LESSONS AND LIMITATIONS:
RABBINIC VIEWS ON TZEDAKAH AND CONTEMPORARY GIVING

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Tzedakah, like many other Jewish practices, has evolved over time. The definition of tzedakah has changed to reflect modern community values and expectations. The way individuals and communities give has changed as the societal contexts and status of the Jewish community have radically shifted since the rabbinic period. And while this may be a positive development, the sustainability of the Jewish community today is frequently called into question. The wealth and health of institutions like synagogues, schools, and federations have dramatically declined in the past decade. The question facing our communities is can we maintain the status quo of our Jewish communities through these changing times? The answer to this question is deeply related to the Jewish community's relationship to tzedakah and its execution.

Thankfully this relationship has been evolving since the second century - if not earlier. The relationship the rabbis develop with the category of the *ben tovim*, or the formerly wealthy poor, is of particular importance because in today's Jewish landscape the formerly wealthy poor are Jewish institutions that have declined in relevance and wealth. The category of a *ben tovim* is exclusive in Talmudic literature to discussions about tzedakah, much like Jewish Institutions bear the burden for facilitating sustaining resources throughout the community. The *ben tovim* is also a problematic category because supporting the *ben tovim* requires a high burden to the community, in addition to raising concerns about potential fraud, should an individual lie about truly needing such generosity. Similarly, supporting Jewish institutions in this moment of decline happens is at great cost to the community, and the potential for fraud exists having less

to do with deception, and more to do with a diminished ability to follow through with an organization's goals and mission.

In the case of the *ben tovim*, the rabbis of different generations of the Talmud create distinctly different relationships between themselves and the *ben tovim*. Some generations show great concern while others show great ambivalence. Noting these changes and lessons of the *ben tovim*, I hope to bring to awareness a perspective of the transient nature of the Jewish Institution and a process rooted in tzedakah-values that may help guide a community to sustainability.

The most relevant text to start this query is in Deuteronomy 15, from where the fundamental principles and values that underlie tzedakah are derived. The text provides an answer for the unasked question, “How should one treat a person in need?” In answer to this question Deuteronomy 15:7-8 reads:

ז כִּי־יִהְיֶה֨ בְךָ֜ אֶבְי֗וֹן מֵאַחַד֙ אַחֶ֔יךָ בְּאַחַ֥ד שְׁעָרֶ֖יךָ בְּאַרְצְךָ֑ אֲשֶׁר־יְהוָ֥ה אֱלֹהֶ֖יךָ
נֹתֵ֣ן לָ֔ךְ לֹ֥א תְאַמֵּ֖ץ אֶת־לְבָבְךָ֑ וְלֹ֤א תִקְפֹּץ֙ אֶת־יָדְךָ֔ מֵאָחִ֖יךָ הָאֶבְיֽוֹן׃ כִּי־פָתֹ֥חַ
תִּפְתַּ֛ח אֶת־יָדְךָ֖ לֹ֑ו וְהַעֲבֵט֙ תַּעֲבִיטֶ֔נּוּ דֵּ֚י מַחְסֹרֹ֔ו אֲשֶׁ֥ר יֶחְסַ֖ר לֹֽו׃

(7) If there will be among you a needy person, from one of your brothers in one of your cities, in your land the Lord, your God, is giving you, you shall not harden your heart, and you shall not close your hand from your needy brother. (8) Rather, you shall open your hand to him, and you shall lend him sufficient for his needs, which he is lacking. (Translation from chabad.org)

In particular from the phrase in verse eight דֵּי מַחְסֹרֹו אֲשֶׁר יֶחְסַר לֹו provides the rabbis with enough to extrapolate underlying values and principles of tzedakah. The first part of this command דֵּי מַחְסֹרֹו, “you shall lend him sufficient for his needs,” instructs that giving

is about the receiver and not the giver. Furthermore, it is a call to investigate. It would be insufficient to give what was presumed a person needed, rather the giver must figure out what would be sufficient for that individual. In so doing the verse values the tzedakah recipient over all else and suggests a principle that the tzedakah amount be based on the needs of the tzedakah recipient. The second part of the verse אֲשֶׁר יֶחְסַר לוֹ , "which he is lacking" upholds the value from the previous part of the verse and extends the suggested principle that the tzedakah amount should not solely be based in the need of the recipient but also a measured-lacking, the difference between their current and previous status. Thus, determining what to give would require some form of assessment which may or may not be verifiable, as will be discussed later.

In the Shulchan Aruch (Hilchot Tzedakah 250:1), the interpretation of this verse goes on to clarify this basic reading and discerns different categories of charity that a tzedakah-recipient is owed. The Shulchan Aruch reads:

> How much do you give to the poor? It is written: "You shall surely open your hand to the poor, and you shall surely lend a poor person according to their need, what they lack." It is taught in Sifrei: Why are all these things said? As if to say all of these repetitions, because 'according to their need' is enough. How much the more so if it was written 'according to their need, what they lack;' then why is it written "lo"? To teach you that you cannot give equally to everyone, but give to each person according to their way of life before this time. To this it is written "lo" as if to say according to that person's stature. As for the repetition of "what they lack", it seems that if the statement "their need" were said alone, I would have said that this only refers to eating and drinking. This comes to teach us 'what they lack,' as if to say whatever clothes and household items and ornaments that person lacks. It is written "lo" as if to say that in all these things according to that person's standard of living. [Translation by Rabbi Bruce Elder. Edited for gender neutrality]

The Shulchan Aruch does three things here. First it, further upholds the value that one must give in accordance with the needs of the recipient, versus the circumstances of the giver. Second, it deduces two categories of giving: for sustenance of food and drink, like a survival need, and subsequent needs like clothes and housing, like amenities. The third and final clarification from the Shulchan Aruch is that the level of giving to the tzedakah-recipient should be at the standard of living to which that person is accustomed. This third point has tremendous implications and ushers in the complicated considerations for the *ben tovim*. Should an individual fall from wealth, it stands to reason that they should be given tzedakah to the standard of living they were previously accustomed, but to what extent and to what end?

The juxtaposition of “need” and “lacking” in the phrase דֵּי מַחְסֹרוֹ אֲשֶׁר יֶחְסַר לוֹ suggests limitations on support. Supporting the needs of an individual is dramatically different from supporting what they lack. A person’s needs can be boiled down to their requirement for food and water. Yet, even Tannaim understood that there was an element of relativity to the fulfillment of even the most basic needs. They relate a story in Ketubot 67b:

> ההוא דאתא לקמיה דרבי נחמיה אמר ליה במה אתה סועד א"ל בבשר שמן ויין ישן רצונך שתגלגל עמי בעדשים גלגל עמו בעדשים ומת אמר אוי לו לזה שהרגו נחמיה אדרבה אוי לו לנחמיה שהרגו לזה מיבעי ליה אלא איהו הוא דלא איבעי ליה לפנוקי נפשיה כולי האי

> The Gemara relates another incident concerning charity. A certain person came before Rabbi Neḥemya to request charity. He said to him: On what do you normally dine? He said to him: I usually dine on fatty meat and aged wine. Rabbi Neḥemya asked him: Is it your wish to belittle yourself and partake together with me in a meal of lentils, which is my regular food? He partook with him of lentils, and he died, since he was not

> accustomed to this food. Rabbi Neḥemya said: Woe to this one who was killed by Neḥemya.The Gemara wonders: On the contrary, Rabbi Neḥemya should have said: Woe to Neḥemya who killed this one. The Gemara responds: Rather, Rabbi Neḥemya meant that it was he, the pauper, who should not have pampered himself so much. The poor man was to blame for his own death. His excessive indulgence rendered him incapable of digesting simple foods such as lentils. (Translation by Koren)

Though the man killed from eating food is clearly from previous wealth, he is not referred to as a *ben tovim*. However, the story immediately follows two consecutive stories with *ben tovim*. Given this context, not referring to this character as a *ben tovim* suggests a potential difference in the treatment of a *ben tovim* versus an otherwise formerly wealthy poor, while distinguishing two attitudes regarding דַּי מַחְסֹרוֹ relevant to all formerly wealthy poor not exclusive to the *ben tovim*. First, is the relativity of needs. The need of food and drink for one individual should not the same as that of another, presuming it was not the agenda of the sages to exact capital punishment on those with lavish needs.

Second, is the attitude reflected in the blaming of pauper for having pampered himself, which marks an ambivalence toward the formerly wealthy poor. Here the rabbis pass overt judgment on the victim, remarking that he should have embraced a more humble diet despite his means (or before his circumstances became so dire). Thus, the measure for the fulfillment of needs is not a static measure, nor is it based exclusively on the sensibilities of the community to determine what's deserved. It is a spectrum, and other factors should be taken into consideration.

On the other end of that spectrum is lavish giving, and the extent it means to fulfill the command of giving tzedakah to that which he is lacking, אֲשֶׁר יֶחְסַר לוֹ. The limits of this support is more challenging to read directly from the text. Rather, its limit is determined based on social expectations and economic circumstances measured by the care or ambivalence the sages have toward the formerly wealthy poor, an idea explored by Alyssa Grey in her piece: *The Formerly Wealthy Poor: From Empathy to Ambivalence in Rabbinic Literature of Late Antiquity.* The reason for this, as I've surmised, is due the fact that the underlying value and principle of how to give based on Deuteronomy 15:18 must be maintained. As a result the narrative stories about the *ben tovim*, the characterized epitome of the formerly wealthy poor, do not directly express a limit on what a person should be provided for based on what they lack. Rather, how the tannaim narrate their relationship to the formerly wealthy poor, reveals an approach to determine the limits on the extent of giving.

Consider one of the six mentions of the *ben tovim* in Talmudic Literature, including both the Bavli and Yerushalmi texts. In it we find a narrative of the *ben tovim* and a Tannaitic critique of the extent by which one should be giving to the *ben tovim*. This text also happens to immediately preceded the previous text about Rabbi Neḥemya. Ketubot 67b reads:

> תנו רבנן מעשה באנשי גליל העליון שלקחו לעני בן טובים אחד מציפורי ליטרא בשר בכל יום ליטרא בשר מאי רבותא אמר רב הונא ליטרא בשר משל עופות ואיבעית אימא בליטרא בשר ממש רב אשי אמר התם כפר קטן היה בכל יומא הוה מפסדי חיותא אמטולתיה
>
> The Sages taught: There was an incident involving the people of the Upper Galilee, who bought for a poor person of noble descent from the

> city of Tzippori a *litra* of meat every day. The Gemara asks: If they provided him with the reasonable ration of a *litra* of meat, what is the novelty in this incident? Why does it bear repeating? Rav Huna said: It was a *litra* of meat of poultry, which is very expensive. And if you wish, say instead that for the weight of a *litra* of coins, they bought him actual red meat. The price of ordinary meat was so expensive that they had to pay the exorbitant price of a *litra* of coins. Rav Ashi said they did not spend a *litra* of coins for him. Rather, there, in the Galilee, it was a small village, and every day they would lose an entire animal just for him. They would slaughter an animal daily, simply to provide him with fresh meat, although there was otherwise no market for such a plentiful supply of meat in the village. (Translation Koren)

Here the Tannaim express their skeptical judgment about the treatment of the *ben tovim* by voicing their disbelief in the premise of the story. The sages ask “A *litra* of meat, what is the novelty?” "ליטרא בשר מאי רבותא?," a question that Gray explains is an “[unambiguous] questioning the economic pressure the formerly wealthy poor put on their communities.”[1] Taken together with the blame the Tannaim place on the victim in the previously mentioned story, both of these instances reflect an attitude that limitations should exist on the amount of tzedakah given to the formerly wealthy poor. Formerly wealthy poor should regulate themselves, and there should be a consciousness that questions the need for the formerly wealthy poor to receive any particular level of tzedakah.

What is more, is that within the internal rabbinic critique of the *ben tovim* is an expression of suspicion, of fraud. Both the stories of Rabbi Neḥemya and the *ben tovim* who receives a litre of meat make the point of raising doubts about the policy of providing lavishly for the *ben tovim* - while it being the correct policy.[2] Raising the

[1] Gray, Alyssa M. “The Formerly Wealthy Poor: From Empathy to Ambivalence in Rabbinic Literature of Late Antiquity.” *AJS Review*, vol. 33, no. 01, 2009, p. 125-126., doi:10.1017/s0364009409000051
[2] Ibid. 126

questions of, “should the *ben tovim* really require this?” and “does the formerly wealthy poor bear an element of responsibility due to their short sightedness?” invites one to suspect if an individual claiming the category itself is being truthful. Alyssa Gray points out that Ketubot 67b continues with Mar Ukba stories that investigate the idea of fraud, noting that fraudulence in these cases “are not necessarily faux *‘aniyyim b’nei tovim*, but simply anyone who would not need the money. Nevertheless, [this suggests] that the issue of fraud is not far away from the issue of the *ani ben tovim.*”[3] From the willingness of the text to critique the policy towards the formerly wealthy poor, the text acknowledges a problematic nature of the *ben tovim.*

Thus, while acknowledging the value and principle of customizing tzedakah-giving to the unique needs and circumstances of the individual in terms of wealth, it is not absolute. The rabbinic voice of the Talmud aspires to find checks, balances, and limits on the amount given to the formerly wealthy poor. This, too, is a tzedakah-value. Perhaps, a fair working definition for the rabbinic understanding of tzedakah is: a human-centered restorative giving to maintain a smoothly functioning society, and while it is imperative to address individual needs based on unique merits and circumstances the community sustainability is paramount and the cost should not overwhelm the community.

In modernity, while the sustainability of the Jewish community is under scrutiny, it is not unlike the rabbinic period communities who grapple with how to respond to the shifting economic, social, and institutional realities of the time. By my assessment, while

[3] Ibid. 127

the Jewish communities from the 2nd-12th centuries didn't host Jewish Federations, Jewish Family Services, or Jewish Community Centers, Jewish institutions did inhabit local communities of antiquity. And, like today, they may even have served the non-Jewish community as well. Consider the butcher, groups who provided legal services, the traveling salesman, shops for goods like leather or textiles. Each of these institutions provided an economy of the Jewish community. Furthermore, considering how tzedakah provided communal funds against an otherwise private economy, it is reasonable to speculate that in supporting the individual shop-owner in need of tzedakah, the community was equally supporting the affiliate institution. Supporting the butcher supported the business as well, the tailor their business, etc.

The difference between how the Jewish institutions of antiquity operated compared to the Jewish institutions of today, hinges on the role and mobility of the individual Jew in the external economy. In the reality of a Jewish minority in antiquity, there was a vivid ceiling that the community could not break. Today there is no ceiling. The individual Jew has integrated into American society and is no longer needed to sustain the Jewish community. Today, that burden falls on the institutions first, as Jewish communities are organized around social services, educational programs, and ritual life provided for by institutions rather than individuals.

This is not to suggest that there isn't an essential connection between the individual and the institution - there is. Individuals are the constituents and leaders who form, establish, and sustain organizations with their resources of time and money. However, the consequence of the circumstance that the ability for an American Jew to

climb the ladder of capitalism well beyond any ceiling that existed in antiquity, fundamentally changes how that American Jew relates to their Jewish community and Jewish institution. Today, no ceiling and higher mobility generate more opportunities for American Jews to be stakeholders in other communities. Consequentially, when those individuals engage outside the Jewish community with their resources it raises the stress on institutions rather than the individual to sustain the community. Jewish institutions will by definition be stakeholders in the Jewish community. American Jewish individuals will not necessarily be, because they have more accessible to other communities. Thereby, giving the burden of sustaining the Jewish economy to the Jewish institution first.

Furthermore, abundant wealth in today's economy also decreases Jewish individual's need to be a stakeholder in Jewish institutions for services. Consequentially, this also leverages individual people to influence Jewish institutions when they choose to engage. Thus when a Jewish institution falls from wealth, sustainability hinges on the individual rather than the collective wealth of the community. This circumstance, unsurprisingly, reflects a capitalist structure. Unsurprising, because of how deeply Judaism (Reform in particular) has integrated into the ethical fabric western (if not American) society. But this is not a new occurrence. Values and systems outside the Jewish community have affected the Jewish internal equation for thought and behavior for centuries. In the case of tzedakah in rabbinic period, one need not look further than our Roman neighbors and Sifrei Devarim 38.

Sifrei Devarim 38 opens with a story of two *b'nei tovim* who receive support based on their status. The story is one that compares the water resources between Egypt and The Land of Israel. The first *ben tovim* is Egypt and the second is Israel.[4] The parable reads:

> ארץ מצרים - אם אינו עמל בה בפסל ובקורדום, ונודד שנת עיניו עליה - אין לו בה כלום; אבל א"י אינה כן, אלא הם ישנים על מטותיהם והמקום מוריד להם גשמים. משל, למלך שהיה מהלך בדרך, ראה בן טובים אחד - מסר לו עבד אחד לשמשו. שוב ראה בן טובים אחד, מעודן ומפונק ועוסק בפעולה, ומכירים את אבותיו. אמר: גזירה, שאני עושה בידי ומאכילך! כך כל הארצות - נתנו להן שמשים לשמשן: מצרים שותה מן הנילוס, ובבל שותה מן הנהר יובל. א"י אינה כן, אלא הם ישנים על מטותיהם והקב"ה מוריד להם גשמים! וללמדך שלא כדרכי בשר ודם דרכי המקום: בשר ודם קונה לו עבדים, שיהיו זנים ומפרנסים אותו. אבל מי שאמר והיה העולם קונה לו עבדים שיהיה הוא זן ומפרנס אותם.
>
> The land of Egypt — If one does not work in it (i.e., in the soil) with mattock and axe and (does not allow) sleep to escape his eyes, he has nothing of it. Not so Eretz Yisrael, but they (its inhabitants) sleep and the L-rd brings down rain for them. An analogy: A king is walking on the road, and, seeing a man of high estate, gives him a servant to serve him. He then sees another man of high estate, (having obviously been) preened and pampered, engaging in (mundane) labor, (all the while), conscious (of the nobility) of his ancestors — at which he says: I decree that you not toil with your own hands, and I will feed you (gratuitously). So, with all the lands, He gives them servants to serve them. Egypt drinks from the Nile; Bavel drinks from the Yuval. Not so Eretz Yisrael, but they (its inhabitants) sleep on their beds, and the Holy One Blessed be He brings down rain for them. To teach that not as the ways of flesh and blood are the ways of the Holy One Blessed be He. (A man of) flesh and blood acquires servants to feed and sustain him. But He who spoke and brought the world into being — He acquires servants for Himself, whom He Himself feeds and sustains. (Translation Sefaria.org)

Looking at the *binei tovim*, each receives according to their status with one receiving greater attention than the other. Thus, the Sifrei accepts the notion that

[4] Ibid.106

it is appropriate to provide for the *b'nei tovim* in the manner which they are previously accustomed.[5] Yet, more than the practical analysis, this story moves the *ben tovim* into an ideological category; that the chosen people of Israel are of noble descent on the whole based on their covenant and birthright. Relevant to our conversation, as Jewish ideological constructs are formed when aligning with or against the presence of an external ideologies, external ideologies become a relevant factor in determining Jewish attitudes.

In Roman Christian society, it was the value to treat the formerly wealthy poor to the level which they are accustomed for the sake of *plebs romana*, the preservation of what was.[6] Gray notes that the particular value to treat the formerly wealthy poor uniquely, as in Sifrei Devarim, is a Roman Christian value. She writes:

> Peter Brown sees the late antique Christian concern with the wellborn poor as the result of an interest in preserving what remained of the old *plebs romana*, the Roman people. Thus, concern for the wellborn poor is part and parcel of a concern not to let the remains of the old Roman world slip entirely away...Brown's keen insight into the late antique Christian concern with the fallen wealthy as a way to preserve remnants of former Roman glory does not find much rabbinic echo in tannaitic literature, which has little to say that would invite the inference that concern for the wellborn poor was a way of preserving former Jewish national glory… Yet, following Brown, one may discern in R. Akiva, R. Yohanan b. Matya, the "children of kinds" tradition, and perhaps also Sifrei Devarim 38 an effort to deploy contemporaneous empathy for the formerly wealthy poor in order to construct the Jewish people as a whole as a presently downtrodden people who nevertheless have a glorious and noble past. In that sense,

[5] Ibid. 107
[6] Ibid. 112

> perhaps we can see these tannaitic traditions as an effort to remind Jews in the present of some of the lost glory of a bygone *plebs judaea.*[7]

Gray's discussion of empathy notwithstanding, her analysis draws a definitive connection between the external values of Roman society and the rabbinic perspective concerning the formerly wealthy poor. Her analysis also names the constructed rabbinic narrative, which asserts a projection - real or aspirational - of how they see themselves in relationship to the majority.

Supporting the point that majority cultural values and Jewish community sensibilities overlap regarding the rabbinic relationship to wealth is Moshe Beer's explanation for how the Bavli develops a different attitude towards the formerly wealthy poor based on the Babylonian rabbis' interaction with Eastern culture. Gray references his work explaining:

> [The] Bavli's portrayal of some Babylonian rabbis in their rise from poverty to wealth [is because they are] rooted in an "Eastern" disinclination to see leaders of important social and religious institutions as poor; in [Beer's] words, "it is not at all to be assumed that the Jews of Babylonia would have looked favorably at all upon a poor *rosh yeshivah.* Such a thing is opposed to the mentality of Eastern peoples, with exception of the Christians and some sects."[8]

Pushing the point further is Adam Becker's research about Syriac Christianity who similarly found comfort with wealth in religious leadership to use that wealth for the sake of the community.[9]

It is interesting to note not only the evidence of overlapping values and interplay between Jewish society and Christian society, but the role of wealth. For the Jewish

[7] Ibid. 112, 113
[8] Ibid. 131, 132
[9] Ibid. 132

community in the rabbinic period wealth was either something to embrace or shy away from depending on the time and geography of the period the stories are set and - ultimately - edited. How, why, and when the rabbis write themselves into or out of poverty reflect values, expectations, and attitudes the rabbis have about how much wealth there is and who should have it. Therefore, noting the relationship between the ancient rabbinic community and wealth can help to identify how the Jewish community should or should not treat wealthy people (and institutions) when they lose that wealth, and under what circumstances they deem that treatment to be acceptable.

Today, this circumstance of overlapping values and interplay between Jewish society and the surrounding society has evolved into the Jewish community's relationship to capitalism. Capitalist values influence expectations for who deserves to have wealth and who is responsible for those who don't have wealth. Tzedakah and philanthropic giving, therefore, are directly influenced by this external societal value. When individuals make choices about their giving, and subsequently create how they relate to their community and write their personal Jewish and community narratives, they do so while consciously or unconsciously accounting American capitalism.

But first to clarify, the rabbis did not idealize capitalism, socialism, communism, or libertarianism - they were communitarians. Communitarianism is a system that values the integrity and sustainability of the community above all else, including individual or societal concerns, while encouraging the community to flourish and grow.[10] In the book

[10] Prince, Russ Alan, and Karen Maru File. *The Seven Faces of Philanthropy: a New Approach to Cultivating Major Donors*. Jossey-Bass, 2001. p.19

The Seven Faces of Philanthropy Russ Alan Prince and Karen Maru File write that ommunitarians believe that:

> Communitarians believe that governments, even state governments, are too far removed from local concerns to be effective. Communitarians agree that it is local leaders, business leaders like themselves, who know the problems ona day-to-day basis and who are best at designing solutions through nonprofits. In their view, the job of creating positive social change should be the responsibility of local leaders highly involved with local nonprofits.[11]

Less than a belief this was a reality of the rabbis of antiquity, particularly if one substitutes the word “nonprofit” in this quote to “Jewish institutions.” In this respect, tzedakah functioned to keep the Jewish community bubble sustained.

In addition to the increased wealth and the influence of external values, economic factors are also a critical factor in the changed the patterns of Jewish giving. When economic conditions change, values are refined and priorities shift for where resources should go to be responsible. During the period of the Tannaim, shifting economics and cultural trends affected how the Jewish community responded to the formerly wealthy poor. Gray notes that the first is an external economic situation that began to decline at the end of the second century, although the situation did not apparently become dire until roughly the middle of the third century CE.[12] Thus, tannaitic literature was being formed during this period and subsequently affected rabbinic attitudes towards the formerly wealthy poor. Gray refers to Daniel Sperber’s noting:

> [Poverty] had run “through the social structure of the community at all its classes and levels,” likely underlay the rabbinic awareness that poverty is a condition that will affect everyone at one time or another. The “poor” were not, therefore, a unique and hermetically sealed social class; there

[11] Ibid. 19
[12] Gray. 117

> was a very real possibility that even the comfortable would experience poverty at some point.[13]

This economic and social reality subsequently shifted rabbinic giving behavior. Gray goes on to note that literary evidence of rabbis engaging in organized charitable activity on behalf of themselves and the poor as well as increased involvement in social welfare programs.[14] Shifting behavior also suggests shifting attitudes and priorities for how the Jewish community should address the needs of the poor and the formerly wealthy poor.

It's clear that rabbinic literature and the proximate legal policies and philosophy generated in the rabbinic period was not done in a cultural vacuum. The social and economic climate changed and the rabbinic perspective was affected. And there is no reason not to expect that when concerning the subject of tzedakah to the formerly wealthy poor, that today's communities shouldn't also have to make similar adjustments due to similar causes.

Today, in the milieu of a capitalist society and abundant individual wealth that shifts the balance of community sustainability to the individual from the collective, Jewish community behavioral expectations shift as well even if Jewish values have not. This is how tzedakah, like many other Jewish practices, has evolved over time with the evolution of the Jewish community. The capitalist mentality influences how individuals relate to each other, their communal institutions, and their contemporary giving accordingly. Thereby, this milieu has been a contributing factor to the fall in the wealth

[13] Ibid. 119
[14] Ibid. 121, 122

of the Jewish institution, adding context for how a reasonable parallel can be made between the *ben tovim* and the modern Jewish institution.

To understand the connection between the *ben tovim* and the modern Jewish institution it's important to start with more stories relating to the *ben tovim* to understand its nuance as a category. Then, an exploration of what we learn from the the category and how it exits in rabbinic literature will provide a basis to develop a working model for how to approach sustaining the Jewish community through contemporary giving of tzedakah.

The first story that describes the *ben tovim* illustrates lengths to which a person should go to tend to the need of a person who needs tzedakah, even when their previous standard of living is that of great wealth. The story in Ketubot 67b reads:

> תנו רבנן די מחסורו אתה מצווה עליו לפרנסו ואי אתה מצווה עליו לעשרו אשר יחסר לו אפילו סוס לרכוב עליו ועבד לרוץ לפניו אמרו עליו על הלל הזקן שלקח לעני בן טובים אחד סוס לרכוב עליו ועבד לרוץ לפניו פעם אחת לא מצא עבד לרוץ לפניו ורץ לפניו שלשה מילין:

> Concerning this issue, the Sages taught: "Sufficient for his deficiency"; this teaches that you are commanded with respect to the pauper to support him, but you are not commanded with respect to him to make him wealthy, as the obligation encompasses only that which he lacks, as indicated by the word deficient. However, the verse also states: "Which is deficient for him"; this includes even a horse upon which to ride and a servant to run in front of him for the sake of his stature, if necessary. For someone accustomed to these advantages, their absences constitute a true deficiency, not an extravagant indulgence. The Gemara relates: They said about Hillel the Elder that he obtained for a poor person of noble descent a horse upon which to ride and a servant to run in front of him. One time he did not find a servant to run in front of him, and Hillel himself ran in front of him for three *mil*, to fulfill the dictate "which is deficient for him." (Translation by Koren)

This story of Hillel the Elder is referenced by Rashi in his explanation of the verse "אשר יחסר לו," further indicating a general acceptance of the precedent that this response to the tzedakah needs of a wealthy individual over the generations between the Amorim and Rashi. However, as I've alluded to already this story would be largely counter-cultural today. This story illustrates the absence of any limit to giving according to one's need or what they lack. The story highlights the value of the individual over the community. This, of all the *ben tovim* stories is the most elaborate, going out of its way to tend to the needs of the *ben tovim*, inviting the question: how particular and exclusive is the category of the *ben tovim*? Based on this story, one might assume the category is especially unique - perhaps too unique to equate to the more commonplace Jewish institution today.

The answer to this may exist in the words used to describe the wealthy individual. There are many different ways that the rabbis could have described a rich person. The most common word to have chosen would be עשיר. The Tannaim use this wording to describe what you don't have to do for the person who is in need of tzedakah, "ואי אתה מצווה עליו לעשרו." It would also stand to reason that the rabbis would not use this word for rich because the individual is not rich any longer. Instead, the Tannaim use the phrase, *ben tovim* to describe this person. The Koren translates this as a "poor person of noble descent," indicating that their family may have generational wealth, versus a person who came into wealth on their own accord. But considering that there are other options for nobility and honorable vocabulary, like an אֲצוּלָה, Why use

this particular category? Especially considering that even if this individual was no longer wealthy, wouldn't they still be noble or honorable?

As it turns out, the phrase *ben tovim* in the Talmud is exceedingly rare, and is always used in reference to tzedakah stories. As aforementioned there are six mentions of *ben tovim* in the Talmudic literature of both the Bavli and Yerushalmi, and of those six mentions there are only four different contexts, including the story of Rabbi Hillel and the horse. The other three stories include a *ben tovim* who receives the meat of a full animal every day (Ketubot 67b), a *ben tovim* who is required to receive payment for humiliation (Ketubot 66a), and a mention about a *ben tovim* being given a loan as a gift because of his good standing (Shekalim 23b). With so few references with which to understand the category of a *ben tovim* within the Talmud, it is apparent that this is a remarkably specific category of an individual. This leads one to question if it is such a narrow category that it functions to educate and not dictate practice. Rabbi Jonathan Sacks describes two similar categories that could be comparable on this basis writing:

> Some commands in the Torah were understood so narrowly by the sages that they were rendered almost inapplicable. One example is the *ir ha-nidachat*, the city led astray into idolatry, about which the Torah states that "you must kill all the inhabitants of the city by the sword" (Deut. 13:16). Another is the *ben sorer umoreh*, the stubborn and rebellious child, brought by his parents to the court and if found guilty, put to death. (Deut. 21:18-21). In both these cases, some sages interpreted the law so restrictively that they said "there never was and never will" be a case in which the law was applied. As for the condemned city, Rabbi Eliezer said that if it contained a single mezuzah, the law was not enforced. In the case of the rebellious child, R. Judah taught that if the mother and father did not sound or look alike, the law did not apply. According to these interpretations, the two laws were never meant to be put into practice, but

> were written solely "so that we should expound them and receive reward." They had only an educational, not a legal function.[15]

To suggest that the category of a *ben tovim* is this narrow serves to contextualize the hyperbole and surreal storytelling of the Talmud. For if it were purely hypothetical, fulfilling the mitzvah of tzedakah to a *ben tovim* wouldn't have a practical application. Thus, the exclusiveness of the category hints that beyond a practical approach to fulfilling this mitzvah, Jewish communities should use these stories to inform a broader philosophical approach to relating to the formerly wealthy poor.

The second of four stories relating to the *ben tovim* occurs immediately following the story of Hillel and the horse and was mentioned earlier in this paper. It is the text that describes a group of people who brought this person a luxurious amount of meat daily. The close proximity of this and the story of Hillel and the horse suggests a possible relevant linkage between the two when seeking to clarify the category of a *ben tovim* - especially considering the scarcity of examples. It stands to reason, that the nature of the first and second story reflect the dual sides of tzedakah present in the phrase די מחסור ואשר יחסר לו; the need and the lacking, referring back to the limits of support.

The first story reflects that which one lacks from אשר יחסר לו, the measurable and perceived wealth that the *ben tovim* has fallen from. These elements exist to the public, and are on display. Being led by a servant on a horse, adornments that reflect a

[15] Sacks, Jonathan. "Environmental Responsibility (Shoftim 5775)." *Rabbi Sacks*, Cc 2018 Rabbi Sacks, 5 Sept. 2016, rabbisacks.org/environmental-responsibility-shoftim-5775/.

societal status, this shows us the connection between tzedakah as described in Deuteronomy 15 and the *ben tovim*.

The second story reflects the need די מחסורו, the food and drink that one must receive from tzedakah. The cost similarly reflects a high societal status. It is clear from this that the category of *ben tovim* comprises an extreme case for each of the aforementioned values and principles of tzedakah with respect to the status which the individual is accustomed. The stories reflect a high level of attention to this individual from the rabbis and the community. A community responsibility wherein the benefit of treating this person so generously with tzedakah is worth the cost on community resources. And furthermore, to map this point onto the previous discussion, in order for this to be a reality a society's values and economics must have the capacity for this level of care, lest the rabbis have a different agenda in communicating a relationship of this nature to the *ben tovim.*

Another talmudic reference to *ben tovim* occurs earlier in Ketubot 66a, amid a discussion about compensation for the humiliation. In this case, the need to pay for a shameful act is connected to the value that tzedakah holds around dignity. It is a regular project for the rabbis to seek to maintain the dignity of an individual, specifically one in need.

> וכי תימא הכי נמי והתנן רקק והגיע בו הרוק ופרע ראש האשה והעביר טליתו ממנו חייב ליתן לו ארבע מאות זוז ואמר רב פפא לא שנו אלא בו אבל בבגדו פטור בבגדו לית ליה זילותא אשתו אית לה זילותא. אמר ליה רבינא לרב אשי אלא מעתה בייש עני בן טובים דאית להו זילותא לכולהו בני משפחה הכי נמי דבעי למיתן להו בושת לכל בני משפחה אמר ליה התם לאו גופייהו הכא אשתו גופיה הואי.

> And if you would say that indeed he would be required to pay, but didn't we learn in a mishna (*Bava Kamma* 90a): If he spat at another person and the saliva reached him, or if he uncovered a woman's head, or if he removed his garment from another, he is obligated to give him a payment of four hundred dinars, because of the extreme humiliation that he caused. And Rav Pappa said: They taught that he must pay four hundred dinars only when the spit reached his person. However, if the saliva reached his garment, the one who spat is exempt. Why, then, is one who humiliates a woman required to pay compensation to her husband? The Gemara rejects the comparison: When a person spits on one's garment, he does not suffer dishonor, but if one's wife is humiliated, she suffers dishonor, which causes him humiliation. Ravina said to Rav Ashi: However, if that is so, if one humiliated a poor person of noble descent, where there is dishonor for all members of the family, is the *halakha* also that he is required to give payment for humiliation to all members of the family? Rav Ashi said to him that there is a distinction between one's wife and one's relatives. There, where a relative was humiliated, it is not as if they themselves had suffered the humiliation. Here, since one's wife is considered his own self, it is as if he himself were humiliated. (Translation by Koren)

It's interesting to note the theme of shame and humiliation with reference to a *ben tovim* particularly with respect to the story about Hillel and the horse. In the example of the horse, great lengths are taken to ensure the *ben tovim* feels dignified despite his poverty. Here, it's implied that if the dignity of the *ben tovim* should be violated, it is the burden of the offender to address the entire family! The shame of the individual is shameful to the entire household and should be addressed accordingly. The cost of this obligation to a *ben tovim* is tremendous, and further shows the rare and specific nature of the category. While at the same time, particularly in the context of the earlier discussion, reflects a high social stakes surrounding the *ben tovim*.

What is still left to be seen from the behavior of how the community interacts with the ***ben tovim***, is how his status particularly differs from the formerly wealthy. The choice of the word "טוב," clearly indicates a good and positive nature. It is because of this word

that the translation chooses "noble descent," or a "worthiness." The favorable element of this word coupled with the previous story's overt public displays and symbolism associated with the family name of the ***ben tovim***, paint a picture this person's community importance. They are not only in good standing with a community, but on who known and respected, perhaps in a sense, an institution for the community. What's unclear, by virtue of the focus on the wealth and previous social status in the *ben tovim* stories, is if this individual was a righteous individual, lauded for their devotion to mitzvot, wisdom, and moral standing in the community. And other than the complementary and praiseworthy element of "טוב," the quality is nonexistent.

In the final example of *ben tovim* in Yerushalmi Shekalim 23b, the exceptionalism of the category is absent. The act giving tzedakah as a gift rather than a loan is something the rabbis discuss in Bavli Ketubot 67b, to protect a sense of self-worth of the individual needing tzedakah, lifting the potential burden they may encounter should they be unable to repay the loan. However, if the tzedakah-recipient eventually has the means to repay the loan, they should. In the Yerushalmi, a similar reference is made:

> אמר רבי יונה אשרי נותן לדל אין כתיב כאן אלא (תהילים מא) אשרי משכיל אל דל זה שהוא מסתכל במצוה היאך לעשותה כיצד היה רבי <יוחנן> יונה עושה כשהיה רואה עני בן טובים שירד מנכסיו היה אומר לו בני בשביל ששמעתי שנפלה לך ירושה ממקום אחר טול ואת פורע מן דהוה נסיב הוה א"ל מתנה היא לך

> Said R. Jonah, "'Happy is he who gives to the poor' is not written here, but rather, 'Blessed is he who considers the poor' (Ps. 41:1). This refers to one who examines the religious duty of charity, figuring out how to do it properly." How then did R. Jonah do it? When he saw a poor person, son of worthy parents, who had lost his property, he would say to him, "Since I heard that you have inherited property from other source, take some

> money now and pay me back later on." When the poor person would take the money, he would say to him, "It is a gift for you."

The nature of this *ben tovim* reference that does not treat him with any exceptionalism raises a few different issues. First, it opens up the possibility that this is not such an exclusive and narrow category. Second, the treatment of the *ben tovim* does not exceptionalize any uniquely moral standing in the community. And finally, it fortifies the principle that giving tzedakah at levels that reflect the status which a person is accustomed is a regular and accepted one; lest there might be another stipulation that made a *ben tovim* less achievable status.

From this exploration of references, the following defining elements of the *ben tovim* category emerge. First, is that it is an exclusive category that while pragmatically possible is also aggrandized in the rabbinic narrative. Second, the *ben tovim* places a uniquely heavy fiscal burden on the community, presuming that the Jewish community has the willingness and capacity to respond to their large drop in status. Evidence also suggests that the possibility of fraud is also a valid concern when addressing the *ben tovim*, on account of the community resources that would need to be spent to fulfil the mitzvah of tzedakah to the *ben tovim*. Though, due to the name of good standing of the *ben tovim*, the rabbis teach the *ben tovim* should be given the benefit of the doubt potentially beyond that of other formerly wealthy poor. And finally, these references suggest a direct relationship of cause and effect between the introduction of a *ben tovim* into the Jewish community landscape and societal and social angst, to the possible requirement of extreme action to stave off a looming crisis.

It is here where Gray's work on establishing the precedent that the care or ambivalence the rabbis show the *ben tovim* becomes the most relevant to this discussion. Her work demonstrates a "shift from a predominant posture of empathy to one of increased ambivalence" towards the formerly wealthy poor, "rooted in both the changing external historical circumstances and the internal social and ideological concerns of Palestinian and Babylonian rabbis."[16] The importance of her conclusion permits two potential strategic tools for addressing the modern crisis of the shifting Jewish institutional landscape, rooted in a Jewish tzedakah narrative. First, Gray's conclusion permits one to establish modern measures for determining the posture of empathy or ambivalence of the Jewish community towards the formerly wealthy poor. And second, once that measure is determined, her conclusion permits a Jewish community to assess how the rabbis of antiquity responded to the formerly wealthy poor, so as to contribute to their strategy to address the contemporary context. Yet, before any strategy can be applied, it is most critical to understand how the *ben tovim* of rabbinic antiquity equates to the modern Jewish institution.

First, consider the Jewish institution as an entity that has fallen from wealth. There is abundant evidence indicating that Jewish institutions across America are suffering. Synagogues are losing membership and sometimes being forced to downsize or merge with other synagogues. Some are also radically shifting how membership dues are organized to abate the downward trend, like establishing pay-as-you-go models. Jewish Federations, Jewish Community Centers, and Jewish schools that cater

[16] Gray. 102

to every age are struggling to maintain their former wealth of resources - both human and fiscal. Consequentially, many have been forced to reorganize, cut or limit programs, or close indefinitely.[17] It is these circumstances which marry together the *ben tovim* and the contemporary Jewish Institution and subsequently illuminate the cost - whether it is ultimately taken up by the community or individuals. Furthermore, it should be noted, that this evidence also points to this as a moment of ambivalence towards Jewish Institutions. This point frequently affirmed by the results from the Pew Research Center's, *A Portrait of Jewish Americans*,[18] and not necessarily dissimilar to the "deep ambivalence" shown by the rabbis to the formerly wealthy poor in later Bavli texts.[19]

Second, stories about the *ben tovim* invite rabbinic skepticism raising the issue of fraud. Similar to the aforementioned point, issues of fraudulence of a *ben tovim* "are not necessarily faux *'aniyyim b'nei tovim*, but simply anyone who would not need the money."[20] Meaning that fraudulence in cases of a *ben tovim* have less to do with if a person is lying about being a *ben tovim*, and more to do with whether or not the *ben tovim* is lying about their particular need for the money. This is an understandable point, considering the standing of the *ben tovim* in a community. It is reasonable to consider a socially relevant individual would be known already and not need to have their identity verified. Similarly, it's reasonable to suggest based on the relationship between the *ben tovim* and the community that the circumstances for how a *ben tovim* had come to be

[17] Tabachnick, Toby. "Old Models of Jewish Legacy Institutions No Longer Working, Experts Say." *EJewish Philanthropy Your Jewish Philanthropy Resource*, The Jewish Chronicle , 7 Aug. 2017, ejewishphilanthropy.com/old-models-of-jewish-legacy-institutions-no-longer-working-experts-say/.
[18] Liu, Joseph. "A Portrait of Jewish Americans." *Pew Research Center's Religion & Public Life Project*, 30 Sept. 2013, www.pewforum.org/2013/10/01/jewish-american-beliefs-attitudes-culture-survey/.
[19] Gray. 124
[20] Ibid. 127

poor would also be known information. Thus, as Gray describes, the potential fraud of a *ben tovim* would focus less on the truthfulness of the person claiming that status, and instead on the reasoning for requiring a particular amount of resources.

Additionally, the existence of rabbinic doubt and critique based on their socio-economic and cultural circumstances can be equated to the doubts and critiques today. The question a tzedakah-giver of antiquity to the formerly wealthy poor and a contemporary tzedakah-giver to a Jewish institution is the same: Do they really need the money, or is my dollar better spent elsewhere?

For the contemporary Jewish institution the potential fraud is similarly not about direct deception of the Jewish organization, rather an assessment of institutional integrity to determine if they really don't need the tzedakah. Are Jewish organizations doing what they purport to be doing for the community? Are they effective, or are they being fraudulent with their operations? The Jewish community - like the tannaitic rabbis - must assess the validity the Jewish institution has for the resources it purports to need.

Third, stories about the *ben tovim* reveal different social repercussions for the *ben tovim* and the community. The steep fall of a *ben tovim* has the potential to shift a fundamental identity of a community. As previously mentioned in Ketubot 66a, the shame of the individual is shameful to the entire household when concerning a *ben tovim.* This implication for the Jewish institution is that its fall from wealth has the potential to disrupt a fundamental emotional element of how the Jewish community relates to themselves through the institution.

Finally, it's important to recall lessons from how the rabbis interact with the *ben tovim*, in addition to the qualities we learn from the category itself. Gray shows that regardless of time and geography the rabbinic sages are in relationship to those who have wealth. Sometimes, they describe themselves as having fallen from wealth themselves with megar means. Other times, they describe themselves as being wealthy and having means. Gray reminds us that, "The willingness of Palestinian rabbis in the Amoraic period to portray themselves and their predecessors as poor is an interesting shift from the ideology of the tannaitic period."[21] In either case, the rabbinic sages narrate themselves towards or away from wealth based on (or despite) their own circumstances. In so doing, they reflect how they relate - or aspire to relate - to the wealth of their community.

From this evidence, the text shows how Jewish communities are continually in relationship with their Jewish institutions. What is important for Jewish institutions to understand, however, is that they have agency in constructing that relationship as well, in relationship with their community's narrative. How does the Jewish institution see themselves in relationship to the community? Does the community see themselves as apart or separate from the Jewish institution? And if the answer is no - in either case - what can be done to bring that back into alignment? While acknowledging the real possibility, that the answer to the former may be: nothing.

Developing a strategy for how contemporary giving can address the decline of Jewish institutions based on rabbinic approaches to the *ben tovim*, must similarly start

[21] Gray, 122

with value and principle of Deuteronomy 15:8, דֵּי מַחְסֹרוֹ אֲשֶׁר יֶחְסַר לוֹ, What does the Jewish institution need? What do they lack? In the case of the *ben tovim*, the answer to these questions ultimately distilled into two categorical answers: (1) the community cost and (2) the narrative the Jewish community subscribes to, which ultimately determines actions against those costs. Cost is a relatively measurable thing for the community and the *ben tovim* to assess and wrapped up in a narrative are the values, priorities, and expectations of a community and the *ben tovim.* The previous critiques of the Bavli toward the formerly wealthy poor similarly identify these two categories identifying: "he should be able to make do with less, as others do, and he should be concerned about the pressure his needs place on the community."[22] 'Making due with less' is a reflection of cost and concern for the pressure on the community reflects a relationship between the community and the *ben tovim*, determined by a master-narrative.[23]

Today communities must answer the question: What can be done in an ambivalent contemporary society to address the formerly wealthy poor Jewish institution? To answer, a community must first assess community cost and then to address the master-narrative, including both the narrative of the community and that of the Jewish institution itself. The assessment of community cost is a rather straightforward exercise, which will be tempered in expectation and execution by the second categorical answer of narrative. It's important to remember, similar to the lesson of the formerly wealthy poor involving Rabbi Neḥemya, that the Jewish institutions have

[22] Ibid. 126

[23] Relevant to note here, again, that the deep ambivalence of the Bavli towards the formerly wealthy poor is similarly echoed in our contemporary ambivalence to the Jewish institution.

agency in the course of creating the narrative. This is relevant particularly when considering that an ambivalent community will not be inclined to feel the decline of Jewish institutions as burden which they the responsibility, because until there is alignment between their narrative and that of the institution no progress can be made in addressing the sustainability issues of the Jewish community.

However in using this strategy, contemporary Jewish institutions can leverage and empower their governing bodies to co-author the relevance of their role in the community master-narrative. Furthermore, this is most effective if all parties are open to the story ending with the *ben tovim* joining the ranks of the chronically poor, and dissolving the Jewish institution completely. This way both the community and the Jewish institutions can best acknowledge and account for the socio-economic and cultural factors that influence and affect their relationship to one another. For the relationship between a community, it's overarching society, and itself are not static things. Rather, each needs to be assessed and evaluated in relationship to one another to best respond to change, and effect change to their community.

The rabbis in antiquity show this evolving relationship directly and indirectly over the course of the centuries that formed Talmudic literature. And from their relationship to the *ben tovim* as a rabbinic category for the formerly wealthy poor, it is possible to develop and strategize a contemporary model for giving in dramatically different but similarly relevant socio-economic and cultural milieu. The manner by which the rabbinic sages relate to giving tzedakah to the *ben tovim* can directly correlate to how tzedakah is practiced today. This essay proposes that this is particularly true for this generation,

who face a radical shift in how American Jewish communities are institutionally organized, relate to their surrounding society, and understand the role of individual giving. In addition, this essay seeks to provide a tzedakah-values based model to develop a contemporary strategy for assessing what is needed and lacking in Jewish institutions in relationship to their Jewish community.