

ORIGINAL ELEMENTS IN  
MAIMONIDES

AN EVALUATION OF THE SOURCES OF CHAPTERS  
SEVEN TO TEN OF Hilchot Matnot 'Aniyim

by

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To My Devoted

Mother and Father

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## Introduction

Jewish tradition has always assumed that the codification of Rabbinic law by Maimonides in his Mishneh Torah was a faithful resume of various Talmudic passages topically arranged and coordinated for the reader in clear, classic Hebrew style. Later codifiers, like the Tur and Joseph Karo, approved of the order that Maimonides brought into the chaos of Talmudic law and relied heavily upon Maimonides' digest of the Halachah as a faithful codification of Rabbinic decisions in matters of Jewish law.

The stimulus from Professor Abraham Cronbach has led this student to question the validity of this assumption regarding Maimonides. It is well known that the genius of Maimonides was not limited to his vast powers of coordination and presentation of the Oral Law in digest form, but that, in the process of editing such a vast compendium of Jewish law, Maimonides frequently interpolated original rulings without indicating that such decisions were his own and not those of the Talmud.

This thesis is an examination of the rabbinic sources of one section of the Mishna Torah in an effort to ascertain to what extent Maimonides has faithfully followed the rulings of the Talmud

regarding the giving of gifts to the poor. Maimonides himself does not cite any sources for his statements other than a few references to the Gaonim. Later commentators have searched for the sources of his digest and have set them down in the margins of our texts. These sources are the Mishna, the Talmud, the Tosefta, Sifra, Sifre and the decisions of the Gaonim.

The procedure adopted in the preparation of this thesis was to examine the sources mentioned in the Kesef Mishna as well as those cited in the footnotes of the Vienna edition of 1839, published by Anton Edlen von Schmid. The notes of Ben Zimra have also been consulted. The sources of each paragraph of Hilchot Matnot 'Aniyim were carefully scrutinized and analyzed under the supervision of the referee, with special attention devoted to the specific relevance of the rabbinic passage to the particular point being discussed by Maimonides.

The conclusion reached in this thesis is that in many respects Maimonides has departed from the Talmud and has instituted new rulings. In arriving at the conclusion that Maimonides has contributed original decisions in his Mishna Torah not previously laid down in rabbinic literature, this student has followed the

precedent of Professor Cronbach in assuming  
"originality on the part of Maimonides where the  
contrary is not indicated in the text or in the  
margin."<sup>1</sup>.

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## CATEGORIES OF ORIGINALITY

It has been possible to systematize Maimonides' original elements in Matnot 'Aniyim according to the type of originality displayed. In many cases it might have been possible to place borderline cases in any one of several possible categories, and therefore the author was occasionally compelled to be somewhat arbitrary in subsuming examples under certain categories. The following are the categories under which these original elements have been subsumed. These categories will be illustrated in the body of this thesis by systematic citations from Matnot 'Aniyim.

### I. BIBLICAL EXEGESIS

There are three forms of originality displayed by Maimonides in the category of Biblical Exegesis:

- A) When an original idea is propounded by Maimonides and Scriptural verses are cited to lend support, such Biblical exegesis is necessarily original with Maimonides.

- B) Non-original ideas that have appeared in rabbinic literature with some form of homilization are sometimes given new homilization through the citation of different Biblical verses.
- C) Pre-Maimonidean ideas that occur with no homilization are sometimes given homilization by Maimonides through the citation of Biblical verses.

## II. EXPANSION

Maimonides often selects particular incidents described in the Talmud or individual opinions of rabbis and expands them into the formulation of a general rule.

## III. DEVELOPING FROM THE IMPLICIT TO THE EXPLICIT

Where the Talmud implies a usage, Maimonides frequently defines that usage explicitly and furnishes the appropriate details. These details are usually the originality of Maimonides.

## IV. IMPLEMENTING AN EXISTING TALMUDIC RULE

Where the Talmud states a general rule supported by the opinion of the Sages, without



furnishing details or examples, Maimonides occasionally elaborates the ruling and implements it by furnishing details.

#### V. EXERCISE OF EDITORIAL DISCRETION

As the editor of this compendium, Maimonides frequently is confronted with two or more rabbinic opinions cited in the Talmud that are contradictory to each other. Maimonides then chooses one opinion, not necessarily the opinion of the Sages, and establishes his choice as the law.

#### VI. TRANSFER

Maimonides sometimes takes a Talmudic ruling that is clearly stated in reference to some other subject and transfers its validity to include some specific phase of giving "gifts to the poor."

#### VII. INFLUENCE OF RASHI

It is nothing new to state that Rashi's interpretations sometimes give an implication quite different from the intention of the Talmudic text. Maimonides occasionally

follows Rashi's suggestions and includes them in his formulations.

VIII. RULINGS ENTIRELY ORIGINAL

There are a number of instances where Maimonides' rulings appear to have no Talmudic basis but are conceived entirely out of the genius of Maimonides' own mind.

## I. BIBLICAL EXEGESIS

### A.

Whenever Maimonides propounds an original idea and attempts to substantiate it with Biblical exegesis, there can be no question ~~but~~ that the exegesis is original with Maimonides. An example of this kind of originality is the following:

10.7 This paragraph begins the enumeration of the Eight Steps of Charity which have become famous as the most succinct expression of Jewish ideals toward benevolence in our literature. The first and highest step of charity, discussed in 10.7, states that a gift, loan, business partnership, and giving of a job to render alms unnecessary, is the highest form of benevolence. Maimonides supports this statement by using Lev. 25.35 exegetically in an unprecedented manner.

### B.

Sometimes Maimonides takes an idea stated in the Talmud that is homilized with Biblical verses and uses different Biblical exegesis to support his re-statement of the Talmudic principle. Examples of this are the following:

7.13 This paragraph is concerned with the problem of priority in alms-giving. Four points are covered by Maimonides, of which two are dealt with by rabbinic sources<sup>2</sup>, and two appear to be original with Maimonides. The third point mentioned in this paragraph, regarding the poor of one's city taking precedence over the poor of other cities, is based upon Siphre 116. However, the Siphre uses Deut. 15.7 as the basis of its exegesis, whereas Maimonides cites a different verse in Deuteronomy 15, namely, verse 11. B.M. 71a also refers to the poor of another city, but the Talmud here refers to Ex. 22.24 for Scriptural proof, and Maimonides does not use Ex.22.24. Furthermore, the Talmud is here talking about loans, while Maimonides is speaking of alms.

The fourth point in this paragraph refers to a question of exegesis. Maimonides seems to have decided that Deut. 15. 11 is a more appropriate verse to quote as a basis of substantiating exegetically the order of his priorities among the recipients of a man's charity, whereas Siphre 116 uses Deut. 15.7 and B.M. 71a uses Ex. 22.24. Thus, this particular bit of exegesis is original with Maimonides.

8.1 This paragraph, which begins a series of

rules laid down in Chapter Eight in respect to making charity pledges, is based chiefly on a passage in R.H.6a. The Talmud here places charity in the general category of vows, as stated by Maimonides. However, this statement in R.H.6a comes in connection with a piece of Talmudic exegesis to Deut. 23.24. It is interesting to note that Maimonides does not quote the exegesis of R.H.6a but only the conclusion of the exegesis, namely, that "charity is in the general category of vows."

C.

More frequently, ideas that appear previous to Maimonides without any Biblical homilization are provided with homilization by Maimonides. Examples of this kind of originality in Biblical exegesis are the following:

7.1 In declaring the giving of charity to the poor to be in the category of "positive commandments," and in basing such a conclusion on Lev. 25.35, Maimonides appears to have hit upon an original form of exegesis to this verse.

7.2 The converse of 7.1 is expressed in 7.2,

where Maimonides declares anyone who closes his eyes to the poor is transgressing a "negative commandment." This paragraph also has an original bit of exegesis based on Deut. 15.7. *bit*

*2.2. Verse 1 Ps. 74.21 in original.*

8.10 This paragraph begins the discussion of the all-important subject of redemption of captives, a subject of extreme gravity in medieval times when the common danger of pirates, the ravages of mobs, and the soldiers' lust for booty made the capture of Jewish prisoners a sure guarantee of ransom money because of the tradition among Jews that no effort should be spared to free Jewish captives.<sup>3</sup> Maimonides includes some original exegesis by saying that anyone who turns his back on a captive transgresses a number of Biblical injunctions: Deut. 15.7; Lev. 19.16; Lev. 25.53; Deut. 15.8; Lev. 25.36; Lev. 19.8; and Prov. 24.11.

10.1 This chapter begins with a series of paragraphs distinguished for their unprecedented exegesis of Bible verses. All the Bible verses cited in 10.1, substantiating Maimonides' statement that "we are obliged to be more zealous in performing a commandment regarding charity than any other positive commandments . . .", are used in original exegesis by Maimonides. Gen. 18. 19; Is. 54.14; and Is. 1.27 are thus used by Maimonides.

10.2 Maimonides uses Is. 32.17 as Scriptural support for his concise re-statement of Jewish tradition: "Man does not get poor from giving charity . . . ." Although B.B. 9a uses Is. 32.17 with regard to charity, Maimonides is original in applying this verse to the thought of the paragraph. Jer. 50.42 and Deut. 14.1 are used by Maimonides to substantiate the statement that Jews are not uncharitable and that any Jew that is uncharitable must be of dubious lineage.

10.3 Maimonides cites Prov. 12.10, Deut. 15.9b, Job 34.28 and Ex. 22.26 to prove that it is incumbent upon us to heed the cry of the needy.

10.4 Job 30.25 and Job 29.13 are cited to prove that one who gives charity grudgingly loses his merit for the deed.

10.5 Ps. 51.19, Is.57.15 and Job 29.16 are quoted to emphasize the need for addressing the poor with friendly words.

## II. EXPANSION

The following are citations which indicate that Maimonides has expanded a particular incident or individual opinion of a rabbi expressed in the Talmud to formulate a general ruling:

7.3 In B.B. 9a there is a discussion over clothing the poor, but the point <sup>at</sup> of issue in that passage ~~refers to the question of whether or~~ <sup>is</sup> not one should investigate a poor man before clothing or feeding him. Maimonides seems to have taken the idea that we should clothe the poor from this oblique reference in B.B.9a and expanded this thought to the statement we have in M.A. 7.3.

The references in this paragraph to helping an unmarried man find a wife and an unmarried woman find a husband appear to be based on a passage in Ket. 67b. There is a slight variation from the Ket. 67b passage, however, in that Maimonides expands what is said in Ket 67b about orphans to include the <sup>entire</sup> category of poor people.

The last part of this paragraph has reference to satisfying the needs of a poor man. This is discussed in Ket. 67b, and Maimonides seems to have leaned heavily upon this source. One minor



point, however, is involved in connection with the statement of Maimonides that "even if it is the custom for this poor man to ride upon a horse and have a servant run before him, and the poor man has met with reverses, then one must buy him a horse to ride upon and a servant to run before him. . ." With the Talmud, the circumstance that a person has seen better days is mentioned only in connection with one individual case, namely, the beneficiary of Hillel the Elder's generosity, whereas Maimonides has expanded a generalization from this single incident and limited the luxury of the horse and rider to those who have seen better days. The source for this thought in reference to a poor man who has met with reverses seems to be the phrase in Ket. 67b *א'ר"ג | א' א'ר.*

7.5 In connection with the discussion on how much a man should give, Maimonides relies on B.B. 9a and states that one should give one-third of a shekel a year. However, the Talmud is here quoting only the opinion of R. Assi. Maimonides deduces from this single opinion that anyone who doesn't give one-third of a shekel a year is not fulfilling the commandment of charity.

7.7 The question of supporting the non-

Jewish poor is discussed in this paragraph and is based upon a statement that appears in Gittin 61a: "Our Rabbis have taught: 'We support the poor of the heathen along with the poor of Israel . . . in the interests of peace.'" Maimonides amplifies this thought by including clothing. Whether this is included in the statement in Gittin 61a is not clear (פ'רע י"ג א פ'רע י"ג א'ס'פ'רע) but Maimonides leaves no doubt that clothing the non-Jewish poor is to be done "in the interests of peace." (פ'רע י"ג א'ס'פ'רע).

7.10 This paragraph is concerned with the use of compulsion in assessing the proper amount for a man to contribute and the procedure for exacting payment for this pledge. The general rule of forced contributions exists in B.B. 8b in the phrase פ'רע י"ג א'ס'פ'רע. But the phrase פ'רע י"ג א'ס'פ'רע employed by Maimonides is used in B.B. 8b only in the individual case in which the prospect was R. Nathan. The compeller in the R. Nathan case was not a Beth Din, as stated by Maimonides, but an individual named Raba. Maimonides likewise expands the Talmudic ruling by stating that stripes may be inflicted, appraisal made and goods distrained. The root פ'רע י"ג א'ס'פ'רע appears in the B.B. 8b passage only in the individual case of

R. Nathan, but Maimonides expands this to apply to the Beth Din.

*direction*

7.11 B.B. 8b quotes R. Isaac b. Samuel b. Martha as applying Jer. 30,20, "I will punish all that oppress them," to collectors of charity. Maimonides also applies this verse to collectors of charity, but expands the brief remark of Isaac b. Samuel. What in the Talmud is only an incidental and oblique aside is used by Maimonides as the basis for his interpretation of what the conduct of charity collectors should be. Maimonides adds the generous person, the person who subjects himself to privation, the person who gives to avoid embarrassment, and the solicitor who importunes and embarrasses.

*direction*

Moreover, the Talmud speaks about a "well-to-do person" (ש'נח), whereas Maimonides is speaking about a ש'ע, a "generous person," which is something quite different. A well-to-do person is not necessarily a generous giver.

?

7.12 This paragraph is concerned with the taking of charity from orphans and from women, and under what circumstances they may be solicited. On the basis of B.K. 119a, Maimonides states that "collectors of charity may take from women"; but

Maimonides adds to this category "slaves and children."

Maimonides deduces this from B.K. 119a in an interesting way. The Talmud states here:

מ'קמ'ן ק'ב'ן, י'א'נ'פ  
י'נ'ר'ן ק'ב'ן י'א'נ'פ י'נ'ר'ן ק'ב'ן י'א'נ'פ

This refers to women. Earlier, slaves and children are mentioned in a different connection, in reference to buying household articles. Maimonides interprets the

word י'נ'ר'ן to include not only women but slaves and children as well.

*in brief*  
~~Actually~~ the ruling regarding *diction*

charity collecting in this Talmudic passage refers to women only, but Maimonides expands this ruling to include the category of slaves and children as well.

Furthermore, implicit in the Talmudic statement is the ruling that collectors may take a small pledge but not a large pledge from women. The above quoted statement from B.K. 119a substantiates this. However, what constitutes י'נ'ר'ן or י'נ'ר'ן is not stated. Out of a story told in B.K. 119a about the women of Mahuza who considered valuable bracelets as gifts of "small amount", Maimonides deduces that small and large are relative terms and hence makes the size of the gift dependent upon the wealth of the husband. The Talmud has the city as criterion, whereas Maimonides has expanded the idea in the Talmud to make the wealth of the husband the criterion for what is large or small.<sup>4</sup>

7.13 This paragraph is concerned with the problem of priority of alms-giving. Four points are covered by Maimonides; the second one, regarding the poor of one's household taking precedence over the poor of his city, relevant to this category of original elements. This thought is based upon B.M. 71a, where the Talmud speaks of priority in money lending. Maimonides, however, transfers this and expands it to include the category of unspecified alms.<sup>5</sup> *alms in general.*

8.5 This paragraph deals with permission being granted to the collector of charity funds to retain funds for personal use. The source for this is Arakin 6b, but here the Talmud is telling about an individual case of R. Yannai. Maimonides has expanded R. Yannai's example to form a general rule that charity funds may be used by the collector as long as <sup>such procedure</sup> it redounds to the benefit of the poor. This happens, Rashi explains in Arakin 6b, when the collector <sup>by showing</sup> shows the public that the communal charity fund is empty and therefore has an opportunity to <sup>make an appeal for</sup> ~~request~~ additional contributions from the public. *dictation*

10.5 This paragraph dealing with the need for addressing the poor with friendly words is based upon passages in B.B. 8b and the Midrash to Proverbs 15.17.

Maimonides changes the wording of the thought and expands upon the idea of using gentle speech to the poor, *gentle speech is to be used even when the ability to give alms is lacking.*

10.9 This example of expansion is taken from the third step in Maimonides' famous Eight Steps of Charity. The third step is the kind where the giver is unknown to the recipient of benevolence, the source of which is B.B. 10b. Maimonides takes as an example of how this should be done the "greater scholars" (*ד' גדולי תורה* '8136). Actually, he is referring to the custom of Mar Ukba who used to go around and put money in the door of poor people. This custom of Mar Ukba is referred to in B.B. 10b, but it is Maimonides who takes this individual incident and expands it into a general custom of the greater scholars and hence makes it a precedent for people to emulate their custom.

*action*

10.10 The fourth step in Maimonides' Eight Steps of Charity is benevolence in which the recipient remains unknown to the benefactor. B.B. 10b refers approvingly to the custom of R. Abba, described in Ket. 67b, who used to tie money in his scarf, sling it around his back, and place himself at the disposal of the poor, casting his eyes aside as a precaution against ~~robbers~~ *importers*

*importers*

and ~~thieves~~, and still sparing the feelings of the poor against shame. It is to the example of R. Abba in Ket. 67b that Maimonides refers when saying that the "greater scholars" used to do this. It is interesting to note ben Zimra's comment in connection with this, as pointed out by Cronbach<sup>6</sup>, that by placing the gift tied in a scarf, R. Abba subjected the recipient to the awkwardness of having to untie the scarf and hence made him aware that the donor knew money was being taken by a poor man.

Here again Maimonides has taken Talmudic source material and expanded it until it is practically original with Maimonides.

10.15 The source for this paragraph describing the custom of the "great sages" of giving small coins to the poor before praying is the practice of R. Eleazar, as found in B.B. 10a. Maimonides expands from this individual case and generalizes to the statement we have here.

10.17 This paragraph contains a greatly expanded statement based upon Aboth 1:5 *אֵין מְעַלְמֵי עוֹלָם יוֹדֵי עוֹלָם*. Maimonides adds a great deal to Yose b. Yochanan's original statement that the members of your household should include the poor. By putting this thought

vica versa from the way it is expressed in Aboth 1.15, much more is implied when it is stated that the "members of your household should be poor or orphaned in place of slaves. . ." The implication is that poor or orphaned should be the only servants in the household. *Aboth thinks of guests. Maimonides transmutes them into employees.*

10.18 To illustrate the value of being self-supporting rather than dependent upon charity, Maimonides says that "among the Great Sages were hewers of wood and bearers of poles and drawers of water for gardens and makers of iron and charcoal. . ." Actually the phrase of Maimonides is an <sup>expression</sup> idiom for manual laborers, as <sup>in general,</sup> Professor Cronbach has shown in an unpublished article. Rabbi Isaac was a blacksmith.<sup>7</sup> Rabbi Joshua b. Hananiah was, according to Ber. 28a, a charcoal burner. The rabbinic commentator said: "There is no stigma attached to working for a livelihood."<sup>8</sup> ~~The phrase of Maimonides illustrates this thought and expands upon it by generalizing on the subject of the occupations of the rabbis.~~



### III. FROM IMPLICIT TO EXPLICIT

Where the Talmud implies a general usage, Maimonides frequently defines the usage explicitly and furnishes the appropriate details, most of which are usually original with him. The following are examples of this category:

7.6 This paragraph discusses the problem of procedure when an unknown poor man presents himself for benevolence. Maimonides maintains here that when an unknown poor man asks for food, he should be fed at once and his needs investigated later, whereas if he asks for clothing, he should be investigated lest he be an imposter before giving him clothing. *distinction*

The Talmudic source is B.B. 9a, where a full discussion of this problem is recorded. The last few words of M.A. 7.6 adds something which the Talmud does not include: that if the poor man is known to the authorities, he is to be clothed at once, without investigation, and in accordance with the dignity of his station. This thought is implicit in the Talmud, but Maimonides makes it explicit so that both possibilities, when the poor man is known to the authorities and when he is unknown, are discussed and <sup>the</sup> procedure described.

7.7 The point of this paragraph has been discussed above under the category of Expansion.<sup>9</sup> It should be noted here, however, how careful Maimonides is to make sure his Code explicitly states that clothing is to be given to the "poor of the heathen. . ."

Maimonides also adds a thought that is suggested by B.B. 9a urging one to heed the request of an itinerant mendicant asking for a small gift. Maimonides says that it is forbidden to turn away empty handed the poor man who requests aid, "even if you give him only a single dry fig. . ." While this is not quoted in B.B. 9a, the thought is implicit there and Maimonides simply makes the idea more explicit by the use of this example.

7.12 This paragraph was cited in connection with examples of Expansion<sup>10</sup> but it also is an example of this category. Implicit in the Talmudic statement in B. K. 119a is the ruling that collectors may take a small pledge, but not a large pledge, from women. The story of the women of Mahuza cited there is used by Maimonides as justification for explicitly stating a ruling expanded from the Talmudic statement.

8.3 This paragraph deals with an instance

*in which*  
where a man has made a pledge to charity and doesn't remember the amount he pledged. Maimonides interprets the source of this statement, Men. 104b, to mean "an enormous amount" should not be given but rather an amount beyond which there is no doubt that such was the maximum designated by the donor. This thought is implicit in the Talmud, but Maimonides develops it explicitly.

8.13 Most of this paragraph dealing with a situation where *in which* a man sells himself and his children to non-Jews because of indebtedness is based upon Gittin 46b - 47a. However, Maimonides specifies where the Talmud does not. Maimonides explicitly states in what connection a person becomes subject to a Gentile, namely, for a debt. Maimonides likewise specifies that it is for a debt that a man sells himself.

9.16 This is an interesting paragraph from the point of view of the historian or the economist, because Maimonides has clearly recognized the economic principles of correlating supply and demand. The source for the general idea of this paragraph, that an owner of fields and vineyards may take food from the poor man's tithe up to half the value of his estate, is

*direction*

B.K. 7a. Maimonides' idea is implicit in the Talmud, but he develops it explicitly and states in explanation that "if he sells (his products) in the rainy season, he must sell them at a loss; but if he leaves them until the harvest time, he may sell them at a fair price. . . "

Again, he explicitly states the reason <sup>why</sup> that a farmer may <sup>be assisted with</sup> take food from the poor man's tithe up to one-half his estate value: "so that he should not be forced to sell when it isn't the time to sell. . . ." Maimonides is not original in saying that charity can be used to relieve hard-pressed farmers; in this, he follows the Talmudic legislation in B.K. 7a. But in stating the economic principle justifying such a course of action, Maimonides has been more explicit than the Talmud. His <sup>supplementation</sup> addition points out the difference between selling "in season" and "out of season."

10.8 The second step in Maimonides' Eight Steps of Charity is the kind of charity where <sup>in which</sup> both giver and receiver are unknown to one another. This idea is found in B.B. 10b. In <sup>calling</sup> stating ~~that~~ this is a "mitzvah for its own sake" (  $\sim N R \delta \sim 1 \delta N$  ) Maimonides is stating explicitly what is implicit in the Talmud.

10.18 In pointing out that among the Great

Sages were manual laborers who toiled for a livelihood, Maimonides adds a statement to make his point even more explicit, that these men did not ask anything from the congregation in compensation for their efforts for the community, nor did they accept anything from the congregation.\* The inference of this is clear. The Talmud does not say that these men did not ask anything of the congregation. Keth. 105a tells the story of Rab Huna who was requested to serve as judge and replied that he could do so only on condition that his field watering could be put in charge of a substitute.<sup>11</sup> The thought is that he should be compensated for the time lost from his work. The idea of benevolence is not mentioned in this connection. Maimonides takes this thought and explicitly states that these men did not ask anything of the community for their services.

*incorrect*

*The point that Maim. makes is that everyone who possibly can should be self supporting.*

*\* 712B: 10 1000 is refer to the fact that these men did not beg but were independent.*

#### IV. IMPLEMENTATION

The following are examples of how Maimonides occasionally implements an existing Talmudic ruling by furnishing appropriate details clarifying and elaborating the ruling:

7.5 This paragraph is concerned with cases <sup>in which</sup> where there is no one in the community who can afford to give enough to support a poor man and it becomes necessary for everyone in the community to contribute each in accordance with his ability to pay. The question therefore arises: what standard should be used for judging what each can afford to give?

Keth. 50a suggests one-fifth of one's property and gives this amount as the limit of what a man who is spending liberally should give to charity. The reason for this is clearly stated: *אין צריך להקטין את האדם* "lest he himself come to be in need of people's help." Maimonides interprets this rabbinic passage as justifying the amount of one-fifth of one's property to be "the most preferable way of performing the commandment of charity." The Talmud likewise mentions the figure of one-tenth. The Talmud does not say here that this is the average amount given, nor that less than one-tenth is a niggardly amount. It is Maimonides who implements

the Talmudic ruling by adding these details. And in addition, Maimonides adds that less than one-tenth is what only an evil fellow would give (  $\text{ה' ט' ז'}$  /  $\text{ז' ט'}$  ).

Drawing upon Git. 7b, Maimonides implements this paragraph by adding that even a poor man himself being supported by charity is obligated to give charity to another.

7.8 The subject dealt with in this paragraph is a familiar one in Talmudic literature. The minimum requirements to be given an itinerant mendicant are systematically set down, based upon Peah 8.7, Sabbath 118a, and B.B. 9a. There is little originality on the part of Maimonides in this paragraph, with one slight exception. In the Tosephta to Peah (end), the Tosephta clearly indicates that if you recognize the poor man, you clothe him; if you don't recognize him, *dehon* you don't clothe him. With Maimonides, if you recognize him, you honour him. Nothing is said by Maimonides about clothing. Maimonides might imply a good deal in his idea of  $\text{ז' ט' ז'}$  whereas the Tosephta is quite explicit. Maimonides seems to have implemented the rabbinic idea here more by implication than anything explicitly stated.

7.10 This paragraph is concerned with the

use of compulsion in assessing the proper amount for a man to contribute and the procedure for exacting payment for this pledge. An incident of one rabbi compelling another to give charity is cited in B.B. 8b and again in Keth. 49b, but in the latter case, the citation follows a general ruling laid down that compulsion may be used. The Kethuboth statement, however, has no reference to using compulsion in collecting charity but only in reference to a parent's supporting his children. Here is another case where Maimonides has implemented an existing Talmudic procedure and extended it to include the subject <sup>under discussion.</sup> being discussed.

8.6 This paragraph deals with the question of a lamp or a light that is given to a synagogue and that is exchanged by the congregation in order that its value may be put to a more important use. The source for this paragraph is Arakin 6b and includes everything which Maimonides has mentioned with one exception: Maimonides stipulates that when a menorah is being exchanged, it must be announced that the lamp is the gift of so-and-so. Maimonides has here implemented the Talmudic ruling by adding this condition.

8.8 This paragraph deals with repairs made



*dictum*

to the Temple in Jerusalem as well as repairs made to later synagogues. The first statement in the paragraph about a non-Jew making a donation to repair the Temple is based upon Arukin 6a and is not original with Maimonides. However, Maimonides goes on to discuss the question of returning the donation under certain circumstances, but the Talmud has nothing about returning. Maimonides has here implemented the Talmudic ruling by providing for the conditions of returning.

8.15 The question of whether men take precedence over women in certain circumstances, or vica versa, is discussed by Maimonides in this paragraph and is based chiefly upon Mishna Horayoth 3.7, Jer. Horayoth, and Ket. 67a and 67b. In regard to a woman's precedence over a man, it should be noted that Horayoth 3.7 includes the items of clothing and redemption from captivity. Maimonides implements this ruling by adding one more category to these two, namely, eating. *that of providing food.*

8.17 This paragraph deals with the order of precedence to be given various categories of Jews in need when the charity fund is not adequate to take care of all of them. The source for most of this ruling is Horayoth 3.7, but Maimonides implements this ruling by adding a number of categories not explicitly named in the Mishna:

*'a'ok, 'p'ine, 's'n .*

9.5 This paragraph deals with the administration of communal charity funds. B.B. 8b is the source for the statement at the end of the paragraph that the tamhui fund should be collected by three persons, but Maimonides amplifies this by giving the reason:  $\text{נִיִּסְּךָ הַזֶּה לְכָל הַיּוֹמִים}$ . It is a sum that varies with circumstances.

9.7 The interchange of <sup>k</sup>kupah and tamhui funds as directed by this paragraph is based upon B.B. 8b. Maimonides, however, implements the Talmudic tradition by adding that the funds may be interchanged even though it is not stipulated at the time of collection. Moreover, Maimonides is original in regard to the selection of the administrator of the communal charity funds. Maimonides says that if there is a great sage in the community respected for his wisdom, he should be empowered to apportion the funds in accordance with his discretion. Though B.B. 8b and 9a tells how Rab Ashi interchanged the funds at his own discretion, Maimonides seems to have implemented more explicitly the intention of the Talmud.

V. EDITORIAL DISCRETION

As the editor of this compendium of Jewish law, Maimonides frequently is confronted with two or more rabbinic opinions totally or partially contradictory to each other but nonetheless relevant to an identical issue. Maimonides is then compelled to choose one opinion to the exclusion of the others and establishes his choice as the law. It should be noted in passing that Maimonides' choice is not always the opinion favored by the Sages. The following are some examples that indicate Maimonides' exercise of editorial discretion:

7.5 It has already been noted above in connection with this paragraph<sup>12</sup>, that Maimonides has chosen the opinion of R. Assi cited in B.B. 9a to the effect that one should give one-third of a shekel a year and that Maimonides establishes R. Assi's opinion as the law. In fact, as noted, Maimonides does more than establish R. Assi's opinion: he expands it and deduces from it that anyone who does not give one-third of a shekel is not fulfilling the commandment of giving charity.

7.6 The marginal notes to this paragraph,

dealing with the problem of procedure when an unknown poor man presents himself for benevolence, refer the reader to B.B. 9a. Here a more complete discussion of this problem is to be found. There is a difference of opinion recorded there between R. Huna and R. Judah regarding investigation of a poor man who asks for food or clothing. R. Huna claims that applicants for food are to be examined at once before <sup>and</sup> it is given to them, but applicants for clothes need not be examined at once; and R. Judah maintains the opposite opinion, namely, that applicants for clothes must be examined first before being granted their request, but not applicants for food. The Gemara says: "It has been taught in agreement with R. Judah that if a man says: 'Clothe me,' he is examined; but if he says: 'Feed me,' he is not examined." <sup>there is investigation</sup> ~~This is~~ ~~what~~ Maimonides quotes and is therefore following the tradition of the Sages when he chooses to present the opinion of R. Judah rather than that of R. Huna.

7.9 This paragraph deals with a poor man who refuses to accept charity and also with a rich man who is too penurious to use his own money to support himself. Keth. 67b has a discussion on the subject from which Maimonides doubtlessly drew. However, Keth. 67b cites three opinions in regard to the rich man who will

not support himself and who attempts to secure alms:  
1) alms should be given him, but repayment should be exacted; 2) R. Pappa says that repayment can be exacted after death; 3) R. Shimon<sup>e</sup> says he is to be ignored - in other words, there is no obligation on the part of the community to support him. Maimonides chooses the third opinion, that of R. Shimon<sup>e</sup>, and establishes it as the procedure to follow.

7.15 This paragraph regarding the giving of a Sepher Torah or 200 dinars to a synagogue is based on Tosephta B.K. 11.3<sup>13.</sup> The Tosephta gives everything that appears in Maimonides except in the last clause of M.A. 7.15 concerning the giving of 200 dinars to the poor. The Tosephta quotes two opinions. Maimonides rejects the opinion of R. Aha in favor of the anonymous opinion. The rejection of R. Aha's opinion in favor of the anonymous opinion is another example of Maimonides' exercise of editorial discretion in editing the Mishna Torah.

8.12 The question of redeeming captives for more than their value and of helping captives to flee, discussed in this paragraph by Maimonides, is based upon Mishna Gittin 4.6 and in the <sup>Gemara</sup> Gemorrah to Gittin, page 45a. However, Maimonides rejects one of the two reasons

offered in Gittin 45a. A distinction is there made between *סוֹדֵי יְהוּדָה* and *סוֹדֵי אֲרָם*. One view holds that if there be a solitary captive, he may be aided to escape, there being no captives remaining who might be subjected to added hardships. This view is rejected by Maimonides and the rejection is original with Maimonides. The opposing view, that under no circumstances should escape be aided, prevails with Maimonides; for even if there be no remaining captives, there may be future captives who might suffer.

VI. TRANSFERRING APPLICATION

Maimonides occasionally transfers a Talmudic ruling that is clearly stated in reference to some other subject and applies its validity to the subject of Matnot 'Aniyim. Examples of such transferring are the following:

7.12 The subject of taking charity from women and orphans is under discussion in this paragraph. On the basis of the story of the women of Mahuza told in B.K. 119a, Maimonides deduces that small and large are relative terms and decides that the size of gifts from women should depend upon the wealth of their husband.<sup>14</sup> The Talmud has the city as the criterion, whereas Maimonides makes the wealth of the husband the criterion for what is large or small.

*This paragraph should go into the Category from implicit to explicit.*

7.13 This is the paragraph concerned with the problem of priority of alms-giving. Of the four points covered, the second, regarding the poor of one's household taking precedence over the poor of his city, is based upon B.M. 71a. The Talmud, however, here

*English*

speaks of priority in money lending; whereas Maimonides transfers this and expands it to include the category of unspecified alms.

8.1 The first paragraph in Chapter Eight of Matnot 'Aniyim begins a series of rules laid down in respect to making charity pledges. Maimonides says that the man who obligates himself to give a selah for charity should give it to the poor immediately. The source for this statement is a saying of Raba in R.H. 6a: *וְיָצַח מִיְיָ כֶּסֶף*. But Raba does not quote Deut. 23.22 (*... וְיָצַח מִיְיָ כֶּסֶף*). Somebody else, Ben Azzai, at the top of R.H. 6a speaking in another connection - vows in general - refers to this Biblical quotation. Raba, speaking near the bottom of R.H. 6a, does not quote Deut. 23.22. Maimonides transfers this thought and combines the two ideas on this page to conclude: "... and if he delays (to give his pledge to the poor immediately), he violates the law against paying vows."<sup>15</sup>

8.3 This paragraph deals with an instance *in which* where a man has made a pledge to charity and does not remember the amount he pledged. Maimonides' source



for this is Men. 104b, but there the Talmud is speaking not about alms but about meal offerings. Maimonides transfers this thought to apply to the subject of this paragraph.

8.8 In this paragraph dealing with synagogue repairs, Maimonides follows Rashi in transferring to the synagogue what the Talmud says about a beam that is donated by a non-Jew.<sup>16</sup> Arakin 6a speaks about donations offered priests for terumah offerings. Maimonides, following Rashi,<sup>17</sup> transfers what the Talmud says about priestly emoluments to apply to synagogue donations for repairs. This is original with Maimonides.

8.9 This paragraph discusses the problem of taking charity from non-Jews. Sanhedrin 26b speaks about witnesses becoming incompetent if they eat swine's flesh in public, though not if they do so in private. Following Rashi's interpretation<sup>18</sup> of Sanhedrin 26b, Maimonides transfers this to the question of charity donations to Jews from the ruler of the realm and concludes that such donations should be accepted but spent on the poor of non-Jews and done so in secret.

## VII. SUGGESTIONS FROM RASHI

Maimonides occasionally follows the example of Rashi in interpreting a Talmudic text. The following are examples where Rashi's influence on Maimonides is clearly exhibited:

7.6 In the discussion between R. Huna and R. Judah over whether or not investigation should be made of a poor man who requests food or clothing, Maimonides follows Rashi in accepting the opinion of R. Judah and follows the tradition of the Halacha. Maimonides also takes the examples of Rashi's explanation of this contro-<sup>English</sup>versy and uses them in his re-statement of the law.

8.8 In the paragraph dealing with repairs made to the synagogue, the question of donations made by non-Jews is raised. In Arakin 6a, Rashi has transferred to the synagogue what the Talmud says in reference to a beam that is donated by a non-Jew. Nothing is mentioned in the Talmud about this<sup>what?</sup>, but Rashi interprets it so<sup>how?</sup> and Maimonides follows Rashi. Arakin 6a speaks about donations offered priests for terumah offerings, and Rashi interprets what is said about priestly emoluments to apply to synagogue donations for repairs. Maimonides follows

Rashi here in restating his comment.

8.9 Continuing the discussion of taking charity from non-Jews, Sanhedrin 26b is cited. The Talmud here speaks about witnesses becoming incompetent if they eat swine's flesh in public, though not if they do so in private. Rashi takes the phrase about eating swine's flesh to be a metaphor for accepting alms from non-Jews. Following Rashi's interpretation, Maimonides transfers this comment to the question of charity donations to Jews from the ruler of the realm.<sup>19</sup>

VIII. RULINGS ENTIRELY ORIGINAL

There are a number of instances of originality in Matnot 'Aniyim which cannot be classified in any of the previous categories but which include rulings that appear to have no prior rabbinic basis. The following are examples of rulings apparently original with Maimonides:

7.11 The subject of dealing with a generous man who gives more charity than is proper for him to give is one which is almost entirely original with Maimonides. The only point of similarity with the source that is mentioned in the marginal notes is that Maimonides also uses Jer. 30.20 exegetically in the way that is suggested by B.B. 8b<sup>20</sup>. Otherwise Maimonides appears to be completely original in his statement that "it is forbidden to importune" a man who subjects himself to privation in order to contribute to charity.

7.13 In connection with the problem of priority in alms-giving, Maimonides' statement that the needs of one's relatives take precedence over everyone else appears to be original with him.

8.2 This paragraph asserts that the rules applying to vows apply to charity as well. Ned. 7a raises a question regarding the case <sup>in which</sup> where a man has assigned a coin to charity and then says, with regard to a second coin, not "and this also," but simply "and this." The halacha is not given by the Talmud, but Maimonides lays down the decision that the second coin is to be a charity donation just as the first. In this ruling Maimonides is apparently original.

8.8 This paragraph deals with conditions regarding the repairing of the Temple in Jerusalem as well as with problems of synagogue repairs. The source for most of this paragraph is Arukin 6a. However, nothing is said in Arukin 6a or 6b about returning a donation from a non-Jew, and nothing is said in the Talmud about refusing to accept a donation from non-Jews for the wall in Jerusalem or for the conduits. These statements are original with Maimonides.

8.9 The statement forbidding a Jew to accept charity publicly from a non-Jew is original with Maimonides. The permission to accept charity privately from a non-Jew is also an original ruling of Maimonides.

8.16 This paragraph dealing with provisions

to be made for orphans being married is based on *English*  
 Ket. 67a. The Talmud here states that 50 zuz are  
 to be given the orphan being married, but Maimonides  
 stipulates that an orphan girl is to be given no less  
 than "six dinarim weight and 1/4 dinar of pure silver."  
 This is exactly one-half of the amount prescribed by  
 the Talmud, calculated on the following basis:

4 zuz	=	1 shekel
50 zuz	=	12½ shekel
1 dinar	=	1 shekel
6½ dinar	=	6½ shekel

In reducing the amount to be given an orphan girl being *English*  
 married by one-half, Maimonides has departed from the  
 precisely stated Talmudic ruling and given his own.

8.18 Maimonides is original in <sup>u</sup>secinctly  
 stating a general rule observed in the whole of Judaism:

וְהָיָה כִּי יִשְׁאָלְכֶם בְּנֵי יִשְׂרָאֵל וְיֹאמַרְכֶם מַה זֶה וְאָמַרְתֶּם לְפָנָיו

Illustrations of this rule are drawn from Horayoth 3.8  
 and B.M. 2.11, from both of which Maimonides draws upon  
 to contribute several elements of originality in connec-  
 tion with this thought. Maimonides imports the ideas

about benevolence from Hor. 3.8 and applies them to the father-teacher relationships mentioned in B.M.

2.11. Furthermore, neither of the two sources of this paragraph speak of a third party together with father and teacher. Maimonides adds the third party.

This ruling is an important one in Jewish tradition, and as a re-statement in explicit Hebrew, synthesizing from and adding to rabbinic tradition, it is worthy of note.

9.3 This paragraph is a highly unusual one in Matnot 'Aniyim in that Maimonides lapses into the first person:

אני רואה כי כיום נהגו בכל מקום להקדיש קצת מעושרם של בני הקהילה לזכרון השם הגדול

He states the contemporary custom in his time regarding community philanthropic responsibilities. Community organization since the time of the closing of the Talmudic period (c.500 A.D.) is reflected in this paragraph when Maimonides observes that "in some places it is customary to have one type of fund. . ."

The entire paragraph is original with Maimonides, though Ben Zimra finds the abolition of the tanhui fund justified by the rule in B.B. 8b that the townfolk may transfer sums from one fund to another.

10.2 Maimonides is original in his statement

that "man does not get poor from giving charity. . ."  
He is likewise original in saying that the uncharitable  
Jew must be of dubious lineage because Jews are not un-  
charitable. The noble idea expressed in the remainder  
of this paragraph is also unprecedented in rabbinic  
literature: "All Israel, and all who depend upon them,  
are as brothers . . . And if brother will not be  
merciful to brother, who will be merciful to him?  
For whenever the poor of Israel raise their eyes (for  
help) . . . their eyes look toward their brethren."

10.3 The observation that the uncharitable  
is called Rasha and Hote<sup>2</sup> and that God heeds the call of  
the needy is without any prior formulation.

10.7 This paragraph begins the enumeration  
of the famous Eight Steps of Charity.<sup>21</sup> "Maimonides  
appears to have been the first to conceive of a de-  
liberately constructed scale of philanthropic values.  
He was, at least, the first to use the word משפחה  
in this sense and to design a series of more than three  
stages."<sup>22</sup> There are Talmudic sources for the first  
four steps of charity<sup>23</sup>. but the last four are entirely  
original.

The first step of charity, discussed



in 10.7, states that a gift, loan, business partnership and job rendering alms unnecessary is the highest form of benevolence. Sab. 63a points out that "lending is greater than almsgiving, but the granting of a business partnership is greatest of all;" and Pes. 53b says that "whoso makes business funds available to a scholar merits abode in the academy on high." The idea ~~of a job as~~<sup>?</sup> well as a partnership is based on Ab. R. Nathan, 41 and its interpretation in Sab. 63a is clearly pointed out by Cronbach.<sup>24</sup> Neither of these two sources, however, mentions the providing of employment (  $\text{שׂוֹכֵל נ$  ). This is a contribution of Maimonides.<sup>25</sup>

It should also be noted in connection with this first step of charity that whereas Sab. 63a and Abot R. Nathan 41 place business partnerships on a level superior to that of granting loans, Maimonides makes them equal.

10.8 The next step below the highest is the kind of charity where both giver and receiver are unknown to one another. This idea is found in B.B. 10b. Maimonides, however, makes this a "mitzvah for its own sake" (  $\text{שׂוֹכֵל נ$  ), and this is an original interpretation. The ideas in this paragraph are chiefly non-original with Maimonides. In placing these observations

on benevolence in the second step of charity, however, Maimonides has contributed a significant interpretation of one's responsibilities to benevolence.

10.9 The third step of charity is the kind <sup>in which</sup> where the giver is unknown to the recipient of benevolence. Most of the discussion of this point is based upon the precedent of Mar Ukba described in B.B. 10b.<sup>26</sup> However, the statement that "it would be better if no money were used. . ." appears to be unprecedented and therefore an original element in the Eight Steps of Charity. ]

10.11 The fifth step of charity is an original idea with Maimonides: giving before one is asked to give. No sources are known to exist for this statement prior to Maimonides' day.

10.12 The sixth step is giving after one is asked to give. Again, no sources are traceable for this statement. It is another original element in Maimonides' formulation of the Eight Steps of Charity.

10.13 The seventh step is giving inadequately but graciously. This, too, is an original statement by Maimonides with no sources traceable prior to his time.

10.14 The last and lowest step in the Eight Steps of Charity is to give alms with grudging reluctance. There seems to be no source earlier than Maimonides for this statement.

This concludes the enumeration of steps of charity given by Maimonides in Chapter 10 of Matnot 'Aniyim.

10.17 The statement that it is better "to have the descendants of Abraham, Isaac and Jacob enjoy one's wealth than to have the descendants of Ham profit therefrom" is an original thought with Maimonides. This statement is precipitated by expanding upon the thought of Aboth 1.5, when Maimonides interprets the Sages to mean that the poor or orphaned of Israel should be the preferred employees of one's household.<sup>27</sup>.

10.19 There are several original details that appear upon close examination of the rabbinic sources of this paragraph dealing with one who is in need of charity but who refuses to accept charity. The person who refuses to accept charity is incriminated in the passage at the end of Jer. Peah, and likewise incriminated by Maimonides, but the incriminations differ. Maimonides levels the charge of arrogant haughtiness at

one who is too proud to accept charity, whereas the  
the Jer. Talmud has the charge of being uncharitable  
toward others.

## CONCLUSION

Through the means of citing various passages from one section of the Mishna Torah which display originality on the part of Maimonides, the author has striven to present the evidence in support of the thesis advanced at the beginning of this study that in many respects Maimonides has departed from the Talmud and has instituted unprecedented rulings. This thesis presents a new theory, and it is not to be imagined that the traditional view of Maimonides - a view that has stood the test of eight centuries of Jewish life, much of which was deeply rooted in Talmudic lore - will overnight be changed. On the contrary, the fact that Jewish tradition has for so long a time maintained that the Mishna Torah was a faithful codification of Talmudic decisions on matters of Jewish law, is a consideration that cannot easily be overlooked. One hesitates to challenge the view upheld by such learned masters and teachers in Israel who have gone before us and who have accepted this tradition about Maimonides.

And yet, to this student, the evidence respectfully presented herein, indicates quite clearly that in his code, Maimonides has unsuspectingly added much that has no previous rabbinic precedent. The conclusion should not be drawn, however, that such

additions deprecate the integrity of Maimonides' editorship nor in any way alter the traditional view of his profound scholarship and incisive acumen. If anything, this evidence suggests that Maimonides was even greater than tradition has taught us; for to have been able to organize systematically all the available Talmudic legislation on this subject, and then to have made certain additions, consciously or unconsciously (we have no way of knowing which), that clarify and implement those rabbinic decisions, is indeed a greater contribution than has ever been acknowledged!

Nor should the conclusion be definitely accepted that because of the evidence given here regarding Hilehot Matnot 'Aniyim all the other sections of Maimonides' vast compendium of Jewish law display an equal degree of originality. Such a possibility exists, but without further evidence one cannot justifiably conclude on the basis of this analysis of only one section that the entire Mishna Torah is a mixture of Talmudic decisions interspersed with Maimonidean interpretations and additions. This hypothesis, the validity of which this student has now come to suspect, must await further investigation in far lengthier exposition.

But if, either by method of analysis or scheme of presentation, this study has in some small way pointed the

way for later students to explore the fuller possibilities of the theory advanced here, this effort will have been more than repaid.

Rabbinic Sources  
Of  
Hilchot Matnot 'Aniyim

- 7.1 Entirely original
- 7.2 B.B. 10a
- 7.3 Keth. 67b
- 7.4 Keth. 67b
- 7.5 Keth. 50a  
B.B. 9a  
Git. 7b
- 7.6 B.B. 9a
- 7.7 Git. 61a
- 7.8 B.B. 9a  
Šab. 118a  
Peah 8.7  
Kel. 17.11  
Tosephta Peah (end)
- 7.9 Keth. 67b
- 7.10 B.B. 8b  
Keth. 49b
- 7.11 B.B. 8b
- 7.12 B.B. 8a  
B.K. 119a
- 7.13 B.M. 71a  
Siphre 116
- 7.14 Meg. 27a, 27b
- 7.15 Tosephta B.K. 11.3  
(Zuckerman ed.)



8.1	R.H. 6a Arak. 6a B.B. 8b
8.2	Ned. 7a
8.3	Men. 104b
8.4	B.B. 8b Arak. 6a
8.5	Arak. 6b
8.6	Arak. 6b
8.7	Arak. 6b
8.8	Arak. 6a
8.9	Sanhed. 26b B.B. 8a, 8b
8.10	B.B. 8b
8.11	B.B. 3b
8.12	Git. 45a Mishna Git. 4.6
8.13	Git. 46b, 47a
8.14	Git. 37, 38
8.15	Horayot 3.7 Keth. 67a, 67b Jer. Horayot
8.16	Keth. 67a
8.17	Horayot 3.7
8.18	B.M. 2.11 Horayot 3.8

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|------|--------------------------|
| 9.1  | Peah 8.7<br>B.B. 8b      |
| 9.2  | Peah 8.7<br>B.B. 8b      |
| 9.3  | B.B. 8b                  |
| 9.4  | Sanhed. 35a              |
| 9.5  | B.B. 8b                  |
| 9.6  | B.B. 8b                  |
| 9.7  | B.B. 8b, 9a              |
| 9.8  | B.B. 8b                  |
| 9.9  | B.B. 8b                  |
| 9.10 | B.B. 8b                  |
| 9.11 | B.B. 8b                  |
| 9.12 | B.B. 8a                  |
| 9.13 | Peah 8.7; 8.8; 8.9       |
| 9.14 | <i>Ket, 68a</i>          |
| 9.15 | Peah 5.4<br>Hulin 130    |
| 9.16 | B.K. 7a                  |
| 9.17 | B.K. 7a                  |
| 9.18 | Sheq. 2.5<br>Sanhed. 48a |
| 9.19 | Tosephta Peah (end)      |

10.1	Sab. 139a
10.2	Sab. 151b Yeb. 79a
10.3	B.B. 10a Keth. 68a Siphre Re'eh #117 Tosephta Peah 4.20
10.4	B.B. 9b Lev. Rabbah 34
10.5	B.B. 9b
10.6	B.B. 8b, 9a
10.7	Sab. 63a Pes. 53b Ab. R. Nathan, 41
10.8	B.B. 10b, 8b Shek. 5.6 Peah 8.7
10.9	B.B. 10b
10.10	B.B. 10b Keth. 67b
10.11	Entirely original
10.12	" "
10.13	" "
10.14	" "
10.15	B.B. 10a
10.16	Keth. 50a B.B. 8a
10.17	Abot 1.5
10.18	Pes. 112a B.B. 110a
10.19	Peah 8.9 Keth 68a Jer. Peah (end)

NOTES

1. See article of Abraham Cronbach on "The Gradations of Benevolence," HUCA, vol. XVI, p. 139, note 11.
2. B.M. 71a and Siphre 116.
3. cf. the late Jacob Mann, "Jews of Egypt," I, pp. 87-94: "The Egyptian ports used to be visited by Saracen pirates who brought shiploads of captives from Byzantine countries. . . . When piracy flourished the boats that arrived in Egyptian harbours, chiefly in Alexandrian usually contained a goodly number of Jewish travellers and merchants who were captured. Their Egyptian co-religionists spared no effort to free them. This we learn from a number of (Genizah) fragments. . . ." See also Cecil Roth, "The Jews of Malta" in Transactions of Jewish Historical Society of England, vol. xii, where a fuller description of the procedure of ransoming captives by fellow Jews is given as it applied in Malta during the Middle Ages. See also Israel Abrahams "Jewish Life in the Middle Ages", chap. xviii, for a general account of ransoming captives in mediaeval times.

4. See below under Transfer, p. 36.
5. See below under Transfer, p. 36.
6. "The Gradations of Benevolence", op. cit.,  
p. 165, note 4.
7. Ber. 41a; Git. 29b; B.K. 60b.
8. Samuel b. Meir, 1085-1174, commenting on Tul  
(or Shekol) agra in B.B. 110a.
9. See above, pp. 14, 15.
10. See above, Chapter II, p.3.
11. Example taken from unpublished article of Professor  
Cronbach on "Labor".
12. See above, p. 14.
13. Zuckerman ed., p. 370.
14. See above, pp. 16,17.
15. Deut. 23.22.

16. See below, p. 39.
17. See below, p. 39.
18. See below, p. 40.
19. See above, p. 38.
20. See above, p. 16.
21. See above, p. 8.
22. Abraham Cronbach, "The Gradations of Benevolence",  
HUCA, vol. XVI, p. 177.
23. M.A. 10.7; 10.8; 10.9; 10.10.
24. "The Gradations of Benevolence", op. cit., p. 168,  
note 9.
25. Cronbach, *ibid.*, p. 177.
26. See above, p. 19.
27. See above, pp. 20, 21.