

# Philanthropy Is Not Enough



PHILANTHROPY, φιλανθρωπία, is Greek, meaning man-loving.

*Tzedakah*, תְּדָקָה, is Hebrew. Its root, קִדְשׁ, means justice.

Justice. Not charity.

Jewish destiny should be shaped by *tzedakah*, not by philanthropy; the difference here is not etymology but rather ontology.

The תְּדָקָה מִיָּנֵה (consequential distinction) dances on two levels between the two concepts. Most fundamentally, the distinction of consequence is a question of identity. What does it mean to be a Jew investing in social change? For me, it is not about repurposing *tikkun ha'olam*, to mean being charitable. Investing in social change from a Jewish perspective means operating from a framework of commandedness. *Tzedakah* givers can be influenced by the tax code and by contemporary challenges in the civic square, but they are ultimately directed and regulated by an eternal framework, and not a human, voluntary, ephemeral one.

The second distinction is practical: *Tzedakah* is a more just, inclusive, and better-regulated system of social investing than philanthropy.

In my view, Jews should make *tzedakah*, not give charity. *Tzedakah*—not philanthropy—leads to a better world.

## PHILANTHROPY

Philanthropy can make a huge, positive social impact. Carnegie created revolutions in health care and public education in America. Rosenwald stood in place of the state, insisting on education for black Americans in the South.

Philanthropy creates good.

But philanthropy is ultimately charity: a human moral instinct, an intuition or a feeling that surges and recedes within the individual who brings time, money, and power to the table. Philanthropy honors power: the creative, disruptive, innovative power that built America and American culture. But unregulated, this power spreads inequity as a disease in the world.

Accountability in philanthropy is largely self-determined. Donors' moral judgment drives philanthropy; no marketplace constrains philanthropic power by reward or punishment. Nor is there a market view of the impact or efficiency of the hundreds of billions of dollars of philanthropic money that courses through America and Israel, no agreed-upon standards or measures of philanthropic impact, no quarterly calls from CEOs to stakeholders accounting for performance, no stock price indicating how philanthropists are succeeding or failing.

At its worst, intentionally or unwittingly, philanthropy undermines the very system it invests in, holding social entrepreneurs and their organizations hostage to burdensome application processes within annual funding horizons, forcing them to spend half their time soliciting grants rather than changing reality, all the while leaving them vulnerable to fickle, year-to-year decision-making.

Contrast the governance (required by the Sarbanes-Oxley Act) of a \$100 million public-company CEO with the requirements — Form

990s—demanded of a \$100 million foundation head, whose “business” is subsidized by taxpayers through charitable deductions. The imbalance in oversight is absurd. Both CEOs operate with a public trust, but only one is held accountable.

Power—decisions moral or social or whimsical, about which issues deserve resources and on what terms—sits with the philanthropist, with essentially no communal voice or oversight.

#### TZEDAKAH

*Tzedakah* is divinely commanded, an inclusive obligation that applies to every Jew, rich or poor. Giving for basic human needs in a Jewish community is an enforceable obligation that can be compelled by the Beit Din, the rabbinical court.

But *tzedakah* is not just a tax. Jews are exhorted to give of themselves, to be creative, to be passionate, to be innovative—as the best of philanthropists are—but in a specific context:

צדק צדק תרדור למען תחיה וברשת את-הארץ אשר-יה' אלקיך נתן לך

Justice, justice, shall you pursue—so that you may thrive and live in the Land that Hashem your G-d has given you (Deuteronomy 16:20).

G-d commands us to *pursue* justice—an unrelenting and yet circumscribed imperative that is a fundamental principle of the Jewish worldview. Pursuit is an asymptotic aspiration that implicitly recognizes that justice is divine. *Tzedakah* is rooted in this awareness of human limits and is commanded within this framework of radical humility.

The power of allocation in *tzedakah*, the question of which causes get time and attention, sits in explicit and creative tension between the individual Jewish investor and the wisdom of Jewish communal leadership.

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## The Jewish wisdom tradition is deeply engaged with this tension between individual will and collective responsibility.

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By design, *tzedakah* is collected by no fewer than two communal representatives—*gabbaim*—appointed by, and answerable to, the community (Bavli Bava Batra 8b). By design, a community can coerce giving, but communal power *can never be held by only one person*. By design, the individual, no matter how rich or powerful, is subordinate to the community.

The Jewish wisdom tradition is deeply engaged with this tension between individual will and collective responsibility.

Judaism does not abjure individual power—the Talmud names many Jews who invested *tzedakah* with power for the common good (see Bavli Gittin 56a as an example)—but Judaism is explicitly cautious about the individual exercise of power. (Among the sins we confess on Yom Kippur is “misuse of power.”) Power can create innovation and new solutions—but in a *tzedakah* system, the exercise of power is deeply regulated, in a religious sense, lest its exercise disenfranchise or distort.



In American Jewish communities today, it seems clear that philanthropy, not *tzedakah*, rules. I assert with humility that there are two problems with this.

First, there is a lack of Jewish understanding of *tzedakah* as a Jewish framework. This is a question of identity. We have a wisdom tradition that has much to say to Jewish changemakers—social entrepreneurs and *tzedakah* investors alike—but that wisdom is

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blurred, un-accessed, undervalued. Esau said of his birthright: Of what value is this to me (Genesis 25:32)? His question haunts us today: How can *tzedakah* bring its power to bear for the Jews if we have no conception of what our tradition teaches?

Generosity of spirit notwithstanding, philanthropy has devolved power to a very limited number of power players, free from meaningful regulation or communal accountability. These philanthropists exert too much unregulated power over the social and civic framework of Jewish life in Israel and America.

We find ourselves with a Jewish communal operating system characterized by the Golden Rule—those with the gold make the rules. The ideology of individual philanthropy trumps the Torah of *tzedakah* and community in practice.

If this choice of ideology were working, perhaps we'd shrug our shoulders and sacrifice process for impact. But does anyone really believe that the current reality of Jewish life is working?

In a generation more free, with more resources and access to education and opportunity than ever, our children know Shakespeare but not Rashi. When they think of 1492, they think about Columbus, not the expulsion of Jews from Spain. In the shadow of “start-up nation,” do we see that more Israelis are food-insecure than 10 years ago? Yet we continue to count on the self-directed largesse from the lions of philanthropy. Hundreds of millions spent on Jewish education, Jewish identity, campus activities, Israel experiences—and yet social gaps yawn, Jewish illiteracy proliferates.

When do we ask whether philanthropy alone is the right system for addressing the holes in the heart of our community?

Perhaps *tzedakah* needs a second look from the Jewish givers of this generation.

First, it is *our* system, *our* identity, and we need to engage with questions of our identity as a fundamental piece of our giving. Those Jews who invest in and make social change need to hear and feel Jewish wisdom as a part of their work. For reading lists to feature *The Gospel of Wealth* or *From Generosity to Justice*, but not to include Rabbi Elazar on *gemilut hasadim* (acts of loving kindness) (Bavli Sukkah 49b)—as but one of countless examples—is a real and concrete tragedy.

Second, downstream, there is practical value to be created by Jews practicing *tzedakah*. If the powerful Jewish givers who do so much good in America and in the world infused their philanthropy with more *tzedakah* philosophy, they would by their leadership re-regulate the too-unregulated power of the individual. *Tzedakah* adds to philanthropy a much-needed sense of responsibility for the common good, a corrective to the fetishization of one person's genius or whim.

In our riven world—where a pandemic has exposed our many vulnerabilities, where the disintegration of America's institutions has allowed Jew-hatred to flourish, where the political implosion in Israel continues to expose the limits of our progress toward the vision of *Megillat HaAtzma'ut*, Israel's Declaration of Independence—what risk do we take by re-centering the role of *tzedakah* in our communal living as a question of identity, and practice?

Imagine Jewish giving, one again understood as a Jewish communal commitment: All must give. Fantasy? No: commandedness. Not charity, but a real, inclusive commitment to the common Jewish good.

Imagine the creative energy of the individual innovator, contextualized within consequential communal oversight.

Imagine what direct service to the poorest Jews—Shoah survivors

who today are going hungry in Tel Aviv and New York—would look like if we were guided by Maimonides’s rules of *tzedakah*.

First, if we learned together what Maimonides lays out in *Hilchot Matanot Aniyim*, we would be stronger as a people. And if we practiced together from this framework?

Wow.

See the very language Maimonides uses to title this volume: These are not the *Laws of Gifts TO the Poor*; they are the *Laws of Gifts OF the Poor*. This distinction of language is breathtaking. Building Jewish destiny is not redistributing my wealth to you; it means sharing together the job of building a Jewish future.

For the first eight chapters, Maimonides teaches us the obligations imposed by the Torah on farmers at harvest time. The farmer is commanded to leave a corner of his field unharvested, part of his trees uncollected, a fallen sheaf unretrieved.

This is *not* an image of the farmer as philanthropist—he does not *give to* the poor, he *leaves for* the poor, so the poor can exercise agency and collect for themselves. This is not the farmer’s philanthropy, but the Torah’s *tzedakah*.

As Maimonides makes clear, without the hungry, the farmer cannot fulfill mitzvot such as Pe’ah or Leket. Jewish wisdom turns the human power construct of donor/recipient on its ear. The farmer needs the poor, as the poor need the farmer. This is a different worldview—a Jewish worldview.

Jewish farmers don’t give charity. Neither should Jews. Jewish farmers fulfill mitzvot in pursuit of justice. Jews are free to practice philanthropy, but we are obligated to make *tzedakah*.

In the final two chapters of *Matanot Aniyim*, Maimonides consolidates the Torah of *tzedakah*. From the agricultural Torah context, he teaches *tzedakah*, relevant in the 12th century and in the 21st. He lays out his famous eight levels of *tzedakah*.

The penultimate level of *tzedakah* in his schema is this:

הנותן צדקה לעניים ולא ידע למי נתן ולא ידע העניי ממי לקח

(one who gives *tzedakah* to the poor, and the giver does not know to whom he gives nor does the recipient know from whom he takes. [Laws of Gifts of the Poor 10:8])

This double-blind aspiration—for both giver and recipient—is an elegant and moving expression of *tzedakah*’s worldview. For Maimonides, double blind means that both actors—the giver and the recipient, the farmer and the gleaner—exist in one shared framework, working together to pursue justice.

And at the highest form of aspiration, *tzedakah* bids the giver to help a fellow Jew become independent, not in need of anyone’s help. Make the recipient a peer, liberate his or her agency, and together you will build a better world.

*Tzedakah* aspires to clear the obstacles, to accelerate the possibilities of agency. Not a hand out, but a hand up—because all of us are required to be part of the march toward justice, together.

*Tzedakah*—commanded and communal, not left to individual philanthropic instinct.

*Tzedakah* is our Jewish worldview, and it beats philanthropy. *Tzedakah* demands accountability, not just to the tax code, but to eternal standards. It is fully inclusive and it is rooted in humility. Whether rich and powerful by wealth, or innovative and creative by genius, all Jews are in covenant to a vision that is beyond contemporary mores. Jewish destiny will be better served by Jews making *tzedakah*, pursuing justice together, rather than by Jews giving charity. \*