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THE  
CARE OF THE DEPENDENT CLASSES  
AMONG THE JEWS

ACCORDING TO  
BIBLICAL AND RABBINIC SOURCES.

GRADUATION THESIS.

SOLOMON LOWENSTEIN

HEBREW UNION COLLEGE.

1901.

NEW YORK 1901  
- 2027  
C. 100.1027



microfilmed  
11.12.64

## PREFACE.

A.G. Warner in his work on American Charities (p.7) endeavors to show that modern charity work owes its origin and impetus to the spirit of Christianity. And yet he admits that, 'the church of the present day that administers its charities most wisely is not Christian at all but Jewish.' It is believed that the summary of Jewish charity laws which follows will show that springing from the Old Testament and as later developed, growing in a soil untouched by Christian influences there was reared a system of Jewish charity that may be admired as a model, time and conditions considered and one that in some respects has yet to be improved upon.

In his work Prof. Warner considers six different classes of dependents. This detailed classification however is the result of the application of modern scientific method to the treatment problems. Such differentiation could not be attempted in a treatment of the poor

regulations of the Jews. The needs of alleclasses of dependents were met by the general provisions for the poor. One other class however, existed which, today no longer needs attention viz.slaves.

These few words of explanation will make plain the general plan of arrangement of this thesis. The nature of the subject treated was such as to preclude any attempt at originality; a careful and intelligent handling of the available sources has been the sole aim of the author.

He would express his thanks to Dr. Max Margolis for the suggestion of the subject, to Dr.Crossman, Dr. Philipson and Dr.Mielziner for the use of books and for helpful advice.

Cincinnati, April, 1901:

*S.F. Lowenstein*

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The Needy Poor in the Bible.



1.

For the poor shall never cease out of the land; ' says the Deuteronomist (15/11), therefore I command thee saying, thou shalt surely open thine hand unto thy brother, to thy needy and to thy poor in thy land. This feeling of the brotherhood of man, the common fatherhood of the rich and the poor is the underlying basis of all Biblical legislation with regard to the poor. The rich and the poor meet together; the Lord is the maker of them all (Pr.22/2). To assist the needy therefore is not only a commendable act praiseworthy in him who extends charity but a direct duty obligatory upon every member of the Jewish community. The specific legislation on the subject contained in the various codes of the Pentateuch will be considered below. At present it is desired to exhibit expressions on the subject in the non-legal portions of the Bible.

In one of the finest passages in the book of

Job (29/12f.) pleads the following in self justification:

Because I delivered the poor that cried,

The fatherless also that had none to help him.

The blessing of him that was ready to perish came upon me:

And I caused the widow's heart to sing for joy.

I put on righteousness and it clothed me:

My justice was as a robe and a diadem.

I was eyes to the blind.

And feet was I to the lame.

I was a father to the needy

And the cause of him that I knew not I searched out.

According to Ezekiel one of the important qualifications of the righteous is that 'hath given his bread to the hungry and hath covered the naked with a garment' (18/7).

He that hath pity on the poor lendeth to God.

And his good deed will He pay him (Pr.19/17).

Of the virtuous woman (Pr.31/20) it is said

She spreadeth out her hands to the poor

Yea she reacheth forth her hand to the needy.

Isaiah (58/10) promises reward "if thou draw out thy soul to the hungry and satisfy the afflicted" and Jeremian (22/16) contrasting Josiah with his unworthy son says:

He judged the cause of the poor and the needy.

He that despoiseth his neighbor sinneth

But he that hath pity on the poor happy is he (Pr.14/21).

He hath dispersed, he hath given to the needy:

His righteousness endureth forever:

His horn shall be exalted forever (Ps.112/9).

And after the deliveration from the plots of Haman "Mordecai wrote these things and sent letters unto all the Jews-----that they should make them days of feasting and gladness and of sending portions one to another, and gifts to the poor" (Es.9/20f).

Daniel advises the king (4/27)

Wherefore O king, let my counsel be acceptable to thee  
and break off thy sins by righteousness, and thine ini-  
quities by showing mercy to the poor:

But despite these and many similar injunctions the poor  
werenot always considerably treated and the books of the  
prophets are filled with denunciations of those who mis-  
treat the needy and take advantage of their misfortune:  
What mean ye that ye crush my people and grind the face  
of the poor (Is.3/15).

Woe unto them that write perverseness to turn aside the  
needy from judgement and to take away the right of the  
poor of my people, that widows may be their spoil and that  
they may make fatherless their prey.(Is.10/2).

Do no violence to the stranger, the fatherless and the  
widow. (Jer.7/6,22/3).

Is not this the fast I have chosen? to loose the bonds of  
wickedness-----Is it not to deal thy bread to the hungry

and that thou bring the poor that are cast out of thy house?  
 when thou seest the naked that thou cover him; and that  
 thou hide not thyself from thine own flesh? (Is. 58/7-8).

-----I will not turn away the punishment from Judah  
 because they have sold the righteous for silver and the  
 needy for a pair of shoes: that pant after the dust of the  
 earth on the head of the poor. (Am. 2/3f.)

Hear this word ye kine of Bashan that are in the mountains  
 of Samaria, which oppress the poor, which crush the needy,  
 which say unto their lords, Bring and let us drink. (Am. 4/1).

Hear this O ye that would swallow up the needy and cause  
 the poor of the land to fail saying:-----making the  
 ephah small and the shekel great and dealing falsely with  
 balances of deceit; that we may buy the poor for silver  
 and the needy for a pair of shoes. (Am. 8/4f.).

This sad lot of the poor is set forth in almost cynical  
 fashion in the homely wisdom of the Proverbs:

All the brethern of the poor do hate him:

How much more do his friends go far from him.

He pursueth them with words but they are gone. (Pr.19/7).

The poor useth entreaties

But the rich answereth roughly (Pr.18/23).

Wealth addeth many friends:

But the poor is separated from his friend (Pr.9/4).

Before leaving this part of our subject it is interesting

to notice that the <sup>Qifu</sup> has no word for 'beggar' and that

begging except as a curse is unknown. Says the Psalmist

(37/25) I have been young and now I am old.

Yet have I not seen the righteous forsaken

Nor his seed begging their bread

while as a punishment begging is mentioned only in the

following places:

Let his children be vagabonds and beg:

And let them seek their bread in desolate places (Ps.109/10).

And it shall come to pass that every one that is left in thine house shall come and bow down to him for a piece of silver and a loaf of bread and shall say -Put me, I pray thee into one of the priest's offices, that I may eat a morsel of bread (I S. 2/33).

### The Causes of Poverty.

The causes of poverty given in the Bible are objective and subjective (Hamburger). The former are such as imply no blame to their unfortunate victim viz. losses caused by war, failure of crops etc. The latter are those due to defects of character and ability among which may be mentioned:

slothfulness--By slothfulness the roof sinketh in and through idleness of the hands the house leaketh. (Ec. 10/13).

~~Idleness~~--He that tilleth his land shall have plenty of bread

But he that followeth after vain persons shall have pover-

ty enough (Pr.28/19).

He becometh poor who dealeth with a slack hand

But the hand of the diligent maketh rich(Pr.10/4).

How long wilt thou sleep O sluggard?

When wilt thou arise out of thy sleep?

Yet a little sleep, a little slumber,

A little folding of the hands to sleep,

So shall thy poverty come as a robber

And thy want as an armed man (Pr.6/9f.).

stubbornness---Poverty and shame shall be to him that

refuseth correction. (Pr.13/18).

miserliness--And there is that which withholdeth more than

is meet but attendeth only to want. (Pr.11/24).

### The Laws of the Pentateuch concerning

### the Poor.

We shall consider the Pentateuchal laws for  
the relief of the dependent classes as they are set forth



in the three codes of laws contained therein(1) endeavoring to trace their development, showing the additions and omissions in each stage of the development.

The Book of the Covenant: Ex. 20-23.

The existence of a poor class is taken for granted by this legislator and when his early date is considered his legislation is marked by unusual consideration for the rights of the needy.

In the way of positive relief for the poor he lays down but one regulation and as he is writing for an agricultural people it is quite naturally connected with the land. The earth is not to be continuously tilled. Every seventh year it is to lie fallow and all its produce in this year

(1) The so-called Book of the Covenant (cf. Ex. 24:7) the oldest extant piece of Hebrew legislation, the Deuteronomic revision of this legislation and the Priestly Code contained in Lev.

is to belong to the poor. So too with the vineyards and olive yards (Ex.23/10-12).

The absence of any highly developed industrial life outside of agriculture left but little opportunity of earning a livelihood to the poor man and he must frequently have had recourse to his more fortunate brother to loan the means whereby to support himself. That borrowing by the poor must have been frequent is proven by the stress laid upon it in the various Biblical laws. In the code under consideration the author enjoins the lender not to assume the attitude of a creditor toward the poor borrower nor to lay usury upon him (Ex.22-23). If his garment be taken from him in pledge it must be returned to him by sundown inasmuch as it <sup>is</sup> his only covering and protection against the cold of the night (Ex.22/26,27).

The poor man is to be impartially treated in court (Ex.23/6) and the judge is to beware of taking gifts which might incline him to favor the rich. (Ex.23/9).

The widow and the orphan are to be protected and those who injure them are threatened with punishment by God. (Ex.22/22f.).

The stranger is to be fairly treated inasmuch as the fathers were strangers in Egypt. (Ex.22/21,23/9). This is especially to be noted, occurring at a time when among nations strangers were denied all rights.

#### Deuteronomy.

The Deuteronomist in his care for the poor has related to the land does not retain the seventh year sabbath of the land with the bestowal of the produce upon the needy as ordained in Exodus. He uses the seventh year for other purpose as will be seen later. He does now-  
ever introduce new agricultural regulations of more value to the poverty stricken inasmuch as they affect all the harvests of each year. He provides that all sheaves

forgotten by the reapers in the field shall be left for  
 the benefit of the stranger, the orphan and the widow.  
 (24/19). In beating the olive tree, the boughs shall not  
 be gone over a second time, but what remains shall be left  
 for the same classes. (24/20). And so too, gathering  
 the fruit of the vineyards, the gleanings are to be left.  
 (24/21). But most important is the introduction of a new  
 tithe for the benefit of the poor. At the end of every  
 third year a tithe of the harvest is to be set aside for  
 their use. (14/28,29; 26/12). According to Buhl (p.124)  
 this tithe represents the portion of the crop formerly  
 set aside for the Levites in charge of the country sanctu-  
 aries. These places of worship being abolished by the  
 centralization legislation of Deuteronomy the tax is  
 continued for the benefit of their priests who have been  
 deprived of their means of support. The other classes  
 are included in its benefits (viz. the stranger, orphan

and widow), because they had probably been privileged to partake of the sacrifice meals at the abolished holy places. With regard to the debtor classes the Deuteronomic legislation is most striking. All debts due from Hebrew debtors were to be canceled every seventh year (known as the year of release) (15/1-7). For--he says -- (15/11) the poor shall never cease out of the land: therefore I command thee saying: thou shalt surely open thy hand unto thy brother, to thy needy and to thy poor in thy land. Consequently, no one was to refuse to loan, fearing the loss of the money in the year of release. (15/7f.). But thou shalt surely give him and thy heart shall not be grieved ----- because that for this thing the Lord thy God shall bless thee in all thy work. (15/10). (1).

(1). Of course, while most excellent and ideal theory, this provision failed utterly in practice, making worse the condition it was intended to better, in that fearing the loss of

But it was further provided as in Exodus, that no interest should be exacted either in money or in kind, of Hebrew debtors. (23/19,20). Nor was the mill or millstone (from which the sustenance of life was obtained) to be taken in pledge. (24/8). Pledges of the poor are not to be taken over night, (24/12,13) and in consideration of the rights of the borrower, pledges are not to be taken forcibly, but voluntarily given by the debtor. (24/10,11). The stranger, the widow and orphan are to have their rights safeguarded in judgement (24/17; 27/19) and the raiment of the widow shall not be taken in pledge. (24/17). Of special advantage to the poor must have been the permission to satisfy their hunger from the products of the vineyard or cornfield of a neighbor, provided that nothing be carried away. (23/24,25).

their money, men refused to loan it until the well known 'Prosbol' of Hillel was finally conceived to remedy the difficulty.

## The Priestly Code.

In this legislation, we again find the sabbatic year as given in Exodus, viz., as a purely agricultural institution. Its function, as a year of release, assigned to it by the Deuteronomist, has disappeared and we again find simply the Sabbath of the field, the rest from all cultivation. During six years are the fields to be sown, the vineyards pruned and the harvests reaped, but the seventh year is to be Sabbath in which none of these duties shall be attended to and that which groweth of itself of the harvest shall not be reaped, the grapes of the undressed vine shall not be gathered, but shall serve as food for the owner of his household, for the stranger and the cattle. (Lv.25/1-7). The priestly writer retains the Deuteronomic command to leave unreaped the corners of the field and the gleanings of the harvest and vineyard for the poor and the stranger. (Lv.19/9-11; 23/22). The most impor-

tant innovation introduced in this code is the institution of the Jubilee year. While among the Jews themselves it has been recognized as a bit of Utopian legislation, never practiced, it is nevertheless, extremely interesting as an illustration of the solicitude for the poorer classes animating the lawgiver, and as an early example of attempts to prevent by law the acquisition of large estates at the expense of the small landowner and as an attempt to preserve a democracy based on equality of possession. This law has two parts, one referring to the release of the land; the other to release of persons; the first of which will be considered here. After the land will have enjoyed seven sabbaths of years, in the fiftieth the trumpet shall announce throughout the land the year of Jubilee in which every man shall return to his ancestral possession



and to his family. This jubilee shall possess all the characteristics of the ordinary sabbatic year--no agricultural labor is to be performed; the voluntary produce of the land shall serve for food. This provision alone marks the law as impracticable, as it makes necessary three years in which there could be no crops--the regular sabbatic year in the forty ninth year of the cycle, the jubilee year and the succeeding year in which a new crop must be sown. In a social state, in which the flesh of animals serve for food only on occasions of religious worship or of occasional luxury and the grains of the field, the products of the vineyard and olive grove were the staple foodstuffs, such enactments, if fulfilled, could produce only widespread famine. But the most striking feature of the jub-

ilee legislation was its regulation of the land-tenure.

The land inherited from the fathers through the grace of God, could not permanently be alienated from its rightful possessor. It must therefore be distinctly understood that there could be no sale of land (outside of the walled cities which had special regulations); merely a lease for a definite <sup>period</sup> of time, viz., until the advent of the next jubilee, and all rentals were to be determined on this basis, the price being proportionate to the number of years remaining in the cycle. (Lv.25/3-20). And even though poverty had compelled the owner thus to lease his land, the right of redemption before the jubilee was reserved to him or to his kinsmen acting in his behalf, with the sole condition that the amount of the rental for

the unexpired term of the lease be returned to the tenant-purchaser. (Lv.23/25-28). We find repeated in this code injunctions to judge fairly and impartially, the rich and the poor, (Lv.19/15), to respect the rights of the stranger, (Lv.19/33,34), and not to loan on interest of any kind. (Lv.25/36,37). Characteristic of the Levitical writer in his considerateness for the poor, is the provision that the needy may not be compelled because of his poverty, to lose his religious privileges, and that in his case the prescribed offerings may be diminished in value. (14/21; 27/8 etc.).

The Needy Poor in Rabbinic Literature.

It were an easy matter to fill pages with citations from the Talmud and later Rabbinic authorities, commanding the relief of the poor, the widow and orphan, extolling the praises of him who assists the unfortunate, and setting forth the beauties of charity, but as it is the purpose of this essay mainly to exhibit the laws governing the care and assistance of the dependent, a few examples must suffice. The command to do charity is weightier than all other commandments. (Baba BaTra 9.a). Every one accustomed to perform acts of charity will have sons wise, rich and learned. (Baba BaTra 9.b.). If one ask, "Why if God love the poor, he does not support them, answer: for our sakes, because through kindness to them

\* was not to be quoted ~~As~~ as a Talmudical command,  
it is a verse in the Proverbs (10, 2<sup>d</sup>)

we are saved from punishment in the future world. (Baba BaTra 10.a). Everyone who neglects the poor is like an idolater. (ibid). Great is charity for it hastens the redemption. (ibid). Charity saves from death. ~~(ibid)~~. —

Years were added to the life of Benjamin, the righteous, who saved a woman from starvation. (Baba BaTra 11.a).

Says Rabbi Johanan b. Zaccai : Charity is greater than the bringing of sacrifices, for sin offerings could atone for Israel alone, while charity atones for the sins of all the world . (Baba BaTra 10). Only for the sake of charity does God support the world. (Ber.7). The worth of fasting consists in giving alms. (Ber.6). In Baba BaTra (11a) is told the story of the proselyte king,

Monabaz, who was reproved by his brothers for distributing among the poor in the time of siege, the treasures hoarded up by his ancestors. He replied: They stored up treasures below, I, on high; they put their treasures in a place where human power might seize it, mine is where no earthly power can avail; they saved the fruitless thing, I, one that has increase; they acquired treasures of money, I, of souls; they obtained wealth for others, I, for myself: their wealth availed for this world, my merit for the world to come. We should here note the significance of the term used by the Rabbis to denote charity. The Biblical Hebrew furnishes no such word--almsgiving, and the other forms of relief prevailing in Talmudic times being



unknown in the Bible. The Rabbis therefore utilize the word צדקה (righteousness) for this purpose. This verbal identification, indicative of a deeper intellectual identity of righteousness and charity, is even more forcible than the foregoing quotations as a sign of the thoroughgoing opinion of the importance of assistance to the needy entertained by the Jews in their post-national life. In discussing the laws laid down by the Rabbis for the care of the poor, it must be kept in mind that they are of two kinds:

- 1: Those which have purely an historical interest i. e. the Rabbinical treatment of those Biblical laws which are inapplicable, because of changed conditions, to the time

of the Rabbis. In such treatment the laws which, as we have seen are set forth in very general form in the Pentateuch, are invested with numberless details, Rabbinical minuteness outdoing itself in order that no flaw may be left, whereby the intention of the Biblical lawgiver might conceivably be frustrated. Limitations are prescribed extensions are ordained, punishments provided for non-fulfillment, and a complete legal structure erected by Rabbinic ingenuity on the slight Biblical foundation. Of laws of this character, we shall content ourselves with a few illustrations.

2. The really important contributions of the Rabbis consisting in a system of poor-relief, very complete in its

The usual order is 1, 2, 3.

ability to supply the needs of the times, and very careful in its provisions. This as worthy of our attention will receive more extended notice. (1).

1. As an illustration of the first type, we may submit the Rabbinic treatment of the law of <sup>3</sup>פאה, <sup>1</sup>לקט and <sup>2</sup>שכחה.

As given in the Bible it consists in a general exhortation to provide for the poor from the harvest, by leaving in the field an unharvested corner of grain, and, in addition, the gleanings and whatever portions of the crop may have been forgotten at the general ingathering. (Lv.19/9-11; 23/22; Dt.24/19-22). Rabbinic precision with regard to minutiae together with something of casuistry, have

(1). The abbreviations Maim. M.A. and J. as used in the following pages refer to Maimonides הלכות מתנות עניים, שלחן ערוך משור יורה דעה and to משנה תורה.

have developed this simple provision into a formidable legal array. In the first place a punishment of stripes is assigned for the violator. (M.A.1:3). Then it is provided that these gifts are independent of the goodwill of the owner of the ground, and may be taken against the wish of the owner and even by force. (ib.1:3).  $\text{הקצו}$  is held to apply to standing as to harvested grain. (ib. 1:6). The Biblical omission as to the measure of the portion to be left to the poor is remedied by decreeing that one ear in sixty must be left, and that the measure must be increased in proportion to the size of the field and its fertility. (ib.1:15). The exact time when the poor may enter to take advantage of these gifts is fixed. (ib.1:11). Various

extensions are made of the products subject to this law beyond those mentioned in the Bible (ib.2:2), the location of the corner to be left is definitely fixed (ib.2:12).

Ch.3 of Maimonides' treatise on the laws concerning gifts to the poor is filled with casuistic rules for the regulations of the corner according to topographical variations in fields: as affected by various kinds of seed used in planting etc.. Many similar minute regulations might be quoted, but sufficient has been said to illustrate the method of the Rabbis in handling questions, which in their time must have been purely academic in nature. And yet one important fact must be noted which is to the credit of the period, despite its fondness for casuistry and pedantry. All the additions, restrictions and revisions imposed upon the original law are designed in the interest of the poor man, and his welfare is continually uppermost in the thoughts of the authors.

## 2. Rabbinic charity regulations.

### Obligation of contributing to charity:

Every one is obliged to contribute to charity (J.D.243:1) even the poor man who himself is supported by alms. (cf. Ex. 30/11f. where every man, rich or poor, is commanded to give the one half shekel to the Lord. As charity according to the conception of the Rabbis takes the place of the Temple offering, all must similarly contribute to this). Whoever gives less than the amount assigned by the authorities is compelled by the court to pay in full, and a punishment of stripes is provided if the amount is not forthcoming. (Maim. M.A.7:10; J.D. ibid.). Of orphans no charity contributions are demanded (M.A. 7:12; J.D.243:3). (In fact according to the Midrash Rab. Esther 6, that charity, which alone can be said to operate at all times is the education of orphans in one's home). Contributions may be received from women, slaves and minors, but only

in small sums, for otherwise there might exist a suspicion that money donated by these non-earning classes may have been stolen. (Maim.7:12; J.D.248:4). An extravagant man who gives more than the proper amount or one who stints himself in order to give the regulation contribution is not to be solicited for donations. (Maim.7:11; J.D.248:7). The amount to be given to charity: One is supposed to give in accordance with the need of the applicant, but if he cannot do this he shall give as his means allow. (M.A.7:3,4; J.D.249:1). The highest degree of charity is his who gives one fifth of his income, one tenth is a just proportion, but less than this is <sup>nissachon</sup> prohibited. (Maim. 7:5; J.D.249:1). No man, however, is allowed to give less than one third shekel per year. (Baba BaTra 9:a). But above the amount of the contribution is emphasized the fact that the assistance no matter how small must be given cheerfully and graciously, inspired by real



sympathy for the unfortunate. In any other event the merit of the deed vanishes. (J.D.249:3,4; M.A.10:3). In this connection it were well to note the order of merit in charity giving according to the Rabbis.

1. The greatest charity is that of him who enables the poor to become independent and self supporting, either by means of a gift or a loan or by procuring employment or by establishing him in business. Modern charity methods still endorse this canon as the highest rule of charity work.
2. The charity of him who gives, unaware of the identity of the recipient of his benevolence, the latter likewise not knowing his benefactor. Such is the charity of giving to the public charity box. But this method is to be used only when the public charity distribution is in capable hands.

3. When the public distribution is not efficiently conducted, it is well to personally give the alms, keeping the beneficiary in ignorance as to his helper. This was the method of certain sages, who secretly threw money through the doors of the houses of the poor whom they wished to aid.
4. Allowing the poor to know the donor, the latter, however, remaining in ignorance of the recipients so that they be not humiliated, as, for example, those sages who dropped money behind them as they walked through the streets.
5. The charity of him, who anticipates the request of the needy.
6. The charity of him, who gives adequately upon being asked to aid.
7. His charity who gives less than is sufficient to alleviate the need but gives cheerfully.

8. Unwilling gifts. (M.A.10:7-14; J.D.249:3-14).

As has been said above, the poorman should be supplied according to his need i.e. if he be hungry feed him, if naked clothe him. If he lack household furniture and utensils furnish them. (M.A.7:3; J.D.250:1). And to such an extent was this consideration made legal enactment that it was provided that in the case of a former wealthy man obliged to seek charity, the horse and courier to which he had been accustomed, should be given him in his poverty. It is related that the great Hillel so assisted a certain individual, and that one day a slave appointed to act as runner failing to appear, the sage himself performed this service.. (Ket. 57b).

Under the influence of the desire to fulfil the command-

ment of matrimony, an unwise law almost necessarily pauperizing in its effect was enacted, that the poor man must not only be aided in procuring a bride, but must in addition be given a residence and furniture. (J.D.250:1). In the case of a woman desiring to be married, she is to be given not less than fifty "zuz" and if the public treasury can afford it, she is to be furnished with a dowry in accord with her station, (J.D.250:2). According to other authorities, however, these regulations apply only in the case of orphans. (Ket. 37a,b. ; M.A.7:4). That the pauperizing effect of too much indulgence even a case of orphans was perceived, // may be inferred from the statement that we are bidden to support the orphan, not to enrich him. (Ket. 37b). House to house begging was discouraged, it being provided that he who sought this means of relief should receive but slight help from the general poor fund.

(J.D.250:5). It is provided, however, that no one may send such applicants away empty handed. (M.A.7; Baba BaTra 9). It is further provided (Baba BaTra 9a) that in case the city have many poor and the rich desiring to evade their fair share of the burden, favor house to house begging while the middle class would have them supported by a congregational assessment, levied according to individual wealth; then the desire of the latter shall prevail.

0 (J.D.256:5). The travelling mendicant was a problem even at this early date. The dispersion from Palestine and the attendant persecutions had rendered many Jews homeless, and sent them wandering forth to search for places to begin life anew, to find a means of livelihood. For such unfortunates, the Jewish heart ever beat in pitying sympathy. It is expressly commanded not to treat him in niggardly fashion, if he stay over night he is to be provided with food and a comfortable sleeping place and if it be Sabbath,

he is to be given three meals and lodging. In addition, if it be known he is to receive such honorable attention as is due his station. (Mish. Peah 8:7; M.A. 7:8; J.D. 250:4).

While discussing the subject of charity contributions, it is interesting to note the existence of a feeling which has continued in full vigor to the present day, viz., the necessity of being independent of the Gentile world in caring for our own unfortunates. The Israelite is expressly forbidden to publicly accept charity from a non-Jew, unless it is absolutely impossible for him to be supported by his coreligionists. (M.A. 8:9; J.D. 245:1). It is furthermore provided that even if money be sent by a non-Jewish ruler to be distributed among the Jewish poor it may not be so used. However, for obvious reasons of public policy, it is not to be refused, but secretly to be disbursed among the Gentile needy. (M.A. 8:9; J.D. 254:2).

#### Methods of Relief.

Every Israelitish community shall appoint well-

known and trustworthy men as treasurers of the charity funds whose duty it shall be to collect from each member of the congregation his proportionate assessment. It shall also be their function to divide the money so collected, from Sabbath eve to Sabbath eve, giving to each dependent sufficient for the week's need. This weekly charity collection is known as the  $\pi\sigma\iota\kappa$ . (M.A.9:1; J.D. 256:1). Likewise, other collectors are appointed who each day make the rounds of the congregation, gathering contributions of food and clothing as well as money, the proceeds of such collection being distributed each evening. This institution is known as  $\text{מחנות}$ . (M.A.9:2; J.D.256:1). Every congregation maintained the  $\pi\sigma\iota\kappa$ ; the  $\text{מחנות}$ , however, being entirely optional, was not universally supported. (M.A.9:3; J.D.256:1). The  $\pi\sigma\iota\kappa$  is intended for the relief of the local poor resident in the place in which the funds are collected, the  $\text{מחנות}$  is a general relief

agency for all applicants. (M.A.9:6; J2D2253:4). However, funds may be transferred from one account to the other at the discretion of the community. It should be noted here that while, as shown above, Jews were forbidden to accept alms from Gentiles, the converse did not hold good, and the benefits of Jewish charity were not restricted to those of Jewish faith. (J.D.251:1note; M.A.7:7). Thirty days residence in a town obligates one to pay toward the *תוספת*, after three months, contribution is exacted for the *תמנות* where it exists. (M.A.9:12; J.D.253:5). Food was also distributed among the poor on fast days, it being accounted most unworthy to neglect this duty. (M.A.9:4; J.D.256:2). Rules governing the treasurers of charities: The *תוספת* must be collected by at least two men. After the funds are collected, however, they may be deposited with one treasurer. For the distribution three men are



required that they may act as judges to investigate the case of each poor man. The *תרומה* is to be collected and distributed by three. (M.A.9:3; J.D.238:3; Baba BaTra 8b). The importance of the position of charity collector, and the necessity for securing men of good character and high ability were well recognized; it being a well known saying that a man should not give the smallest amount to the congregational charities, unless they be in charge of a <sup>like Hanania?</sup> man <sup>^</sup> Hanannel b. Teradion. (Baba BaTra 10b). The onerous duties involved by the position, were also appreciated, as may be seen in the statement that greater is the reward of him through whom charity is distributed than of him who gives it. (Baba BaTra 17). There are numerous precise rules laid down for the conduct of the charity officials,

This is a mistake! <sup>על על על</sup> <sup>אם אתה</sup>  
J.D. 297.4: <sup>אם אתה</sup>  
mean he shall not count two pieces of money at one time  
but each piece separately.

לפי דברי רש"י <sup>על על</sup> <sup>אם אתה</sup> does not mean deposit with others, to  
exchange smaller coins for larger ones through others  
but not by himself

for example, they are not to separate one from the other on the street while collecting. If the collector finds some money in the street, he shall not put it into his own purse, but into the poor box removing it thence when he arrives into his own home. The collections are not to be counted by the treasurers jointly but individually. ?

Such money that is not immediately needed for charity purposes is to be deposited with others, so that there may be no suspicion of their deriving personal profit therefrom and so also with the surplus contributions to the 'תנן which are to be sold to others and not to be purchased by the collectors. However, the congregation is to trust its agents demanding no account of their transactions. (cf. II K. 12/15) (Baba BaTra 8b; 9a; M.A. 9:3-11; J.D. 257:1,2). If the poor fund be exhausted the collectors are authorized to borrow, but the loan must be cancelled ?

as soon as new contributions are received. (J.D.257:5).

The distributor of charity must exercise rigid impartiality, never favoring those related to him. (J.D.257:10).

#### Recipients of Charity.

In the giving of private charity it is wisely provided that one's own relatives shall have precedence. (1)

The order of distribution of private charity follows: Relatives, poor of the household, poor of the city, poor of neighboring cities, poor of Palestine, other foreign poor. (J&D.231:5). We compel a father to support his indigent son when able, even though the latter be adult. (J.D.231:4).

Feeding the hungry precedes the clothing of the naked.

In the case of an applicant in need of food, the application is granted before making investigation. But in the

(1) In fact it is a rule that the public charities are not responsible for the poor man having relatives able to support him, it being the duty of the latter to provide against his kinsman's becoming a public charge. (J.D.257:9).

the case of requests for clothing investigation precedes the decision. (BabaBaTra 9a; M.A.7:6; J.D.251:7,10). If a man and woman apply for aid simultaneously, the woman precedes. (M.A.8:10,16; J.D.251:8). If the number of persons seeking relief is too large to be supplied from the available funds they are to be aided according to the following gradation: Priest, Levite, Israelite, לוי, one of doubtful parentage, foundling, bastard, גמול, proselyte and manumitted slave. This, however, is true only when all are equal in learning. If the bastard, however, be a scholar and the High Priest an ignoramus, the bastard would take precedence in receiving alms. And the same rule holds in distributing alms among the various members of each class. Above all does a Rabbi or his son precede. (M.A.8:17,18; J.D.251:9).

#### Individual Qualifications for receiving Alms.

Whoever has food for two meals shall not ask

for assistance from the *תומך*, whoever has food supply for fourteen meals shall not be aided from the *תומך*.

Likewise, a man not engaged in business and possessing two hundred zuz or one pursuing some business and having fifty zuz shall not take charity. However, if he lack but one denarius of the required amount he may accept aid. (Mish. Peah. 8:7,8,9; M.A.9:13; J.D.253:1). If a man own property but it be mortgaged or his wife's marriage portion be a lien upon it, he may accept charity in his time of need. Likewise, may a man receive aid if he own a house and furniture, but lacks two hundred zuz in money. However, in this latter case he is not to be aided until he has sold all unnecessary articles of furniture. (M.A.9:13,14; J.D. 253:1). The Shulchan Aruk in commenting upon these restrictions, lays down the general principle that a man is to be supported until his income is such as to enable him to support himself and his family independently.

(J.D.253:2). Furthermore if a man in need own unencumbered property, we do not force him to sell it at an inopportune time, when by temporary assistance he might be enabled to keep the property until opportunity offered to sell at a fair price. He may be <sup>aided</sup> up to one half the value of his property. (M.A.9:16,17; J.D.253:3). A miser who abstains from food, because of unwillingness to spend the money which he possesses can receive no charity (M.A.7:9; J.D.253:12). Above all are the feelings of the unfortunate poor man to be respected. And if he be unwilling to accept charity, we diplomatically tender him the assistance as a loan or a gift. (M.A.7:9; J.D.253:9). A scholar, in particular, is to be shown the honor due him and if he be unwilling to accept charity, we must procure him employment or if he have business ability establish him in some business. (J.D.253:1).

mean to live on Sabbath as on a common day, & regard 2 food as  
clothing.



## Exhortations against Taking Charity.

A man should always hold back from accepting charity until in absolute want and utter distress. He shall stint himself and labor in every way, even profaning the Sabbath, if necessary, before accepting public assistance. He shall not hesitate because of his birth or his learning, but shall engage in the meanest labor before allowing himself to become a public charge. The man who imposes upon the public by accepting unnecessary support will surely come to need before his death. On the other hand, he who is worthy of aid and hesitates to ask for it on account of false pride is virtually committing self-murder and the distress which he patiently endures is accounted only as sin. However, he who refrains from asking until necessity compels him will live to assist others. (Mish. Peah 8; M.A. 10:13,19; J.D. 255:1,2). It may be advisable after thus having detailed the various Rabbinical enactments for the care of the destitute, to summarize

briefly the leading features of this legislation.

First we would note the centralization of all charity effort in the congregational relief. Where all relief was disbursed from one central organization, there could be no hesitancy on the part of the poor as to where to apply for aid, no fear on the part of the authorities of duplication of assistance nor of various relief agencies working at cross purposes. There was easily secured what is today the main problem of charity organization. Attention should also be called to the intelligent yet kindly method of handling the cases as they presented themselves. Immediate relief where necessary, thorough investigation in all cases, securing of employment (all with the ultimate purpose of making the applicant self-supporting), all these are carefully provided in the foregoing regulations. House to house begging is strongly discountenanced. The entire system is permeated with

kindly feeling toward the poor, his interest is always first, the value and importance of personal sympathy with the sufferer as of at least equal value with the material relief is strongly emphasized. Officials of high character and ability are demanded who are subjected to careful supervision in their acts. Absolute impartiality in treatment of the poor is required of them and, finally, not only is any suspicion of pauperising the poor by too lavish bounty frowned upon, but the poor themselves are sternly warned against becoming public charges as long as any other honorable course lies open to them. All in all, this early Jewish philanthropy represents a very advanced stage in the scientific treatment of the poor to which it has taken the outside world many centuries to advance.

Slavery in the Bible.

In any consideration of slavery in antiquity it must be born in mind that the institution is to be considered from the point of view of the time studied, not ~~not~~ according to the notions of modern civilization. In ancient society slavery was a fundamental feature justifiable, even necessary in the development of the race. From an economic side it was most helpful. Free, hired labor being almost unknown, almost all agricultural and industrial labor was accomplished by the slave. From the point of view of ethics, slavery of captives of war was an undoubted advance upon the preceding stage in which foemen were ruthlessly slaughtered, no captives being taken. Consequently the presence of slaves and slave laws represents rather an advanced civilization than a degraded. Naturally the Hebrews shared with their contemporaries in this respect. The long-standing character of the institution among them is shown by the legendary assignment

of its origin to the time of Noah (cf. Gn. 9/25, 26). However, while recognizing slavery as an ancient and necessary phase of social life, the Pentateuchal legislators found it inconsistent with their teachings and tolerated it only because of the deep root it had taken among the people. The doctrine of human brotherhood and its correlative divine fatherhood directly contravened the essential idea of slavery <sup>and made it necessary for them to leave their toleration of slavery</sup> with such restrictions and amendments of the prevailing customs as <sup>to</sup> materially modify them. Hence outside the lack of freedom the life of the slave differed little from that of the other members of the household. The story of the search conducted by Saul and one of the slaves of his father's household for the missing asses (I S. 9/3f.). in which the slave advises his master and even loans him the money with which to consult the prophet Samuel would indicate a relationship far different from that conveyed to our minds by the words slave and master.

The high merit assigned to faithful slaves is well illustrated in the case of Eliezer the servant of Abraham who was entrusted with his master's wealth and would have been his heir had Abraham died childless. (Gn.15/2f.).

According to Pr.17/2

A servant that dealeth wisely shall have rule over a son  
that causeth shame

And shall have part in the inheritance among the brethren.

Job in pleading his cause shows the respect entertained for the rights of the slave when he protests against ever having despised the cause of the slave who contended with him. (31/13).

And in Proverbs 30/10 we are further warned 'not to slander a servant to his master'.

Furthermore the fact that during the Biblical period the Hebrews were chiefly engaged in agricultural pursuits and that the master worked in the field with his

servants made the lot of the latter easier and less humiliating.

Before advancing to a detailed examination of the legislation of the Pentateuch with regard to slavery, we would call attention to one fact--that the Bible has no word corresponding to our term 'slave'. The Hebrew word for this idea is עַבְד meaning simply 'servant' and is used frequently as a term of honor as e.g. the prophets are called עַבְד' יְהוָה and in the Deutero-Isaiah the ideal people of Israel is honored with the title עַבְד' יְהוָה. The testimony of language on the point is both interesting and instructive.

### Slavery in the Pentateuch.

#### 1. Book of the Covenant.

##### a. Hebrew slaves: male.

Hebrew slaves could be acquired in two ways: through lack of means of support a man might sell him-



self or having been convicted of theft and being unable to pay the amount required in restitution he shall be sold by the judges. (Ex.21/1f.22/3). However, a Hebrew could never become a real, permanent possession of any man (for a reason clearly expressed in the Levitical code), consequently, neither voluntarily nor involuntarily could his person be disposed of for an unlimited period. His person was not sold; merely his labor. Therefore the law distinctly provides that his period of servitude shall endure only for six years from the date of sale. (Ex.21/2). If he was an unmarried man on entering service he shall depart singly but if he were married his wife goes with him to freedom. (Ex.21/3). If on the other hand his master had given to him one of his female slaves with whom to cohabit during his time of service, the woman and any children she may have borne him remain the property of the master. (Ex.21/4).

It seems however, sometimes to have happened that the conditions under which he had lived became so pleasant to the servant that he was willing to resign his freedom and enter real slavery. Probably as a deterrent the following humiliating ceremony was prescribed for such cases. The slave was brought into the presence of the judges ( **סֵנִי** ) and was given a lasting, visible, bodily sign of his degraded condition by having his ear pierced with an awl. Though the text is here somewhat obscure, it is probable that the further provision that this operation shall be performed at the door or doorpost of the house refers to the house of the owner and is symbolic of the fast attachment of the slave to his household. (Exod 21/3,6)

b. Hebrew female slaves:

According to the 'covenant' there really is no slavery for Hebrew women. The only way in which a woman can lose

her freedom is for her father to sell her during her (legal) infancy. Women so sold do not go free after six years of servitude as is the case with males but the purchaser takes upon himself the obligation of marrying her when she attains the age of puberty. If he prefer he may give her as wife to his son; in such case being compelled to treat her as he would his own daughter. If he afterwards take another wife, her food, raiment and marriage privileges are in no wise to be diminished. If he does not fulfill these provisions he has no power over her, he cannot sell her to anyone but must at once set her free without receiving any money for her. (Ex. 21/7-11).

#### General slave rules:

The master was never to have the idea that the slave was his property without any rights as an individual. To safeguard the rights of the slave as a human being it was decreed that if a man punished a servant with a rod so

severely that the slave died under the punishment, the penalty should be the same as that provided for the murder of a free man. However, it was recognized that the right to chastise disobedient slaves must be reserved to the master (cf. Pr. 29/19). Therefore if the slave live for a day or two after the infliction of the punishment the master shall go free for the slave was his money. (Ex. 21/20, 21). Furthermore, if a master inflict permanent bodily injury on a servant the latter shall go free because of such injury. (Ex. 21/26, 27).

The religious interest of the slave was to be cared for and at the same time his labor lightened by the provision of the Decalogue that he was to share in the privileges of the Sabbath day. (Ex. 20/10).

The master's right to the full labor of the slave is carefully conserved and any diminution of his labor value incurred through the carelessness of third parties

must be made good to the master. Therefore if an unruly ox gored a slave its owner was compelled to pay the master a fine of thirty shekels. (Ex.21/32).

Lastly it is to be observed to the credit of the Hebrew legislator, that the reprehensible practice of kidnapping men for the slave market was never tolerated and the abductor found with a stolen man in his possession was out to death. (Ex.21/16).

## 2. Deuteronomy.

Hebrew slaves:

At the very outset of the Deuteronomic legislation with regard to the Hebrew slave we meet with a marked diversion from the provisions of the 'covenant'. Whereas in the latter it was impossible for a Hebrew woman to become a slave in any real sense, we find her treated by the Deuteronomist in the same fashion as the male slave, standing

on the same footing in the eyes of the law. She too shall go forth at the conclusion of the six years term of service. No mention is made here of the manner in which she became a slave but it is probable that this was effected either by her sale by her father while under his jurisdiction or by sale of herself. (Dt.15/12) (1)

(1) The causes which led to many of the people being compelled to sell themselves into slavery are graphically described in the passages from Amos 2/6f.; 8/4f. quoted at the beginning of the first chapter. Extortionate prices and false measures were but illustrations of the many methods of oppressing the poor denounced by the prophets. Furthermore, though permission to enslave debtors is nowhere given in the law it would seem from I 3.22/2 and II K.4/1 that such practice was pursued. In addition it is very probable that the six years term of service was generally disregarded inasmuch as Zedekiah is denounced by Jeremiah (34/8f.) for failure to keep his promise to liberate the Hebrew slaves and punishment prophesied because neither his contemporaries nor their fathers had observed the law to release the slave at the end of six years.

The Exodus rule is improved upon in one respect. The slave at the expiration of his term shall not be allowed to go forth empty handed but he is to be liberally furnished from the flock, the threshing floor and the wine-press of his master. (Dt. 15/13-15). While the memory of Israel's bondage in Egypt is given as the reason for this provision, it is characteristic of the humane attitude of the Deuteronomist. Under the rule in Exodus the condition of the slave was worse after release than before. During servitude, while deprived of freedom he was assured of shelter, clothing and food and his rights were guaranteed by law. Free, he was absolutely helpless, lacking all these necessities. By the Deuteronomic provision however he would be enabled to support himself while endeavoring to re-establish himself in a free life.

The provision for entering permanent slavery is also contained in this code (Dt. 15/16-18) with substantially

the same conditions as in Exodus, with one important addition, confirming the similar status of male and female Hebrew slaves in that women too may thus bind themselves to life-long servitude.

The privileges of the Sabbath are confirmed to the slave in the Deuteronomic version of the Decalogue (Dt.5/14) and the law against <sup>man stealing</sup> is also repeated, this time however being specifically designated for the protection of Hebrews. (Dt.24/7). Deuteronomy provides in addition that the slave shall share in all the sacrificial meals of the household. (12/12,13; 14/27; 16/11,12). A slave who had fled from his master from among the surrounding peoples is not to be surrendered by the Hebrews with whom he had taken refuge. (Dt.23/15).

Hebrew  
slaves:

### 3. The Priestly Code.

This code <sup>discontinues</sup> strongly the idea of Hebrew slavery.

'For they are my servants which I brought out of the land



of Egypt, they shall not be sold as bondmen! The servant of God cannot be deprived of his dignity and honor by becoming a servant of man. Yet the author recognizes that conditions may be such as to compel a man temporarily to give up his freedom. Therefore he urges kindly treatment of such--they are to be considered as hired servants and sojourners not as slaves. (Lv.25/39,42,43).

The main enactment in Leviticus for the relief of the slave is in direct contradiction to both the earlier codes. This is the jubilee occurring every fiftieth year. According to the law of jubilee all Hebrew slaves shall go free in this fiftieth year. There is no sort of qualification. (Lv.25/41). The number of years till the jubilee to which time the Hebrew slave must serve may be many or few. (Lv.25/51,52). (Account is taken in this law only of the slave who sold himself; slavery for theft does not appear). Now, both these regulations flatly oppose the

conditions of Exodus and Deuteronomy. that the Hebrew male slaves according to the former (Leviticus apparently agrees in considering only the male) and both male and female according to the latter shall serve a full six years term and no longer. There is further contradiction in the fact that the jubilee law expressly prohibits Israelites as servants of God to enter into any term of human servitude extending beyond the jubilee year, while both earlier codes tolerate such service provided that the ceremony of piercing the ear be complied with. (Lv. 25/46, 54). Furthermore we find, for the first time, in this law that the Hebrew may under stress of need, sell his services to a non-Hebrew stranger. However, in this case there is to be reserved the right of redemption at any time; the redemption price being based upon the amount originally paid for the slave's services and being in proportion to the number of years remaining until the jubilee. The slave may be

redeemed by any of his kinsmen or may himself purchase his freedom if he acquire the means. (We may infer from this statement that the slave may have possessed means of earning money apart from his labor for his master. At any rate it certainly proves again that the owner could not regard the slave as his property, for were this the case all money coming <sup>to</sup> ~~with~~ the slave would by that very fact accrue to the master; as, we shall see later, was decreed by the Rabbis with regard to non-Hebrew slaves.).

b. Non-Hebrew slaves:

The Levitical writer is the first to expressly permit the acquisition of non-Israelitish slaves. He permits them to be bought from the nations round about and from resident foreigners. These slaves are regarded as property, their children are slaves, they may be transferred from father to son as an inheritance and are to serve for life. (Lv. 25/44-47).

Slavery in Rabbinic Literature.

Hebrew slaves:

From a passage in Kiddushin 63a

אין עבד עברי נאמא אלא בזמן שהיו בל ניה ג

we may infer that the Rabbis considered the question ~~of~~ of Hebrew slavery in their time a purely academic one. Yet we find among their regulations various modifications, limitations and extensions of the Biblical laws, which, while possibly of not much practical importance are interesting as revelations of their attitude in the matter and valuable as traditional interpretation.

They provided for example that a man might not sell himself until he was in utter destitution, without any means of existence. (Maim. 1:1,2) (Maim. 1: in this chapter refers to Maimonides Mishna Tora הלכות עבדים ). A woman cannot be sold for theft nor can she voluntarily sell herself. (Maim. A. 1:2). The court in selling a man

theft can deliver him only to a Jew or a proselyte.  
 (Maim.A. 1:8). Further Hebrew slaves are not to be sub-  
 jected to the humiliation of being publicly sold in the  
 slavemarket. (ib.1:5). Hebrew slaves cannot be compelled  
 to do menial, personal services for the master, such as  
 attending him at the bath etc. though they may be employed  
 as barbers bakers and tailors. However, their masters  
 may not humiliate them by requiring them to follow these  
 trades publicly unless they had pursued them before enter-  
 ing his service. (ib.1:7). The master is to be compelled to  
 treat equitably all Hebrew slaves in the matters of food,  
 drink, clothing and habitation and further these must be  
 of the same quality as those used by himself. (ib.1:9).

Little wonder, in view of these minute directions that the

Rabbis should have exclaimed

הקונה עבד עברי כקונה  
 אדון לעצמו

(AraḲin 30b).

The master of a Hebrew slave who was married when he entered his service was responsible not only for his own support but also for the sustenance of his wife and children. This however, did not entitle him to the earnings of the latter which went to the slave. (Yidd. 22a: Maim. A. 6:1,2).

With regard to the provision of Exodus 21: concerning the cohabitation of Hebrew slaves with non-Hebrew female slaves it was provided that the slave sold by the court might be compelled to enter into such unions but that the slave selling him self might exercise his own will in the matter provided that he were unmarried. (ib. 3:4,5).

It is desired to limit as far as possible the right of the slave to enter perpetual slavery by having his ear pierced. Therefore it was decided that the slave

who had sold himself could not submit to this operation; the slave sold for theft alone being allowed the opportunity (ib.3:8); a woman could not be pierced (ib. 3:13), a certain forced exegesis being used to invalidate the apparent permission of Deuteronomy. Further, the literal reading 'I love my master, my wife and my children', (Ex. 21/5) and 'he loveth thee and thy house', (Dt. 15/16) was utilized as basis for a provision that in case either the master or the slave were childless the operation could not be performed. (ib.3:11). but in all events the bored slave went free in the jubilee. <sup>7</sup>It is interesting to note the Talmudic harmony by which the contradiction between the permission to enter perpetual slavery and the release of the jubilee year is thus removed. According to the Rabbis **לולם** may be taken to mean not 'for ever'



but any limited space of time and here (Ex.21; Dt.15) it refers to the space of time until jubilee. (Midd.13a). So too, all other Hebrew slaves are freed by the jubilee even though the required six years be unexpired. (Maim.A. 2:1). The Hebrew slave of a non-Israelite owner is also freed by the jubilee but by that only unless he be ransomed prior to it by his relatives upon whom the duty is incumbent. (Midd.13b; Maim.A.2:6,7). However, he at once obtains his freedom upon the death of his master. (Maim.A. 2:12). The slave of a Hebrew master also becomes free upon the death of the latter without a son. But if he leave a son the slave must serve until the expiration of his term. (ib.).

The regulations for the release of a slave in case of permanent bodily injury (Ex.21/26) were held by

the Rabbis not to apply to Hebrew slaves as the compensation was insufficient for one who would regain his liberty under all circumstances after his<sup>s</sup> six years had expired. Therefore the Hebrew slave thus injured was to receive the same compensation as would accrue to a free man.

It was decreed that the minimum value of the present to be given to the slave, in accordance with the Deuteronomic law, at his departure should be thirty shekels (Kidd. 17). The slave of a non-Israelitish owner was not entitled to this gift.

Hebrew female slaves:

The father of a Hebrew girl could sell her only when there is no other resource open to him. He can sell her only to such a man as can contract a valid marriage with her and with the understanding that he will

he will act in accordance with the law. (Ex. 21/7-11).

if he does not do so he cannot sell or give her to another but must set her free. In case he die before the girl reaches puberty she goes free as she is not property and cannot be inherited. (Maim. A. 4:2, 8, 10, 11).

The troublesome question for the Rabbis with regard to the Hebrew female slave was the harmonization of the law in Exodus that the only Hebrew women to be sold were girls who were not to be treated as slaves but to become wives of the purchasers and the Deuteronomic view according to which male and female slave are on the same level. One solution viz. that the Deuteronomic passage refers to such women as were unfitted to marry their purchasers or who had sold themselves after obtaining their majority would seem to be contradicted by the laws that

a father could sell his daughter only when a valid marriage could be contracted (Maim.A.4:9) and that a woman could not sell herself (ib.1:2). However, it is to be noted that Maimonides contradicts himself in this last statement, permitting such sales in 4:3.

#### Non-Hebrew slaves:

These slaves might be acquired by purchase, in war, as a result of slave cohabitation or by voluntary sale on the part of the foreigner. (Maim.A. 3:1). The chief distinction as to Hebrew and heathen slaves is that the former is a free man who has contracted away or been deprived of his freedom for a limited time; the latter, with the exception of certain inalienable human rights is considered as property and is an inheritable chattel. Himself property, he can have no personal property. Hence,

everything that is his becomes eo ipso the belonging of

his master or to put it in Talmudic language יד עבד כיד רבו

(Baba Mesia 90a) or מה שקנה עבד קנה רבו (Pes. 83b).

As property he can be sold or given as security for debt.

In short the slave is to be considered as property in all

cases where his personality as a man does not enter. The

slave may do nothing which would tend to diminish his

value to his owner. The latter, therefore, may prevent his

fulfilling a nazarite vow (Nazir 9j1) and shall receive the

remuneration when the slave is beaten or injured by a third

party (Baba Kama 87:a). Theft from a slave must be <sup>re</sup>paid

to the master (ib. 90b). So, all children by slave women

are slaves and the property of the masters even though

the father were a freeman for a slave could not contract

a legally binding marriage and in all such unions, the

children according to the Talmud, take the status of the

mother. (Kidd.68b).

As a person however, the slave had rights to life and limb which could not be disregarded. We have learned the Biblical provision against the murder or injury of slaves. Not only were these confirmed by the Rabbis but extended so that the Talmud enumerates twenty four parts of the body, permanent, intentional injury of which entitles the slave to his freedom. (Kidd.25a; Maim. A.5:4). If more than one permanent bodily injury was inflicted the slave receives his freedom for the first wound and a money compensation for the other s. (Maim. A.5:14). And in all features of the criminal law the slave stands in the same relation to third persons as a freeman.

On entering a Jewish household even heathen slaves were expected to submit to circumcision. If the

slave was unwilling he was to be allowed to remain uncircumcised for a year and if he then still persisted in his refusal he must be re-sold to a heathen. If however, he had made exemption from circumcision one of the conditions of his purchase it was allowed to retain him. (Maim. A.8:12). A circumcised slave could not be sold to a heathen lest he again lapse into idolatry. Slaves also participated in the Sabbath and festival celebrations. (cf. Ex. 12/44). In general slaves were considered obligated to fulfill all religious duties equally binding upon both men and women. (Hagiga 4a).

Slave testimony was not accepted in court.

It was also forbidden to teach a slave the Tora (Ket. 25a) but this was afterward interpreted to mean that they were not to be taught in the same school with free children. (Maim. A.8:15).

# Manumission of slaves:

In addition to receiving their liberty as a result of injury at the hands of the master, slaves might go free upon the receipt of a bill of manumission from their owners. (Maim.A.9:2). Freedom might also be purchased for the slave by third parties. If a dying man express a desire to free a slave his heirs must fulfil his wish. If he commanded it the court may act in the matter. (ib.8:4). If a master cause a slave to participate in a religious rite which only free men may celebrate he thereby implicitly frees him and must give him a bill of manumission. (Ib.8:17).

FINIS.