ מְלוֹה:

"A rich man will rule over the poor, and a borrower is a slave to a lender."

The Talmud Bavli, Tractate Shabbat 63a, prioritizes the forms of tzedaka for the rabbinic tradition, and aspires even beyond one-on-one lending:

א"ר שמעון בן לקיש גדול המלוה יותר מן העושה צדקה ומטיל בכיס יותר מכולן

"Rabbi Shimon ben Lakish said: Greater is the lender than one who does tzedakah. Yet the one who puts money in a kitty [in one pouch] is greatest of all."

This could be understood as a communal kitty, like Hebrew Free Loan. Some medieval commentators understood this expression **מטיל בכיס** to mean "put money in a kitty as a partnership with someone in need." According to the Israeli scholar and educator Noam Tzion of the Hartman Institute, partnerships transform recognition, which can generate shame and asymmetry in the tzedaka and lending exchange, into something quite positive -- real partnership and human connectedness, where both partners give and receive -- money, advice, know-how and affirmation. To a place

where rich and poor really live, as the Torah implores, side by side, involved with each other.

Maimonides brings many of these ideas together on the highest of his famous 8 levels of tzedaka. Maimonides writes the following in his Mishne Torah:

י [ז] שמונה מעלות יש בצדקה, זו למעלה מזו: מעלה גדולה שאין למעלה ממנה--זה המחזיק בידי ישראל שמך, ונותן לו מתנה או הלוואה, או עושה עימו שותפות, או ממציא לו מלאכה, כדי לחזק את ידו עד שלא יצטרך לברייתו ולא ישאול; ועל זה נאמר "והחזקת בו, גר ותושב וחי עימך" ([ויקרא כה, לה](#)), כלומר החזק בו שלא ייפול ויצטרך

"The supreme level - above which there is no higher one - is one who *strengthens the hand* of a member of Israel who has fallen on hard times, *by granting him a gift or a loan, or entering into a partnership with him, or finding him work, in order to strengthen his hand*, so that he will be in need of others and not have to beg from other people. Concerning this it is said (Leviticus 25:35), 'Strengthen (hold) him, whether a convert or resident, and let him live by your side,' that is, *Strengthen him*, so that he will not lapse into poverty." (Mishne Torah, Gifts to the Poor 10:7-14).

The importance of that last line cannot be understated, according to Tzion. Maimonides is concerned with keeping people out of poverty -- thereby his focus on loans, partnerships and jobs that can be rehabilitative and just not subsistence-maintaining.

It is clear throughout Tanakh, the Talmud and later medieval commentaries that basic tzedaka is a responsibility of each and every Jewish individual -- we are commanded to give at least a tithe, 10%, of our earnings to support the needy. Yet the traditions implores us to go further, beyond classic tzedaka to the realm of *Gemilut Chasadim*, acts of lovingkindness, which address more directly the long-term needs, both financially and emotionally, of those in need. Strengthening the financial condition of those in need, as opposed to just maintaining. Helping those in need maintain their dignity and build their self-esteem. Utilizing the skills and know-how that each person possesses, which is core to self-esteem. Constructing relationships across the classes, so to speak.

Loans and partnerships actuate the highest level of tzedaka. Hebrew Free Loan in Detroit is our Jewish community's venue for carrying out these ideals, and has been engaged in the process for 119 years. This *Gemach*, or *Gemilut Chasadim* society, together with other local agencies such as the Jewish Family Service and the Jewish Vocational Society, do amazing things to enable us all, across the economic spectrum, to achieve our potential by giving interest-free loans and offering the counsel and partnership to take proper advantage of the loans. Hebrew Free Loan is the **דִּיכ** that the Talmud spoke of, a revolving fund of loans that are 98% repaid, and enable people across our community to fly.

I now would like to ask Cheryl Berlin, who works for Hebrew Free Loan, to speak a bit more about it.

Shabbat shalom.