

Parashat Re'eh 5775, 2015

*Mercy, Tzedakah and the Jewish Soul*

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister-in-law, Ruchama Rivka Sondra bat Yechiel, sister, Shulamit bat Menachem, Chaim Mordechai Hakohen ben Natan Yitzchak, Yehonatan Binyamin ben Mordechai Meir Halevi, Avraham Yechezkel ben Yaakov Halevy, HaRav Yosef Shemuel ben HaRav Reuven Aharon, the *refuah shlaimah* of Devorah bat Chana, and Yitzhak Akiva ben Malka, and the safety of our brothers and sisters in Israel and around the world.

If there will be among you a needy person, from one of your brothers in one of your cities, in your land the L-rd, your G-d, is giving you, you shall not harden your heart, and you shall not close your hand from your needy brother. Rather, you shall open your hand to him, and you shall lend him sufficient for his needs, which he is lacking. (*Sefer Devarim* 15:7-8, these and all Bible translations, *The Judaica Press Complete Tanach*)

These verses that appear in our *parasha* provide the fundamental proof text for the *mitzvah* of *tzedakah* (distribution of charitable funds to the needy). The Rambam (Maimonides, 1135-1204) formulates this obligation in the following manner:

The 195th [positive] *mitzvah* that we are commanded is to give charity — to support and relieve the poor. This command is expressed in the Torah in various ways: “Open your hand;” (*Sefer Devarim* 15:8) “Help him survive, whether he is a convert or a born Jew;” [and] “Help your brother survive with you.” (*Sefer Bamidbar* 25:35) These verses all have the same point — that we must provide for our poor and support them in accordance with their need. The details of this *mitzvah* are explained in a number of places, the majority in tractates *Ketubot* and *Baba Batra*. The Oral Tradition relates that even a poor person who himself lives from charity is also obligated in this *mitzvah* — to give even a small amount of charity to someone less fortunate than him or on the same level as himself. (*Sefer HaMitzvot*, translation, Berel Bell, with my brackets, underlining and emendations)

Maimonides elaborates upon the general parameters of this *mitzvah* in the *Mishneh Torah*, his halachic *tour de force*:

It is a positive commandment to give charity to the poor among the Jewish people, according to what is appropriate for the poor person if this is within the financial capacity of the donor, as the text states: “You shall certainly open your hand to him.” (*Sefer Devarim* 15:8) and: “You shall support him, a stranger and a resident and they shall live

with you,” (*Sefer Vayikra* 25:35) and “And your brother shall live with you.” (*Sefer Vayikra* 25:36). Anyone who sees a poor person asking and turns his eyes away from him and does not give him charity transgresses a negative commandment, as the text states: “You shall not harden your heart, and you shall not close your hand from your needy brother.” (*Sefer Devarim* 15:7, passage source: *Sefer Zeraim, Hilchot Matnot Aniyim* 7:1-2, translation, Rabbi Eliyahu Touger with my emendations)

*Halachot* (laws) and concepts such as these have gone a long way in shaping the nature and character of the Jewish people, as noted by *Chazal* (our Sages of blessed memory) in

*Talmud Bavli, Yevamot* 79a:

This nation [Israel] is distinguished by three characteristics: They are merciful (*harachmanim*), meek (*habaishanim*) and practitioners of loving-kindness (*gomlai chasadim*). “Merciful,” as it is written, “and grant you compassion, and be compassionate with you, and multiply you,” (*Sefer Devarim* 13:18) “Meek,” for it is written, “and in order that His awe shall be upon your faces,” (*Sefer Shemot* 18:17) “Practitioners of Loving-Kindness,” as it is written, “because he [Avraham] commands his sons and his household after him, that they should keep the way of the L-rd to perform righteousness and justice...” (*Sefer Bereishit* 18:19, passage translation, *The Soncino Talmud* with my extensive emendations)

Fascinatingly, while we might have thought this passage to be extra-legal in nature, this is not the case, as the Rambam codifies it as a binding *halacha*: “... the distinguishing signs of the holy nation of Israel is that they are meek, merciful, and kind.” (*Mishneh Torah, Sefer Kedushah, Hilchot Issurei Biah* 19:17, translation, Rabbi Eliyahu Touger)

Given that our essence and being as a nation and as individuals embodies mercy and kindness, how then is it possible to be *mekayam* (fulfill) the *mitzvah* of *tzedakah*? Wouldn't it be the case that when we give money to the poor and downtrodden, this would be the realization of our own psychological needs and desires, rather than a fulfillment of Hashem's Divine command? The great Chasidic master and second Rebbe of Bobov, HaRav Ben Tzion Halberstam *zatzal* (1874-1941), dealt with this self-same question, in his posthumous work of Torah analysis entitled, “*Kedushat Tzion*.” In the

name of his sainted father, the first Bobover Rebbe, HaRav Shlomo Halberstam *zatzal* (1847-1905), he writes:

A Jewish person is obligated to fulfill the *mitzvah* of *tzedakah* because it is the commandment of his Creator – i.e. the Divine fiat of his King upon him – and not because of the sensitivity of his heart that [psychologically] does not allow him to witness the misery of a poverty-stricken being. It makes no difference [, of course,] to the poor soul as to why he is given [*tzedakah*]. A singular difference obtains, however, regarding the one who gives *tzedakah* in regards to his motivation [to perform this act]. If he gives *tzedakah* because he is emotionally distraught when he sees the abject wretchedness of the impoverished person before him, then he does not fulfill the command of the King – instead, he distributes funds to such an individual solely to assuage his own feelings and it is, therefore, a purely volitional [, rather than commanded,] act. This, then, is as if he is serving himself, [rather than fulfilling the words of his King.]

The first Bobover Rebbe *zatzal* now comes to the crux of the matter, “The Jewish people are merciful [by nature]. If that is the case, how is it possible for them to give *tzedakah* without merely deriving personal pleasure [so that the charitable act can be a genuine *kiyum* (fulfillment) of the *mitzvah*]?” His answer is deeply profound and speaks to the essence of the Jewish soul:

Therefore, this is the proper approach (literally, “*eitzah*”): After one has already given the destitute individual *tzedakah* the first time, and thereby removed the shame of humiliating hunger from him, one should give *tzedakah* once again. The second act of giving will then be solely for the purpose of fulfilling the commandment of the King... This is why the Torah states, “you shall surely give him,” *Sefer Devarim* 15:10), “even 100 times” (Rashi, 1040-1105), “and your heart shall not be grieved when you give to him,” for it is not because your heart was breaking on account of his misery that you gave him *tzedakah* [the second time], for until that time you did not yet fulfill the command of the King. For only when you have already given him *tzedakah* [the first time] and the quality of mercy no longer rules over you, are you then able to fulfill the *mitzvah* of *tzedakah* in its proper fashion – by giving to the destitute one once again. (Translations, italics, underlining and brackets my own)

With Hashem’s guidance, may we be *zocheh* (merit) to live lives filled with humility, mercy, kindness and *tzedakah*, and in so doing may we carry Hashem’s holy message to

all mankind. Then, with G-d's help, may we fulfill the famous words of the prophet Isaiah: "I will make you a light unto nations, so that My salvation shall be until the end of the earth." (49:6) May this time come soon and in our days. *V'chane yihi ratzon.*

Shabbat Shalom

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