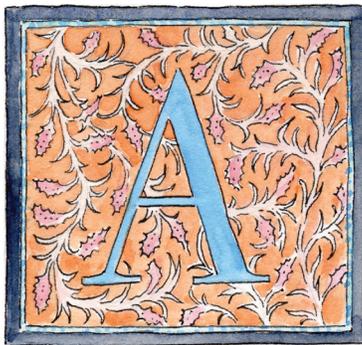


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# Jewish Masterpiece: *Laws of Gifts to the Poor*

*On Maimonides's hierarchy of charitable giving*



ROUND 1177, while Maimonides was rising in prominence as head of the Egyptian Jewish community in Cairo, his brother David perished in the Red Sea on a merchant voyage for the family business in the India trade. Paralyzed with grief, Maimonides was left with a widow and his brother's young daughter in his care. As Joel Kraemer writes in his biography of the great scholar, "Maimonides came to realize that we cannot avoid 'the sea of chance'—sudden death and loss—by prayer and good works; rather, we must live a life of reason in accordance with nature, avoiding risks that may bring enrichment but expose us to the chance of poverty and loss as well." The Great Eagle did pick himself up from this fall, throwing himself into the practice of medicine and serving as physician to Saladin.

Reading Maimonides’s *Laws of Gifts to the Poor*, published several years after the calamity as part of what he calls “my great composition”—his compendium of Jewish law known as the Mishneh Torah—one can’t help but wonder whether this devastating incident may have shaped Maimonides’s views on prioritizing charity. In his own words:

There are eight levels in charity, each level surpassing the other. The highest level beyond which there is none is a person who supports a Jew who has fallen into poverty [by] giving him a present or a loan, entering into partnership with him, or finding him work so that his hand will be fortified so that he will not have to ask others [for alms]. Concerning this [Leviticus 25:35] states: “You shall support him, the stranger, the resident, and he shall live among you.” Implied is that you should support him before he falls and becomes needy. (Mishneh Torah, *Laws of Gifts to the Poor* 10:7)

This highest level of charity is often caricatured as “give a man a fish, you feed him for a day; teach a man to fish, and you feed him for life.” While this maxim captures part of Maimonides’s sentiment, it misses the boldness and nuance of his theory of charity as both an economic and social intervention on the part of the giver.

Scholars distinguish the *structurally* poor—those born into economic hardship, who have great trouble getting out of it—from the *conjuncturally* poor—those who fall into economic hardship because of an unplanned event or unfortunate circumstance.

While Maimonides’s eight-level hierarchy addresses both groups, the top spot is devoted not to one who was born into poverty, structurally, but to one who has “fallen into poverty,” conjuncturally.

Why? Given that much of his *Laws of Gifts to the Poor* is devoted to the inalienable rights of *all* poor people, his granting top dollar

in the hierarchy to one who was not always poor is peculiar, to say the least.



Beyond his own brush with conjunctural catastrophe, there is a hint in the historical record as to why Maimonides would have placed such importance on restoring someone to his previous economic station, and at the top of his charitable priorities. As my teacher Mark R. Cohen discovered and then discussed in his book *Poverty and Charity in the Jewish Community of Medieval Egypt*, the Cairo Geniza contains many documents that identify certain individuals as “one of the givers and not one of the takers.” What does this indicate about the charitable economic order of medieval Jewish Cairo, the community that Maimonides himself led? If nothing else, this was a community of “givers” and “takers.” And Maimonides wanted to make sure there would always be enough givers.

While he would, years later, declare in his *Guide to the Perplexed* the importance of *Laws of Gifts to the Poor* because “they foster compassion for the helpless and disadvantaged and aid the poor in many ways,” he saw no virtue in being one of the poor, and even less in expanding their number. “A person should always construct himself and bear hardship rather than appeal to people at large and make himself a burden on the community,” he wrote toward the end of *Laws of Gifts to the Poor*.

Interpreted through this lens, one can understand why restoring the conjuncturally poor to their previous economic station might take priority over other charitable acts. And this act of restoration wasn’t exactly simple, easy, or without risk. Notice that Maimonides offers two avenues for this restoration: a loan or a business partnership. Business partnerships were, in Maimonides’s time as in our own, not

entered into lightly, nor was finding employment as simple as teaching a man to fish (as if that itself were easy!). In medieval Egypt, business partnerships were extensions of personal relationships, honed over long periods and only the result of great trust. Business partners often worked at a distance of several thousand miles from each other, as when Maimonides collaborated with the Ibn al-Amshati family in the India trade from his home in Egypt. The idea that one might take a fallen comrade under one's wing is premised on a preexisting relationship, or the willingness to take a chance on someone else. It is here, then, that we find the real force of Maimonides's statement: He saw society as a network of concentric circles that included the well-to-do, the conjuncturally poor, the structurally poor, and everyone in between. And the network itself was a mechanism for identifying and fulfilling one's charitable obligations.

The Hebrew word *tzedakah* is often translated as "charity," but in this context it more accurately points to "charitability." That Maimonides saw the use of social and economic networks as a way to fulfill the obligations of *tzedakah* meant that there was potential charitability built into the structure of these networks. This Maimonidean model of charitability networks reveals itself elsewhere in the *Laws of Gifts to the Poor*, for example, when Maimonides says:

A poor person who is one's relative receives priority over all others. The poor of one's household receive priority over the poor of one's city. And the poor of one's city receive priority over the poor of another city, as [implied by Deuteronomy 15:11]: "[You shall surely open your hand to] your brother, the poor, and the destitute in your land." (Mishneh Torah, *Laws of Gifts to the Poor* 7:3)

Philosophers would one day refer to this as the ethical "principle of proximity," which holds the needs of people close to a person as

weightier than the needs of a person far away. David Hume addresses this obligation in his *Treatise of Human Nature*, from 1739, in which he explains that our sympathetic feelings are often stronger for those with whom we are close—physically and emotionally. But understood as part of Maimonides’s model, these priorities emerge from their place in the network, not simply physical proximity.

What emerges from Maimonides’s model of charitable networks is less the principle of proximity and more the principle of preservation or maintenance: the value of securing the community of givers who would also protect the takers downstream.

For Maimonides, the requirement to lift one who has fallen meant restoring the economic order such that the population of the structurally poor, those who “have to ask others [for alms],” did not grow. I remember serving at a homeless shelter and meeting a resident there who, like me, had worked on a stock exchange. Meeting him taught me that however much we might believe that our place in the world is secure, all are subject to the winds of circumstance. In 20th-century New York, he got the same treatment as everyone else. Yet in 12th-century Egypt, Maimonides might have suggested otherwise. A social ethos dedicated to communal protection, ensuring that people do not fall into need in the first place, may be the best way of ensuring the economic health of society. “Put your own mask on first,” as they say.

The principle of preservation may be surprising to our ears, conditioned by capitalism, because taken to its logical conclusion, it might encourage us to give to those whom we might not even think are needy in the first place. Few of us (including the IRS) would consider it charity to donate to Elon Musk if Tesla stock took a dive, yet it could nonetheless be defined as the very sort of conjunctural event that Maimonides had in mind. By embedding this ethos of the status quo ante into his charitable hierarchy, Maimonides codified a system of social and economic support that could allow

members of the community to take reasonable economic risks, knowing that if they failed they might be restored to their previous station as a matter of communal welfare. The economic health of a society depends as much, and perhaps more, on ensuring the *generation* of wealth as on its distribution.

But the distribution, too, was important to Maimonides. Looking one level down in his hierarchy, Maimonides stated, “A person should not give to a charity fund unless he knows that the person managing it is faithful, wise, and capable of administering it in a proper manner as Rabbi Chananya ben Tradyon was” (Mishneh Torah, *Laws of Gifts to the Poor* 10:8).

If securing the community of givers addresses the supply side of charity, Maimonides, in his concern with the “faithful, wise, and capable” distribution, addresses the demand side. Together they amount to preserving the charitable economic order.

One might ask: Why see the “givers” and “takers” as fixed members of their respective classes? Couldn’t a “taker” one day rise to be a “giver”?

The historical truth is that upward economic mobility was not, in Maimonides’s time and place, a celebrated value, as it is in, say, today’s United States. Unlike manifestos that envision a world free from economic hardship, *Laws of Gifts to the Poor* is concerned not with how to end poverty for good, or even how to move those born into it out of it, but with how to treat the poor with compassion and urgency as one would fulfill any of the Torah’s commandments. In holding this view, Maimonides was taking a page straight from the Torah, which states, “For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and needy kin in your land” (Deuteronomy 15:11).

In the ancient time of the Torah, and the Middle Ages of Maimonides, every person held a socioeconomic station, and it was the responsibility of the community to help him maintain that sta-

tion. If he was structurally poor, he was to be granted gifts. If he was conjuncturally poor, he was to be granted loans or business partnerships to help restore him to his previous station.

Given the many differences between his world and our own, how might we apply Maimonides's hierarchy, specifically his prioritization of givers, to our own time and place?

Donating to well-managed charity funds might, of course, be the low-hanging fruit, but that doesn't guarantee fulfillment of Maimonides's top priority of helping to restore someone to her prior economic station. In our economy, someone who has fallen from her station might also not be in a position to bring capital to a partnership, and taking her on as an employee might be a charitable act beyond our financial means. Yet Maimonides might seem prescient in explaining that the highest form of charitable giving includes helping someone else to find work. Networking on behalf of a friend who is looking for a job hardly feels like charitable giving in the same way that writing a check to a nonprofit to feed hungry people might, but the Great Eagle is explicit that the former far outstrips the latter. In today's day and age, this is how the network can be mobilized for the greatest charitable effect. And it is not without cost. When a friend has lost a job, recommending her to a work colleague or a headhunter could cost some professional capital — perhaps the new job won't be a fit, or the friend won't excel in the new position. But much like the business partnership of Maimonides's time, it could also pay dividends. The charity inheres in the uncertainty, and according to a study of 1.1 million referrals by ERIN, an employee-referral platform in Pittsburgh, personal referrals make high-quality candidates.

The concentric circles of people many of us can help is also much larger

than it was in Maimonides's time. Platforms such as LinkedIn have connected people to an ever-expanding universe of concentric circles. Recent research has also shown that when it comes to job searching, weak ties can be more effective than strong ties particularly because strong ties tend to keep people within the same circles they've always traveled. Maimonides's admonishment encourages us to think seriously about how we might help those close to us make their next professional move and ultimately for them to be restored to the class of "givers and not takers."

And if modern circumstances call for a new application of Maimonides's highest level, they might call for an update of them as well. For example, in our own time, when upward social and economic mobility is a more realistic aspiration for more people, donating to organizations that teach professional skills or financial literacy might increase access to dignified work, which might one day result in the expansion of the community of givers.

Ultimately, this talk of application comes down to how we conceive of and define *tzedakah* in the first place. Is it charity? Charitability? Righteousness? While many tax-exempt nonprofits do exactly the sort of work that Maimonides envisioned to help the financially disadvantaged, many others support projects higher up Maslow's hierarchy of needs than the basics of food and security. They support programming in the arts, culture, and public diplomacy. Do such initiatives not fall under the category of *tzedakah*? Or are they perhaps different manifestations of *tzedakah* that don't fall under the category of "gifts to the poor"?

These are worthwhile questions to ask, but there was a reason Maimonides titled this section of his epic Mishneh Torah the *Laws of Gifts to the Poor*: because it focuses on the economic order and the roles that givers and takers of gifts to the poor play in upholding and protecting that order.

Notably, Maimonides concludes his *Laws of Gifts to the Poor*

describing the reciprocal obligations of the poor toward themselves, on the one hand, and toward the givers on the other.

Any person who does not need to take [charity] and deceives the people and takes will ultimately reach old age and die needing assistance from people at large. He is among those of whom it is said [Jeremiah 17:5]: “Cursed be a person who trusts in mortals.”

[Conversely,] anyone who needs to take [charity] and cannot exist without taking, e.g., an elderly man, sick, or beset by afflictions, but is proud and does not do so, is considered as a murderer. He is liable for his soul and all that he has earned through his hardship is sin and guilt. But anyone who needs to take [charity], and nonetheless causes himself affliction and temporarily constrains himself and lives a life of difficulty so that he will not overburden the community, will not reach old age and will die before he provides sustenance for others from his own means. Concerning such a person and those like him, it is stated [Jeremiah :7]: “Blessed be a person who trusts in God.”

What this passage calls for is a charitable economic order, premised on distributed yet shared responsibility. All parties, including those on the receiving end of charitable giving, have responsibilities. And it offers a theory of how those responsibilities are distributed. The theory is symmetrical and cyclical regarding the dynamic between givers and takers again. A taker who fails at the responsibilities of that station is responsible not only for her own demise but for her failure to merit the greatest responsibility there is: to give. \*

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