

## How Tzedaka is Different from Other Commandments

by Rabbi Dr. Nachum Amsel | August 20, 2019

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Of the 613 mitzvah-commandments in Judaism, Tzedaka-charity is unique in certain of its attributes, Jewish law, and other anomalies connected with it. This makes Tzedaka the most unusual of all the commandments. Three of the remarkable aspects of Tzedaka will be examined in this chapter.

### **PERFORMING A MITZVAH-COMMANDMENT FOR AN ULTERIOR MOTIVE**

In describing the verse instructing the Jew to give ten percent of produce to the poor, the Torah repeats in the verse the verb for tithing: “*Aser Ta-aser.*”<sup>1</sup> The Talmud often gives a deeper explanation when any “unnecessary” addition or repetition of a word occurs in a verse. On this verse, the Talmud states<sup>2</sup> that one should tithe to the poor for the purpose of becoming rich. Since the letters of tithing and wealth are identical (*Ayin, Shin-Sin, Resh*), the verse can then be read “tithe so that you can attain wealth.” This seems to imply that one’s motivation in giving charity in Judaism is not to please G-d or follow His commands, but, rather, in order that G-d reward monetarily the person fulfilling this commandment, and he receive back from G-d much more than was donated. This notion seems to contradict the overarching attitude to serving G-d and performing commandments: a person should act as a servant (of G-d) without expectation of reward.<sup>3</sup> And yet, the Talmud clearly says that one’s motivation in giving Tzedaka-charity can be for material gain and expected wealth.

The idea of ulterior motives in giving Tzedaka becomes even more pronounced in G-d’s own words to the people through the prophet Malachi.<sup>4</sup> G-d tells the Jews that if they bring the tithe, they can test G-d through this act and G-d promises that great wealth will follow. Thus, the verse actually encourages Jews to test G-d in performing this mitzvah. Based on this unusual verse, the Talmud in several places<sup>5</sup> states that if a person conditions his Tzedaka-charity donation upon G-d’s response that his son will be cured of serious sickness and live, or upon his achieving the World to Come, then this person is considered a fully righteous individual. This implies that a person can withhold giving the promised charity until one’s son is healed and if the son’s health does not improve, a person’s promise to give Tzedaka is no longer obligatory. If a person were to condition performance of any other mitzvah based on this kind of “deal” with G-d, it would be considered improper, blasphemous and contrary to Jewish law. For example, if a man were to say “I will only put on Tefillin after G-d makes me a rich man” or a woman were to say “I will keep the Shabbat only once G-d gives me five healthy children,” that would be considered heretical! And yet, with regard to the singular commandment of Tzedaka, that is not only acceptable, but the person is considered wholly righteous! It is totally legitimate, for example, to condition giving Tzedaka to an institution only if the building will be named in memory of one’s parents. Why should this be so? The very notion of “commandment” is based on the notion that G-d commands and Jews obey, without questioning, without demanding and without making any contract or exchange. How can we then understand this unusual notion in the case of Tzedaka? What makes giving charity so different from all other commandments that allows its performance to be conditional and violate the general principle of “serving the Master without expecting reward?”

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<sup>1</sup> Deuteronomy 14:22

<sup>2</sup> Taanit 9a

<sup>3</sup> Mishne Avot 1:3

<sup>4</sup> Malachi 3:10

<sup>5</sup> Rosh Hashana 4a, Bava Batra 10b, Pesachim 8a,

The rabbis and commentaries have struggled to try to explain why conditional charity in Judaism is permitted and even welcomed, but conditional performance of any other mitzvah is forbidden. But before any explanations are attempted, it is important to point out that the power of Tzedaka is a stronger cosmic and spiritual force than any other mitzvah.

### **THE POWER OF TZEDAKA-CHARITY AS A COSMIC FORCE**

In describing the ten strongest "forces" in the world<sup>6</sup>, Rabbi Judah goes through each one, such as the hardness of a rock, but also then describes another force that is stronger and overcomes the first force. Thus, iron can cut the rock, fire can melt iron, water quenches the fire, etc. Near the end of the list, he mentions the force of death, which overcomes everything that is living. But the most powerful force in the world, says Rabbi Judah, is Tzedaka-charity. Only Tzedaka can overcome that most powerful force of death, as it says two separate times in Proverbs<sup>7</sup> that Tzedaka can save a person from death. Concerning no other commandment does it say in Scripture that its performance will protect a person from the decree of death. Thus, the verses and Talmud already hint that the act of Tzedaka is quite extraordinary, and inherently different from all other commandments and actions in the world.

### **SEVERAL REASONS WHY AND HOW TZEDAKA-CHARITY IS DIFFERENT FROM ALL OTHER COMMANDMENTS**

Various explanations have tried to elucidate a rationale for why conditional Tzedaka is acceptable, permitted and even encouraged in Judaism:

- 1) The Satmar Rebbe<sup>8</sup> compares the Jew accumulating wealth in this world to the worker in the field who grows fruits. The Torah<sup>9</sup> permits the worker to eat from those fruits that he is picking, as long as the worker is working and remains in the field. Maimonides<sup>10</sup> requires as part of Jewish law that the owner give food to a worker while performing this task. But this Jewish law does not apply to a worker performing any other task in the field (such as fence building) or after a particular task is complete. The Jew in the physical world, says the Satmar Rebbe is, similarly, working for G-d in His "field" (the world) to accumulate funds in order to give some of them to Tzedaka. As long as the Jew is engaged in this work, he, too, is permitted to use these Tzedaka funds for his own benefit -- i.e. he can receive something for giving them away, just as the worker can use what he is picking for his benefit. Thus, a Jew can "control" these earned charity funds by making conditions for how they are spent.
- 2) G-d promises to always take care of the downtrodden in society, and, at the same time, commands Jews to help the downtrodden and give to them.<sup>11</sup> Therefore, the act of giving Tzedaka fulfills both obligations at the same time – G-d's and each Jew's. Since this is the only mitzvah which accomplishes both goals in the same act, Tzedaka is unique, and G-d allows Jews to make giving conditional.
- 3) Judaism is a lifestyle that is supposed to be pleasant and not painful.<sup>12</sup> G-d understands how difficult it is to work in this world to acquire funds and provide for one's family's needs,<sup>13</sup> saying that this task is more difficult than childbirth, more difficult than bringing the ultimate salvation and just as difficult as G-d splitting the Sea of Reeds. To ask someone to then part with some of this money (even though everything belongs to G-d

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<sup>6</sup> Bava Batra 10b

<sup>7</sup> Proverbs 10:2, 11:4

<sup>8</sup> Quoted in "Priorities in Tzedaka" Rabbi Moshe Goldberger, 2007, pages 41-42

<sup>9</sup> Deuteronomy 23:25

<sup>10</sup> Maimonides, Hilchot Sechirut 12:1

<sup>11</sup> Exodus 22:21-22, Deuteronomy 24:19, Deuteronomy 15:11

<sup>12</sup> Proverbs 3:17

<sup>13</sup> Pesachim 118a

ultimately anyway) can be a very painful commandment. Thus, to ease the pain, G-d allows a person to make the giving of these accumulated funds to others conditional.

- 4) It is true that the Talmud cites the person who gives Tzedaka conditionally as being righteous, and the verse in Malachi seems to approve of testing G-d in this area. However, this concept is brought down in Jewish law in the classic books of Halacha. Perhaps, then, this act is not encouraged in practice. If we look at the two specific phrases that are approved in the Talmud for giving Tzedaka conditionally – “my son will live” and “I will attain the World to Come” – these both involve life and death situations. Perhaps conditional Tzedaka is permitted only when life itself is at stake, in the same manner that all (except three) commandments may be violated in order to save a life.<sup>14</sup>
- 5) The Talmud tells us<sup>15</sup> that helping the poor and downtrodden is in the spiritual DNA of each Jew (which is evidenced by the high percentage Jews giving charity today, even those who are not necessarily Observant, and also by Jewish involvement in many organizations helping the downtrodden). Rashi<sup>16</sup> states that because of this predisposition of Jews, even when the stated condition by the potential giver is not fulfilled, the Jew still wishes to give that Tzedaka anyway and will donate the funds. The Talmud<sup>17</sup> also seems to make this distinction between Jews who would ultimately give the Tzedaka anyway, and some non-Jews who would use permitted conditional charity giving merely to obtain riches.
- 6) In a similar vein, Meiri<sup>18</sup> says in a situation where the stated provision for giving is not fulfilled, many Jews view this situation and non-fulfillment because they are not worthy, and would then give the Tzedaka anyway.
- 7) Pnai Yehoshua<sup>19</sup> explains that the specific language in the Talmud describes the person who gives conditionally as “righteous,” but does not use the word “pious” (*chasid*) to describe this person. That is because although it might be within a person’s right to give conditionally, it is not the proper Jewish way of giving Tzedaka-charity.
- 8) Rabbi Yechezkel Landau<sup>20</sup> distinguishes between the mitzvah of Tzedaka-charity and every other mitzvah in the Torah. Concerning all other actions, the intent (to perform that deed for G-d) is crucial and an important part of the commandment. But with charity, the intention is not truly important. The only thing that really counts is that the poor person is helped. Thus, intention, while it is an extra benefit, is not necessary in the case of Tzedaka, as long as the money gets to the needy individual. Therefore, even if given on condition, the mitzvah is fulfilled, as long as the act is completed.

With all the above explanations trying to rationalize how and why Tzedaka is different in regard to testing the Almighty, Chinuch,<sup>21</sup> a post-Talmudic commentary, reiterates that it is forbidden to test G-d in one’s actions in this world. He then continues to state categorically that the one exception to this rule is Tzedaka-charity, where one’s giving can indeed be provisional upon G-d’s compliance with a certain condition the giver specifies. While Chinuch gives several reasons for this exception (many of them cited above), he clearly permits this behavior for this mitzvah-commandment.

Given all the above arguments, sources and statements, Jewish law follows Chinuch, even though this idea remains counter-intuitive to the system of commandments. Tzedaka is an extremely

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<sup>14</sup> Kesef Mishne on Maimonides, Hilchot Tefillin, chapter 10

<sup>15</sup> Yevamot 79a

<sup>16</sup> Rashi commentary on Rosh Hashana 4a “*Kahn BeYisrael*”

<sup>17</sup> Bava Batra 10b

<sup>18</sup> Meiri commentary on Rosh Hashana 4a

<sup>19</sup> Pnai Yehoshua commentary on Rosh Hashana 4a

<sup>20</sup> Derushai Tzelach, Ahavat Tziyon, 10<sup>th</sup> address

<sup>21</sup> Seer Hachinuch, Mitzvah 424

powerful force in the world, writes the Shulchan Aruch. And while it is generally forbidden to test G-d and do a mitzvah-commandment conditionally, Remah<sup>22</sup> states that the tithing for Tzedaka is the one area where a Jew can test G-d and give conditionally.

### **PRIORITIES IN TZEDAKA-CHARITY**

In virtually every other area where the Jew is mandated to give something from his or her possessions, each Jew has the flexibility in choosing which individual to give to. For example, regarding the gifts of produce that went to the Kohen-Priest or Levite, each Jew could decide which Kohen or Levite to give it to.<sup>23</sup> Similarly, concerning fines that went to the Kohen-priest in the Temple, the offending Jew could decide which specific Kohen to give to.<sup>24</sup> When an Israelite brought a sacrifice to the Temple, and certain parts of the animal were forbidden to be eaten by the Israelite but permitted to the Kohen-priest, the person who brought the sacrifice decided which Kohen would receive those parts of the animal due him.<sup>25</sup>

Even regarding the poor in ancient times, dispersment of what we today would call “Tzedaka-charity” was relatively straightforward. In an agrarian society, The Torah mandates that one corner of the field be set aside for the poor, and produce that was dropped or forgotten in the field had to be left for the poor people to collect on their own.<sup>26</sup> usually at night, in order not to publically embarrass them. Even when dispersal was done during the day, there were set times for the poor to come to each field, and all the poor gathered and collected the produce at one time, together.<sup>27</sup> In those years when there was an additional tithe given to the poor (years 1, 2, 4, 5 of the seven year cycle), the poor gathered and divided the produce among them (if received in the field). If given from the home, the owner could decide which poor person to give the produce to.<sup>28</sup> It was a simple and very orderly system of Tzedaka-charity.

Today, on the other hand, we no longer speak about distributing produce to the poor. Rather, we give money. Since we have much more disposable income, the system has changed radically, making the giving of Tzedaka one of the most difficult commandments to fulfill properly. The laws about whom to give, which institution gets Jewish Tzedaka-charity first, or which group of poor people has precedence, are greatly detailed.

The amount that should be given seems straightforward. The Code of Jewish Law rules<sup>29</sup> that a certain small amount once a year fulfills the bare minimum, but it is considered miserly. An average Jew gives ten percent of his/her income after basic living expenses. In general, the maximum one may give is twenty percent. However, knowing exactly how to disperse the funds and to whom, make it a very unique commandment to fulfill.

### **NUMEROUS STATEMENTS IN JEWISH LAW ABOUT THE “MOST IMPORTANT” TZEDAKA**

Part of the confusion about how to properly satisfy the obligation to donate funds in the Jewish community is that there are numerous statements in Jewish law, each stating that “this” cause or institution is the most important and takes priority over everything else in the distribution of Tzedaka. They are:

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<sup>22</sup> Shulchan Aruch, Yoreh Deah 247:4

<sup>23</sup> Bartenura commentary on Mishna Demai 6:3

<sup>24</sup> Bartenura commentary on Mishna Challah 1:9

<sup>25</sup> Tosefta, Peach 2:13, Shulchan Aruch, Yoreh Deah 61:28

<sup>26</sup> Leviticus 23:22, Deuteronomy 24:19

<sup>27</sup> Maimonides, Hilchot Matnot Aniyim 2:17

<sup>28</sup> Maimonides, Hilchot Matnot Aniyim 6:7, 9, 10, 12

<sup>29</sup> Shulchan Aruch, Yoreh Deah 249:1

- A) Both Maimonides and Shulchan Aruch state that the most important mitzvah in apportioning charity funds is to redeem those who were kidnapped.<sup>30</sup> This takes precedence over the hungry poor. Moreover, even if money was collected for a specific holy purpose -- while normally it is not permitted to use this money for other purposes -- one can DIVERT these funds to redeem captives without first asking the donors.
- B) The most important Tzedaka, states the Shulchan Aruch in a different place,<sup>31</sup> is to donate funds to poor single girls so that they can have enough money to get married.
- C) In the next paragraph, the same Shulchan Aruch states<sup>32</sup> that some believe that donating to the community synagogue is more important than poor girls and is the greatest reason for giving charity in the Jewish community.
- D) Then the Shulchan Aruch quotes another opinion<sup>33</sup> that says that donating money to enable poor boys to learn Torah is the highest form of Tzedaka-charity.
- E) OR, continues Shulchan Aruch, donating to the poor who are sick is the highest Tzedaka.<sup>34</sup>

So we are left wondering which cause is indeed the most pressing. If a person has limited funds for Tzedaka donations, which cause takes precedence above all others -- redeeming captives or supporting the synagogue, poor girls needing to get married or poor boys needing to learn Torah? Or is the most essential need to donate to sick poor people so that they can regain their health (since there were no hospitals or medical insurance in Talmudic times or when the Shulchan Aruch was written)?

In order to answer these questions, we have to introduce additional factors that are also “important” and take precedence in giving Tzedaka, which may at first confuse the reader even more; however, only then will we be able to resolve the conflicting needs and determine a hierarchy of giving Tzedaka monies in Jewish law.

### **YOU AND YOUR FAMILY COME FIRST**

The verse<sup>35</sup> speaks about when poverty exists “within you” or “within your community.” Based on this verse and the Talmudic discussion, Rema<sup>36</sup> in the Code of Jewish law rules that you come first. If you are poor, then you come before anyone else and you give to yourself first, in order to get out of poverty. Mishne Berurah<sup>37</sup> commentary, however, is quick to add that it is forbidden to rationalize in this area, and be lenient with your own needs in order to give yourself more funds than you are actually entitled to. You are only permitted to give yourself enough funds for subsistence and to remove yourself from abject poverty before you are obligated to begin giving to others.

If any person extends his or her hand to receive charity, even a non-Jew, unless a Jew is certain that this person is a fake and not poor, he or she must give this person some small amount at the minimum.<sup>38</sup> Even if a Jew possess relatively little for himself or herself, he or she must never turn away a person putting out his or her hand for charity.<sup>39</sup> Since according to strict Jewish law, a parent’s obligation to feed one’s children ends at the age of six (at that time most young children worked and

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<sup>30</sup> Maimonides, Hilchot Matnot Aniyim 8:10, Shulchan Aruch, Yoreh Deah, 252:1

<sup>31</sup> Shulchan Aruch, Yoreh Deah 249:15

<sup>32</sup> Shulchan Aruch, Yoreh Deah 249:16

<sup>33</sup> Shulchan Aruch, Yoreh Deah 249:16

<sup>34</sup> Shulchan Aruch, Yoreh Deah 249:16

<sup>35</sup> Deuteronomy 15:7

<sup>36</sup> Rema on Shulchan Aruch, Yoreh Deah 61:28

<sup>37</sup> Mishne Berurah commentary to Shulchan Aruch Orach Chaim 156:2

<sup>38</sup> Tur, Yoreh Deah 251.

<sup>39</sup> Rema on Shulchan Aruch, Yoreh Deah 249:4

earned income), paying for one's children's food and Torah learning fulfills the Tzedaka obligation.<sup>40</sup> This is based on the Talmudic passage that speaks about some Tzedaka that is fulfilled day and night,<sup>41</sup> which Rashi<sup>42</sup> explains refers to children that need to be taken care of and have their needs paid for at every moment. Then the Shulchan Aruch continues<sup>43</sup> with a list of priorities in giving Tzedaka: one's relatives come before other people in need. This is followed by the poor of one's community, who take precedence over the poor of other communities. However, the poor of the Land of Israel are of equal status with the poor of your community.

### **MAN VS. WOMAN**

The Mishna<sup>44</sup> states that, if everything else is equal, a man takes precedence over a woman when it comes to life and returning lost objects, while a woman takes precedence over a man when it comes to clothing needs and the redeeming of a captive. And yet, elsewhere<sup>45</sup> the Talmud states that when it comes to needy orphans, the woman always takes precedence over a man because a man can more easily obtain employment and secure funds. The Sefer Beer Sheva<sup>46</sup> resolves the apparent contradiction and says that in both areas of food and clothing, a woman always takes precedence over a man if their situation is equal.

### **DIFFERENT TYPES OF TZEDAKA AND DISTINCTIONS WITHIN THE DIFFERENT TYPES**

Until now, we have been comparing "apples" and "oranges". While it is true that all the cases above are situations in the Jewish community that require monetary donations to resolve them, there is little similarity between a captive whose life is in danger and the needs of a synagogue, which are both different from a poor person needing funds in order to live. Thus, say the Rabbis, we must first separate between categories that require community or personal funds, but may not even be considered Tzedaka-charity in the technical sense, and then define which need indeed takes precedence. Then we must analyze, differentiate and determine who takes precedence within each category (such as poverty) and determine precedence (relatives, men and women, etc.).

First and foremost, says Chochmat Adam,<sup>47</sup> we must differentiate between situations where life is in danger or potential danger. This need always comes before anything else. This may include the need to pay a tax to the ruthless king (in a society where failure to pay taxes would result in death), taking care of a sick poor person who may die, and certainly redeeming a captive, whose life is always considered in danger (see chapter about *Redeeming Captives*). Beit Yosef (author of the Shulchan Aruch) states<sup>48</sup> that taking care of the synagogue (which was and often still is the main center of Jewish life in the community) takes precedence over all Tzedaka needs for the poor, but may be referring to life and death situations there as well.

### **WHAT TO DO WITH CONFLICTS IN PRIORITIES**

Rav Moshe Shternbuch was asked<sup>49</sup> about a particular case involving legitimate contributions: giving money for a couple to get married or giving funds to a Yeshiva so that it can teach Torah. He then says that it is important to examine the details of each case individually, as there can be vast differences within each category, and even within the obligation to help a bride and groom. There is a

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<sup>40</sup> Shulchan Aruch, Yoreh Deah 251:3

<sup>41</sup> Ketuvot 50a

<sup>42</sup> Rashi commentary on Ketuvot 50a

<sup>43</sup> Shulchan Aruch, Yoreh Deah 251:3

<sup>44</sup> Horayot 3:7

<sup>45</sup> Ketuvot 67a

<sup>46</sup> Sefer Beer Sheva commentary to Horayot 13a

<sup>47</sup> Chochmat Adam 145:8

<sup>48</sup> Beit Yosef on Tur Yoreh Deah 149

<sup>49</sup> Responsa Teshuvot Vehanagot I:567

big difference, for example, between a bride who does not even have any money to pay for the simplest wedding dress and food for guests at the wedding, and a couple who needs money to purchase a three-room apartment, rather than a two or one-room apartment. Similarly, there is a vast difference between the needs of a Yeshiva that is trying to build a new wing and another Yeshiva that cannot pay teachers' salaries and may have to close. Thus, determining precedence, even within categories, depends on how dire the situation is in each case. He then quotes the Vilna Gaon on the verse "You shall not close your hand to the poor."<sup>50</sup> When a person closes his or her hand, and looks at one's fingers, they all appear to be the same length. It is only when the hand is opened that a person realizes that each finger is of a different length. Thus, the Torah is telling us not to close our hands to the poor, and see each situation as equal. Rather, we are obligated to open our hands and see that each finger/situation is of different length/need, and then we will be able to determine if the situation where the couple who want to get married is more dire than the situation about the Yeshiva or vice versa. If, after careful examination, the two situations seem identical in need, says Rav Shternbuch, then the Torah needs of the many come before the needs of the individual couple.

Rav Moshe Feinstein was asked a similar question.<sup>51</sup> A person's relative can afford to get married but needs money to then sit and learn Torah for a year or two after marriage. At the same time, a poor person needs money for food and sustenance now, but it is not a matter of life and death. Does the small financial need of the relative take precedence over the more immediate need of the poor person who is a stranger? Rabbi Feinstein determines that the financial hardships do not have to be identical in order to favor the relative. Since the financial needs of a relative come before the needs of a poor stranger, even if the needs of the stranger are more dire (but not life-threatening), the general rule that a relative takes precedence stands.

It is clear that even when the general rules of precedence of Tzedaka are laid out, when there arises a specific case, doubt or conflict, a rabbi should be consulted to determine the correct thing to do according to Judaism.

### **FINAL PRIORITIES ACCORDING TO ONE MODERN DECISOR**

Rabbi Asher Weiss discusses each category outlined above and each priority at length,<sup>52</sup> and then tries to simplify the process by outlining a clear list of rules regarding priorities in giving. He first analyzes all the statements and categories quoted above as "the most important Tzedaka." He concludes that supporting Torah learning takes precedence over supporting poor who are sick. But supporting the poor person who is sick takes precedence over supporting the synagogue, which takes precedence over supporting the poor in general.

Rabbi Weiss then lists the six categories of Tzedaka support in order of importance:

- 1) **Anything that involves possible loss of life is the first priority.** This includes sick poor people who may die, and redeeming captives.
- 2) **Supporting the learning of Torah is the next priority.** This includes supporting a Beit Midrash-House of Learning and buying any needed Torah books. (Undoubtedly, he would include in this category the recent phenomenon of tuition crisis whereby many Observant parents today cannot afford to send their children to Yeshivot. Donations to enable these students to be enrolled in Day Schools would be included in this priority.)
- 3) **Poor who are ill are the next priority.** This includes not only medical expenses but also all other expenses necessary to get them back to health.

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<sup>50</sup> Deuteronomy 15:7

<sup>51</sup> Responsa Igrot Moshe, Yoreh Deah I: 144

<sup>52</sup> Minchat Asher, Parshat Re-ah 21

- 4) **Building and maintaining a synagogue is the next priority.** However, Rabbi Weiss mentions that the Vilna Gaon and others disagreed with this priority.
- 5) **Marrying off orphans is next.** He says that with the enormous expenses today for a wedding and beginning a family, this priority may apply to any poor person who cannot afford to get married.
- 6) **Sustaining the poor of the Jewish people.** The priority and order of precedence within this category should be followed according the hierarchy outlined by the Shulchan Aruch as explained above.

#### **GIVING TZEDAKA-CHARITY TO THE POOR ON PURIM**

There is indeed another very beautiful aspect of giving Tzedaka-charity. Even though there is a commandment to give to the poor the entire year, on Purim day (the 14<sup>th</sup> of Adar or the 15<sup>th</sup> of Adar in Jerusalem) there is a special commandment to give to the poor. This is indeed a very unique mitzvah. We find no other commandment where there is a general commandment to do something all year long, and then an identical, additional, commandment to perform it on one specific day of the year. While we know that matzah is specific to Pesach, and lulav is specific to Sukkot, honoring one's mother and father is a year-long, everyday commandment. Thus, in Judaism, there is no additional Mother's Day or Father's Day to honor one's parents on one specific day. Yet it seems that this is indeed the case with Tzedaka. In addition to the everyday mitzvah, there is a specific commandment to give to the poor on Purim! Why would the rabbis add an identical mitzvah, an identical action, again on Purim day? And then we must query: is the Mitzvah on Purim indeed identical in all its laws and Halachot to giving to the needy for the rest of the year? And if this a not a mitzvah of Tzedaka-charity on Purim, what else could it be?

The Megillah itself<sup>53</sup> describes the custom to give gifts to the poor on Purim. The Talmud<sup>54</sup> quantifies the obligation as two gifts to two poor people. This is codified in Jewish law – i.e., two gifts must be given to two poor people<sup>55</sup>. The question is if this Mitzvah is unique to Purim and is separate from the general commandment to give Tzedaka-charity, or is it an additional obligation of charity. What would be the difference?

There could be several important distinctions. If this Purim commandment is part of the general commandment to give Tzedaka, then while a poor person is also obligated to give Tzedaka from that which was given to him,<sup>56</sup> this poor person may do it but once a year, on any day of the year. He would not have to do this on Purim. However, if this is a commandment that is part of the Purim mitzvot and not related to Tzedaka per se, then the poor person would also have to give something to another poor person on this day. Similarly, if this Purim mitzvah is part of Tzedaka, then all the laws related to Tzedaka (the priorities regarding who receives it, for example, as cited above) would be in force. But if this is a unique Purim mitzvah, then the recipients and priorities may be different from "normal" Tzedaka. So which is it -- a commandment of Tzedaka-charity or a unique Purim commandment?

Maimonides seems to leave no doubt. He states<sup>57</sup> that the purpose of giving money to the poor on Purim is specifically to make joyous the heart of the poor, as well as orphans, widows and converts. Thus, the funds they receive will add to their Purim joy. This is clearly not related to the general commandments to give funds to the needy, but, rather, a unique Purim mitzvah.

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<sup>53</sup> Esther 9:22

<sup>54</sup> Megillah 7a

<sup>55</sup> Shulchan Aruch, Orach Chaim 694:1

<sup>56</sup> Shulchan Aruch, Yoreh Deah 248:1

<sup>57</sup> Maimonides, Hilchot Megillah 2:16-17



Shiblei HaLeket<sup>58</sup>, on the other hand, clearly states that the funds given to the poor on Purim are considered part of the commandment of Tzedaka-charity. But clearly, his view is in the minority.

The Jerusalem Talmud says<sup>59</sup> that unlike the recipients of Tzedaka the rest of the year, one need not examine closely the specific situation and need of the poor person you give to on Purim. Rather, anyone who puts out his or her hand to take money on Purim should be immediately given. Ritva<sup>60</sup> elucidates this passage and says that the laws of priorities of Tzedaka that apply all year to the giving to the poor do not apply on Purim, and that this is not a mitzvah of Tzedaka-charity, but, rather, a commandment to make the poor happy on Purim. The Code of Jewish Law reflects this attitude as well<sup>61</sup>, and states that you are supposed to give to anyone who extends his or her hand on Purim, even to a non-Jew (where this is the local custom). Clearly, Jewish law and all these opinions demonstrate that giving to the poor on Purim is a special mitzvah not connected to usual Tzedaka.

It is for this reason that Bayit Chadash<sup>62</sup> writes that a poor person must also fulfill this Mitzvah specifically on Purim day. Even though the rest of the year the poor person fulfills his Tzedaka mitzvah by giving to another poor person just once a year, since this practice on Purim is not related to Tzedaka, the indigent must also perform this mitzvah specifically on Purim day. This view is also echoed by the Turei Zahav<sup>63</sup>.

Therefore, while it may seem that giving money to the poor on Purim is a fulfillment of Tzedaka-charity, similar to the rest of the year, the overwhelming majority of commentaries view this act as a unique mitzvah to make the poor happy on Purim and the normal rules of Tzedaka-charity do not apply.

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<sup>58</sup> Shiblei HaLeket 202

<sup>59</sup> Jerusalem Talmud, Megillah 5a

<sup>60</sup> Ritva commentary on (Babylonian) Megillah 7a

<sup>61</sup> Shulchan Aruch, Orach Chaim 694:3

<sup>62</sup> Bach on Tur, Orach Chaim 694:1

<sup>63</sup> Taz on Shulchan Aruch 694:1