

## Class 6: The Subjective Nature of Talmudic Charity: Halakha and Agaddah

During the next two weeks we will be studying an article of Moshe Halbertal that deals with the subjective nature of the Talmudic charity obligation. His unique approach is to contrast the message that emerges from the aggaddic (non-legal, stories, moralistic) sections of the Talmud in contrast to its halakhic (legal) sections, that is between the legal and the moralistic.

At the center of the study is the phrase *dei mahsoro*. Here is some basic background which you will also find in a shortened form in Halbertal's article as well.

The verses in Deuteronomy 15:7-11 which we have seen earlier instructs the Israelites to lend generously to their needy kinsmen. Following verse 7's warning not to harden the heart and shut the hand against the needy, verse 8 reads, in a literal translation of the original Hebrew: *Rather, you must open your hand and lend him sufficient for his lack (dei mahsoro) that he is lacking (asher yehsar lo)*. These redundant references to "lack" allow the Talmudic sages to transform Deuteronomy 15:8's (hereinafter "15:8") from *lending to* the poor into a verse about *providing for* the poor (as we have seen earlier in the semester). The rabbis of the second and third centuries (the "Tannaim") taught three highly specific legal interpretations of 15:8's signature phrase *dei mahsoro asher yehsar lo* (hereinafter, "*dei mahsoro*"): (1) it refers to providing an orphan with the means to get married and establish a home; (2) it refers to previously wealthy persons who have fallen into poverty, who must be provided with ("even") elements of their quondam standard of living (such as a horse or a slave), although they are not to be enriched above and beyond that; and/or (3) it refers to providing a needy person what he needs in the precise way he needs it to be given. For example, a person who was accustomed to eat bread should be given bread; one who was accustomed to being fed by hand should be fed by hand.

In all three of these legal interpretations "lack" touches in some way on a social and/or psychological lack these individuals suffer because of their poverty: the orphan "lacks" the means to set up a home; the erstwhile wealthy person "lacks" those elements of his lost lifestyle that gave him social status; and a person accustomed to specific ways of obtaining food and clothing (likely also a formerly-wealthy person) "lacks" this element of personal consideration as a result of living in poverty.

These laws were accepted as binding by later medieval legal authorities and for Maimonides they even became central to his definition of the charity commandment.

Now please read the first 6.5 pages of Halbertal's article (I have highlighted where to end for this class on page 101 [or 7 of the pdf] and see how he finds to find a more complex understandings of the Talmudic approach to this issue by a close reading of its non-legal sections. Please also read as well the story and the discussion found in n. 8 (I have highlighted the first line of the note).

### **Summary questions:**

What does the Talmud derive from the deeds of Hillel relating to charity?

How does the story of R. Nehemia undercut the halakhic understanding *dei mahsoro*?

Why is the Raba story so important for understanding the problematic nature of *dei mahsoro*, especially with regard to communal charity?

How does Halbertal understand the bottom-line, the lesson, to be learned from the story of Raba?

What is the natural reaction to the Mar Ukva story – who is right the son or the father?

What is the opinion of the father, Mar Ukva, regarding the subjective nature of charity?

How does Halbertal attempt to modify the message of the Mar Ukva story?

What is unique about the story R. Hanina (note 8)?

How did the medieval scholars attempt to explain away the story of R. Hanina (note 8)?

How does Halbertal re-read the deeds of Hillel in way that is different from the straightforward Talmudic reading?

What did Halbertal learn from the story of “one of the outstanding scholars of this generation”?

What is Halbertal’s major point in the first part of his study relating to the subjective nature of charity?