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**PRINCIPLES OF JEWISH BENEVOLENCE, AS REFLECTED IN THE  
VARIOUS LAW CODES**

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### **DEDICATION**

**To my beloved and loving parents, who have made  
all things possible and worthwhile, this, my  
Rabbinical thesis, is affectionately dedicated.**

**Charles Block Lesser**

# TABLE OF CONTENTS

	Page
I. General Introduction.....	1
II. Degrees of Charity.....	11
III. Rehabilitation.....	13
IV. Commiseration.....	16
V. Manner of Collection and Distribution.....	20
VI. Concerning the Just Amount and the Proper Recipient.....	25
VII. Obligation upon All.....	31
VIII. Authorities.....	33
IX. Redemption of Captives.....	34
X. Matter of Precedence.....	38
XI. Impostors.....	40
XII. General Negativistic Principles.....	42
XIII. Sanctity of Charity Pledges.....	45
XIV. Early Agricultural Legislation.....	48
XV. Orphans.....	51
XVI. Gentiles.....	53
XVII. Hospitality.....	54
XVIII. Matter of Rewards.....	57
XIX. Conclusion.....	61
Bibliography.....	63
Notes.....	64

## I. GENERAL INTRODUCTION

The spirit of genuine benevolence, animating the hearts of men, forms one of the bases of human civilization. Mankind achieves true progress only in proportion to the degree in which a sincere regard for the well-being of his fellow-man forms a motivating principle in the life of each individual in society. Human advancement is to be measured not in terms of improved methods of efficiency per se, but rather in terms of the ends and aims toward which that increased efficiency is to be directed. The distribution of the products of Nature is of even greater importance than the means employed to obtain them.

It is admittedly true that the ideal economic system is one in which there would be <sup>no</sup> pressing need for benevolence. Here I use the term "benevolence" in its narrower sense, referring to the actual giving of charity. Under any system of economy or government there is need of benevolence in its larger significance, the exercise of sympathy and understanding between individuals in society. Mankind has not yet achieved such an ideal state, and it is difficult to conceive of any organization of large groups of people which will obviate the need of succoring, and, in certain cases, of maintaining those either temporarily or permanently unable to take care of themselves. "The poor will always be with us," is an ancient Jewish saying, and as long as the statement holds true, it behooves the more fortunate members of society to share with ~~others~~ ~~those~~ blessings which Nature intended should be bestowed upon all mankind



without discrimination.

The history of world benevolence would form a most fascinating study, albeit a vast and prodigious one. It forms an integral part of sociology, the general study of man's relation to man. However, our purpose in this present work is to discuss only the specifically Jewish spirit of benevolence, especially as it is reflected in those sections of the various law codes which deal with the subject. Such a discussion is impossible without an introductory treatment of the general principles underlying Jewish benevolence. Indeed, as the reader will soon ascertain for himself, one cannot treat the subject of benevolence in the Codes without frequent reference to the principles laid down in the Bible and Talmud, which form their source and inspiration. All principles merely adumbrated in this introduction will be discussed in more or less detail in the main body of the paper.

Charity, while not an exclusively Jewish virtue, is nonetheless a specifically Jewish imperative. While other cultures and religions may have occasionally recommended benevolence to their adherents, Judaism made the practice of charity/<sup>a</sup> universally human obligation, as binding, as, if not more binding than any other divine command. Charity, from the Jewish point of view, was not a favor, which might be withheld, but a mandatory obligation, springing from elementary considerations of justice. All were expected to contribute, even the poor man who was himself sustained by the communal funds.

It was a positive command to give to the poor that which he lacks and that which was in the power of the giver to give. Anyone who sees a poor man and doesn't give violates an even more weighty prohibition.<sup>1</sup> This injunction found its basis in the belief that all goods belong to God, and that their human possessors are merely the custodians. In the words of the Psalmist: "The earth is the Lord's, and the fulness thereof; the world, and they that dwell therein."<sup>2</sup> Just as the poor man is dependent upon the rich man's bounty, so is the rich man dependent upon God's.<sup>3</sup> The possession of excessive wealth was considered a misappropriation of God's gifts. The poor were considered the special wards of God. God stands at their right side and will oppress those who oppress them. On the other hand, God is merciful to those who show mercy.

Despite this emphasis upon the right of all to share God's gifts, Jewish benevolence was not communistic in outlook. The thrifty, intelligent, industrious man was to have his just compensation; the poor man was to be aided to improve his condition with the ultimate aim of self-maintenance.

Even the most virulent anti-Semites must admit that the Jews as a group have shown an extraordinary leaning toward works of beneficence. Perhaps the notion prevalent among many poorly informed people that all Jews are wealthy has its origin in the care which Jewish communities have always taken to provide for their indigent members and to protect them from undesired publicity and humiliation.

Another underlying principle of the Jewish benevolent spirit was the belief that both riches and poverty were in the nature of divine tests of man's character. God tests the poor man to see how he will take his poverty. If he bears it with patience and fortitude, he will receive his reward both in this world and in the world to come. The rich man is tested to see what use he will make of his wealth. If he gives charity with good grace, he retains his money in this world and receives the principal in the next. Thus does he save himself from perdition. On the other hand, if he does not give, his riches will depart.<sup>4</sup>

A further motivation of Jewish charity lay in the idea of a wheel of fortune constantly revolving in the universe. The poor of today are likely to be the rich of tomorrow, and vice versa. Therefore, treat the poor as you would have him treat you, were your respective positions reversed. While this principle is not perhaps as altruistic as some of the others, inasmuch as it is motivated to a certain extent by a definitely practical consideration, it yet emphasizes the conviction that it is to a large extent only mere chance that has made one group of people rich and the other poor, and that there is no other essential difference between them.

The Bible and Talmud abound in praise of and motivations for the practice of benevolence. Charity saves from death, insures life eternal. No ill ever comes from giving. Righteousness finds its most practical expression in the doing of

charity. A religion without charity is no better than atheism. Uncharitableness is likened to idolatry and murder. Charity is the greatest of all the Mitzvoth, inasmuch as all the other Mitzvoth are included therein. Charity is more important than all the sacrifices. Whereas sacrifices atone for Israel alone, charity atones for all mankind.<sup>5</sup> Israel as a people is to be redeemed only through the practice of benevolence.<sup>6</sup>

Throughout the history of Jewish benevolence, emphasis was laid upon consideration for the feelings of the poor. He was not to be humiliated or degraded. Neither was he to be pauperized. He was to be assisted, rehabilitated. Today's cry is merely an echo of an old Jewish principle: "Not pauperization, but the means of acquiring a livelihood." The Jewish law recognized the element of mercy as an integral part of the principle of justice. There was no branding, no cruelty, no degradation, such as for instance are revealed in the English Poor Laws. The stranger and sojourner among the Jews were to be taken care of along with the resident, native poor. The duty of visiting the sick and burying the dead extended to non-Jews having none to care for them. A higher type of benevolence than the mere giving of money to provide for the immediate needs of the poor, *מִצְוַת חֶסֶד*, was the practice of *Gimiluth Hasadim*, kindness, personal helpfulness.

Relief, according to the Jewish conception, was not to be sporadic or haphazard, but organized and scientific. As early as Mishnaic times, there existed the institution of



the Gabbai Tsedakah (the trustees of charity). Jewish organized charity is thus seen to be much older than Christian; indeed, it is an established fact of history that the ancient Mosaic poor laws of the tithe, etc., formed the basis of early, organized Christian charity.

Yet despite this emphasis upon a systematic handling of the problem, traditional Jewish benevolence always retained sufficient spirit and spontaneity not to become institutionalized in the derogatory sense in which we use that term today as regards the dispensing of charity.

Another feature of Jewish charity was its all-inclusiveness. Dr. Kaufmann Kohler, in his article in the Jewish Encyclopedia, lists the following branches of charity, as practiced by the Hasidim in Eastern Europe in the eighteenth century: (1) feeding the hungry, giving the thirsty to drink, (2) clothing the naked, (3) visiting the sick, (4) burying the dead and comforting mourners, (5) redeeming captives, (6) educating the fatherless, (7) endowing poor maidens.

As to the type of benevolence considered the most important, it is impossible to choose any one. Characteristic of Hebrew legislation, whatever subject which happened to be under discussion at the time was considered the most important. We find that feeding the hungry, redeeming captives, endowing orphan girls, showing hospitality to strangers, setting up in business, all listed as types of benevolence to be given precedence over all others.



With the dispersion of the Jews to all parts of the globe, the actual work of benevolence and charity gained an immense impetus and expansion. It became the leading communal activity, the cornerstone of the synagogue, of prayer, of service to God. However, the precarious nature of Jewish life in the Middle Ages resulted in a lack of concentration of population, and therefore prevented the establishment of permanent charitable institutions. From the second century to the fourteenth, there was no Jewish community of fifty thousand souls.<sup>7</sup>

The later development of Jewish laws and regulations concerning charity and relief have for their heart and soul the ideals and standards of the Bible. As the conditions governing Jewish life changed, it became necessary to modify and to reinterpret the traditional injunctions. Many of these had lost all significance in their literal meaning. Others had no application outside of the land of Palestine. Yet, the conscious effort was made in regard to charity as well as all other Jewish legislation to keep the basic tradition unbroken, to preserve intact the Shalsheth Hakabbalah. The rabbis strove to preserve the spirit of the Mosaic law, even if certain details could not be carried out to the letter. We find therefore throughout authoritative Jewish literature an attitude that is fairly consistent.

The laws and general principles concerning benevolence that have come down to us represent the accumulated products of more than two thousand years of Jewish life. They include

not only the original Biblical injunctions, but also the Mishnaic corpus of laws, the opinions of individual teachers of distinction recorded in the Talmud, the decisions of learned bodies in the academies, the enactments of local and district councils, precepts of eminent teachers, answered by learned scholars of questions directed to them by their own or other communities, the homiletical and ethical dicta of authors on religious themes, and lastly the Codes.

These Codes found their *raison d'être* in the attempt to systematize and interpret the maze of Talmudic legislation. The *Mishneh Torah* (*Yod Hachazaka*) of Moses Maimonides, written about the end of the twelfth century, reveals strikingly advanced thought. His freedom of interpretation was attacked by the ultra-conservatives, but was accepted by the majority of the rabbis of his day. Maimonides reaches a height of humanity and spirituality without parallel in medieval times, and scarcely excelled by our twentieth century dicta.<sup>8</sup> The *Arba Turim* (Four Rows) of Jacob ben Asher, appearing in the early fourteenth century, represented an attempt to harmonize the various decisions and enactments after Maimonides. The *Tur*, as it is sometimes called, is a well-planned and organized system of legislation; subsequent codifiers followed its general plan of organization. The *Shulchan Aruch* (Prepared Table) of Joseph Caro (1567) follows the order of the *Arba Turim*, section for section, paragraph for paragraph. This excellent work supplements the earlier product of ben Asher, and includes the customs which had

arisen during the intervening two and a half centuries. The Shulchan Aruch remains to this day the standard law of Orthodox Jewish life wherever rabbinical authority has succeeded in maintaining itself. Of almost equal importance with the original body of the Shulchan Aruch are the insertions by Rabbi Moses Isserles, who depicts for us the customs prevalent in the Ashkenazic countries of Germany and Poland in his day.

The three principal Codes, important though they were, did not supersede the Talmud, which remained the final and decisive authority. However, the positions taken by these three authors in their interpretation of the Talmudic legislation were accepted as correct by the majority of the Poskim.

In addition to the three major Codes, there were any number of less authoritative ones. These added little to that which had already been codified by the three masters. Among these lesser codes should be mentioned the Sepher Hasidim (Book of the Pious) of Jehudah Hehasid, <sup>2</sup>Minorat Hamaor (Candelabra of Light), which as the late Dr. H. G. Enelow has conclusively proven, was the original product of al-Naqua near the close of the fourteenth century, also the Matteh Moshe (Staff of Moses), by Moses of Przemsl, c. 1600, and the Neil Tzedakah (the Mantle of Charity), of Elijah ben Solomon Abraham Hakohen of Smyrna, appearing in the early part of the eighteenth century. Mention should be made also of Bachya ibn Pekudah's Hovoth Hal'vovoth (Duties of the Heart) in the eleventh century, if for no other reason than for the

influence it had on Joseph Caro, and of Abraham Danzig's Hachmath Adam, The Wisdom of Man, the latter written in the early nineteenth century for the purpose of codifying the mass of material which had appeared since Caro's work. This contains little of importance in regard to charity which is not included in the three earlier codes.

In this paper extensive use will be made of the works of Maimonides and of Caro, namely, the Matnoth Aniyim section of the Mishneh Torah, and the Hilcoth Tzedakah portion of the Shulchan Aruch. The Arba Turim has also been utilized, but practically all of the principles and laws contained therein are to be found in the later compilation by Caro. Al-Naqua's ~~M~~Minorat Hamaor provided an excellent summary of all the traditional legislation on benevolence. Frequent reference will also be made to statements in the Bible and rabbinic literature. These are included merely to clarify and to supplement; the paper does not purport to be an exhaustive study of Jewish benevolence as a whole, but only as that benevolence finds expression in the aforementioned three major codes.



## II. DEGREES OF CHARITY

Perhaps at the outset it would be well to list the varying degrees of charity as originally classified by Maimohides, and repeated with only minor variations by ben Asher and Caro. (The principles are here slightly elaborated, yet remain in the spirit of the original.)

There are eight degrees or steps in the duty of charity.

The first and lowest degree is to give, but with reluctance or regret. (This is the gift of the hand, but not of the heart.)

The second is to give cheerfully, but not in proportion to one's means or to the distress of the sufferer.

The third is to give cheerfully and proportionately, but not until solicited.

The fourth is to give cheerfully, proportionately, and even unsolicited, but to put it in the poor man's hand, thereby exciting in him the painful emotion of shame.

The fifth is to give charity in such a way that the distressed may receive the bounty, and know their benefactor, without their being known to him. Such was the conduct of some of our ancestors, who used to tie up money in the corners of their cloaks, so that the poor might take it unperceived.

The sixth, which rises still higher, is to know the objects of our bounty, but remain unknown to them. Such was



the conduct of our ancestors who used to convey their charitable gifts into poor people's dwellings, taking care that their own persons and names should remain unknown.

The seventh, still more meritorious, is to bestow charity in such a way that the benefactor may not know the relieved persons, nor they the names of their benefactors, as was done by our charitable forefathers during the days when the Temple was yet standing. For there was in that holy building a place called the chamber of the silent, *לשכת השמים*, wherein the good deposited secretly whatever their generous hearts suggested, and from which the poor were maintained with equal secrecy.

The eighth, and most meritorious of all, is to assist one's reduced fellow-man, either by a considerable gift or the loan of a sum of money, or by teaching him a trade, or by setting him up in business, so that he may earn an independent livelihood and not be forced to the undesirable alternative of holding out his hand for charity. This is the highest step and the summit of charity's golden ladder.<sup>9</sup>

### III. REHABILITATION

#### (Independence)

Foregleams of modern social service approach and technique are to be seen in the emphasis so frequently given in Jewish benevolence to the importance of fostering a spirit of independence and self-reliance among those who might otherwise simply allow themselves to be supported by the community. Equally advanced was the principle that rehabilitation, recovery, reconstruction were to be the desiderata of all formal benevolence. In commenting upon the verse in Psalms (41:1), "Blessed be he who considereth the poor," the rabbis taught that true benevolence consists not so much in giving to the poor as in seeking to solve the problems of the poor.<sup>10</sup> This became the ideal of all later Jewish philanthropy.

Throughout Jewish literature we find the deepest respect paid to the dignity of labor. The statement was made that even knowledge of the Torah was of little value unless accompanied by work.<sup>11</sup> A man should always strive to the limit of his strength and ability not to become dependent upon others, or upon the community. The sages have said that it is permissible to desecrate the Sabbath if by so doing one can keep himself above a dependent state.<sup>12</sup> One who has fallen from a former estate should busy himself in a trade or business, even though it be obnoxious to him.<sup>13</sup> "Let him flay a carcass in the street, but not say to people: I am a Cohen,

a great man, take care of me." The examples are given that among our sages, some hewed wood, others carried beams, drew water, and worked in copper, and as blacksmiths, so as not to be dependent upon the congregation.<sup>14</sup>

A special blessing is in store for those who could take from charity, but busy themselves and seek to delay the hour of their absolute dependence, and live a life of trouble and privation so as not to become a burden upon the congregation. Such as these will not die until they are able to sustain others. To them the verse (Jer. 17:7), "Praised be the man who trusts in God" is applied.<sup>15</sup>

Recent homesteading legislation by Congress was anticipated by the Talmudic principle that a landowner is to be permitted to receive assistance that will save him from losing his property, or from being forced to sell at only a fraction of its true worth.<sup>16</sup> The Jewish law permitted him to partake of the Tithe for the Poor ( *תרומה לעניים* ) up to one-half the value of his field, or until he was in a position to ask a fitting price for his property.<sup>17</sup>

It is strongly recommended to the poor and orphans that they work for their sustenance. Thus do the sages interpret the dictum of Jose ben Jochanan<sup>18</sup>, "Let the poor be members of thy household." By so doing both the employer and his employee fulfill divine commands. He whose house is open to the poor at all times increases merit and good deeds.<sup>19</sup> Conversely all those who multiply servants (of the seed of

Ham) increase sin and transgression in the world.<sup>20</sup>

In Sepher Hasidim we find the statement that the highest type of charity is that which seemeth as though it is not really charity at all. This is considered most praiseworthy before God. Examples of this are: if a poor man has something to sell, which no one else will buy, and you purchase it of him, or if a poor man wishes to write, and no one else will hire him, and you hire him and give to him the profit. Such is charity in its noblest sense.<sup>21</sup>



#### IV. COMMISERATION

Closely allied with the policy of rehabilitating the poor and inculcating within him a spirit of independence, are the many principles which enjoin consideration for the sensibilities of the unfortunate. Charity given with a view to humiliating the impoverished man is worse than no charity at all.<sup>22</sup> It is better to jump into a furnace than to embarrass one's fellow-man.<sup>23</sup> On the other hand, he who gives charity in secret is greater than Moses.<sup>24</sup>

Frequently do we find the injunction that all assistance should be given with good grace and a pleasant countenance.<sup>25</sup> Anyone who gives charity with ill grace, even though he donate a thousand pieces of gold, forfeits whatever merit he may otherwise have obtained.<sup>26</sup> Even if one has not the wherewithal to help <sup>poor man</sup> ~~the~~ one can at least comfort him and speak to him words of encouragement.<sup>27</sup> Indeed, it was even held that encouraging the poor was a greater Mitzvah than giving to him; whereas there are six blessings for him who gives, eleven are in store for him who encourages.<sup>28</sup>

If there is one principle outstanding above all others in Jewish benevolence it is this feeling of genuine sympathy and compassion for the unfortunate. "Whoever mocketh the poor, blasphemeth his Maker."<sup>29</sup> Poverty is considered the



worst of all earthly ills; indeed it outweighs all the others put together. It is remembered that Job, the classic example of an unfortunate individual, preferred all other curses to that of poverty.<sup>30</sup> It is forbidden to taunt the poor man or to raise one's voice against him, for his heart is "crushed and broken," and such a heart, Scripture reminds us, "The Lord will not despise." (Ps. 51:19)<sup>31</sup>

Any number of precautions were therefore taken to safeguard the feelings of the poor. A highly recommended expedient was to give to the poor in the guise of a loan.<sup>32</sup> This is included in that category of charity which Maimonides considers the highest and best.<sup>33</sup> Both the context and history of this passage point to the fact that it is motivated purely by consideration for the feelings of the poor.<sup>34</sup> The next highest type of charity in the classification of Maimonides was that given in such a way that the recipient does not know to whom he is indebted, nor does the donor know to whom he has shown benevolence.<sup>35</sup> The principles involved in both of these injunctions is obviously consideration for the poor man's sensibilities.

Special thought should be paid those who have seen better days and are now reduced to poverty. Insofar as possible, he is to be given that to which he has been accustomed, even a horse to ride upon and a servant to run before him. It is related of the great Hillel that he once acted as such a servant to a man so as to save him embarrassment and humiliation.<sup>36</sup>

Indeed, one rabbi considered himself the murderer of a certain poor man who came to his door and requested food, and when given lentils died because his stomach had become accustomed to daintier fare.<sup>37</sup>

Likewise is special consideration to be given to a poor scholar. Honor him according to his learning. If he will not accept charity, help him in his business: sell to him at a low price and buy from him at a high one.<sup>38</sup>

It is a special Mitzvah to give only of one's best. If one is giving to a house of worship he should do better than if he were providing for his own home; when feeding a poor man, he should give of the best and tastiest foods; when providing the needy with garments, he should give of his finest.<sup>39</sup> As stated in our Introduction, kindness was considered even greater than the giving of alms, inasmuch as the first entails the giving of service as well as money.<sup>40</sup>

In advance even of modern social service technique in regard to consideration for the feelings of the poor was the law which provided that if an unknown man comes to one's door and says that he is starving, one is to give to him immediately without investigating whether or not he is an impostor.<sup>41</sup> However, if he needs clothes, it is permissible to investigate his case (if he be unknown). If he is known, give to him immediately and don't investigate.<sup>42</sup> The fear that the applicant might die of starvation or exposure before a large investigating committee could be assembled doubtlessly

prompted the statement that only three should constitute such a committee.<sup>43</sup>

It was the duty of the dispensers of the public charity resources to save the feelings of the poor whenever and wherever possible. The story is told that a distributor was delivered from the bite of a poisonous serpent because he did not embarrass a certain poverty-stricken laborer before his friends.<sup>44</sup>

A community is especially enjoined to share the breaking of a fast with its poor. Those who do not do so are considered like unto murderers.<sup>45</sup>

The question naturally presents itself: Did not the emphasis upon the rights of the poor to receive charity lead to abuse? Undoubtedly it did in certain isolated cases, but the advantages of such a policy far outweighed its disadvantages. Furthermore, to counteract the possible evils, there was the principle which enjoined that:

Consideration also should be shown to an erstwhile generous giver, at present somewhat embarrassed financially. Such a person should not be importuned or put to shame, and the collector who demands of him more than he rightfully can give, will be punished. Eventually the collector will be brought to the point of having to borrow from him.<sup>46</sup>

Similarly, despite the regulation that all were obliged to give, one was not to importune an extremely poor man unable to spare a single coin. One should not even take a pledge from such an one, but should give to him immediately.<sup>47</sup>

## V. MANNER OF COLLECTION AND DISTRIBUTION

An elaborate system of collecting and distributing funds for charity purposes, based upon early Talmudic legislation was developed by the Jewish communities during the Middle Ages. There were two types of funds, the Kuppah and the Tamhui. The Kuppah consisted of that charity which was collected each Erev Shabbos and given to the poor in weekly portions; the Tamhui was collected each day in the form of food, fruits, and occasionally money, and apportioned to the poor in daily allotments.<sup>48</sup> Maimonides remarks,<sup>49</sup> and Caro later reiterates the statement,<sup>50</sup> that although there may be some communities not having the Tamhui, there was none lacking a Kuppah. And in all places it was the custom to make daily collections to be distributed to the poor on each Erev Shabbos.<sup>51</sup>

The Kuppah had become an established institution as early as the second century C. E.<sup>52</sup> The Tamhui was superseded by other forms of charity and gradually disappeared entirely.

The Kuppah was to be collected by at least two.<sup>53</sup> The Tamhui was to be collected and distributed by three.<sup>54</sup> However, if it were a fait accompli that the levying had been done by two, it was to be accepted.<sup>55</sup> These collectors, ~~are~~ Gabbaim, had to be well-known and trusted individuals, and preferably those versed in the technique of social rehabilitation.<sup>56</sup>



One was admonished not to give to the public funds, unless he was sure that the overseer was trustworthy.<sup>57</sup>

The Gabbain would meet and estimate the needs of the community. They would then assess each member according to his means. The custom was to wait and see what private generosity would take care of in any particular case. If this proved insufficient, the public treasury was taxed.<sup>58</sup> The collectors would pass through the city, and take from each what he had promised to give. If the actual cash was not forthcoming, a definite pledge was exacted.<sup>59</sup>

While it was permissible to entrust the funds to the keeping of one, three were needed to handle the problems of distribution.<sup>60</sup> The Tamhui was intended for all poor, the Kuppah only for the poor of each particular city.<sup>61</sup> Each congregation was given the privilege of interchanging these two funds in accordance with the exigencies of the hour, even though such permission was not expressly granted at the time the money was collected. A similar privilege was granted to a respected scholar,<sup>62</sup> and also to the trustee himself.<sup>63</sup> However, a community could not convert funds left to trustees especially appointed by the donor for a specific purpose.<sup>64</sup>

Any number of precautions were taken to prevent suspicion as to any misappropriation of charity funds. The collectors were not to separate one from another during the campaign of solicitation, save that one might stand at the door, while the other approached the merchant to receive his contribution.<sup>65</sup>



It was even decreed that if one of the collectors should happen to find a coin in the marketplace, he was not to put it into his pocket, but into the charity bag. When he reached his own home, he might then take the coin unto himself.<sup>66</sup>

Similarly, if he receives from his companion money in payment of a personal debt, he was to place this also in the charity bag until such time as he could acquire it unobserved.<sup>67</sup>

Furthermore, the coins were to be counted one at a time, and never by two's.<sup>68</sup>

When there were no poor in immediate need, it was permitted to the trustees to change the money for others, but under no conditions were they to change it for themselves.<sup>69</sup> It was incumbent upon the collectors to lend to the treasury when the latter was low.<sup>70</sup> Likewise, they were obligated to replace from their own pockets moneys that had been inadvertently lost.<sup>71</sup>

The collectors were not to be held to strict account for their handling of the funds, but were to be trusted.<sup>72</sup> Nevertheless, Caro asserts that it is a good policy for them to submit a statement of their receipts and disbursements.<sup>73</sup> A similar recommendation is to be found in the earlier compilation of Jacob ben Asher.<sup>74</sup>

These Gabbaim were usually members of the Board of the Synagogue, and worked in harmony with the President (Parnas). They became differentiated from the Synagogal organization in the fifteenth century. They were always first-rate officials,

requiring no remuneration. There is no evidence to show that the needy ever suffered at their hands.<sup>75</sup>

The activities of the Gabbaim embraced all branches of relief: visits to the sick, comfort to the dying and to mourners, education of the poor, assisting the needy in business, etc.<sup>76</sup> Their position was considered of such high honor that the members of their family could marry into the priestly cast.<sup>77</sup> It

It seems that the poor of olden times were as difficult to please as are the needy of today. We read that the distributors of charity were entitled to special merit for having to endure the taunts of their clients.<sup>78</sup> No doubt the Gabbaim took special pains to train themselves to extraordinary patience in order to withstand the complaints of the unreasonable.

It was the duty of the Gabbaim to introduce the new members of the community to the local customs of benevolence. If an individual remained within a particular community for thirty days he was obligated to contribute to the Kuppah; after three month's residence, he was asked to give to the Tamhui; after six months, to the clothing fund; after nine months, to the burial fund for the poor.<sup>79</sup> However, if it was the intention of the individual to take up permanent residence, he must contribute immediately to all of these funds.<sup>80</sup> In the case of the establishment of a new city, each was to make the other donate immediately.<sup>81</sup> If one gave charity while visiting in another city, it was counted in his favor when he returned to the city of his residence.

Individual travellers were to give to the city in which they were solicited; the contributions of groups were to be allotted to their native cities unless otherwise specified.<sup>82</sup>

## VI. CONCERNING THE JUST AMOUNT AND THE PROPER RECIPIENT

Both the Torah and later Jewish tradition recommend generosity in the matter of how much should be given to charity. At the same time, certain restrictions were made in order to reduce the number of those who might themselves become public charges because of excessive giving. One was expected to give at least one-tenth of his possessions in accordance with the traditional tithe. He who did not give a just amount was considered as though he had robbed God.<sup>83</sup> According to Abrahams, however, the tithe, in practice, was almost entirely voluntary. No congregation even attempted to make it mandatory.<sup>84</sup> It remained in vogue as a personal and family institution, especially in Germany and Spain in the thirteenth and fourteenth centuries. We are told that Asher ben Yechiel and his descendants practiced the tithe in their gifts to benevolence.<sup>85</sup>

The giving of one-fifth of one's estate was considered most generous. This was set as the extreme limit of one's obligation, in order that the donor himself should not come to want.<sup>86</sup> This regulation was interpreted to mean that one should give not more than twenty per-cent of his property during the first year nor more than twenty per-cent of the increase in subsequent years.<sup>87</sup> If unable to take care of



all the needs of a poor man, one was to give up to one-fifth of his own estate, and then seek to arouse public interest in supplying the deficit.<sup>88</sup> This limitation applied only during the lifetime of the benefactor. At his death he might bequeath to charity as much as he desired.<sup>89</sup> A good understanding of psychology was evident in the principle which held that it was better to give one coin each to ten poor men than ten coins to one. The donor's heart was quickened by the spirit of benevolence each time he gave.<sup>90</sup>

In order to fulfill the commandment of charity, it was necessary to give at least one-third of a shekel (approximately twenty cents) each year.<sup>91</sup> We have already discussed the special Mitzvah to give with good grace, and to lend comfort when unable to supply assistance of a material nature.<sup>92</sup>

The Beth Din reserved the right to exact a proportionate amount from any who refused to give, or who tried to get by with giving less than was proper. The authorities could seize his possessions and take by force that which he should have given of his own free will.<sup>93</sup>

However, a poor man was not obligated to sell his house or his household utensils in order to take care of his charity assessments, even if the utensils in question were of silver or gold. This applied only to articles used in the actual necessities of living. If he had other articles of silver or gold he was expected to dispose of them and try to get along with cheaper ones.<sup>94</sup>

Women, slaves, and minors were expected to give only a small amount, but they could give at least a piece of bread without arousing suspicion that what they had given did not belong to them.<sup>95</sup> Furthermore, even an owner of property, who, while walking to a distant city, ran out of funds, was entitled to the four benefits of Gleanings, the Forgotten, the Corner, and the Tithe for the Poor. Nor was he obligated to pay when he returned to his own estate, but was considered in the category of the poor man who becomes rich.<sup>96</sup> We have already singled out the very humane and practical principle which protected a landowner from a disadvantageous sale of his property.<sup>97</sup>

Those who provided for their sons and daughters after they had reached majority, in order to enable the sons to continue their studies, or to keep the daughters in the right path, were considered donors to the charity funds. Similarly, all who took care of their parents, or fed the poor and orphans at their table received the same merit as though they had given directly to charity.<sup>98</sup>

The principle for the amount each man should give was based upon the passage in Deuteronomy 16:17 אִישׁ כִּמְחֹנֵהוּ . The amount each received found its sanction in the preceding chapter (V:8): וְאִם חָמֵס אִישׁ אֶת חֲבֵירוֹ . If he be hungry, feed him; if naked, clothe him; if in need of household utensils, provide them for him; if in need of a wife, see that he gets one. And provide a husband to a woman desiring one.<sup>99</sup> However, it is to be remembered that one is not to

obligated to enrich the impoverished man, but only to supply his lack.<sup>100</sup>

If an individual had enough provision for two meals, he was rendered ineligible to receive support from the Tamhui; if he had enough for fourteen meals, he was not to be given anything from the Kuppah. The possession of two hundred zuzim, or fifty zuzim with a profitable business, disqualified one from any of the Mishnaic dispensations to the poor such as gleanings, Forgotten Sheaves, Corners, and Tithes for the Poor.<sup>101</sup> But if he possessed the above-mentioned capital, and had an outstanding debt to discharge or a divorced wife to support, he might yet receive sustenance from the public funds.<sup>102</sup>

Isaac Luria is the author of the statement that the regulation concerning two hundred zuzim was based on the numerical value of the Hebrew word for charity ,אצק , the letters of which total 199.<sup>103</sup>

It is interesting to note the remark of Joseph Caro that most of these regulations in regard to those entitled to receive charity applied only in former times, but that in his day many authorities held that a man could take charity until he possess sufficient capital to support his household upon the interest.<sup>104</sup> Though Caro seemed to recommend such practice, this seems to be carrying a good thing somewhat too far. We have already stated that the distributor was not obligated to provide for poor who had rich connections.<sup>105</sup> He should not give to one poor man alone, but insofar as

possible, provide for each man's needs.<sup>106</sup> He was not to show any partiality to his own relatives.<sup>107</sup>

If a collection was made for a single poor man, and there was a surplus, this was to be given to him. The surplus for a group of poor was to be given to other poor. Similarly, in regard to collections for captives and for the dead, the surplus of individuals was given to the heirs, that of a group, to the care of the cemetery.<sup>108</sup> But the leaders of the community possessed the right to divert the surplus for any pressing emergency, provided there were no definite specifications by the donor as to its use.<sup>109</sup>

Extra donations to the Kuppah were always to be accepted gladly. The practice of making a contribution when called up to read the Torah no doubt added considerably to the communal funds. Similarly, donations on special occasions, such as weddings, circumcisions, memorials, etc. helped swell the charity coffers. In the later Middle Ages, such gifts were made mandatory. A further income was that provided by fines, and special emergency assessments.<sup>110</sup>

It was the duty of the distributors to bear in mind the various types of poor people, and deal with each type according to its proper needs. These types are seven in number, as suggested in the Bible by the seven different Hebrew names designating the poor. There is the one, *לוי*, who formerly was rich, and having now become poor, has lost all his friends and supporters; there is the one, *אניני*, who has a



small business and is ever in danger of losing everything through an accident, or illness, or incapacity because of old age; there is the one, *העני*, who must depend upon his fellow-men because of the hardships or misfortunes of the times; there is the one, *השן*, who used to enjoy riches secretly, but now having become poor, cannot even count on the sympathy of his neighbors; there is the poor fellow, *המלך*, who toils and moils continually, yet does not manage to make a living; there is the panhandler, *המבקש*, who habitually begs gifts, and makes little or no effort to take care of his own needs, and who is therefore to be treated with contempt, even though he be of scholarly bent; then, finally, there is the one, *המלמד*, who wants to make his own living, but simply is unable to because he lacks skill or aptitude either for work or business, and does not even know how to obtain assistance. Each of these types requires its own particular method of treatment, especially when rehabilitation is the goal, and it was part of the business of the Gabbai to know how to handle each individual case presented to him.<sup>111</sup>

## VII. OBLIGATION UPON ALL

Jewish charity was exceedingly democratic in scope and outlook. The desideratum was that each individual in the community should feel a sense of obligation to those less fortunate, even though he himself be a recipient of benevolence.<sup>112</sup> Especially, as children of Israel, they should consider themselves bondsmen and partners one for another.<sup>113</sup> Just as all created things must borrow one from another, so each human being should realize that all must cooperate and assist others when in need.<sup>114</sup> It was felt that man gives to charity not what belongs to him, but that which belongs to God.<sup>115</sup>

No doubt charity legislators realized that contributing to the general fund on the part of the poor man would save him from the evils of pauperization. The poor man could feel that he was a citizen the same as the rich, and likewise, in proportion, a contributor to the communal fund the same as he.

However, a certain amount of leeway was permitted. As in the case of the orphan, the poor man dependent upon charity was encouraged to give, but was not forced to do so. The principle is that the poor man should give, not that he must. His contribution is to be accepted gladly, but if he doesn't give, he is not to be forced to do so. If

new clothes were given him, and he returns rags in their  
stead, they are to be accepted. But force is not to be  
employed to effect their return.<sup>116</sup>

The several authorities having jurisdiction over the  
disposition of charity resources were the Beth Din, the town  
people, the Keshet, the leaders of prominence and wisdom, and,  
of course, the collectors, or trustees.

The Beth Din was empowered to compel giving on the part  
of a refractory and miserly member of society. It could  
even seize the individual's property for the purpose of  
collecting from him a just and proper amount. The town  
people could interchange the Keshet and Keshet, and direct  
the public funds to the needs of any emergency. The Keshet  
could hold the poor to distribute themselves from  
their share, and to assign a share to the donor's wife  
for distribution.<sup>117</sup> An individual leader of prominence  
and wisdom was given the right to decide by himself just  
what appropriation was to be made of communal funds.<sup>118</sup>

The powers entrusted to the Keshet, or trustees, have  
been discussed in a previous section.<sup>119</sup>

### VIII. AUTHORITIES

The several authorities having jurisdiction over the disposition of charity resources were the Beth Din, the townspeople, the Heber Ir, leaders of prominence and wisdom, and, of course, the collectors, or trustees.

The Beth Din was empowered to compel giving on the part of a refractory and niggardly member of society. It could even attach this individual's property for the purpose of collecting from him a just and proper amount.<sup>117</sup> The townspeople could interchange the Kuppah and Tamhui, and divert the public funds to the needs of any emergency. The Heber Ir held the power to distribute benevolence received from travellers, and to assign a trust fund to the donor's wife for distribution.<sup>118</sup> An individual leader of prominence and wisdom was given the right to decide by himself just what appropriation was to be made of communal moneys.<sup>119</sup>

The powers entrusted to the Gabbaim, or trustees, have been discussed in a previous section.<sup>120</sup>



## IX. REDEMPTION OF CAPTIVES

The mass of legislation concerning the ransoming of those Jews and Jewesses unfortunate enough to have been taken prisoner by pirates and unscrupulous sea-captains, as well as the importance placed upon this phase of charity, relates to us indirectly a poignantly sad feature of Jewish life during the Middle Ages. Indeed, it was not until comparatively recent times that the redemption of captives ceased to be an outstanding item on the charity budget of the average orthodox Jewish community.

We have the opinion expressed in the Codes that the ransoming of captives takes precedence over all other forms of charity.<sup>121</sup> There can be no greater Mitzvah than this, since such unfortunate individuals come under the categories of the starving, the thirsty, the naked, and those in danger of being put to death.<sup>122</sup> Delay in ransoming was considered the equivalent of murder.<sup>123</sup>

It is stated that money collected for the erection of synagogues, (even if the stones and walls have already been bought), may be converted into ransom for prisoners, and for this purpose alone. However, if the Synagogue has been

completed, it is not to be sold and converted,<sup>124</sup> but a special collection from the congregation is to be made.<sup>125</sup>

For the safety of society, *מלחמה בן ידן* it was considered wisest not to redeem captives for more than their just price.<sup>126</sup> Otherwise, there would be no limit to the avarice of the captors. One was permitted, however, to ransom himself at any cost.<sup>127</sup> Nor was it easy for the Jews to resist the temptation to ransom others at whatever price their captors might ask. They knew that if they hesitated, their enemies would put on the screws, and the prisoners would be maltreated, starved, and deprived of their wearing apparel until the stipulated price was forthcoming. To provide a fillip to their co-religionists' pity, the prisoners were sometimes mutilated, their ears and noses being lopped off.<sup>128</sup> Furthermore it was deemed advisable not to aid the prisoners to escape, for fear the enemy would treat the remainder with greater severity.<sup>129</sup>

Special rules were laid down concerning those Jews who sold themselves to the Gentiles in payment of a financial debt or other obligation. Such are to be redeemed even after their second offense, but not after the third. However, if they are in danger of death at the hands of their enemies, they are to be redeemed, no matter what number the offense. And, in any case, the son of such an individual is to be redeemed after the death of his father.<sup>130</sup>

The criterion as to whether or not one merits redemption seems to be his fidelity to the laws of Israel. An interesting combination of tolerance and intolerance is evidenced in

the dictum which states that a converted servant is to be redeemed the same as a native-born Israelite,<sup>131</sup> while, on the other hand, any Jew who forsakes the religion, even to the minimum extent of violating a single minor precept, such as the eating of Trefah, is not to be redeemed.<sup>132</sup>

If both a man and woman are held in captivity, the woman is to be ransomed first. The reason for this lay in the fact that a woman's modesty is greater, and also because a man is more able to rescue himself. However, if pederasty is known to be practised among the captors, the man is to be redeemed before his wife.<sup>133</sup> Also, if both are willing to drown, the man is to be rescued first.<sup>134</sup> The Beth Din reserved the right to confiscate the husband's property for the purpose of ransoming his wife, even over his protest.<sup>135</sup> Similarly, if the captive had the means with which to redeem himself, these were to be used, even against his will.<sup>136</sup>

The order to be followed in ransoming captives furnish an interesting insight into the peculiar psychology of the Jewish people. All else being equal, the order is to be based upon the old Levitical caste system. For instance, a priest is to be redeemed before a Levite, a Levite before an ordinary Israelite, etc. Next in this descending scale came those of unfortunate birth, an offspring of a prohibited marriage of a Levite, one of uncertain paternity, a foundling, and a bastard. There follows those not originally of the household of Israel: a descendant of the Gibeonites, a

proselyte, and a converted slave.<sup>137</sup> However, this order, which is based more or less on social standing, applies only when the captives are equal in knowledge. On the other hand, a bastard who is learned in the Torah is to be redeemed before an ignorant high priest.<sup>138</sup> And among those of equal rank, preference is to be given to him who possesses greater knowledge. At the same time allowance is made for one to redeem his own father or teacher, if he be a learned man, before those greater in knowledge.<sup>139</sup> The climax in the emphasis upon learning is reached in the law which states that a man is to redeem his teacher in preference to his father, unless the latter be an erudite person.<sup>140</sup> But, foremost of all, a man is obligated to redeem his mother from the horrors of captivity.<sup>141</sup>



## X. MATTER OF PRECEDENCE

The desire to create a spirit of independence manifested itself likewise in the principle which stated that a man's first obligation lay in taking care of himself and his family.<sup>142</sup> Next in order came his other relatives, the poor of his own city, then those of Palestine, and later those of other places.<sup>143</sup> A father was obligated more than all others to take care of a needy son, even though he be grown.<sup>144</sup>

In case there were not sufficient funds in the communal chest to take care of all poor, the order to be followed was the same as that already listed in regard to the redemption of captives.<sup>145</sup> Not only in the matter of being ransomed from captivity, but also in being provided with food and clothing, a woman is to be given precedence over a man, inasmuch as her modesty is greater, and she is less able to provide for her own needs.<sup>146</sup>

The priority given to the redemption of captives as a phase of charity, as well as the order to be followed in this procedure, was discussed in the previous section.<sup>147</sup> One authority states that the endowing of virgins

possesses prior rights in the communal treasury.<sup>148</sup>

It was held by some that the support of synagogues was a greater Mitzvah than giving to charity. But all are agreed that charity to the sick or to poor students should take precedence over contributions to houses of worship.<sup>149</sup>

We have already stated that the most desirable type of regular charity was that which took into greatest consideration the feelings and sensibilities of the poor.<sup>150</sup>

## XI. IMPOSTORS

In former times, as today, the problem of impostors was one which caused the dispensers of charity no little concern. We find in the rabbinical literature and its later codification two divergent points of view in regard to this matter. One teacher states that we should be exceedingly good to impostors, for without them our stinginess would lack its chief excuse.<sup>151</sup> There can be little doubt that such an excuse was frequently advanced by those inclining toward niggardliness. However, the consensus on the part of the rabbis seems to have been that it is better for an undeserving person occasionally to be fed and cared for than that the righteous be allowed to starve.

However, there are several notable exceptions to this policy of excessive liberality. Absolutely no consideration was to be paid to misers, who, while possessing wealth, made themselves out as poor so as to receive charity.<sup>152</sup> A curse was placed upon all those who accepted charity when really not needing it; it was said that such would not die until they had come to genuine want.<sup>153</sup> Similarly, those who simulated cripples, or made themselves out as blind, or deaf, or non compos mentis, so as to receive charity, would not die until they had such a calamity really visited upon them.<sup>154</sup>

However, those who need charity and can't sustain themselves without help from others, such as one incapacitated because of old age or through sickness, if such as these don't allow themselves to be helped, they are placed in the category of murderers,<sup>155</sup> and to them the 'a' part of the verse in Jeremiah 17:5 is applied: "Cursed is the man who trusteth in man."<sup>155</sup> The converse of this principle has already been discussed under the topic, Independence.<sup>156</sup> Indeed, the general policy of the rabbis in handling the problem of impostors was to seek to inculcate in every one a desire for and appreciation of independence. "Let a man flay a carcass in the street," or, "Make Thy Sabbath a week day," rather than become dependent upon the community.



## XII. GENERAL NEGATIVISTIC PRINCIPLES

As already demonstrated, the rabbis were exceedingly lenient in their attitude toward the needy and impoverished. As a general rule, their guiding principle was to give, give generously and with a happy countenance to all who stand in need of assistance. However, their inherent judgment and perspicacity dictated that there must be certain limitations to this otherwise indiscriminate policy of benevolence. We have already noted certain prohibitions against giving to misers, to impostors in general, to law-violators, and the like. Nor is one obligated to give to a poor man who has rich relatives to sustain him. Jewish benevolent codes contain any number of other negativistic principles, most of which were collated by Jehudah Hehasid in his Sepher Hasidim. We shall list here a few of them from this and other sources:

One is not obligated to give or lend to an habitual transgressor who refuses to repent.<sup>157</sup> Similarly, one who transgresses the command to eat only ~~Kosher~~ meat forfeits his right to be redeemed from captivity.<sup>158</sup>

It is forbidden to show any mercy toward one who is a cruel oppressor, one who shows no mercy upon himself, an ingrate, a deceiver, a thief or a robber, an inciter of trouble, a seductor or a slanderer.<sup>159</sup>

"One who shows no mercy upon himself" is explained to

be a spendthrift or gambler. Although such a person may ask to be helped in order that he not be put to shame, it is better for him and for society that he suffer a certain degree of humiliation, so that he should not acquire the habit of transgression.<sup>160</sup>

The definition given to an ingrate marks him as a character well-known to social workers throughout the ages. An ingrate is one who says: "What should not be given to dogs, they give to me." No matter how many good things may be done for him, if there is one little thing which he doesn't like, he will forget all the good that has been done, and only complain about the unsatisfactory.<sup>161</sup> With such as these, the rabbis justifiedly showed little patience. It was rightfully demanded that the recipient show himself to be a decent, honest, law-abiding citizen, with at least a certain measure of gratitude.

A sense of fairness and justice dictated the law that if there are two men in need of charity, the one righteous, the other wicked, a glutton or a drunkard, and it is impossible to give to but one, give to the righteous, and let the wicked shift for himself as best he can.<sup>162</sup> This applies even if the wicked threatens to become converted, or to commit other transgressions. However, if he threatens murder, it is wisest to give to him, even before the righteous, in order to save the life of the innocent.<sup>163</sup>

Commenting on the verse in Proverbs (3:9), "Honor the

Lord more than thy wealth," it is brought out that the Scripture does not say, "more than all thy wealth." In all thy giving, therefore, thou should's't not give more than one-fifth of thine own estate.<sup>164</sup> As we have indicated, this principle already had been laid down by Maimonides. One's first and foremost duty for society's sake as well as for his own, was not to become a burden upon the community.

Another important piece of negativistic legislation occurring as the converse of the principle that there is no higher type of charity than buying from a poor man, or hiring him to write, is the statement that if one gives to a man who could study and won't, or one who could earn his living as scribe and won't, it is not charity ( צדקה ), but a cry, a curse ( נפץ ). To this, the pronouncement of Isaiah (27:11) is applied: "For it is a people of no understanding, therefore He that made them will not have compassion upon them, and He that formed them will not be gracious unto them."<sup>165</sup>

ly,  
Similar/analagous to the preceding is the principle which releases the father from his obligation to support his sons if they refuse to listen to his reproof, or to busy themselves in Torah and worthy deeds. Better to let them go to work for themselves, and turn to righteous ways of conduct. But if it appears that continued refusal to give them subsistence will lead only to their increased wrongdoing, it is, perhaps wiser to take care of them.<sup>166</sup>

### XIII. SANCTITY OF CHARITY PLEDGES

The importance given to charity in Jewish legislation is evidenced by the fact that it was placed in the same category as vows.<sup>167</sup> One need but call to mind the story of Jephthah<sup>168</sup> to come to a full appreciation of the sanctity with which the plighted word was regarded.

Indeed, pledges to charity were treated even more strictly than general vowing. In the case of vowing, if one doesn't actually speak the vow with his mouth, he is not obligated. However, in regard to charity, if he only determined in his heart to give, he must do so. This is the opinion of the majority of the Poskim.<sup>169</sup>

Whoever designates a certain coin for charity is obligated to give it immediately. If he delays he violates a negative commandment. If there are no poor on hand at the time that he made the pledge, he should set it aside until the poor be found. But if he makes the stipulation that he will give it only when the poor are at hand, he need not set it aside.<sup>170</sup> If he sets one coin aside, and says of another that it is like the first, both coins are to be given.<sup>171</sup> If one pledges an indefinite amount, the collectors are to take from him until he says in effect, "I didn't want



to give that much."<sup>172</sup> It is permitted to any man to set aside a certain amount of money to be given from time to time as he sees fit.<sup>173</sup>

If one vows to give to charity under certain conditions, he is obligated to give upon the fulfillment of the conditions.<sup>174</sup> Annulment requires the consent of the rabbi, is possible and/only before the gift has been handed over to the collector.<sup>175</sup>

Naturally, a man cannot pledge to charity something which does not belong to him.<sup>176</sup> If he has a certain object in pawn he can pledge it when it is redeemed, but not under its present status.<sup>177</sup> Similarly, in regard to a debt, only a promise to give it when collected is considered a genuine pledge.<sup>178</sup> It may be posited as a general principle that everything pledged to charity must have actual concrete existence and must be in the legal possession of the pledger. In all promises in which there accrues an advantage to charity, the principle holds that "A promise to God is equivalent to actual delivery to a human being."<sup>179</sup>

If two men enter into a peace contract with the stipulation that the violator is to give a certain amount to charity as a fine, and almost immediately afterwards they become reconciled, no one is obligated to pay, for the fine really had existence only in case one troubled the other. However, if one party broke the contract, and after that the other forgave him, the forgiveness doesn't have any legal

force, and the violator is obligated to give to charity.<sup>180</sup>

As a general thing, money, about which there is doubt as to whether or not it is for charity, is to go for charity.<sup>181</sup>

The promise to give to another if he be poor is unalterable. He is obliged to give in any case.<sup>182</sup>

If a man promises to give charity through a trustee, he does not transgress until the trustee asks him for it, even if there are needy people present. However, if he refuses, he has transgressed, even if there are no poor present, for it may be that the trustee needed the money to repay himself or others for funds already paid out for the needs of the poor. If the trustee does not know he has vowed, it is the man's duty to inform him. However, if he makes the vow in the Synagogue then<sup>ugh</sup> a Sh'liach Tzibur, it is taken for granted that the trustee knows about it, and the man hasn't transgressed until he has been asked to make good his vow.<sup>183</sup>

If one pledges to give a certain amount to unspecified poor, it is to be given to the poor of his own city, for it is to be taken for granted that such was his intent.<sup>184</sup> If he hasn't any set residence, it is to be given to the poor of the city in which he vowed. However, each community seems to have had its own particular Minhag in regard to this matter.<sup>185</sup>

#### XIV. EARLY AGRICULTURAL LEGISLATION

Without going into technical details, I quote here several of the ancient Jewish agricultural laws in regard to dispensations to the poor and needy, especially as these laws tend to illustrate certain fundamental principles discussed at greater length in other sections of this study. I quote from Maimonides' codification in the Mishneh Torah of the original laws set forth in Mishna Peah.

The poor man possessed an inalienable right to four benefits from the vineyard: that which had fallen of itself ( פֶּרֶט ), the small bunches ( עוֹלָלוֹת ), that which was forgotten ( שְׂכַחָה ), and that corner especially set aside for him ( פֶּאֶה ); he received two benefits from the produce of trees: the corner, and that which was forgotten.<sup>186</sup> The privilege of gleaning ( עֲבֵר ) in addition to the corner and the forgotten, was granted him after the grain harvest.<sup>187</sup>

The giving of the aforementioned privileges brought no special merit to the landowner. The poor had the right to take them even against his will.<sup>188</sup> Furthermore, the poor of idolators were permitted to share in these benefits, as they were considered in the same category as the poor of Israel.<sup>189</sup> This law was motivated not so much by a spirit of universalism and brotherhood, as by a desire for (

conciliation, peace, safety ( למען דער פרידע --for the sake of the ways of peace).

Many of the laws are prompted only by a consideration for the poor. The very law that the particular section set aside for the poor had to be in the corner, so as to be easily accessible, is a case in point.<sup>190</sup> Strikingly considerate is the regulation that if the Peah should be too high for the poor to reach, it is the duty of the owner to lower it.<sup>191</sup> Furthermore, the distributing of Peah thrice daily (morning, noon, and afternoon) took into consideration the needs of all poor: the morning distribution especially favored the suckling infants, who had to eat early; the noon distribution was designed for children, who do not arise until late, and the afternoon for the old people, who were thought to remain in bed until that time.<sup>192</sup> Whether or not this law is based on actual practice is beside the point; the important aspect is the regard paid to the convenience of the charity recipient.

The poor were to be welcomed to take that to which they had a right; it was forbidden to place in the fields a wild beast, or anything of that nature, for the purpose of frightening the poor away.<sup>193</sup> Anyone withholding the gleanings of his field from the poor, or who showed partiality in the matter, was looked upon as a robber.<sup>194</sup> On the other hand, kindly disposed owners would gather the gleanings and place them near the fence for the poor.<sup>195</sup>



It was forbidden to irrigate a field, if the loss to the poor through such irrigation exceeded the loss to the proprietor.<sup>196</sup>

Similarly, in regard to the Maaser Ani, the Tithe for the poor, the principle provided that the owner should give impartially to all the poor who might pass through his field. He should seek insofar as is possible to give each man his fill.<sup>197</sup> However, if the owner has but little and the poor are many, he is to give what he can, and let the poor distribute it among themselves.<sup>198</sup>

The desire that every member of the community should feel a responsibility to others is evidenced in the regulation that, if two poor men hold a field in tenancy, each is to give Maaser Ani to the other.<sup>199</sup> Greed on the part of a recipient of Peah was not to be countenanced. Anyone who sought by unfair means to obtain more than his due share was forced to return all that he had taken.<sup>200</sup>

#### XV. ORPHANS

Jewish Charity sought to take especial care of those unfortunate children bereft of their parents. Enabling orphan girls to marry was rated exceedingly high in the list of good deeds. The individual or community provided her with a dowry of at least fifty zuzim, and more according to her position.<sup>201</sup> If a male orphan desires to marry, he is to be provided with a home, a bed, household utensils, and then a wife.<sup>202</sup> The female orphan was allowed precedence, as it was felt that her sense of shame was the greater.

Under another heading we have already discussed the effort to inculcate into orphans as well as the poor in general the feelings of independence and self-reliance. This motive lies behind the interpretation of the injunction in Avoth (1:5): "Let the poor be members of thy household" to mean that one should employ orphans and poor, and thus give them a chance to earn their own livelihood.<sup>203</sup>

It is only natural that special consideration should be given to orphans in the matter of collecting charity. They are not obligated to give even for redemption of captives, or even if they possess considerable wealth, but it is permitted to the collector to levy a certain amount upon them, in order to acquire for them a name and reputation.<sup>204</sup> Similarly was the orphan excused from the obligation of

reimbursing his foster parent or parents. He was considered in the same category as the poor man who became rich, who likewise was not obligated to repay.<sup>205</sup> At first thought, this principle might seem to be opposed to the general policy of fostering independence. However, the rabbis most probably understood the psychological fact that one is more likely to do a thing when left to his own volition than when such an act is made obligatory. Furthermore, a voluntary act of this nature tends to create a greater spirit of independence than an act based upon compulsion. It is quite possible, too, that many of these foster-relationships were based upon true parental affection, and such foster-parents would not obligate their adopted children to repay them any more than they would their own flesh and blood.

## XVI. GENTILES

Acceptance of charity on the part of a Jew from a non-Jew was distinctly frowned upon. It was to be permitted only in case he could not be sustained by his fellow-Jews, and even then it was to be kept a private matter, if at all possible to do so.<sup>206</sup> It was held that such acceptance of charity by Jews from Gentiles, placed the latter in the ascendancy, and the prestige of Israel was accordingly lowered.<sup>207</sup> All Israelites are as brethren, (or at least should be so), and if a brother is not merciful to a brother, then who will be merciful? On whom shall the poor of Israel depend? On the heathens, who hate and pursue? No, only upon Israel.<sup>208</sup> The Jewish principle, on the other hand, was to provide for the Gentile poor along with the poor of Israel, for the sake of the ways of peace.<sup>209</sup>

If a Gentile prince donates funds to the Jews for charity, they are to be handed over to the Gentile poor. Best not to let the prince hear of the transfer, however.<sup>210</sup>

All money paid to foreign nations as tribute in order to sustain the Torah, as well as all that the Gentiles have taken through force is to be accounted as though given to charity.<sup>211</sup>



## XVII. HOSPITALITY

According to some authorities hospitality represented the most commendable phase of charity. Graciousness to guests was a tradition deeply entrenched in the hearts of the Jewish people. The patriarchs already had set for them noble examples in this regard. Furthermore, the ceaseless tribulations which dogged the footsteps of the persecuted people also were largely responsible for the emphasis placed upon this aspect of benevolence.

Already in Mishnaic times, the great teacher, Jose b. Jochanan had propounded: "Let thy house be open at all times and let the poor be considered as members of thy household." Though it was considered permissible to give only a small amount to a panhandler, yet it was forbidden to <sup>empty-handed</sup> turn him away. <sup>211a</sup> He must be given at least a small piece of fruit. <sup>211b</sup> The itinerant beggar is to receive not less than one loaf of bread, with wheat, four Seahs in a Selah. If he spends the night, he is to be given a small room in which to sleep, a bed with pillow, clothing, oil, and pulse. If he happens to arrive on Erev Shabbos, he is to be given food sufficient for three meals including such special dishes as fish and herbs. <sup>211c</sup> If he is known to the host, he is to be taken care of according

to his station.<sup>212</sup> It has already been pointed out that the rabbis considered it a special Mitzvah to give of one's best.<sup>213</sup>

An exceeding great reward was in store for those who showed hospitality to scholars. Such action was considered equivalent to the offering of perpetual sacrifices.<sup>214</sup> At the same time, even an ignorant man should be received hospitably and with good grace. Bread should be placed before him, even before he requests it, for often he is too ashamed to ask. The host should seek to forget his own troubles, and speak to his guest with good cheer. Conversely, out of consideration for the feelings of his less fortunate brother, he should not allude to his riches and prosperity. It was even suggested that the host stand before his guests and serve them himself, even though he had many servants.<sup>215</sup> He should express his regret that he has not more to offer them, and when they depart from him, he should accompany them for at least a short distance. He who refuses to give a wayfarer a piece of bread is likened to a murderer.<sup>216</sup>

Naturally, women played a great part in hospitality. Some authorities held that women stood higher in divine favor than their husbands, because women are able to provide food as well as money.<sup>217</sup> They were at home most of the day, whereas their husbands were away, either at their place of business or at the house of study. It was asked of them that they bake their bread early in the morning, so that it

be fresh for any hungry man who might chance to pass by.<sup>218</sup>  
Even though a housewife had already taken care of a poor man in the morning, she should nevertheless provide equally well for any who might come in the evening.<sup>219</sup>

Aside from the purely altruistic motives which were usually uppermost in the mind of the generous host, there was also the practical consideration that the tables might someday be turned, and he who was now acting as host might require help from him now a guest in his home. We have already referred to the idea of the revolving wheel in the universe, an idea which formed a most important consideration in Jewish philanthropy.<sup>220</sup>

From early times, the Synagogue played an exceedingly important role in the policy of Hachnasath Orchim (hospitality to wayfarers). In many communities, it was the center around which revolved the organization for the care of transients. Frequently, the basement of the building was utilized as a lodging place, and food was there supplied to the unfortunate ones by the community.<sup>221</sup>

# XVIII. MATTER OF REWARDS

## (Motives)

Rich indeed were the rewards promised to those practising benevolence. Outstanding among these remunerations were wealth, long life, learned sons, deliverance from troubles, answer to prayers, and security from accidental death. The passage חסד יציל נפשו (Prov. 10:2) was taken to mean that charity not only saves from untimely death but assures immortality in the world to come.<sup>222</sup> Alongside these more or less ulterior motives were the purely altruistic incentives of love, pity, sympathy, fellow feeling. Maimonides succeeds in appealing to the highest human motives, yet he also holds out the additional incentive of heavenly reward.

Numerous are the stories related of persons delivered from untimely death because they had been diligent in the matter of giving charity. The most frequent type of deliverance is that from a deadly serpent bite. Though many of these stories appear occultistic and fanciful to us, we should bear in mind the principle involved rather than the improbability of the rewards actually being received. Significant is the statement of the erstwhile heathen king, Monabaz, who, when rebuked as a squanderer because he had given lavishly



to the poor, replied: "My fathers laid up treasures in this world, but I lay up treasures in the world to come."<sup>223</sup> There is the Talmudic statement that were it not for the poor, the well-to-do would not have the opportunity to merit salvation.<sup>224</sup>

The giving of charity found its ultimate sanction in the principle of Imitatio Dei--"in imitation of God." The Holy One Blessed be He had given the example for mortal benevolence, when in the case of Adam and Eve, he clothed the naked, in the case of Abraham, he visited the sick, and in the case of Moses, buried the dead.<sup>225</sup>

Another important consideration was the ideal of the revolving wheel of fortune which might cause the rich and the poor to exchange <sup>their</sup> respective positions over night. The rich should show compassion upon the poor if they in turn are <sup>not</sup> to expect compassion when the situations are reversed. The rich man should therefore feel that when he is helping others he is really only helping himself. We have the story of the man who admonished his wife to treat beggars as though they were his own sons. When asked the reason for this, he explained: "There is a wheel which revolves in the world."<sup>226</sup>

Curses without end are in store for him who refuses to give. His days on earth will be few; Another person will take away his wealth; his sons will become orphans, his wife a widow, and together they will have to wander about homeless and beg their bread; his name will be blotted out from under heaven.<sup>227</sup> God stands on the right side of the poor,

and if his neighbor doesn't help him, God will fight his cause.<sup>228</sup>

Related to this was the idea of exact retribution on the part of God for all actions committed by man. "God is merciful to those who show mercy unto others" (II Sam. 22:26).<sup>229</sup> When a man gives a piece of bread to his hungry neighbor, he not only saves the poor man's soul, but also rescues his own from perdition.<sup>230</sup> And conversely, the Lord will withhold His bounty from him who refuses to give to the poor.

The giving of charity was thought to make prayers efficacious. It was the custom of the sages to make a donation before each petition to the Most High. Such was the interpretation of Ps. 17:15 וְאֵין בְּצֶדֶק אֲחֻזָּה פִּנְיָךְ.<sup>232</sup> Thus it was held that the giver of charity merits the presence of the Shechinah. He receives his reward both in this world and the world to come. His charitable acts go before him and intercede in his behalf before the Holy One Blessed be He.<sup>233</sup> Similarly, the redemption of Israel as a whole was dependent upon its practice of charity.<sup>234</sup>

Great though the reward be for giving to charity, even greater was the reward for causing others to give.<sup>235</sup> Such, the interpretation of Isaiah 32:17a וְהָיָה מַעֲשֵׂה הַצְדָקָה שְׁלוֹמִים changing מַעֲשֵׂה to מַעֲשֵׂה. He who causes others to give to charity not only achieves merit himself, but also enables others to become worthy of God's blessing.<sup>236</sup> Herein lies the great merit of Moses, for he was the first to teach the children of Israel to give to charity.<sup>237</sup> Thus it is seen

that the Gabbai Tsedekah, the collectors of charity, are to receive a special blessing, for they, more than anyone else, induce others to give.

However, all ulterior motives were, as a rule, to be frowned upon. The ideal was the giving of charity purely for its own sake. There was nothing but reproof in store for those who sought to vaunt themselves through the giving of benevolence.<sup>238</sup>

## **XIX. CONCLUSION**

Our task is now completed. We have sought to indicate under appropriate headings the outstanding principles of Jewish benevolence, especially as they found expression in the law codes of Maimonides, Jacob ben Asher, and Joseph Caro. It is to be hoped that those points shadowed forth in the introduction have been brought to full light in the main body of the paper.

Let me repeat that the purpose of this work has not been primarily to present a mere list of rules and regulations governing the practice of Jewish charity. Rather has that purpose been to depict a certain attitude, a certain spirit, underlying the actual law itself, whether that law be couched in the phraseology of the Torah, of the early Rabbis of the Talmud and Mishnah, or in that of the medieval codifiers.

Were I asked to select the one outstanding principle, which more than all others is commendatory and worthy of greatest emulation today, I should select that which provides for the rehabilitation of the indigent man, aiming at a reconstruction of his life, sparing his feelings and fostering within him a spirit of independence and self-reliance. This attitude toward the problems of the unfortunate harmonizes to the greatest extent with the principle involved



in the literal meaning of the word "benevolence" (good will), and of "charity" (love and sympathy for one's fellowman). Cannot these ideals envisioned by our forefathers become for us the goal of goals as we set about our present stupendous task of establishing a happier and more equitable system of society for all mankind?

Respectfully submitted,

Charles B. Lesser.

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NOTES

1. Matnoth Aniyim, VII, 1,2.
2. Psalms 25:1
3. Shulchan Aruch 247:3.
4. Menorat Hamaor, p. 32.
5. Baba Basra, 10a.
6. Isaiah 1:27.
7. Frisch, An Historical Survey of Jewish Philanthropy, p. 251.
8. It is interesting to note that in the editorial section of the New York Times, Sunday, Dec. 23, 1934, the eight degrees of Maimonides were cited as a principle to be followed in the annual Community Fund Campaign.
9. M. A., X, 7-14.
10. Leviticus Rabba, XXXIV:1.
11. Pirke Aboth, II:2.
12. Pesachim 113a, Sabbath 118a.
13. S. A. 255:1.
14. M. A. X:18.
15. M. A. X:19.
16. Baba Kama 7a, 7b; M. A. IX:16,17; S. A. 253:3.
17. M. A. IX:16; Arba Turim 253.
18. Pirke Abot 1:5.
19. M. A. X:17.
20. Ibid.
21. Sefer Hasidim, Wistinetzki edition, p. 220.
22. Hagigah 5a.
23. Ketuboth 67b.
24. Baba Basra 9b.
25. M. A. X:4; S. A. 249:3.
26. M. A. X:4.
27. M. A. X:5; S. A. 249:3.
28. Menorat Hamaor, p. 48; Baba Basra 9b.
29. Proverbs 17:5.
30. Exodus Rabba, XXXI:11.
31. M. A. X:5.
32. Ketuboth 67b; S. A. 253:9.
33. M. A. X:7.
34. Cronbach, Religion in its Social Setting, p. 110.
35. M. A. X:8.
36. Ketuboth 67b; S. A. 250:1.
37. Ketuboth 67b.
38. S. A. 253:11.
39. S. A. 248:8.
40. Sukah 49b.
41. S. A. 251:10. Divergence is to be noted here from an older Talmudic principle which provided that in case clothing was needed, preliminary investigation was to be waived. (Sabbath 156b)
42. M. A. VII:6; S. A. 251:10.
43. Baba Basra 9a.
44. Sabbath 156b.
45. S. A. 256:2.

46. M. A. VII:11; S. A. 248:7; S. H. W1., p. 218.
47. M. H., p. 76.
48. M. A. IX:1; S. A. 256:1.
49. M. A. IX:3.
50. S. A. 256:1.
51. Supra.
52. Frisch, p. 103.
53. S. A. 256:3.
54. Ibid.
55. A. T. 256.
56. M. A. IX:1; S. A. 256:1.
57. A. T. 249, 256.
58. S. A. 250:1.
59. M. H., p. 75.
60. S. A. 256:3.
61. Baba Basra 8b; M. A. IX:5; S. A. 256:4.
62. M. A. IX:7.
63. S. A. 256:4 RMI.
64. Ibid.
65. M. A. IX:8; S. A. 257:1.
66. M. A. IX:9; S. A. 257:1.
67. M. A. IX:10; S. A. 257:1.
68. Ibid.
69. M. A. IX:11; S. A. 257:2.
70. S. A. 257:5.
71. Frisch, p. 111.
72. M. A. IX:11; S. A. 257:2.
73. S. A. 257:2.
74. A. T. 257.
75. Abrahams, Jewish Life in the Middle Ages, p. 311 ff.
76. Frisch, p. 111.
77. Kiddushin IV:5; Frisch, p. 39.
78. S. A. 257:7.
79. M. A. IX:12; S. A. 256:5.
80. Ibid.
81. Ibid.
82. S. A. 256:6.
83. Malachi 3:8.
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85. Abrahams, p. 321.
86. Ketuboth 50a; M. A. VII:5.
87. S. A. 249:1.
88. S. A. 250:1 RMI.
89. S. A. 249:1 RMI.
90. M. H., p. 84.
91. M. A. VII:5; S. A. 249:2.
92. S. A. 249:4.
93. M. A. VII:10; S. A. 248:1.
94. Ketuboth 68a; M. A. IX:15.
95. S. A. 258:4.
96. M. A. IX:15.
97. M. A. IX:17.



98. M. A. X:16; S. A. 251:3.
99. M. A. VII:33.
100. Ibid.
101. Peah VIII:7,8.
102. M. A. IX:13.
103. Frisch, p. 121.
104. S. A. 253:2.
105. S. A. 257:8.
106. S. A. 257:9.
107. S. A. 258:10.
108. M. A. IX:28; Danzig, Hachmath Adam, 243:15.
109. H. A. 143:15.
110. Frisch, p. 103ff.
111. M. H. 90:80f.
112. Gitin 7b; S. A. 251:12.
113. M. H., p. 64.
114. M. H., p. 63.
115. I Chronicles 29:14.
116. M. A. IX:19; S. A. 253:8.
117. S. A. 243:1.
118. S. A. 257:11.
119. M. A. IX:7.
120. See above, p. 22f.
121. S. A. 252:1.
122. M. A. VIII:10; S. A. 252:2.
123. S. A. 252:3.
124. S. A. 252:1.
125. M. A. VIII:11.
126. S. A. 252:4.
127. Ibid.
128. Abrahams, p. 338.
129. M. A. VIII:12; S. A. 252:5.
130. M. A. VIII:13; S. A. 252:6.
131. S. A. 252:7.
132. M. A. VIII:14.
133. M. A. VIII:15; S. A. 252:8.
134. S. A. 252:8 RMI.
135. S. A. 252:10.
136. S. A. 252:11.
137. M. A. VIII:17.
138. S. A. 251:9.
139. Ibid.
140. M. A. VIII:18.
141. S. A. 252:9.
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144. S. A. 251:4.
145. A. T. 251; S. A. 251:9.
146. M. A. VIII:15.
147. See above p. 35ff.
148. S. A. 259:15.
149. S. A. 249:16.
150. See above, p. 16ff.

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152. Peah 8a; Ketuboth 67b; M. A. VII:9.
153. M. A. X:19.
154. Peah VIII:9.
155. Ibid.
156. See above, p. 14.
157. S. A. 251:1.
158. S. A. 251:2.
159. S. A. Wa. p. 205.
160. Ibid.
161. Ibid.
162. The text says: "Let him go to Gehinnom."
163. S. H., W1., p. 215.
164. S. H., " p. 216.
165. S. H., " p. 220.
166. S. H., " p. 222.
167. M. A. VIII:1; S. A. 257:3.
168. Judges 11.
169. H. A. 143:7.
170. M. A. VIII:1.
171. M. A. VIII:2; S. A. 258:1; H. A. 143:5.
172. M. A. VIII:3; A. T. 258; S. A. 258:3; H. A. 143:8.
173. A. T. 257; H. A. 143:3.
174. S. A. 258:10.
175. S. A. 258:36.
176. S. A. 258:7.
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181. S. A. 259:5; H. A. 143:28.
182. S. A. 258:12; H. A. 143:26.
183. H. A. 143:4.
184. M. A. VII:15.
185. S. A. 258:5 RMI; H. A. 143:9.
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196. Ibid.
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199. " " VI:14.
200. " " II:18.
201. S. A. 250:2.
202. M. A. VII:4.

203. See above, p. 14.  
204. M. A. VII:12; S. A. 248:3.  
205. S. A. 253:5.  
206. M. A. VIII:9; S. A. 254:1.  
207. M. H., p. 69.  
208. M. A. X:2.  
209. M. A. VII:7.  
210. Baba Basra 10b; S. A. 254:2.  
211. M. H., p. 89f.  
212a. Baba Basra 9a; M. A. VII:7.  
211b. A. T. 250; S. A. 253.  
211c. S. A. 250:4.  
212. M. A. VII:8.  
213. See above, p. 18.  
214. M. H., p. 40.  
215. M. H., p. 41.  
216. M. H., p. 44.  
218. M. H., p. 48.  
217. Ketuboth, 67b.  
219. M. H., p. 224.  
220. See above, p. 4.  
221. The Plum Street Temple in Cincinnati carried out this well-established principle in Jewish tradition when it recently proffered its basement for the use of transients who could not be taken care of in the regular quarters.  
222. M. H., p. 26.  
223. Baba Basra 11a.  
224. " " 10a.  
225. Sota 14a.  
226. M. H., p. 32.  
227. M. H., p. 47f.  
228. M. H., p. 33.  
229. M. H., p. 38.  
230. M. H., p. 31.  
231. Ibid.  
232. M. A. X:15; S. A. 249:14.  
233. M. H., p. 34.  
234. Isaiah 1:27.  
235. M. A. X:6.  
236. M. H. p. 36.  
237. M. H. p. 37.  
238. S. A. 249:12 RMI.