
Rabbi Chaim Brovender on:
Pesach and Charity, The Rambam's View

Maimonides considers the poor on the night of the seder in two *halachot*: Everyone must drink four cups of wine. Everyone must drink while reclining.

The poor must receive material support necessary to do the mitzvah, but are also directed to act as if they were truly free and financially independent. On seder night, poor persons are instructed to transform themselves into free persons and act accordingly. This may be the source of the complex Torah obligation of giving charity which the Rambam summarizes in *Yad Hahazaka*.

Tzedaka is the only mitzvah which gives each person qualitative options: you may choose at which of eight levels of achievement you perform the mitzvah. This choosing should not be confused with the three levels of action: *mitzvah*, *mehadrin* and *mehadrin min hamehadrin* in lighting the Hanukah candles. In the case of candle lighting, the Gemorrah does not imply choice. The custom in Israel is for all to do the mitzvah in the *mehadrin min hamedhadrin* manner.

Freedom of choice in level of performance distinguishes the mitzvah of tzedaka from all others. This demands explanation. Scrutiny of the Rambam's

formulation presents an additional curiosity: Rambam uses the term *lishma* as the preferred manner for doing the mitzvah. *Lishma* is synonymous to *ahava*, love.

When you do a *mitzvah lishma* you do it as an act of love for the sake of God, without any irrelevant considerations. This is usually considered the best manner of carrying out a mitzvah. In tzedaka, giving

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charity anonymously to an unidentified recipient is the *lishma* level. In giving charity, this is not the preferred level.

What is? Supporting impoverished Jews by giving them presents or loans or by entering in a partnership to enable them to work and strengthen themselves so they no longer need support. "Then thou shalt uphold him: a stranger and a settler shall he live with thee." (Vayikra 25,35). Uphold

him so that he shall not fall and be needy.

Rashi explains the verse as follows: Do not allow him to fall. Later it will be harder to lift him up. This is compared to a heavy burden on a donkey. As long as it is on the donkey, a person alone can right it. But if it falls even five may not be able to do so. According to Rashi, the verse is about a rich man on the verge of ruin. (Sifra.)

Perhaps the Rambam is trying to teach us the difference between tzedaka as a social obligation deriving from the conception of humanity (*bein adam le havelero*) and proper economic theory. Tzedaka regulates our relationship to the poor by legislating a mitzvah. Moreover, the notion of tzedaka teaches a general economic principle: we must work to rid the world of poverty. *Lishma* relates to a mitzvah act, and not to a general notion implied by the system of mitzvot.

Rashi, by quoting the donkey analogy, emphasizes that poverty is preventative and not corrective. The Rambam sees things differently. For the Rambam, we are enjoined to prevent the recurrence of need through support and economic integration. The Rambam posits that the giver of tzedaka see reintegration of the needy as his highest calling.
