

Is There a Mitzvah to Lend to the Rich?

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Question: In the previous segment, we discussed the mitzvah of lending money to those struggling financially. Does this mitzvah apply as well to lending money to the wealthy who may also be struggling during this period?

Answer: The *Rambam* states that there is a *mitzvas aseh* (positive biblical mitzvah) to lend to “*aniyei yisrael*,” poor Jews, and this mitzvah has the same parameters as *tzedaka*. But the *Rambam* continues that there is a mitzvah to lend even to one who is wealthy. Why does the *Rambam* add the mitzvah to lend to the wealthy in an additional sentence, and without stating that it too is a positive mitzvah? Couldn't the *Rambam* have simply stated that there is a positive mitzvah to lend to all Jews, both the poor and the wealthy?

Acharonim infer from this formulation of the *Rambam* that it is in fact a mitzvah to lend to the rich when necessary, but it is part of the general mitzvah of *gemilus chasadim*, not the specific mitzva of lending money, which applies only to the poor, as the *pasuk* states, *את העני עמך* (Shemos 22:24). This approach that lending to the wealthy is not included in this mitzvah is accepted by the other *Rishonim* as well.

Interestingly, though, the *Semah* (a commentary on the *shulchan aruch*) seems to *pasken* that lending to the rich does fulfill the mitzvah of lending money. The question is asked “How can the *Semah* contradict the *Rishonim*”? The answer is that the *Semah* is referring to a case where a wealthy person is undergoing a financial crisis. Therefore, he is classified as “poor” at that time for the considerations of this mitzvah.

This can be supported from the Gemara in *Bava Kamma* that discusses a wealthy individual who cannot access his assets at a particular time. The Gemara states that at that time, he is considered to be poor, and may therefore even take *matnas aniyim* (gifts to the poor in the field). Thus, lending to one who is wealthy fulfills a general mitzvah of *chesed*, lending to the poor fulfills the specific mitzvah of *im kesef talveh*, and lending to someone who is wealthy but cannot access his fund at that time (and certainly one who has lost his funds) also fulfills this mitzvah.

Question: Do specific parameters for the mitzvah of lending exist with regard to the amount obligated to give in the same manner that parameters exist for *tzedaka* or *ma'aser*, i.e., ideally lending at least a tenth?

Answer: The Chafetz Chaim writes in *Ahavas Chesed* that the extent of the amount included in the mitzvah of lending is different than that of giving *tzedakah*. With regard to *tzedakah*, the Gemara says that *al yevazbez yoser mechomesh*, one should not use more than one fifth of his earnings in giving

tzedaka. This is because we do not want the donor to become needy as well as a result of helping someone else, as the Torah states (Devarim 15:4),
"אִפְסֹכִי לֹא יִהְיֶה בְךָ אֲבִיּוֹן."

However, with regard to lending, it is permitted to lend more than one fifth of one's earnings, since if it is done properly and responsibly such that a person is assured of receiving his money back, then there is no risk to the lender.

Question: Is it permitted to treat money given as a loan as part of one's *ma'aser* if the recipient ultimately does not return the money?

Answer: If the person had in mind when giving the loan that if the loan is not returned, he would like the money to be counted as *ma'aser*, then it would be permitted. But if one did not have this in mind when lending the money, it cannot retroactively be counted towards one's *ma'aser* calculation. This is all provided that the recipient has the Halachic classification of an "*ani*".

Let us conclude by mentioning that the Chafetz Chaim states in *Ahavas Chesed* that opening a lending *gemach* is a great way to spend one's *ma'aser* money, as one can accrue multiple mitzvos of lending money with the same amount, and also fulfill the higher level of *tzedaka* of lending money rather than simply giving it as charity.