

Giving Priority in Tzedakah

Rabbi Jason Rosner
721 U Mound Ave.
South Pasadena, CA, 91030

Question:

How should Jewish organizations and people prioritize their *tzedakah* giving. In modern, open society, Jews face appeals for *tzedakah* from a variety of charitable organizations, 501c3s, and individuals. This paper intends to explore how classical Jewish sources inform modern *tzedakah* distribution.

Background:

There is a significant distinction between *tzedakah* and charity. *Tzedakah*, which derives from the Hebrew word for righteousness, is explained through the classical sources as a commanded system of wealth redistribution. This conception is due to a pragmatic view outlined in Deuteronomy that there will always be some degree of wealth inequality.

כִּי לֹא יִחְדַּל אֲבִיוֹן מִקְרֵב הָאָרֶץ עַל כֵּן אֲנִי מְצַוְךָ לֵאמֹר פֶּתַח תְּפַתַּח אֶת יָדְךָ לְאֶחִיךָ לְעֵנִיךָ וּלְאֲבִיֶיךָ בְּאֶרֶץ
Since, there will never cease to be needy (persons) within the land, for this reason I command you, saying, surely you shall open your hand to your brothers, your poor, and your needy within your land.
*Duet. 15:11*¹

This verse proposes a legal system to address the continual existence of a needy class. *Tzedakah* is distinct from charity, which is related to the Latin word *caritas*. *Caritas* “connotes the ‘heartfelt’ emotions of sympathy and compassion that lead one to give voluntarily to relieve the suffering of the unfortunate.”² Although, as Rambam will state, it is preferable to give happily rather than grudgingly, a grudging giver still fulfills the commandment.

In present ideas of charitable giving, one often finds an appeal to the emotions of the giver. There are three ways by which this is accomplished. (1) An appeal to emotion. This may occur by bombarding the potential donor with images of starving children in Africa, or a *cheder* with smiling children reading *ashrei*. (2) An appeal to an established relationship. Fundraising experts suggest establishing relationships with potential donors, so that one may approach them as if one was related to them, rather than a complete stranger. (3) When a beggar stands in front of the person to ask for money directly. Jonathan Sacks sums up this tension very well,

¹ Unless otherwise noted, all Hebrew text is from the Bar Illan Responsa Project (see bibliography). All translations are the author's, unless otherwise indicated.

² Washofsky, Mark. *Jewish living: a guide to contemporary reform practice*. Rev. ed. New York: URJ Press, 2010. p. 292

*David Hume noted that our sense of empathy diminishes as we move outward from the members of our family to our neighbors, our society and the world. Traditionally, our sense of involvement with the fate of others has been in inverse proportion to the distance separating us and them. What has changed is that television and the Internet have effectively abolished distance. They have brought images of suffering in far-off lands into our immediate experience. Our sense of compassion for the victims of poverty, war and famine, runs ahead of our capacity to act. Our moral sense is simultaneously activated and frustrated. We feel that something should be done, but what, how, and by whom?*³

The classical sources discuss each of the aforementioned situations, although they categorize them according to their pre-emancipation, pre-*haskalah* worldview. Rabbinic sources create concentric rings of distribution priority. These rings are not made out of iron, and one finds multiple arrangements of priorities. For example, if a poor person appears with their hand extended for *tzedakah*, they jump to the top of the list. The classical sources also make distinctions between *tzedakah* collected from or distributed to non-Jews. In the present day, many liberal Jews are uncomfortable with distinctions between Jews and non-Jews, as well as the localist and communitarian distribution scheme proposed in the codes.

As a result of these modern tensions, Jewish institutions face diminishing donations. Due to what Steven Windmueller calls the Second American Jewish Revolution, young donors are searching for direct accountability from charitable organizations.⁴ The traditional model of *gabei tzedakah* (collectors) like the Federations are less appealing to young givers. Additionally, where a few generations ago one could assume a majority of Jewish donations would be put towards Jewish causes, this is no longer the case. A modern, liberal Jew may contribute equally to the World Wildlife Fund and the Jewish Community Center with no compunction. To muddy the water even further, there are Jewish organizations that help primarily non-Jewish causes such as Challah for Hunger, which bakes challah and donates to social justice causes such as humanitarian concerns in Sudan. While this distribution of funds is laudable, it is beyond the scope of giving envisioned by classical *halacha*.

Initial research:

The original perusing classical and modern sources regarding this question led to a number of problems. The question was conceived due to a drop in donor support for rabbinical seminaries. Traditional codes such as the *Arba Turim* (henceforth TUR) and *Shulchan Aruch* (henceforth SA) suggest an imperative to support Torah learning. Since full time Torah learning in its current form does not allow for rabbinical students to

³ Sacks, Jonathan. *The dignity of difference: how to avoid the clash of civilizations*. London: Continuum, 2002. p. 30

⁴ Windmueller, Steven . "The Second American Jewish Revolution." *Journal of Jewish Communal Service* 82, no. 3 (2007): 257.

work for a livelihood, the Reform Movement created a system of dues for “Maintenance of Union Membership” (abbreviated MUM). Due to declines in both giving and MUM dues in recent years, rabbinical students at the Hebrew Union College face increased tuition and student loan debt.

A cursory examination of the TUR and other classical sources, combined with modern guides to *tzedakah* distribution, presented a number of conflicting prioritizations. Most of the sources overlapped on several points: the distribution to family and community, support of education, and ambivalence about non-Jewish causes.

As no clear prioritization came forward, the preliminary presentation included the following suggested breakdown:

30% - “infrastructure” such as seminaries, *yeshivas*, day schools, Hebrew school programs, etc

30% - “communal” such as Jewish Family Service, Federations, CCAR, USCJ, OU, etc

30% - “extra-communal” or non-Jewish such as World Wildlife Fund, museums, Darfur, etc

10% - “discretionary” used at the discretion of the giver to increase the other categories

This distribution is too precise. It is preferable to suggest priorities rather than exact amounts for distribution. Changes in communal needs and the size of givers’ purses render such a rigid system unworkable.

The non-Jewish Question:

The classical sources are unclear on how to collect or distribute *tzedakah* of non-Jews. Each source comes with its own historical context, and as the divisions between Jews and non-Jews shifted over time, one may see such distinctions reflected in the sources.

עיר שיש בה ישראל וגוים הפרנסין גובין מישראל ומגוים מפני דרכי שלום מפרנסין עניי גוים עם עניי ישראל מפני דרכי שלום
(In a city that has Jews and non-Jews, the (*tzedakah*) distributors collect from (both) the Jews and the non-Jews, on account of peace, and give money to the poor of the non-Jews along with the poor of the Jews for the sake of peace.

Tosefta Gittin 3:13

Above is an early source regarding how to deal with non-Jews. Apparently during this period, before 200 CE, Jews lived in cities where charity could be collected from non-Jews, although with some hesitation. In the *gemara* that follows, one may find a notable change in language. The *gemara* does not mention collecting from non-Jews, only distributing to non-Jews. Also, there is a change in language between גוים (above, which suggests a slight derogatory stance) and נכרים (below, which is neutral).

ת"ר: מפרנסים עניי נכרים עם עניי ישראל, ומבקרין חולי נכרים עם חולי ישראל, וקוברין
מתי נכרים עם מתי ישראל, מפני דרכי שלום

Our Rabbis taught: we support the poor of the non-Jews along with the poor of Israel, we visit the sick of

the non-jews along with the sick of Israel, and we bury the dead of the non-Jews along with the dead of Israel, for the sake of peace. Bavli Gittin 61A

דתני רב יוסף (שמות כ"ב) אם כסף תלוה את עמי את העני עמך, עמי ונכרי - עמי קודם, עני ועשיר - עני קודם, ענייך ועניי עירך - ענייך קודמין, עניי עירך ועניי עיר אחרת - עניי עירך קודמין

Rav Yosef teaches: "if you lend money to any of my nation who are poor with you." [Ex. 20:2] teaches [in the case of deciding between] a Jew and a non-Jew, the Jew comes first, [between] the poor or the rich, the poor come first, [between] your poor [relatives/neighbors], yours come first, [between] the poor of your city and the poor of another city, the poor of your city come first.

Bavli B.M. 71A

This text asserts that Jews have preference over non-Jews. The use of the word נכרי is notable. Moving forward several centuries to the TUR, there is a shift in language. It is important to consider the context of Jacob b. Asher. He lived from 1269 to 1343 and experienced different relations with non-Jews than the Rabbis of the Talmud. Since his father, Asher b. Yechiel, fled from persecution in Germany to Spain with his son, one may expect a less than favorable view of non-Jews. In the TUR, the section on the redemption of captives comes amidst the section on *tzedakah*, and is noted as even more important than the support of the poor. This placement may be partially due to the imprisonment of Meir of Rothenburg, who ransom by Jacob's father,

Laura Geller offers a modern view, which reflects the current tension over classical views of non-Jews:

What does "for the sake of peace" mean? Perhaps it suggests that we will get along better with our non-Jewish neighbors if they know we want to help them as well as Jews. Or perhaps it means to teach us that the way to live in peace is to recognize that every human being is, like us, created in the image of God and therefore worthy of our support...So the answer seems to be: we must do both...support Jewish causes as well as more universal ones. It does seem clear that Jews must support Jewish causes, because if we don't, who will? Who cares about Jewish education except Jews? Who cares about maintaining synagogues other than Jews? But we can't stop there.... we must also care about other people and universal problems.⁵

The TUR discusses accepting *tzedakah* from non-Jews. There are two versions of Seif 254, both appear below.

אסור לישראל ליקח צדקה מעובדי כוכבים בפרהסיא אם אינו יכול לחיות בצדקה של ישראל וגם אינו יכול לקבלה מהעובדי כוכבים בצינעא מותר מלך או שר של עובדי כוכבים ששלח ממון לישראל לצדקה אין מחזירין אותו משום שלום מלכות אלא נוטלין ממנו ונותנין לעניי עכו"ם בסתר כדי שלא ישמע המלך

It is forbidden for an Israelite to take tzedakah from an idol worshiper in a public manner. If (the Israelite) cannot live on the tzedakah provided by other Israelites, and also he cannot take tzedakah from the idol

⁵ Geller, Laura. "Jewish Values Online - Tzedakah ." Jewish Values Online. <http://www.jewishvaluesonline.org/rabbi.php?id=47> (accessed May 9, 2013). Rabbi Laura Geller is the senior Rabbi at Temple Emanuel of Beverly Hills, CA.

worshiper in a modest fashion, nevertheless it is permitted for him to accept the tzedakah of an idol worshiper. A king or official, who is an idol worshiper, who sends money to an Israelite as tzedakah, we do not send it back in order to not to upset the king. Rather, we take the money and give it to idolatrous poor people, in order that the king not hear of it.

TUR Yoreh Deah 254 (as it appears in the Bar-Ilan database)

A variant manuscript reads:

אסור לישראל ליקח צדקה מגוי בפרהסיא אם אינו יכול לחיות בצדקה של ישראל וגם אינו יכול לקבלה מהגוי בצינעא מותר מלך או שר של גוים ששלח ממון לישראל לצדקה אין מחזירין אותו משום שלום מלכות אלא נוטלין ממנו ונותנין לעניי גוים בסתר כדי שלא ישמע המלך:

*It is forbidden for an Israelite to take tzedakah from a **non-Jew** in a public manner. If (the Israelite) cannot live on the tzedakah provided by other Israelites, and also he cannot take tzedakah from the **non-Jew** in a modest fashion, nevertheless it is permitted for him to accept the tzedakah of a **non-jew**. A king or official, who is a **non-Jew**, who sends money to an Israelite as tzedakah, we do not send it back in order to not to upset the king. Rather, we take the money and give it to **non-Jewish** poor people, in order that the king not hear of it.*

TUR Yoreh Deah 254⁶

The TUR conflicts with the sentiments of the *tosefta* above. He would prefer not to accept *tzedakah* from non-Jews at all. Depending on which manuscript is correct, he may have a different view depending on whether the donor is an active idol worshiper, or simply a non-Jew. Mark Washofski points out that it is upon us to take care of our own community and institutions, “since no one else will support them if we do not.”⁷

In the event someone from outside our community sends money to support a Jewish institution, the TUR asserts that the money should be redistributed to outside the Jewish community. Combined with Washofski’s statement (admittedly many centuries and thousands of miles separated from Jacob b. Asher), outside money has a polluting influence on a Jewish community. If the community comes to rely on the money to survive, if for some reason it should cease, the internal support for Jewish institutions will have eroded so badly that it may be beyond repair. One need only look to the isolated and welfare-dependant ultra-orthodox communities in Israel and the United States for living proof.⁸ Should their government support cease, the communities would be plunged into destitution.

The TUR continues and expresses reticence about accepting any kind of donations from outside the Jewish community. He feels this is particularly important regarding religious matters. His words, and the quotation of Maimonides he chooses, explain that

⁶ *Arba Turim ha Shalem*. Jerusalem: Machon Yerushalym, 1993

⁷ Washofski. p. 295

⁸ Examples include the *Satmar* and *Square* communities of Monsey and Kiras Yoel, NY.

idol worshipers must be kept out of Jewish religious affairs.

וה"מ בישראל אבל עובד כוכבים המתנדב כל זמן שלא נשתקע שם בעליה מעליה אסור לשנותה אפי' לדבר מצוה כתב הרמב"ם עובד כוכבים שהתנדב לצורך בדק הבית אין מקבלין ממנו לכתחילה ואם נתנו אין מחזירין אבל לב"ה מקבלין ממנו לכתחילה והוא שיאמר בדעת ישראל הפרשתי אותו ואם לא אמר כן טעון גניזה שמא בלבו יחשוב לעבודת כוכבים
But this (accepting of donations for the upkeep of a synagogue) applies with (donations) of Israelites. However, with idol worshipers, who make vows all the time (to donate things), even if they forgot (which item they donated) and couldn't tell it apart from other items, it is forbidden to change it out (or sell it) even (if selling it would allow one to use the money for) accomplishing a mitzvah. Maimonides wrote that in the case where an idol worshiper pledges something for the upkeep of the Temple, we do not accept it from him initially. If however, he gave it already, we do not return it. Although, if they pledged something for the upkeep of the synagogue, we may accept it from them initially provided that they pledged it under the guidance of an Israelite. If they did not (have an Israelite guiding them), we are required to set the item aside, lest the idol worshiper was thinking about idol worship (when the donated it).
TUR Yoreh Deah, 259

Although the TUR is writing about idol worshipers during a different period, the anxiety behind his point remains. May the Jewish community accept donations from non-Jews towards religious or central programs? According to Maimonides, as quoted by the TUR, the intention of the donor impacts the donation. One may then extrapolate to the case of Evangelical Christian donations to the Jewish community or the State of Israel. Although Evangelical Christians are not considered idol worshipers in the *halachic* sense, their donations have a distinct religious motivation separate from Judaism.

One may conclude that the Jewish community should remain as free of outside influence and money as possible, particularly in regard to religious practice. Consequently, Jewish donors should consider prioritizing Jewish needs lest either (1) outside influence over Jewish life grow and/or (2) Jewish institutions that are not appealing to non-Jewish donors collapse. As Washofski points out, if we do not take care of our community, no one from the outside will do so with real concern to Jewish welfare.

The TUR's nuanced position reminds modern Jews of the tenuous nature of relationships with outside groups. Amicable relations with non-Jewish groups such as Evangelical Christians is important, so one should not refuse their donations outright. Outside money should, as 259 points out, be channeled towards non-Jewish recipients. This would simultaneously solve the problem of external influence and the desire by modern Jews to support global causes. If Evangelical donations towards Jews were quietly rerouted towards humanitarian efforts elsewhere in the world, it would neatly kill two birds with one stone.

Circles of priority:

All donors have limited funds, and the distribution of those funds is of tantamount importance to Jewish thinking about *zedakah*. The *Mishnah* lays out an elaborate system of tithes and mechanisms to support the poor (and also the indigent Levites). Expanding on the commands of the written Torah, the *Mishnah* goes into some detail about the *ma'aser ani* (the poor tithe) and *pe'ot ha'sadeh* (the corners and gleanings of the fields that must be left for the poor). The *Mishnah* also envisioned a tithing system for the Temple and Priesthood, although whether this system was ever implemented as it appears in the *Mishnah* is doubtful.

The system of *zedakah* put forward by the *Mishnah* and *Gemara* in lieu of a Temple based society created the groundwork for modern *zedakah*. Below is the verse from Deuteronomy (repeated from earlier), which is used as the source-text for prioritization of *zedakah*. The eisegesis that follows is from Sifre and uses the verse to prove an order of priorities. The exact dating of Sifre is unclear, and while it is quoted in the *Gemara*, it may contain material that dates from after the closing of the Bavli. The excerpt from Sifre is juxtaposed with a quote from Baba Metzia.

כי לא יחדל אביון מקרב הארץ על כן אנכי מצוך לאמר פתח תפתח את ידך לאחריך לעניך ולאביוןך בארץ
Since, there will never cease to be needy (persons) within the land, for this reason I command you, saying, surely you shall open your hand to your brothers, your poor, and your needy within your land.
Duet. 15:11

כי יהיה ברך, ולא באחרים. אביון, תאב תאב קודם. אחריך, זה אחריך מאבריך כשהוא אומר מאחד אחריך, מלמד שאחריך מאבריך קודם לאחריך מאמך. באחד שעריך, יושבי עירך קודמים ליושבי עיר אחרת. בארצך, יושבי הארץ קודמים ליושבי חוצה לארץ כשהוא אומר באחד שעריך היה יושב במקום אחד אתה מצוה לפרנסו היה מחזר על הפתחים אי אתה זקוק לו לכל דבר. אשר ה' אלהיך נתן לך, בכל מקו
(What is meant in the verse by) when there are needy among you? (It means among you) and not among others, the needy person (refers to the) who is starving, (and so) the starving one comes first. (What is meant by) your kinfolk? This is your brother from your father's side of the family, and this teaches that your kinfolk from your father's side come before your kinfolk from your mother's side. (And what is meant by) In one of your cities? (This means) the poor of your city come before the poor of other cities. (What is meant by) in your land? Those who dwell in your land come before those who dwell in other lands. (What does the verse mean by) in any one of your cities? (It means) if the (needy person) stayed in one place then you are commanded to provide for them; however, if they move around from place to place, you are not compelled to give them everything. (What is meant by) that God gave you? (It means) in every place.
Sifre Deut. 116:7

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Rav Yosef teaches: "if you lend money to any of my nation who are poor with you." [Ex. 20:2] teaches [in the case of deciding between] a Jew and a non-Jew, the Jew comes first, [between] the poor or the rich, the poor come first, [between] your poor [relatives/neighbors], yours come first, [between] the poor of your city and the poor of another city, the poor of your city come first.

What a modern reader will find striking is the inclusion of family support within the structure of *tzedakah*. Often, modern liberal Jews consider *tzedakah* as giving beyond what would be required of them to support their family. *Tzedakah* is portrayed as support of the community, or giving to external charitable causes, with all of the emotional baggage included in the word charity. When considered in light of Washofski's assertion earlier, if we do not take care of our family, no one will take care of them for us. In modern times, the State may step in to care for the destitute, but such care is a recent development. For example, Jews were only allowed to enter New Amsterdam on the condition that they create institutions for self-care and not become wards of the State.⁹

There are several differences in the texts. The Bavli text contains a reference to preferring Jews over non-Jews. The Sifre text details preferring the father's family to the mother's when distributing *tzedakah*. What is remarkable about these texts is the importance of proximity. During the period when these texts were composed, sending money or food outside of one's immediate vicinity was more difficult than in the present day. Although international banking and micro-loans allow modern Jews to distribute funds abroad, there is usually a cost involved in doing so. Furthermore, the most narrowly targeted giving in the most localized area does the most measurable good.

As Windmueller points out in *The Second American Jewish Revolution*, modern donors are interested in measurable, observable return on investment. The best way to achieve this goal is by keeping funds local and concentrated. This raises yet another question, since modern lifestyles involve moving around more, what constitutes a person's 'locality?' Bava Batra offers the following:

והתניא: שלשים יום - לתמחוי, שלשה חדשים - לקופה, ששה - לכסות, תשעה - לקבורה, שנים עשר - לפסי העיר
It is taught: (if someone stays in a town) 30 days, they must give to the tamchui. If they stay 3 months, they must give to the kupah. If they stay 9 months, they must give to the burial fund. If they stay one year, they must give to the repair of the town walls.
Bavli B.B. 8A

In short, the longer one stays in a community, the more one is compelled to invest in that community's well being. Investing in a local community can create an imbalance, as some communities are richer than others. So then, if one lives in Beverly Hills, do the poor of Beverly Hills come before the poor of Compton? Yechiel Epstein

⁹ Sarna, Jonathan D.. *The American Jewish experience*. 2nd ed. New York: Holmes & Meier, 1997. p. 7 From the earliest period in the United States, Jews built communal institutions for self-care due to an order from governor Stuyvesant stating that they should not rely on government assistance.

(1829-1908) offers the following:

האמנם בעיקרי הדברים ק"ל טובא דאם נאמר דברים כפשוטן דאלו קודמין לאלו ואלו לאלו דהכונה שא"צ ליתן כלל למדרגה שאחר זה ולפ"ז ... וא"כ לפ"ז אותם העניים שאין להם קרובים עשירים ימותו ברעב ואיך אפשר לומר כן. ולכן נלע"ד דבירור הדברים כך הם דבוודאי כל בע"ב או עשיר הנותן צדקה מחוייב ליתן חלק לעניים הרחוקים ... ובמקומות שאין עשירים יגועו העניים ברעב ואיך אפשר לומר כן וגם המנהג אינו כן

There is something in the essence of these things (the tzedakah rules) that causes me distress. For if we explain these things according to their surface meaning, that these (people) come before these (other people when giving tzedakah), this may result that one should give everything to one level (of priority) and to another one, give nothing. And if so, the poor who have no wealthy relatives will die from hunger! Is it possible to say this?!?! Therefore, according to my thinking, one should clarify these (tzedakah priorities) thusly. Indeed everyone, whether poor or rich, must give tzedakah to poor people who are not close to them (not relatives or nearby). In places where there are no wealthy people, should the poor be hungry? How can we possibly say this, and furthermore, people do not act this way.
Aruch Ha'Shulchan, Yoreh Deah 251:4

Epstein served as rabbi in several different cities, and the *Aruch Ha'Shulchan* is often compared to Yisrael Kagan's (1838-1933) work the *Mishnah Berurah*.¹⁰ Epstein, as a community rabbi, is more interested in the *nomoi* of Jewish life than Kagan. The above quote reflects Epstein's concern for communal wealth inequality, whereas Kagan tends to favor legal positivism.¹¹ Epstein is working counter to earlier works, although this may come from having served a number of communities and seen wealth disparity personally. This text shifts the argument considerably. Epstein is writing closer to 2013, and is representative of a broader view of the Jewish world made possible by technological advances since the days of the TUR.

How to give:

אמר לה רבי חייא לדביתהו כי אתי עניא אקדימי ליה ריפתא כי היכי דלקדמו
לבניך

R. Chiyya says: when a poor person comes before you, hasten to offer them bread, so that they may hastle to offer (bread) to your children.
Bavli Shabbat 151B

As discussed earlier, when a needy person is facing a giver directly, it is difficult to turn that needy person away. Later sources will address the imperative to give to a poor person who solicits directly. The difficulty in modern *tzedakah* solicitation is that organizations market themselves to appear solicit directly and be the most needy. How

¹⁰ The *Mishnah Berurah* addresses *Orech Chaim* of the *Shulchan Aurech* only, while *Aruch ha'Shulchan* is a reiteration of all four sections original to the TUR.

¹¹ "Every halachic issue opens with a presentation of the relevant scriptural and Talmudic sources. So too, unlike the *Mishna Berura's* text-based-tradition to deciding halacha, the *Aruch Hashulchan* tries to determine the halacha based on Talmudic precedents and contemporary practice...and often works hard to satisfy both." Enkin, Ari. "Mishnah Berurah vs. Aruch ha Shulchan." *Hirhurim - Musings*.
torahmusings.com/2012/02/mishna-berura-vs-aruch-hashulchan/ (accessed May 7, 2013).

can a giver make an informed choice between several competing and pressing needs? The *Shulchan Aruch* asserts that despite the urge to give everything to the most pressing and emotionally harrowing cause, one must spread our *tzedakah* around.

לא יתן אדם כל צדקותיו יט לעני אחד בלבד

*One should not give all of their tzedakah to only one poor person.
Shulchan Aruch, Yoreh Deah 257:9*

This statement is very important, since one might conclude from the priorities of giving listed in the previous section that one ought to give all of their *tzedakah* to close relatives, leaving nothing for the greater community.

ומבשרך לא תתעלם הא כיצד אלא אם יש לאדם מזונות בתוך ביתו ומבקש לעשות מהן צדקה כדי שיפרנס אחרים משלו כיצד יעשה בתחלה יפרנס את אביו ואמו ואם הותיר יפרנס את אחיו ואחיותיו ואם הותיר יפרנס את בני משפחתו ואם הותיר יפרנס את בני שכונתו ואם הותיר יפרנס את בני מבויו שלו ואם הותיר יפרנס שארי בני ישראל וכו' עכ"ל וכה"ג אמרינן בפ"ה דבבא מציעא [ע"א א] ענייך כלומר קרוביך ועניי

עירך ענייך קודמין עניי עירך ועניי עיר אחרת עניי עירך קודמין

(Referring to tzedakah) Do not ignore your own kin (Isaiah 58:7) What does this mean? If someone has food in their house and asks to make it tzedakah, that they should support others, how should they do this? Firstly, one should provide for their father and mother, if there is anything left afterwards, for brothers and sisters. If there is more left, one should support other relatives. If there is still some left, support your neighbors. If there is even more left, support the residents of your courtyard. If there is still some left, support the remnants of Israel, etc. Also it says in Baba Metzia 71a: "Your poor" means your poor relatives come before the poor of your city, and the poor of your city come before the poor of another city. Aruch Ha'Shulchan, Hilchot Tzedakah, 251:1

Epstein explains that in a case of great need, one should support their kin in order of priority. If there is money left over, then based on the previous quote, it may be sent abroad. Critically, one must provide minimum care for family members and not let them starve or become homeless. Epstein does not say that one must give all of their *tzedakah* to these inner circles. Maimonides gives an explanation of how much to give:

בא העני ושאל די מחסורו ואין יד הנותן משגת נותן לו כפי השגת ידו וכמה עד חמישית נכסיו מצוה מן המובחר, ואחד מעשרה בנכסיו בינוני, פחות מכאן עין רעה, ולעולם לא ימנע עצמו משלישית השקל בשנה, וכל הנותן פחות מזה לא קיים מצוה, ואפילו עני המתפרנס מן הצדקה חייב ליתן צדקה לאחר

When a poor person asks for what is sufficient for their needs, and the giver does not have enough to give and fulfill all the poor persons needs, the giver should give according to their ability. How much do we mean? The most laudable way to fulfill the commandment is to give 1/5 of your wealth. The normal way is to give 1/10. Less than this is considered the evil eye. One should never give less than 1/3 shekel each year. Anyone who gives less than this has not fulfilled the commandment. Even if a poor person takes their livelihood from tzedakah, they are obligated to give tzedakah to another.

RAMBAM, LAWS OF GIFTS TO THE POOR 7:5

According to Maimonides, everyone is required to give *tzedakah* in varying degrees.

Although a poor person may only give a pittance to *tzedakah*, they too are included in maintaining communal institutions. Maimonides "ladder of *tzedakah*" offers an explanation of the most effective ways to allocate *tzedakah*.

שמנה מעלות יש בצדקה זו למעלה מזו, מעלה גדולה שאין למעלה ממנה זה המחזיק ביד ישראל שמך ונותן לו מתנה או הלואה או עושה עמו שותפות או ממציא לו מלאכה כדי לחזק את ידו עד שלא יצטרך לבריות לשאול, ועל זה נאמר והחזקת בו גר ותושב וחי עמך כלומר החזק בו עד שלא יפול ויצטרך. פחות מזה הנותן צדקה לעניים ולא ידע למי נתן ולא ידע העני ממי לקח, שהרי זו מצוה לשמה, כגון לשכת חשאים שהיתה במקדש, שהיו הצדיקים נותנין בה בחשאי והעניים בני טובים מתפרנסין ממנה בחשאי, וקרוב לזה הנותן לתוך קופה של צדקה, ולא יתן אדם לתוך קופה של צדקה אלא אם כן יודע שהממונה נאמן וחכם ויודע להנהיג כשורה כר' חנניה בן תרדיון. פחות מזה שידע הנותן למי יתן ולא ידע העני ממי לקח, כגון גדולי החכמים שהיו הולכין בסתר ומשליכין המעות בפתחי העניים, וכזה ראוי לעשות ומעלה טובה היא אם אין הממונין בצדקה נוהגין כשורה. פחות מזה שידע העני ממי נטל ולא ידע הנותן, כגון גדולי החכמים שהיו צוררים המעות בסדיניהן ומפשילין לאחוריהן ובאין העניים ונוטלין כדי שלא יהיה להן בושה. פחות מזה שיתן לו בידו קודם שישאל. פחות מזה שיתן לו אחר שישאל. פחות מזה שיתן לו פחות מן הראוי בסבר פנים יפות. פחות מזה שיתן לו בעצב

There are eight ascending levels of tzedakah, each above the next. Greatest of these, the one to which there is nothing greater, that strengthens Israel, is the one who gives a gift or loan to a poor person, or makes a business partnership with him, or gets him work. This is in order that he can support himself and thus not be bound to ask other people for help. About this it is said, you shall strengthen him, whether he is a stranger or one who dwells amongst you, he shall live with you. [Lev. 25:35]. This means strengthen him so that he will not fall into need. Below this is one who gives tzedakah to the poor but the giver does not know the recipient and the recipient does not know the giver. This fulfilling the commandment for its own sake. This is like the secret dispersal office of the Temple. There were righteous who gave in secret and poor people would be provided for in secret. This is like giving to the collection plate. But one should only give to the collection plate if the tzedakah collector is trustworthy, wise, and upright, like R. Chaniniah b. Taradiyon. Next down is when the giver knows the recipient but the recipient does not know the giver. It is like when the sages used to walk around and secretly put coins into the doorways of poor people. It is appropriate and good to do this if the reputation of the tzedakah collector is dubious. Below this is when the poor person knows the giver, but the giver does not know the receiver. This is like when the honored sages would roll coins in their scarves and sling them over their backs and the poor could come and take without embarrassment. Next is the one who gives without being solicited. Below this is the one what gives less than what is worthy, but gives it happily. Below this one is the one who gives with grief.

Rambam, Gifts to the poor 10:7

This is a critical text for the modern distribution of *tzedakah* and is often quoted in liberal circles. Interestingly, Maimonides highest level (reflected later by the TUR) is enabling a needy person to become self reliant with dignity. Liberal Jews tend to concentrate on the end of the text, which indicates that it is preferable to give happily rather than grudgingly. To modern eyes, this appears to support a form of *tzedakah* that is closer to *caritas*, the heartfelt giving mentioned earlier.

Maimonides text interfaces with the previous texts to create areas of overlap and tension in *tzedakah* distribution. If the highest rung of Maimonides' ladder is combined with the concentric circles of priority from the *gemara* and TUR, one would give most of

their money towards making family members self sufficient. Including a family members in a business partnership or giving them is the optimal distribution of *tzedakah* funds. Yet, the *Aruch ha'Shulchan* flies in the face of this distribution. He states that the funds must be spread around, lest a few wealthy families/communities keep everything for themselves.

In liberal circles, giving within one's family is hardly considered *tzedakah* at all. Community needs and non-profit organizations hold out their hands, and reward donors with plaques and tax deductions for donations. The texts above are difficult to reconcile into a coherent system.

Modern attempts to prioritize:

There are many attempts to prioritize *tzedakah* in the modern Jewish world. These often appear in the form of lists. Despite claims from various authorities that their list reflects an accurate *halachah*, every one of them is influenced by the *nomoi* of their particular culture. Orthodox *tzedakah* manuals claim to give an accurate representation of textual imperatives, but as demonstrated in the previous section, even that small sampling of texts evidences internal contradiction. Here is an Orthodox example of prioritization by Shimon Taub:

1.The donor himself 2.Wife and small children 3.Rebbe who taught without taking payment 4.Parents 5.Grandparents 6.Young Adult Children 7.Rebbe who taught and was paid 8.Grandchildren 9.Brothers and sisters 10.Uncles and aunts - father's side 11.Uncles and aunts - mother's side 12. Cousins - father's side 13.Cousins - mother's side 14.Remaining relatives 15.Divorced spouse 16.Close friends 17.Neighbors 18.People from the same city 19.People living in Yerushelayim 20.People living in the rest of Eretz Yisrael 21.People living in other cities outside of Eretz Yisrael

Although Taub modifies this list according to Shulchan Aruch Y.D. 249:15-16

"It is important to note when there are additional factors which [sic] may overrule or interface with the entire Priority List. They are listed here as written in the Shulchan Aruch. The order is as follows: 1.Any situation of pikuach nefesh. 2.To support the study of Torah. 3.To pay for the medical needs of the poor. 4.The building or maintenance of a community shul. (However, where monies are only designated to enhance an already existing shul or to build a new shul where one already exists, this priority would follow 5.)¹²

This example is a combination of the texts to fit Taub's personal motivations. Taub is an Orthodox Rabbi and lives in Lakewood, NJ. He is also the son of Baruch Taub, a prominent figure in the *kiruv* movement. Baruch Taub received his ordination from Ner

¹² *The Laws of Tzedakah & Maaser*. Brooklyn: Mesorah Publications, 2001. pp. 51-52

Yisroel, a Lithuanian style school that places a great emphasis on full time Torah learning. The placement of teaching figures high in Shimon Taub's list of priorities likely reflects his own feelings on the importance of financially supporting the educational institutions of right-wing Orthodoxy.

Taub prefers to emphasize Torah scholars as important recipients of *tzedakah*, although these do not appear in Maimonides or the TUR as part of the *tzedakah* priorities list. They do appear under section on redemption of captives.¹³ In this section an prominent teacher (*Rav Muv'hak*) should be redeemed before one's own father. Taub has chosen to arrange his sources according to what fits his perspective. Furthermore, he does not mention giving *tzedakah* to non-Jewish organizations or non-Jews.

Now let us examine a Conservative Rabbi's priority list:

1. *your poor relatives (familial proximity)*
2. *poor Jewish people and anti-poverty causes in the Jewish community (religio-ethnic proximity)*
(e.g. Jewish Federation, MAZON: A Jewish Response to Hunger, NACOEJ: North American Conference on Ethiopian Jewry)
3. *poor people who live in your 'local' town, including Israeli towns*
(geographical proximity)
(e.g. your local chapter of the Interfaith Hospitality Network, an organization that provides housing for homeless families)
(e.g. Bayit Ham, an educational program for poor Ethiopian children in Jerusalem, run by Kehillat Moreshet Avraham)
4. *poor people who live in another town*
(e.g. CROP Walk, ONE Anti-Poverty Campaign)
5. *other Jewish causes/organizations that are not anti-poverty causes (religio-ethnic proximity)*
(e.g. AIPAC, Camp Ramah, COEJL: Coalition On the Environment and Jewish Life, , Interfaithways, Jewish Federation, Jewish Museum, JNF, JTS, Moving Traditions, Uri L'Tzedek,)
6. *other 'local' causes/organizations that are not anti-poverty causes, including Israeli causes/organizations (geographical proximity)*
(e.g. your local Jewish Federation, your local library or symphony orchestra)
(e.g. Camp Koby and the Koby Mandell Foundation in Israel, Lifeline for the Old in Jerusalem, Shalva, an association for physically and mentally handicapped children in Israel, Yad VaShem)
7. *non-local organizations that are not anti-poverty organizations*
(e.g. American Cancer Society, Greenpeace International, Metropolitan Museum of Art, Save Darfur Coalition [sic], Susan G. Komen for the Cure, World Wildlife Foundation, etc.)¹⁴

Lisa Malik compiled this list. She is a valedictory graduate of the Orthodox *Yeshiva of Flatbush* and went on to receive a Ph.D. from Stanford, and finally ordination from the

¹³ TUR *Yoreh Deah* 252

¹⁴ Malik, Lisa. "Jewish Values Online - Tzedakah ." Jewish Values Online. <http://www.jewishvaluesonline.org/290> (accessed May 9, 2013).

Jewish Theological Seminary. Malik's list reflects a fusion of close textual reading and modern concerns. This list appears on the website *Jewish Values Online* and is intended as a quick reference for internet savvy Jews. Malik's list is included with both a Reform and Orthodox response. Such a collection reflects modern Jew's desire for quick instructions and the ability to choose rabbinic advice that reflects their predispositions. Internet *psak* weakens the position of the Rabbi as arbiter of Jewish tradition (and law).

Mark Washofski offers the Reform response to Malik:

The traditional Talmudic mindset, upon confronting these differing scales of priorities, might seek to resolve them into one coherent system. It might be better, though, not to try. What Maimonides may be telling us with all these differing approaches is that the Jewish tradition on tzedakah is complex. There are too many deserving people and causes to imagine that we can come up with a one-size-fits-all approach to giving. The world, moreover, has changed. For example, if we take Maimonides literally, we can never give to national or international causes ("the poor of other towns") before we have taken care of the poor of our own locale. Yet the world today is a much smaller place than it was in ancient and medieval times; our "community" of concern extends far beyond our city limits. To what extent does this "community" include non-specifically-Jewish causes? What Maimonides has to say about that issue is in some ways surprisingly progressive, but it may not be relevant to our social and political situation today. And what do we do about those rules that set gender-based priorities or priorities based in ritual status? Such rules stand in sharp contradiction with the value systems by which most of us, happily, live today.¹⁵

Washofski puts his finger on modern tensions that define not only *tzedakah*, but the boundaries of the Jewish community. All of the priority lists are, to some extent, a definition of who-is-in and who-is-out of the community. Modernity affords access to and responsibility for a global society, which creates difficulties for a person trying to assess how to distribute their *tzedakah*. The question is 'who more who is connected to me' and therefore worthy of *tzedakah*. Such boundaries are not clear, and Washofski does not offer an answer.

Conclusions:

The following list of priorities and provisos takes into account both the textual history of the topic and modern tensions within the Jewish community. *Tzedakah* is intimately linked to communal boundary issues. Underlying the following list is the anxiety over the shifting boundaries of Jewishness and the changing donor structure examined by Windmueller in his article *The Second American Jewish Revolution*.¹⁶

¹⁵ Washofski, Mark. "Jewish Values Online - Tzedakah ." Jewish Values Online. <http://www.jewishvaluesonline.org/290> (accessed May 9, 2013)

¹⁶ See earlier citation.

What follows is an attempt to reconcile the varied texts on *tzedakah* with a consideration for their historical context, combined with an attempt to address the current Jewish trends and tensions.

Here is a proposed order of priority.

1. Grown Children - Children who are past the age of legal majority (see appendix I). This is consistent with the rulings of the TUR and with modern economic shifts. Many post-high school and post-college adults still need financial assistance from their parents. Current economic trends indicate true financial independence comes later in life than in previous generations.
2. Parents - The gender preferences for father-before-mother expressed in Sifre no longer applies in a gender egalitarian environment. People do not usually consider supporting their parents (especially aged parents) as *tzedakah*. In order to help society function as life spans increase, we must begin to think of material support for parents as *tzedakah*. If not, it figures into one's budget as an extra stressor, on top of communal obligations. This is unhealthy and inconsistent with Jewish textual tradition.
3. Family - any other members of one's family who are in need of assistance. This is consistent with Maimonides and the TUR.
4. Jewish Higher Education - Funding for seminaries, doctoral programs, etc. Taub asserts that Rabbis play an important role in Jewish continuity. This may be expanded to include all highly trained Jewish professionals. Without educated leadership, no one will be in place to guide Jewish practice, implement the *tzedakah* system, or ensure continuity of Jewish life into the next generation. See Appendix I, where the TUR gives preference to a *Talmid Chacham* over the *Cohen Gadol*.
5. Jewish needy by proximity (close) - Coherent with the sources, *tzedakah* can do the most good when it is locally applied. Foundation of soup kitchens, job skills training programs, etc, for Jews in the area. This includes organizations that care for the local community including Federations, Jewish Family Service, *Chevra Kadisha*, schools, synagogues etc.
6. Jewish needy by proximity (far) - National level organizations, poverty relief, AIPAC, Jewish camps, etc.
7. Israel - Poverty relief, aid, etc. Consistent with the TUR
8. Jewish organizations dealing with non-Jewish Causes - These organizations employ Jews and function within the Jewish community, yet help non-Jewish groups. E.g. Challah for Hunger, American Jewish World Service.
9. Secular non-Jewish Causes - Museums, symphonies, hurricane relief (non-specific), etc.

According to the TUR, it is not advisable to accept *tzedakah* from non-Jews. Monies

donated to Jewish causes by non-Jews should, as much as possible, be quietly redistributed to non-Jewish causes. One should accept the donation, add it to the organizational budget, and then donate from the budget to a non-Jewish cause. This nullifies the influence of non-Jewish monies over Jewish organizations.

In the event the monies are accepted for personal poverty relief, upon regaining sufficient livelihood, the person should attempt to donate up to the amount received. In addition to helping to keep Jewish communal integrity, such behavior also yields tax benefits.

The exceptions to this system are as follows. All beggars, who are begging on their own behalf, should be given at least a minimal donation of food or money (see appendix I). This supersedes all of the priorities listed above. Popular myth suggests that giving to beggars enables itinerant begging. It is often the case that beggars suffer from mental illness and structural economic inequality. As the TUR suggests in *Yoreh Deah* 247, no one who asks for *tzedakah* should be directly refused.

One of the unresolved questions of this conclusion stems from a lack of treatment by classical sources of *tzedakah* for the children of intermarried couples. While there are modern attempts to reconcile intermarried families with Jewish ritual¹⁷, placing this problem within the realm of *tzedakah* texts requires a considerably larger study than allowed here. One possible, highly controversial resolution to such a problem would be to normalize intermarried families within this textual history by *fiat*. Conversely, a strict read of the TUR in Appendix I, exempts any Jew who transgressed on the *mitzvot* from *tzedakah* entirely, possibly including intermarried families. The answer is somewhere in between.

An organization sending mailers or emails does not need a donation for every solicitation. Even though the solicitation may contain personal information such as one's name, the organization does not expect a 100% return on their mailers or emails, they are soliciting en masse. Consequently, they are not considered the same as a beggar asking for money in person, who is soliciting individually. Furthermore, the enjoinder to give only applies if the solicitor approaches directly, for *anyone who approaches and extends their hand, we give to them, even if they are a non-Jew*.¹⁸

¹⁷ See "אבן העזר - Even HaEzer | The Rabbinical Assembly." The Rabbinical Assembly. <http://www.rabbinicalassembly.org/jewish-law/committee-jewish-law-and-standards/even-haezer#marriage> (accessed May 7, 2013).

¹⁸ כל הפושט ידיו ליטול נותנין לו אפי' נכרי (see Appendix I).

Therefore, every beggar sitting on the side of the road with their hat out does not require a donation, only if they approach and ask directly. The prohibition is against sending the solicitor away empty handed.

Jews should not give *tzedakah* to organizations run by other faiths according to TUR *Yoreh Deah* 254. Nor should Jews accept help from organizations run by other faiths unless there is a Jew in an advisory position within that organization.

Following this list of priorities, the exact amount of distribution should follow the amounts expounded in Maimonides *Gifts to the Poor* 7:5. While the amounts may seem arbitrary from a modern standpoint, having a maximum amount can be quite helpful. In the event of supporting relatives, one may desire to give more than the maximum 20% legislated by Maimonides. Having a *tzedakah* ceiling may be a relief.

Causes closer in proximity should receive more *tzedakah* by percentage than those further down the list. If family receives 50% of total *tzedakah* funds, the rest should be distributed in diminishing segments. Priorities #7-9 on the list above may receive a pittance of the total *tzedakah* allowance, perhaps 5-10% in a worst case scenario. These organizations draw from a much larger body of potential donors than immediate family and, as Washofski points out, we must take care of our own first, for no one else will.

This system takes into account textual tradition as well as modern concerns for the integrity of communal boundaries. While it may not be easy to implement, it may well be worth study as it leads to consideration of where Jews consider communal boundaries.

Reflections:

Since the initial presentation, my thinking has changed from a percentage based *tzedakah* distribution system to a list of general priorities. Over the course of research, the variety and incongruity of source texts forced me to reconsider my positions. I chose to address the question of *tzedakah* and non-Jews first, since it has the most variation legislation and interests me greatly. I did change some of my views, particularly with regard to the distribution of *tzedakah* to and from non-Jews as discussed in the first section. While *halachic* texts have great weight in my arguments, I attempted to contextualize them as much as possible.

I feel that the discussion of *tzedakah* priorities reflects the boundary markers of the Jewish community. By the time of Epstein's writing, Jews were able to think about

communities farther afield than ever before. This challenged the traditional *tzedakah* system, as Epstein points out. All of the authors engage in a certain amount of reinterpretation of previous text; this reinterpretation is far more evident in the diversity of modern opinions (see “Modern attempts to prioritize”). I attempted to remain conscious of where I allowed my own bias to enter into the discussion, and in the “conclusions” section I elaborated as far as possible when I was drawing upon *halachic* texts.

Although I have traditionally held to sort of legal positivism when dealing with *halachic* texts, I attempted to engage more with the context and jurisgenesis (legal meaning-making). The *Aruch ha’Shulchan* breaks from the legal positivist tradition (see *Aruch ha’Shulchan Yoreh Deah* 251:5 in “Circles of Priority”). This is my first in depth interaction with the *Aruch ha’Shulchan*. Generally, I have preferred Maimonides and the TUR to the *Shulchan Aruch*. I rely most heavily on the TUR and *Aruch ha’Shulchan* because they offer more detailed rationale for their decisions than the *Shulchan Aruch*. I have also preferred “codes” to relying on *Mishnah*, *Tosefta*, *Gemara*, or *Midrash* for legal decisions. I credit my training with Rabbi Aaron Alexander for my bias in this regard.

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Appendix I

כל הפושט ידיו ליטול נותנין לו אפי' נכרי שמפרנסים עניי נכרים עם עניי ישראל משום דרכי שלום כתב ה"ר אליעזר עני מישאל העובר על אחת מכל המצות אינו בכלל וחי אחיך עמך ואין חייבין ליתן לו צדקה עד שידעו ששב בתשובה וכן אם ... הנותן לבניו ולבנותיו הגדולים שאינו חייב במזונותיהן כדי ללמד הזכרים תורה ולהנהיג הבנות בדרך ישרה וכן הנותן מתנות לאביו ולאמו והן צריכין להן ה"ז בכלל צדקה ולא עוד אלא שצריך להקדימם לאחרים ואפי' אינו בנו ולא אביו אלא קרובו צריך להקדימו לכל אדם ועניי ביתו קודמין לעניי עירו ועניי עירו קודמין לעניי עיר אחרת ... כתב ה"ר סעדיה חייב אדם להקדים פרנסתו לכל אדם ואינו חייב לתת צדקה עד שיהיה לו פרנסתו שנאמר וחי אחיך עמך חיך קודמין לחיי אחיך ... ואחר שיפרנס נפשו יקדים פרנסת אביו ואמו לפרנסת בניו ... וחייב להקדים להאכיל הרעב מלכסות הערום שלא ימות הרעב ברעב ומקדימין האשה לאיש בין להאכילה בין לכסותה מפני שמתביישת לשאול ... כתב הרמב"ם היו לפנינו עניים הרבה ואין בכיס לפרנס או לכסות או לפדות כולן מקדימין הכהן ללוי והלוי לישראל והישראל לחלל והחלל לשתוקי והשתוקי לאסופי והאסופי לממזר והממזר לנתין והנתין לגר והגר לעבד משוחרר בד"א בזמן שהם שוין לחכמה אבל אם היה כ"ג עם הארץ וממזר ת"ח ת"ח קודם וכל הקודם בחכמה קודם לחבירו ואם היה אחד מהם רבו או אביו אע"פ שיש שם גדול מהם בחכמה רבו או אביו שהוא ת"ח קודם לזה שהוא גדול ממנו מי שבא ואומר האכילוני אין בודקין אחריו אם הוא רמאי אלא מאכילים אותו מיד היה ערום ובא ואמר כסוני בודקין אחריו אם הוא רמאי ואם מכירין אותו מכסין אותו מיד לפי כבודו.

Anyone who extends their hand to take (tzedakah), we give to him, even if he is a non-Jew. For we support the poor of the non-Jews with the poor of Israel on account of peace. Rav Elieazar wrote: a poor person who transgresses on any one of the mitzvot is not generally (considered in the category of) "and your brother shall live among you." And one is not required to give him tzedakah until one knows that he has repented...(here is the order of precedence for giving tzedakah) One gives to his grown sons and daughters (who are legally mature and) he does not need to provide food for them (at his table anymore) in order to teach the males Torah (support their Torah education) and guide their daughters on the straight path. And next one gives gifts to their father and mother and this is necessary. Furthermore it is generally (considered) tzedakah and it is necessary to give them preference before others. Even if the father and son are not close, it is necessary for the son to give his father preference before everyone else. The poor of one's household come before the poor of one's city. The poor of one's city before the poor of other cities. ... Rav Sa'adia (Gaon) wrote: it is necessary for one to prioritize his own livelihood above everything and he is not obligated to give tzedakah until he himself has a livelihood. As it is written "and your brother shall dwell with you." [Lev. 25:36] (but) your life comes before the lives of your brother. And after one has look after their own livelihood, one gives priority to the livelihood of their father and mother, to their sons (and daughters). And one is obligated to prefer feeding the hungry over clothing the naked, lest the hungry person die of hunger. And one gives first to the female rather than the male in matters of food and (household) utensils because it is embarrassing to ask ... And thus writes the Rambam:

in the case that one is face to face with many paupers and has not enough in his purse to supply, redeem, or otherwise support all of them, he gives preference to the Cohen over the Levi, the Levi over the Israelite, the Israelite over the disqualified Cohen, the disqualified Cohen over the illegitimate child of unknown origin, the illegitimate child over the foundling child, the foundling over the child of an adulterous union (mamzer), the mamzer over the Gibeonite, the Gibeonite over the settler/convert, and the settler/convert over the freed slave. What time period are we talking about when this would apply? When the sages were applying values. Yet, if there was the High Priest who was an ignoramus and a Talmid Chacham who was a mamzer, the Talmid Chacham would take precedence, for one always gives precedence to wisdom over one's (ignorant) friends. Between one's teacher and one's father, one chooses the one who has greater wisdom and gives that person preference. One who says "feed me please," we do not investigate into that person's claim of poverty (we give them money). If however, the person is a known scoundrel, we feed them (give them food and not money). If one comes across a naked person who says "clothe me!," we clothe them and don't ask questions. If the person is a known scoundrel, we buy their clothes for them, but we do it in the nicest way possible.

My translation.

TUR Yoreh Deah 251

Appendix II

ואח"כ הביאו דברי הגאון והוא עניין אחר לגמרי והיינו באיש אינו מרויח רק חיי נפש לחם צר ומים לחץ דחיי קודמין והביאו לשון זה המבואר בגמ' [ב"מ ס"ב א] דמיירי בשנים שהיו מהלכים בדרך ואין להם כלום וביד אחד קיתון של מים שאינו מספיק לשניהם דחיי קודמין ע"ש כן הביא מהצרפית שהיה כעין זה כמ"ש לכן אם נותר לו לחם אביו ואמו קודמין ואח"כ בניו הגדולים ואח"כ אחיו וכו' וכן מה שהבאנו מתנא דבי אליהו ג"כ הכוונה בכה"ג ולכן אומר שם לשון ואם הותר כלומר אם נשאר מעט לחם זה קודם לזה ולכן אומר אם יש לאדם מזונות בתוך ביתו ומבקש לעשות מהן צדקה כלומר שיש לו רק מזונות ההכרחיות לחיי נפש ומדינא פטור אם הוא רוצה לצמצם א"ע יתן תחלה לאביו ואמו וכו' כפי סדר המדרגות

Afterwards they brought the words of the Gaon. This is entirely a different idea (that we are talking about), namely a person who is not well off but has enough for their basic sustenance. They have a crust of bread and a little water. (Concern for) their life precedes (everything else). And they bring this language from the gemara [B.M. 62A] and they discuss a (a case of) two people who are walking along a road and they have nothing between them except one of them has a bottle of water that is not enough for the two of them. (The one who has it) drinks because his life comes first. Thus is also true with *tzarfatit* [Kings I, 17:2]. Thus if there is bread, one first supports their father and mother, then their grown children, then their brothers etc etc. If someone has bread in their house and they want to make it into tzedakah, but as we said there is only enough food for the maintenance of their life (i.e. basic sustenance), then they are exempt (from tzedakah). If that person wants to reduce their food nonetheless, they give first to their father etc, following the order of priority. Aruch Ha'Shulchan, Hilchot Tzedakah, 251:7