

Because You Were Once The Stranger:
The Jewish Legal Imperative To Care for Those in Need

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TABLE OF CONTENTS

TABLE OF CONTENTS	I
INTRODUCTION.....	1
THE FOUNDATION OF JEWISH SOCIAL WELFARE.....	5
CHARITABLE INSTITUTIONS OF HISTORIC JEWISH COMMUNITIES.....	7
INTRODUCTION	7
ADMINISTRATION	8
SOURCES OF REVENUE.....	9
DISTANCE GIVING.....	13
LOCAL GIVING – FOR THE LOCAL POOR	14
LOCAL GIVING – FOR THE FOREIGN POOR	18
CONCLUSION	18
MISHNEH TORAH: LAWS ON GIFTS TO THE POOR (MTMA).....	20
EXPLANATION OF TEXTS UTILIZED.....	20
<i>The Sifrei</i>	
<i>The Tosefta</i>	
<i>The Babylonian Talmud</i>	
<i>Maimonides and the Mishneh Torah</i>	
<i>Joseph Karo and the Keseph Mishneh</i>	
MTMA 7:1 IT IS A POSITIVE COMMANDMENT TO GIVE TZEDAKAH.....	27
<i>Keseph Mishneh</i>	
MTMA 7:2 ANYONE WHO TURNS HIS EYES FROM A BEGGAR AND DOES NOT GIVE TZEDAKAH TRANSGRESSES A NEGATIVE COMMANDMENT.....	27
<i>Keseph Mishneh</i>	
MTMA 7:3 YOU ARE COMMANDED TO PROVIDE WHAT HE LACKS.....	28
<i>Keseph Mishneh</i>	
<i>Ketubot 67a</i>	
MTMA 7:4 WHEN AN ORPHAN COMES TO MARRY	31
MTMA 7:5 ONE SHOULD GIVE UP TO ONE FIFTH; EVEN THOSE MAINTAINED ON TZEDAKAH MUST GIVE TZEDAKAH.....	31
<i>Keseph Mishneh</i>	
<i>Ketubot 50a</i>	
<i>Ketubot 66b</i>	
<i>Baba Batra 9a</i>	
<i>Gittin 7a</i>	
MTMA 7:6 DO NOT DELAY PROVIDING FOOD	35

<i>Keseph Mishneh</i> <i>Baba Batra 9a</i>	
MTMA 7:7 NON-JEWS RECEIVE SUPPORT; NEVER TURN A BEGGAR AWAY EMPTY-HANDED	36
<i>Keseph Mishneh</i> <i>Baba Batra 9a</i> <i>Gittin 61a</i>	
MTMA 7:8 THE MINIMUM DONATION TO GIVE A POOR PERSON WHO IS ON HIS WAY FROM ONE PLACE TO ANOTHER	38
<i>Keseph Mishneh</i> <i>Pe'ah 8:7</i> <i>Baba Batra 9a</i> <i>Shabbat 118a</i> <i>Tosefta Pe'ah</i> <i>Ketubot 67b</i>	
MTMA 7:9 WHEN A POOR PERSON DOES NOT WANT TO ACCEPT TZEDAKAH	42
<i>Keseph Mishneh</i> <i>Ketubot 67b</i>	
MTMA 7:10 ONE WHO DOES NOT WANT TO GIVE TZEDAKAH	44
<i>Keseph Mishneh</i> <i>Ketubot 49a, b</i> <i>Baba Batra 8b</i>	
MTMA 7:11 REGARDING A MAN WHO DESPAIRS THAT HE HAS GIVEN MORE THAN HE CAN AFFORD.....	48
<i>Keseph Mishneh</i> <i>Baba Batra 8b</i>	
MTMA 7:12 TZEDAKAH IS NOT APPORTIONED ON ORPHANS; ONLY SMALL DONATIONS ACCEPTED FROM WOMEN, SLAVES, AND CHILDREN	49
<i>Keseph Mishneh</i> <i>Baba Batra 8a</i> <i>Baba Kamma 119a</i>	
MTMA 7:13 POOR RELATIVES TAKE PRIORITY OVER OTHER POOR.....	51
<i>Keseph Mishneh</i> <i>Baba Metziah 71a</i>	
MTMA 7:14 TZEDAKAH ASSESSMENT WHILE TRAVELING TO ANOTHER CITY	52
<i>Keseph Mishneh</i> <i>Megillah 27a, b</i>	
MTMA 7:15 TZEDAKAH SHOULD BE GIVEN TO ONE'S HOME COMMUNITY FIRST. 53	
<i>Keseph Mishneh</i> <i>Tosefta Baba Kamma 11:3</i>	
MTMA 8:1 TZEDAKAH FALLS UNDER THE CATEGORY OF VOWS	54

<i>Keseph Mishneh</i> <i>Rosh Hashanah 6a</i>	
MTMA 8:2 ABBREVIATIONS ARE VALID WITH TZEDAKAH AS WITH OTHER VOWS	55
<i>Keseph Mishneh</i> <i>Nedarim 7a</i>	
MTMA 8:3 ONE WHO VOWS TZEDAKAH AND DOES NOT KNOW HOW HE VOWED 57	
<i>Keseph Mishneh</i> <i>Menachot 106b</i>	
MTMA 8:4 EXCHANGING ITEMS DESIGNATED FOR TZEDAKAH	58
<i>Keseph Mishneh</i> <i>Arachin 6b</i> <i>Baba Batra 8b</i>	
MTMA 8:5 DERIVING BENEFIT FROM TZEDAKAH (FOR THE SAKE OF THE POOR). 61	
MTMA 8:6 EXCHANGING ITEMS DONATED TO A SYNAGOGUE	62
<i>Keseph Mishneh</i> <i>Arachin 6b</i>	
MTMA 8:7 EXCHANGING DONATIONS FROM NON-JEWS	64
<i>Keseph Mishneh</i> <i>Arachin 6b</i>	
MTMA 8:8 NON-JEWS WHO DONATE TO THE TEMPLE OR A SYNAGOGUE.....	67
<i>Keseph Mishneh</i> <i>Arachin 6b</i> <i>Yerushalmi Shekalim 1:4</i>	
MTMA 8:9 ACCEPTING TZEDAKAH FROM NON-JEWS IN PUBLIC.....	71
<i>Keseph Mishneh</i> <i>Sanhedrin 26b</i>	
MTMA 8:10 REDEMPTION OF CAPTIVES COMES BEFORE THE NEEDS OF THE POOR	72
<i>Keseph Mishneh</i> <i>Baba Batra 8b</i>	
MTMA 8:11 REDIRECTING FUNDS FOR THE RANSOM OF CAPTIVES	74
MTMA 8:12 WE DO NOT RANSOM CAPTIVES FOR MORE THAN THEIR WORTH OR HELP THEM ESCAPE	74
<i>Keseph Mishneh</i> <i>Gittin 45a</i>	
MTMA 8:13 RANSOMING ONE WHO SELLS HIMSELF AND CHILDREN INTO SLAVERY	75
<i>Keseph Mishneh</i> <i>Gittin 46b</i>	

MTMA 8:14 RANSOMING SLAVES AND (NOT RANSOMING) HEATHEN JEWS.....	77
<i>Keseph Mishneh</i>	
<i>Gittin 46b</i>	
MTMA 8:15 WHEN WOMEN TAKE PRIORITY OVER MEN, AND VICE VERSA	78
<i>Keseph Mishneh</i>	
<i>Horayot 13a</i>	
MTMA 8:16 WHEN A MALE AND A FEMALE ORPHAN COME TO MARRY	79
<i>Keseph Mishneh</i>	
<i>Ketubot 67a, b</i>	
MTMA 8:17 PRIORITIES REGARDING WHO TO REDEEM FROM CAPTIVITY.....	81
<i>Keseph Mishneh</i>	
<i>Horayot 13a</i>	
MTMA 8:18 THE LEARNED COME BEFORE THE IGNORANT.....	83
<i>Keseph Mishneh</i>	
<i>Horayot 13a</i>	
MTMA 9:1 EVERY CITY CREATES A TZEDAKAH COLLECTIVE.....	84
<i>Keseph Mishneh</i>	
<i>Baba Batra 8b</i>	
<i>Pe'ah 8:7</i>	
MTMA 9:2 THE TAMCHUI IS ESTABLISHED IN EACH JEWISH COMMUNITY	88
<i>Keseph Mishneh</i>	
<i>Baba Batra 8b</i>	
<i>Pe'ah 8:7</i>	
MTMA 9:3 EVERY COMMUNITY HAS A KUPPAH, SOME HAVE A TAMCHUI	91
MTMA 9:4 THE POOR STILL ARE FED ON FAST DAYS	91
<i>Keseph Mishneh</i>	
<i>Sanhedrin 35a</i>	
MTMA 9:5 THE KUPPAH IS COLLECTED BY TWO PEOPLE.....	92
<i>Keseph Mishneh</i>	
<i>Pe'ah 8:7</i>	
<i>Baba Batra 8b</i>	
MTMA 9:6 THE TAMCHUI IS FOR ALL THE POOR, THE KUPPAH IS FOR THE LOCAL POOR.....	94
<i>Keseph Mishneh</i>	
<i>Baba Batra 8b</i>	
MTMA 9:7 THE AUTHORITY TO CHANGE THE KUPPAH OR TAMCHUI RESTS WITH THE COMMUNITY.....	95
<i>Keseph Mishneh</i>	
<i>Baba Batra 8b</i>	
MTMA 9:8 TZEDAKAH COLLECTORS MUST STAY TOGETHER	96
<i>Keseph Mishneh</i>	

<i>Baba Batra 8b</i>	
MTMA 9:9 TZEDAKAH COLLECTORS WHO FIND MONEY MUST PUT IT IN THE TZEDAKAH COLLECTIVE UNTIL THEY ARRIVE HOME	97
<i>Keseph Mishneh</i>	
<i>Baba Batra 8b</i>	
MTMA 9:10 TZEDAKAH COLLECTORS PUT LOAN REPAYMENTS INTO THE TZEDAKAH COLLECTIVE UNTIL THEY ARRIVE HOME	98
<i>Keseph Mishneh</i>	
<i>Baba Batra 8b</i>	
MTMA 9:11 WHEN THERE ARE NO POOR TO WHOM THEY GIVE THE ALMS	99
<i>Keseph Mishneh</i>	
<i>Baba Batra 8b</i>	
MTMA 9:12 GIVING REQUIREMENTS BASED ON DURATION OF RESIDENCY.....	100
<i>Keseph Mishneh</i>	
<i>Baba Batra 8a</i>	
<i>Tosefia on Pe'ah</i>	
MTMA 9:13 MEANS-TESTING THE KUPPAH AND TAMCHUI.....	102
<i>Keseph Mishneh</i>	
<i>Pe'ah 8:7-9</i>	
<i>Ketubot 68a</i>	
MTMA 9:14 RECEIVING ASSISTANCE EVEN WHILE IN POSSESSION OF ASSETS OF WORTH.....	105
<i>Keseph Mishneh</i>	
<i>Ketubot 68a</i>	
MTMA 9:15 A "SOLID CITIZEN" IN TEMPORARY NEED MAY TAKE ASSISTANCE	106
<i>Keseph Mishneh</i>	
<i>Pe'ah 5:4</i>	
MTMA 9:16 ONE IS NOT FORCED TO SELL PROPERTY WHILE THE PRICE IS LOW	107
<i>Keseph Mishneh</i>	
<i>Baba Kamma 7a</i>	
MTMA 9:17 A PERSON UNDER PRESSURE TO SELL PROPERTY MAY NOT BE FORCED TO SELL AT LOW PRICE	110
<i>Keseph Mishneh</i>	
<i>Baba Kamma 7a</i>	
MTMA 9:18 THE EXCESS FROM COLLECTIONS IS DESIGNATED MONEY	114
<i>Keseph Mishneh</i>	
<i>Shekalim 2</i>	
MTMA 9:19 WHEN THE POOR GIVE TZEDAKAH IT IS ACCEPTED.....	115
<i>Keseph Mishneh</i>	
<i>Tosefta Pe'ah 4:10</i>	
MTMA 10:1 TZEDAKAH IS THE HALLMARK OF THE JEWISH PEOPLE.....	116

<i>Keseph Mishneh</i>	
<i>Sanhedrin 98a</i>	
<i>Shabbat 139a</i>	
MTMA 10:2 NOTHING BAD CAN COME OF GIVING TZEDAKAH	117
<i>Keseph Mishneh</i>	
<i>Shabbat 151b</i>	
<i>Yebamot 79a</i>	
<i>Betza 32b</i>	
MTMA 10:3 THOSE WHO DO NOT GIVE TZEDAKAH ARE WICKED	120
<i>Keseph Mishneh</i>	
<i>Ketubot 68a</i>	
<i>Sifrei: Re'eh</i>	
MTMA 10:4 TZEDAKAH SHOULD BE GIVEN WITH A SMILE.....	121
<i>Keseph Mishneh</i>	
MTMA 10:5 IF YOU HAVE NOTHING TO GIVE, OFFER KIND WORDS.....	122
<i>Keseph Mishneh</i>	
<i>Baba Batra 9b</i>	
MTMA 10:6 COMPELLING OTHERS TO GIVE TZEDAKAH IS GREATER THAN GIVING ONESELF	124
<i>Keseph Mishneh</i>	
<i>Baba Batra 9a, 8b</i>	
MTMA 10:7 THE HIGHEST LEVEL OF TZEDAKAH.....	126
<i>Keseph Mishneh</i>	
MTMA 10:8 TZEDAKAH LEVEL SEVEN	126
<i>Keseph Mishneh</i>	
<i>Sukkot 49b</i>	
<i>Baba Batra 10a</i>	
<i>Shekalim 5:6</i>	
MTMA 10:9 TZEDAKAH LEVEL SIX	129
<i>Keseph Mishneh</i>	
<i>Ketubot 67b</i>	
MTMA 10:10 TZEDAKAH LEVEL FIVE	130
<i>Keseph Mishneh</i>	
MTMA 10:11 TZEDAKAH LEVEL FOUR.....	130
MTMA 10:12 TZEDAKAH LEVEL THREE.....	131
MTMA 10:13 TZEDAKAH LEVEL TWO.....	131
MTMA 10:14 TZEDAKAH LEVEL ONE.....	131
MTMA 10:15 GIVING TZEDAKAH BEFORE PRAYER.....	131
<i>Keseph Mishneh</i>	
<i>Baba Batra 10a</i>	

MTMA 10:16 GIVING SUSTENANCE TO GROWN CHILDREN.....	133
<i>Keseph Mishneh</i>	
<i>Ketubot 50a</i>	
MTMA 10:17 THE POOR AND ORPHANED SHOULD BE MEMBERS OF ONE'S HOUSEHOLD	136
<i>Keseph Mishneh</i>	
<i>Mishnah Avot 1:5</i>	
MTMA 10:18 AVOIDING TAKING TZEDAKAH IS PRAISEWORTHY	137
<i>Keseph Mishneh</i>	
<i>Pesachim 112a, 113a</i>	
<i>Yoma 35b</i>	
<i>Gittin 67b</i>	
<i>Ketubot 105a</i>	
<i>Berachot 28b</i>	
MTMA 10:19 THOSE WHO TAKE TZEDAKAH WHEN THEY DO NOT NEED IT WILL BE PUNISHED	141
<i>Keseph Mishneh</i>	
<i>Yerushalmi Pe'ah 8:9</i>	
CONCLUSIONS: ETHICAL APPLICATIONS OF THE LEGAL PROVISIONS.....	143
INTRODUCTION	143
WE MUST GIVE . . . BUT NOT WITHOUT BOUNDS	144
THE OBLIGATION UPON EACH COMMUNITY TO COLLECT TZEDAKAH	146
UNCERTAINTY, EMBARRASSMENT, AND MINIMUM DONATIONS TO BEGGARS	147
USING ELIGIBILITY CRITERIA TO LIMIT SERVICE	149
WHAT THE POOR NEED, NOT WHAT YOU WANT TO GIVE	153
THERE ARE HUNGRY PEOPLE THIS WEEK AND THERE WILL STILL BE HUNGRY PEOPLE NEXT WEEK	155
DIRECTED GIVING VS. GENERAL DONATIONS	157
ANY JOB (WITH BENEFITS AND A LIVING WAGE) WILL DO	160
AFFIRMATIVE ACTION	161
AFTERWARD	164
APPENDIX A: CONVERSION CHARTS.....	165
<i>Monetary Conversion Chart</i>	
<i>Dry-Measure Conversion Chart</i>	
APPENDIX B: THE STORY OF NAKDIMON BEN GURION	166
BIBLIOGRAPHY	168

INTRODUCTION

The American Jewish community is dedicated to a social justice agenda, as evidenced in recent decades by its leadership in the civil rights movement and its continued voting patterns that reflect a liberal or democratic ideology¹. Additionally, Jewish communal agencies support numerous social welfare programs in every city in which a Jewish Federation operates. Not just in modern society has the Jewish community organized itself to support the needy. Historic Jewish communities, often operating under semi-autonomous conditions, almost universally organized charitable societies to provide for the needs of their poor². Jewish traditions supporting communal responsibility for those in need can be traced to rabbinic laws outlining Jewish responsibility for the poor, which themselves are derived from both Biblical texts and communal customs.

While many traditions support and encourage “charity,” the Jewish word for social welfare and assistance to the needy is “tzedakah.” Tzedakah is often translated as “charity” but this is an incorrect translation. Merriam-Webster’s Dictionary defines charity as a “generosity” or a “gift.”³ According to Jewish law, tzedakah is neither. A much more accurate understanding of tzedakah is “justice.” Jewish law provides the basis for this translation and understanding of the concept of tzedakah. Under Jewish law, everyone is obligated to give tzedakah, regardless of one’s generous nature – or lack thereof. In the Mishneh Torah (referenced as MT), Rabbi Moses ben Maimon’s, or Maimonides’, 12th century Jewish law code, in the section concerning Laws on

¹ Los Angeles Times Exit Poll #490, Oct. 7, 2003.; Tobin, Gary. (12/18/03). *Personal Communication*.

² For more information, see the chapter “Charitable Institutions of Historic Jewish Communities”

³ Merriam-Webster’s Online retrieved 1/5/04 from <http://www.m-w.com/home.htm> Merriam-Webster Dictionary search for “charity”

Gifts to the Poor (in Hebrew, Matanot Aniyim, referenced as MA), chapter nine, paragraph twelve, details a strict schedule concerning when a resident in a community must begin paying tzedakah to the community collective, and for what types of tzedakah a resident is obligated. One who is resident in a town for 30 days must give monetary contributions to the kuppah (the money collective for the poor). One who is resident for three months must provide food to the tamchui (the food collective for the poor). A six-month residency obligates one to contribute clothing for the poor. And a nine-month stay requires an additional donation to the community's burial fund for the indigent. The obligatory nature of helping the poor that comes with one's residency in a community makes tzedakah neither mere generosity nor a gift. Rather, tzedakah is a sort of "tax" or "pay back" for the benefits derived from living as part of a community and the communal resources that are used by one's presence in a community. The longer the stay, the greater the benefits, the more obligation there is to give back.

Reinforcing this notion that tzedakah is compensation for benefits derived from the community is the requirement that those who travel for their business must contribute to the tzedakah fund of the town in which they are conducting their business. Deriving benefit from a community creates an obligation to help others in that community who are in need of assistance. In other words, it is not just the generous and giving person who feels that he must "give back" who donates tzedakah, it is incumbent upon everyone to do so.

Two other laws governing the giving of tzedakah to beggars and to the communal tzedakah collectives also strengthen the idea that tzedakah is not merely

charity, given according to the generosity of the donor. The Mishneh Torah Laws on Gifts to the Poor (MTMA) clearly spells out minimum donations to give to the poor who ask for assistance – a loaf of bread worth a pundion when four se'ahs of wheat costs a selah.⁴ Not only are we told that there is a minimum donation we are required to give, but also this donation must be of a certain size. One may not cheat a poor person by providing them with a thinner or smaller loaf of bread. By describing the cost of the wheat that makes the bread and not just the cost of the loaf, we are made to understand that if the cost of the bread goes up we are still obligated to provide a commensurate amount of food to the poor. It is not a symbolic gift that is dictated; it is the actual sustenance for the poor that is commanded.

Further, one who refuses to give tzedakah can be forced by the rabbinical court to do so.⁵ Charity is voluntary by nature, a kindness shown from one person to another. Tzedakah is a religious obligation to repay society for the advantages one reaps by living together in a community with other human beings. According to Jewish law, it is justice, or fairness, to give a portion of the benefits back to those in the community who are not as fortunate; this is an obligation, not a choice or a discretionary donation.

But, while the religious courts can mandate tzedakah collection, Jewish law expects that we will not only give willingly, but with a smile and in a courteous manner.⁶ We should identify with the pain of the poor and console them. We should speak kindly and pray for their well-being.⁷ Giving grudgingly, even if one gives the

⁴ MTMA 7:8; See Appendix A for a monetary conversion chart

⁵ MTMA 7:10

⁶ MTMA 10:4

⁷ MTMA 10:4

required amount, is the lowest level of Maimonides' Eight Levels of Tzedakah.⁸ One who gives grudgingly does not fulfill the mitzvah, the religious obligation to give, even if he fulfills his societal obligation.⁹ Thus, not only are we obligated to repay our good fortune, but also we are supposed to recognize our blessings, be grateful, and give back willingly and cheerfully as a result.

To understand the deep and embedded commitment of the Jewish community to tzedakah throughout history, one must look to the extensive laws and customs that have dictated Jewish behavior in this realm. Further, a comprehensive understanding of the tradition and commitment to social welfare programs is necessary for discerning appropriate Jewish approaches to modern social ills, including poverty, hunger, and homelessness, to name just a few.

In this vein, in order to provide a comprehensive and useful compendium of resources detailing the Jewish legal and cultural commitment to social welfare, the non-agricultural laws of tzedakah, as laid out in the last four chapters of the Mishneh Torah Laws on Gifts to the Poor, have been compiled. To provide a context for the laws, an overview of the social welfare systems in various historic Jewish communities is provided. Finally, suggestions have been given for a modern application of these laws in our contemporary society.

⁸ MTMA 10:14

⁹ MTMA 10:4

THE FOUNDATION OF JEWISH SOCIAL WELFARE

When the whole of Jewish history is considered, it becomes clear that the Jewish concern for those most in need is not a new phenomenon peculiar to the American Jewish community. The Jewish value of caring for the less advantaged in society is deeply embedded in Jewish teachings and traditions. One need only open the Hebrew Bible to find the first injunctions to care for the poor, needy and orphaned members of society. Deuteronomy 15:7-11 explains that one must be generous to the needy, for if one does not give to the poor, the wrath of God will be summoned against him. Deuteronomy 15:10 explains that the reward for giving tzedakah to those in need is God's blessing in all of one's affairs. Further laws on gifts to the poor clearly reflect the spirit of this directive, to "open your hand to the poor and needy kinsman in your land," as well as the negative injunction just four verses earlier, that you should not "harden your heart and shut your hand against your needy kinsman."¹⁰

Numerous specific applications of these basic laws are found in the scriptures. In Leviticus we are told that the produce at the corners of our fields and the sheaves that have fallen during harvest must be left for the poor.¹¹ Proverbs 25:21 tells us that even if it is our enemy who has come into our hands hungry, we must give him food and drink. And Isaiah, chapter 58, provides us with what is probably the most famous exhortation to provide for the needy: the prophetic reading used for the Yom Kippur liturgy. In this passage, the community is told that strict adherence to religious dictates is not sufficient. Rather, the community should also free the enslaved, feed the hungry, clothe the naked, and give shelter to the homeless.

¹⁰ Mishneh Torah, introduction to Laws on Gifts to the Poor

¹¹ Leviticus 19:9-10; Leviticus 23:22

These are just a few of the many Biblical examples of the Jewish tradition's insistence on caring for the poor and defenseless members of their society. The importance of caring for those who are in need was emphasized again in the 2nd century BCE, by Simon the Just, who, as recorded in the Mishnah, explained that in addition to study and religious worship, acts of kindness sustain the world.¹² As Jewish law developed, the many Biblical instructions to care for the poor, the widow, the orphan and the stranger were elaborated and explained. Throughout the Talmud there are stories that demonstrate appropriate charitable acts and warn against stinginess or greed. Although originally incumbent upon each individual, the requirement to provide for needy kinsmen was eventually canonized as a dictate for each Jewish community.¹³

The Jewish legal codes, including the 12th century Mishneh Torah of Rabbi Moses ben Maimon which was the most comprehensive of its time, give detailed descriptions of how the needy must be cared for by the community and by individuals. These legal codes both dictated and described how Jewish communities around the world should care for the most vulnerable amongst them. Looking at examples of historic Jewish communities that operated somewhat or primarily autonomously, including those of medieval Egypt where Maimonides lived, can provide an important glimpse into both the social context in which Maimonides was writing, and how deeply embedded is the notion that the Jewish community must take care of those in need. Further, understanding that the Jewish community has always taken care for the needy to be amongst its highest priorities can help us, in part, to

¹² Pirkei Avot 1:2; Neuman, Abraham. *The Jews in Spain*. Philadelphia: The Jewish Publication Society. 1942. p. 161

¹³ MTMA 9:1, 9:3

understand why the American Jewish community continues, today, to support and care for those most vulnerable in our society.

CHARITABLE INSTITUTIONS OF HISTORIC JEWISH COMMUNITIES

Introduction

An examination of a sampling of historic Jewish communities in Vilna, Lithuania (15th-18th centuries); Aragonese and non-Aragonese Spain (13th-15th centuries); Mantua, Italy (16th century); Alexandria and Fustat, Egypt (10th-13th centuries); and Fez, Morocco (16th-17th centuries) reveals an extensive array of communal programs to support the poor and needy. Many Jewish communities living in Christian and Muslim societies found themselves fairly well treated and somewhat autonomous.¹⁴ This autonomy allowed, or required, the Jewish communities to develop their own communal institutions to address social and religious needs, including the needs of indigent Jews.¹⁵

Although the details of what services were offered and who was primarily responsible for the communal welfare systems varied by locale, every Jewish community in this study eventually instituted a system for caring for those in need of financial or in-kind support. In fact, the social services offered were often quite comprehensive, particularly in the larger communities, and were available both to the local indigent as well as foreign Jewish travelers and communities. In most cases,

¹⁴ Cohen, Mark. *Under Crescent and Cross: The Jews in the Middle Ages*. Princeton: Princeton University Press. 1994. p. 45-51

¹⁵ Goitein, S. D. *A Mediterranean Society*, (Jacob Lassner, ed.) Los Angeles: University of California Press. 1999. p. 121;

while the systems of service delivery varied, the benefits offered in each community to the needy were similar.

There were, however, some details in which the communities varied considerably. Each individual town's or kingdom's Jewish community operated independently. The result of this was wide variation in the communal structure of Jewish communities even within what we would today consider one country or region. For example, while some Jewish communities in medieval Spain had communal tzedakah funds administered by appointed or elected officials, other Jewish communities in medieval Spain had no communal social welfare programs at all.¹⁶ Despite this, even those communities that had no communal safety net for much of the Middle Ages often had generous individuals and groups that provided for the needs of the indigent.¹⁷ For the most part, communal welfare programs in historic Jewish communities met the needs of both the needy in their towns and the worldwide Jewish community through a pooling of resources directed to the most needy Jews.¹⁸

Administration

The Jewish communities that maintained public social welfare programs for the poor needed public officials to administer and account for them. Each community devised its own system to do this. In Italy, three men were elected to supervise

¹⁶ Assis, Yom Tov. *The Golden Age of Aragonese Jewry: Community and Society in the Crown of Aragon, 1213-1327*. Portland: The Littman Library of Jewish Civilization. 1997. p. 242; Neuman 242

¹⁷ Assis 242

¹⁸ Goitein 123

communal tzedakah funds.¹⁹ In contrast, the community leadership appointed administrators of the tzedakah funds in some Spanish towns and in Fez, Morocco.²⁰ In other Spanish towns, the treasurers of these funds were elected annually through a popular vote.²¹ The wardens of the Great Synagogue in Vilna, which was the central institution of the community, directed the "Great Tzedakah," the social welfare department of the institution.²² In the Spanish communities that did not operate public welfare systems, treasurers were generally appointed to administer the properties or funds bequeathed by generous residents.²³ In every community, there was public assessment of needs and allocations, and accountability to the communal leadership for the tzedakah funds.

Sources of Revenue

Because the Jewish community was collecting and distributing so much money and in-kind donations on a regular basis, most communities, necessarily, organized an extensive system for bringing in and managing resources. One source of revenue for some communities, such as Alexandria, Fez, and Vilna, was the slaughterhouse for kosher meat.²⁴ In Fez, the *sigá*, the tax on ritually slaughtered meat, was, at least in part, allotted for foreign beggars in the city; in Vilna, part of the tax from the slaughterhouse supported the Hevra Kadisha, the burial society.²⁵ But the slaughterhouses and their taxes were not universally profitable for historic Jewish

¹⁹ Simonsohn 401

²⁰ Neuman 166, Gerber 131

²¹ Neuman 166

²² Cohen, Israel 122

²³ Assis 243

²⁴ Goitein 128, Gerber 130

²⁵ Gerber, Jane. *Jewish Society in Fez: Studies in Communal and*

slaughterhouses and their taxes were not universally profitable for historic Jewish communities. In Fustat, Egypt, for example, the slaughterhouse was little more than a source of employment for the community butcher, and the community derived little, if any, income from it.²⁶

Rental properties and hostels were also a large source of income for the Jewish communities. Left in a will to the synagogue or the "kodesh" (the community chest), houses or buildings often became a part of the communal property.²⁷ The practice of willing buildings seems to have increased considerably between the 11th and 12th centuries, with the Fustat community listing a total of eight houses and two stores in the kodesh in the year 1039, and one roster alone listing 29 houses and ten shops in Fustat in 1180.²⁸ All together there may have been as many as 90 houses belonging to the Fustat community at this time.²⁹ Houses and rooms were rented out to the poor, community officials, travelers needing lodging -- even non-Jews were tenants of the Jewish community in Fustat. We have one record of a Muslim judge renting from the Jewish community.³⁰ In Spain there were gardens and vineyards that had been donated to the community. The fruits and produce of these holdings were harvested and used to supplement communal funds for the poor.³¹

Fines for civil and religious transgressions were often applied to tzedakah funds.³² In Vilna, taxes on religious goods, such as etrogim for Sukkot, and on

Economic Life. (Doctoral dissertation, Columbia University, 1972). Ann Arbor: Xerox University Microfilms. 1975. p. 130

²⁶ Goitein 128

²⁷ Neuman 166; Assis 243; Gerber 130

²⁸ Goitein 132

²⁹ Goitein 132-133

³⁰ Goitein 134

³¹ Neuman 166

³² Gerber 126-128

religious services, such as the grinding of Passover flour, were also given to the poor.³³ Also related to holidays and family occasions, the tradition developed in Fez of making a donation to the tzedakah fund at the season of the Jewish festivals as well as whenever a family celebrated a happy occasion like a birth, bar-mitzvah, or wedding, or upon the sad occasion of a death in the family.³⁴

Because a religious obligation to give tzedakah existed some communities made donations for the poor compulsory. In other communities, although the religious obligation remained, the communal authorities did not dictate or mandate the donations.³⁵ In many historic Jewish communities, families were expected both to pay a compulsory tax based on an assessment of a family's wealth and to make some additional, voluntary donations.³⁶ In Egypt, shortly after the High Holy Days, individuals and families would make a vow to donate a given amount every week.³⁷ They would donate bread according to their means, and wheat, which was donated in roughly equal amounts regardless of means.³⁸ The bread donations in particular were a way for women to participate in pious acts and "save their souls" for the "World to Come."³⁹ After the promises were made, collectors would go door to door each day of the week except for the Sabbath to collect. In Fustat, the collections were then distributed twice a week.⁴⁰ The community officials, including tzedakah administrators, teachers, and scholars would receive the first rations, before the poor. Anything that was remaining after the community needs were met would be held in

³³ Cohen, Israel 122

³⁴ Gerber 125

³⁵ Neuman 163

³⁶ Neuman 163

³⁷ Goitein 130

³⁸ Goitein 131

³⁹ Goitein 136

⁴⁰ Goitein 139-140

an account until next needed. By contrast, in Italy the three tzedakah supervisors would dispense an "annual allowance" to the poor from the community fund.⁴¹

In the Spanish communities of the Aragon, development of a public welfare system was relatively late. Prior to the end of the 14th century, there were no public mechanisms to provide aid to the poor in most communities.⁴² Instead, private individuals and groups provided most welfare for the poor.⁴³ Private societies called "havurot" developed to serve the purposes that, in almost all other Jewish communities, were provided by the public communal institutions. In communities in the Aragon where communal funds did exist, they were generally the result of individual bequests. In these cases, the community was responsible for appointing an administrator for the funds who would adhere to the terms of the gift.

In addition to the regular taxes and donations each family was expected to give in the communities in which such systems were in place, there were times that a special collection was taken.⁴⁴ For instance, when a large-scale community emergency arose, the community members were expected to give as much as they could, according to their means. However, when a special expense of limited scope arose, such as providing for a traveling scholar, private requests were made, and a few affluent individuals would provide the needed goods or money. In these cases, no public plea was made.⁴⁵ In all, the social welfare systems of historic Jewish communities were quite comprehensive and elaborate.

⁴¹ Simonsohn 401

⁴² Assis 242

⁴³ Assis 242

⁴⁴ Gerber 125

⁴⁵ Goitein 125

Distance Giving

The first category of giving for which historic Jewish communities collected donations was for communities outside their immediate towns and cities. It was not uncommon for donations to be made to support "ecumenical seats of learning in Jerusalem and Baghdad," institutions of higher learning, and even individual scholars.⁴⁶ Believing that "it was the quality of the scholar, not where he was from that mattered," donations to such high-quality scholars were considered equal to sacrifices at the Temple altar."⁴⁷ Donations also poured into the "Holy City" to help cover the expenses associated with pilgrims, travelers and the poor who found their way to Jerusalem with no way to support themselves.⁴⁸ For this, a special collection was taken, in Egypt called "tafriqat al-maqadisa or "the distribution for the Jerusalemites."⁴⁹ In many places emissaries from the Palestinian community would come to collect regular donations; Fez and other large cities were main centers for this collection.⁵⁰

Another important collection that often was earmarked for other communities was money to ransom captives. This was considered the most important and worthiest donation to make. In fact, every community in this review made special collections for the ransom of Jewish captives.⁵¹ An explanation for why ransoming the captives was considered to be so important can be found in the MTMA. There it is explained "a captive falls into the categories of the hungry, the thirsty, and the naked, and stands

⁴⁶ Goitein 122

⁴⁷ Goitein 123

⁴⁸ Goitein 124; Gerber 132

⁴⁹ Goitein 124

⁵⁰ Gerber 124

⁵¹ Neuman 162; Simonsohn, Shlomo. *History of the Jews in the Duchy of Mantua*. Jerusalem: Kiryath Sepher, Ltd. 1977. p. 140, Gerber 137; Goitein 124

in mortal danger.”⁵² Therefore, there were none with more pressing or greater needs than the captives.

The captives were often from Europe, and in order to return them to their home, the community would have to pay the ransom, clothe the prisoner, feed the prisoner, pay the poll and port duty taxes, and arrange for travel back to the city of origin. This was extremely burdensome on the communities, with a single captive often costing the Egyptian communities, for example, more than the equivalent of bread provisions for 150 people, for a two-month period.⁵³ While it may seem extremely generous that these Jewish communities gave so much to foreigners, strangers, and far away communities they had never visited, they seemed to operate by a simple rule: “gifts were sent to the localities in which the need was greatest.”⁵⁴ Further, there also seemed to be an understanding that the financial footing of a community was always tenuous, and it could be that the financially stable communities of today would be the ones to need assistance tomorrow.⁵⁵ Even with such an emphasis on fulfilling needs in the Jewish community, wherever they may have been, the local communities received most of the donations.

Local Giving – For The Local Poor

There were many different categories of individuals who received assistance in the form of charitable donations from historic Jewish communities. The poor were

⁵² MTMA 8:10

⁵³ Goitein 124

⁵⁴ Goitein 123

⁵⁵ Cohen, Jonathan. “Charitable Contributions, Communal Welfare Organizations and Allegiance to the Community According to Rashba” in *Hebrew Union College Annual*. vol. 72, 2001. p. 92

not the only ones to receive assistance. In addition, community officials, teachers, those with disabilities, scholars, those who were particularly generous, and travelers all received donations to varying degrees depending in which community they resided.⁵⁶ Each category of persons received varying amounts or kinds of assistance, from "tax-breaks" on the communal poll tax, to larger portions of the food, money, housing subsidies, and clothing that the poor received⁵⁷.

For instance, in Egypt, community officials enjoyed a variety of perquisites. Their poll taxes were paid by the community, which followed the old saying that "whosoever accepts the yoke of Torah is exempted from the yoke of rulers."⁵⁸ Since primarily scholars were appointed to community positions, all community officials were privileged to receive these benefits.⁵⁹

Additionally, they received weekly portions of bread as well as wheat rations to make their own bread. They received more than ample amounts of bread and wheat to feed themselves and their families, with their weekly rations amounting to more than the poor received.⁶⁰ Community officials also received clothing donations twice a year, or monetary supplements for the purchase of clothing. It was not uncommon for second-hand clothing to be worn, but the community was always careful to provide clothing appropriate to one's status in the community. Jews could find themselves in trouble with the Muslim authorities or Muslim neighbors if they were found to be dressed inappropriately for their class⁶¹.

⁵⁶ Gerber 125

⁵⁷ Gerber 123, Goitein 136-139

⁵⁸ Goitein 137, Gerber 123

⁵⁹ Goitein 137

⁶⁰ Goitein 137

⁶¹ Neuman 167, Goitein 131

Despite the large degree of support by the community for officials and administrators, the poor and needy were still the primary recipients of community welfare. The assistance they received was similar to that of community officials, but in smaller portions. Poverty was seen as decreed in the Torah to be a permanent part of society, and so the Jewish community did not see the eradication of it as one of its goals.⁶² Therefore, the system was designed not to raise the poor out of poverty, but rather to provide merely subsistence level assistance.⁶³

The poor of every community received regular bread and wheat rations.⁶⁴ Additionally, there is evidence that in Italy and Lithuania, they were given matzoth for Passover or appropriate Passover flour.⁶⁵ In some communities, such as in the Spanish communities of Aragon, special food collections would be made to provide festival meals to indigent Jews.⁶⁶ For orphaned infants, the community of Vilna paid for wet-nurses.⁶⁷ Also, throughout the year, the poor Jews of Spain, Morocco, and Egypt received clothing handouts or subsidies.⁶⁸ The Jewish community also provided a religious education for poor and orphaned children. In Vilna, Lithuania, societies called "Hebra Talmud Torah," part of the communal organization, were responsible for insuring orphaned and poor children an education⁶⁹. In many communities, religious education of children was among their top priorities.⁷⁰

⁶² Deuteronomy 15:1; Goitein 145

⁶³ Goitein 145

⁶⁴ Neuman 167; Simonsohn 401-402; Gerber 127; Goitein 139

⁶⁵ Simonsohn 402; Cohen, Israel. *Jewish Communities Series: Vilna*. Philadelphia: The Jewish Publication Society. 1943. p. 122

⁶⁶ Assis 245

⁶⁷ Cohen, Israel 122

⁶⁸ Neuman 167; Assis 245; Gerber 127; Goitein 140-141

⁶⁹ Cohen, Israel 128

⁷⁰ Neuman 170; Assis 243

In addition to food, clothing and education, other basic needs of the poor were met by the communities in which they lived. The poor of Egypt often received rent subsidies, although there is no evidence that the poor were allowed to live rent-free.⁷¹ In Egypt, the community paid the communal poll tax for those unable to pay.⁷² In every Jewish community under study, the indigent were also the recipients of free medications and free medical services donated by physicians or the communities.⁷³

Tzedakah for the living was surpassed only by the communities' unfailing commitment to perform the appropriate religious rituals for the deceased. In Judaism, attending to the religious requirements for the deceased is considered one of the most worthy of religious obligations to fulfill, since it is an entirely selfless act, a "chesed shel emet" – true kindness, since the person for whom the acts are performed can never repay the favor.⁷⁴ For this reason, providing a proper burial for the indigent was probably the most honorable tzedakah performed by historic Jewish communities. Every Jewish community had either a Hevra Kadisha, a burial society, or some other communal body responsible for providing proper burials in the community.⁷⁵ These societies would ensure that proper Jewish burial rituals, including burial shrouds, were provided for the deceased without causing undue financial burden on indigent families.⁷⁶

Some communities provided other services for the poor of their communities as well. For example, in Italy, there is record of providing the poor with wood for

⁷¹ Goitein 141

⁷² Goitein 125

⁷³ Simonsohn 402; Cohen, Israel 128; Assis 245; Gerber 127; Goitein 142

⁷⁴ USCJ Guide to Jewish Funeral Practice retrieved 1/5/04 from United Synagogue of Conservative Judaism http://www.uscj.org/GUIDE_TO_JEWISH_FUNE1211.html, Introduction.

⁷⁵ Neuman 162; Cohen, Israel 122; Assis 243, 245, 249-250; Gerber 127; Goitein 139

⁷⁶ Assis 249-250

heat in winter. In Egypt a collection was regularly made for wax candles, "presumably before holidays, when candles would be needed for ritual purposes."⁷⁷ And indigent brides in Spain, Italy and Morocco received dowries from communal funds for the poor.⁷⁸ In addition to all of these recipients of community "welfare," those with disabilities also had their needs met by the community.

Local Giving – For The Foreign Poor

Unlike today, where the poor often live in their same town for most or all of their lives, unable to afford to travel, poverty was often the impetus for travel in the pre-modern world.⁷⁹ Every Jewish community considered in this study provided for the needs of poor travelers or refugees who passed through their communities.⁸⁰ And the expense was not small - travelers arriving in a new town were fed and clothed if needed. They often received lodging and travel expenses to reach the next community that would care for them, and see that their needs were met.⁸¹ If the traveler fell ill before leaving a town, he was provided with care until he was well. If the traveler was a scholar, he was often put up in a private home until he was well and on his way.⁸²

Conclusion

Historic Jewish communities lived in a world in which minority communities were, in the best of times, fairly well treated. Never was the Jewish community fully

⁷⁷ Simonsohn 402; Goitein 125

⁷⁸ Neuman 162; Simonsohn 401; Assis 245; Gerber 127

⁷⁹ Goitein 142

⁸⁰ Cohen, Israel 122; Simonsohn 401; Goitein 142-143; Gerber 124

⁸¹ Neuman 162, Cohen 122

⁸² Goitein 143

integrated into their larger society. In order to meet all of its needs, the Jewish community had to “fend for itself,” which invariably led to the development of these comprehensive public charities. While each community approached its welfare needs differently, every community eventually, and in its own way, observed Deuteronomy 15:11’s command, “Open your hand to your poor and needy kinsman.”

MISHNEH TORAH: LAWS ON GIFTS TO THE POOR (MTMA)

Explanation of Texts Utilized

Jewish texts are central to Jewish thought and practice. While the Bible provides a glimpse into the structure of Jewish society and religious organization prior to the destruction of the second Temple in Jerusalem, it is the Rabbinic texts that developed in the centuries following the destruction that have really defined Judaism as we know it today. These texts, including the Mishnah and the Babylonian and Jerusalem Talmudim, are critical for providing the basis for Jewish law and practice. Medieval Jewish legal codes, such as the Mishneh Torah, are a distillation of the laws found within the folios of these texts.

The legal codes have been, for more than a thousand years, the basis upon which Rabbis in every community determined appropriate Jewish religious and communal practice. Therefore, knowledge of the Jewish textual foundation and Rabbinic interpretation of the laws relating to care for the poor is essential to understanding the Jewish imperative in this matter. I have compiled the non-agricultural Laws on Gifts to the Poor found in the Mishneh Torah, along with the commentary on these laws by Rabbi Joseph Karo. Additionally included are the Talmudic source materials for the Mishneh Torah text, as cited in the Kesef Mishneh, as well as two non-Talmudic sources (The Sifrei and The Tosefta) also cited in Karo's commentary. A brief explanation of all of these resources and their authors is below.

The Sifrei

The Sifrei is a collection of halachic midrashim on the Biblical books of Numbers and Deuteronomy.⁸³ Midrash is created through a process of interpretation of the Biblical text.⁸⁴ The purpose of halachic midrash is to find a Biblical basis for laws and customs that are not explicitly defined in the Biblical text.⁸⁵

Midrash “comes to fill in the gaps” in the Biblical text, often, in the case of halachic midrash, providing details for implementation of laws that are simply stated without direction in the Biblical text.⁸⁶ Sometimes the details provided by the midrash interpret the Biblical laws in such a way as to make them relevant when they otherwise may not have been easily applicable to a modern society. One example given by Barry Holtz is that of “an eye for an eye.”⁸⁷ Removing someone’s eye for a fight or even an accident that caused another to lose an eye is unpalatable in a civilized culture. The Rabbis who created midrash on this verse, therefore, understood that the value of an eye should be repaid in full. In this way, “an eye for an eye” refers to fair monetary compensation. By providing a midrashic interpretation of this law, the Rabbis enabled the Jewish community to continue abiding by the Biblical law and still advance within a modern, civilized society. Further, it is understood that the laws derived from midrash are actually legitimate understandings, and part of the original intention, of the Biblical text.⁸⁸

⁸³ JewishEncyclopedia.com – Sifre <http://www.jewishencyclopedia.com/view.jsp?artid=698&letter=S> 12/30/03

⁸⁴ Segal, Peretz. “Jewish Law During the Tannaitic Period” in N. S. Hecht, et al. (eds) *An Introduction to the History and Sources of Jewish Law*. Oxford: Clarendon Press. 1996. 108-109; Holtz, Barry. *Back to the Sources*. New York: Simon and Schuster. 1984. p. 179

⁸⁵ Rakover 25-26; Segal 110

⁸⁶ Holtz 180-181

⁸⁷ Holtz 182

⁸⁸ Segal 109

The Tosefta

The Tosefta is a compilation of Jewish laws, or mishnayot that are similar in style and function to those compiled in its contemporary text, the Mishnah. Peretz Segal explains that the laws in the Tosefta complement the Mishnah in the following four ways:

- a. [They] add laws or problems that are not found in the Mishnah.
- b. [They] add laws from the period subsequent to the period of the Mishnah.
- c. [They] quote different sources or versions of the laws from those in the Mishnah
- d. [They] provide interpretations of the Mishnah.⁸⁹

While it is not clear why some laws are contained in one book and not the other, nor why laws found in other contemporary works are not included in the first two compilations, it is certain that the Tosefta was not a rival law code to the Mishnah.⁹⁰ Rather, both sets of laws have been considered legitimate sources of Jewish law since they were codified.⁹¹ The laws in the Tosefta are arranged in a manner similar to the Mishnah, organized into large categories called "orders," which are then broken into smaller chapters called tractates.⁹²

The Babylonian Talmud

Following the Jewish exile to Babylonia in the wake of the destruction of the second Temple in Jerusalem in the year 70ce and the revolts against the Romans in the next hundred to two hundred years, two centers of Jewish life developed: the small remnant of the Jewish community that remained in Jerusalem under Christian or Roman rule, and a new, larger community that was established in Babylonia. In

⁸⁹ Segal 101-140

⁹⁰ Segal 120-121

⁹¹ Segal 121

⁹² Holtz 137, Rakover, Nahum. *A Guide to The Sources of Jewish Law*. Jerusalem: The Library of Jewish Law. 1994. 40

this period of transition and turmoil, Rabbi Yehudah HaNasi felt the need to write down the laws debated and decided by the Rabbinic judges in the lands. Around the year 200CE, he completed the Mishnah, a written compilation of the "Oral Law." In the approximately three hundred years that followed the completion of the Mishnah, Rabbinic judges and students in both Jerusalem and Babylonia discussed, debated, clarified, and commented on the Mishnaic laws.

Although it is reasonable to assume that, as scholars traveled back and forth between the two communities, insights and legal decisions were at times shared, it is also evident that, by and large, the two communities developed their own interpretations and applications of the laws. The written compilation of the questions, applications, discussions, and debates that took place among the scholars of the community, largely, but not exclusively, with regard to the laws of the Mishnah, is called the Talmud.⁹³ The Talmud that originated in the Jewish community of Babylonia (The Babylonian Talmud) is commonly referred to as "The Talmud" or "The Bavli." This version of the Talmud is more "complete, precise, and comprehensive than the Jerusalem Talmud . . . [and has therefore] been recognized as the authoritative source of Jewish law."⁹⁴ The Jerusalem Talmud is significantly smaller than the Babylonian Talmud, with only 39 tractates, as compared with the 63 tractates of the Babylonian Talmud. Therefore, when "The Talmud" is stated, the reference is to the Babylonian Talmud. Reference to the Jerusalem Talmud is always explicit. Both texts are written in Aramaic and Hebrew.

⁹³ Lifshitz, Berachyahu. "The Age of the Talmud" in N. S. Hecht, et al. (eds) *An Introduction to the History and Sources of Jewish Law*. Oxford: Clarendon Press, 1996. p. 169-195

⁹⁴ Rakover, Nahum. *A Guide to The Sources of Jewish Law*. The Library of Jewish Law: Jerusalem, 1994. p. 43-44

The discussions directly pertaining to the care and support of poor, orphaned and captive Jews are spread throughout both Talmudim. As will be evident from the following compilation of texts relating to "Laws on Gifts to the Poor," as Maimonides will call them in the 12th century, almost every tractate of Talmud has material that explains or requires community support for those who are in need of food, clothing, and other needs. Twenty tractates have been identified as the sources of the laws in the four chapters on "Laws on Gifts to the Poor" from the Mishneh Torah on which this paper focuses. (In total, there are ten chapters on "Laws on Gifts to the Poor" in the Mishneh Torah.)

Maimonides and the Mishneh Torah

In the 12th century, Rabbi Moses ben Maimon (also known as "Rambam" and "Maimonides"), an Egyptian court doctor, Rabbi and scholar, wrote a Jewish law code based on the Babylonian Talmud that was designed to be both a comprehensive legal code and a straight-forward, easy to read text. It was Maimonides' desire to write the text in Hebrew that was simple enough that the Mishneh Torah, also known as the "*Yad haHazakah*" (*the Strong Hand*), which is organized by subject into 14 volumes ("Yad" in Hebrew also equals "14"), could serve as the definitive source of Jewish law for even the common Jew.⁹⁵

Maimonides offered no explanation or enumeration for the laws within the code, but rather he attempted to distill and present in a plain and direct manner the true and accurate law from his understanding of Talmudic discourse and popular Jewish practice. It was Maimonides' intention that the Mishneh Torah, which means

⁹⁵ Holtz 161-162

“The repetition of Torah” or “Second Torah” along with the holy Bible, would be the only two texts a Jew would need to live an observant Jewish life, so he also did not provide Talmudic citations for his work.⁹⁶ Although there were many who were resentful of what they considered Maimonides’ arrogant attempt to create this definitive law code, and levied critiques against it, the Mishneh Torah remained, and still remains, an important Jewish legal code.⁹⁷ Its comprehensive nature and its accessibility made the text widely read and consulted. Later Jewish law codes, e.g. Rabbi Ya’akov ben Asher’s 14th century work, *Arba’ah Turim*, were written using the Mishneh Torah as a principal guide and reference, along with the Talmud and its commentaries.

Because the Biblical society was agricultural and not urban, the majority of Biblical laws pertaining to care for the poor and needy were agricultural laws. While Maimonides lived in an urban culture and therefore found many of the agricultural laws irrelevant to his community, he included them in the Mishneh Torah in an effort to make the work comprehensive. It is for this reason that six of the ten chapters on “Laws on Gifts to the Poor” are elaborations of the Biblical agricultural laws, and why these Laws are organized in the Mishneh Torah volume, “The Book of Agriculture.” The last four chapters on “Laws on Gifts to the Poor” are relevant to urban communities or non-agricultural societies, such as ours, and so these are the chapters covered in this paper. The 1990 Frankel Hebrew edition and the 1979 Klein English edition were used in this thesis.

⁹⁶ See the Introduction to the *Mishneh Torah* by Rabbi Moses ben Maimon

⁹⁷ Holtz 162

Joseph Karo and the Keseph Mishneh

Before he wrote what would become the definitive Jewish law code, the *Shulchan Aruch*, Joseph Karo, a Spanish Jew who moved to Portugal, Turkey, and eventually Safed, Israel, in the late 15th and early 16th centuries, wrote a commentary text on the Mishneh Torah. This commentary, the Keseph Mishneh, which was written around 1540, provides reference citations and occasional discussions of the legal decisions found in the Mishneh Torah. Because Maimonides does not cite different opinions or sources for his laws, the reader of the Mishneh Torah is left thinking that the opinion offered by Maimonides is the only correct or possible legal decision. Often the reader is simply unaware that differences of opinion in the matter of law exist. Karo is able to reference the Talmudic disagreements and bring in the opinions of other Medieval commentators, such as the Tosafot, to further develop the reasoning behind some of the laws in the Mishneh Torah. Also, because Maimonides did not cite or reference any of his work, the source citation of the Keseph Mishneh provides a valuable resource for helping students of Jewish law determine how and from where Maimonides derived his legal decisions.

For the purposes of this thesis, Karo's citations and references provided much needed assistance for creating a useful compilation of the laws and stories dictating societal responsibility to the needy. Although Maimonides offers the laws as guidelines, the Talmudic source material often provides stories and discussions that illuminate the derivation of the laws and their applicability. Without this material, we might not understand the scope and strength of the legal decisions.

TRANSLATOR'S NOTE:

Mishneh Torah translations are almost exclusively original, with some passages translated using Isaac Klein's *The Code of Maimonides: Book Seven, The Book of Agriculture*. Keseph Mishneh translations are original. Many of the Talmudic translations are original. However, due to the large volume of Talmud needed for this compilation, a large portion of the Talmudic translations are adaptations of the Soncino English translation by Isidore Epstein (ed.). Biblical citations use the English translation of the Jewish Publication Society Hebrew-English Tanakh.

MTMA 7:1 It Is a Positive Commandment to Give Tzedakah

It is a positive commandment to give tzedakah to the poor according to what is appropriate for the poor person's status, if the giver of tzedakah has the means, as it is said, "You shall surely open your hand for him," (Deut. 15:8), and as it is said, ". . . And you hold him as though a resident alien, let him live by your side," (Lev. 25:35), and as it is said, "Let him live by your side as your kinsman." (Lev. 25:36)

Keseph Mishneh

7:1 *"It is a positive commandment to give tzedakah, etc."*

TRANSLATOR'S NOTE:

Karo's intention is to show that MTMA 7:1-7:3 is based on the Talmudic material found in Ketubot 67b.

MTMA 7:3 is an elaboration on the basic command in 7:1 to provide for the poor according to what they are lacking.

M.T. 7:1 is the positive commandment that is the basis for the rest of the laws in the chapter as detailed by Maimonides in the preface to the chapter on Laws on Gifts to the Poor.

MTMA 7:2 Anyone Who Turns His Eyes From A Beggar And Does Not Give Tzedakah Transgresses a Negative Commandment

Anyone who sees a poor person begging and turns his eyes from him and does not give him tzedakah transgresses a negative commandment, as it is said, "Do not harden your heart and do not be 'tight fisted' toward your poor brother." (Deut. 15:7)

Keseph Mishneh

7:2 And *"Anyone who sees a poor person begging, etc."*

TRANSLATOR'S NOTE:

Karo's intention is to show that MTMA 7:1-7:3 is based on the Talmudic material found in Ketubot 67b.

MTMA 10:3 is a related law that explains that one who shuts his eyes from tzedakah is called wicked or evil.

MTMA 7:3 You Are Commanded to Provide What He Lacks

You are commanded to provide for the poor person according to what he lacks. If he has no clothing, clothe him. If he has no household utensils, acquire them for him. If he has no wife, marry him off. If the poor person is a woman, marry her to a man. Even if it was the way of this poor person to ride on a horse and to have a servant run before him, prior to losing his property, you must acquire for him a horse to ride upon and a servant to run before him, as it is said, "Lend him sufficient for whatever he needs." (Deut. 15.8). You are commanded to replace what he is lacking, but you are not commanded to make him wealthy again.

TRANSLATOR'S NOTE:

MTMA 7:3 is an elaboration on the basic command in 7:1 to provide for the poor according to what they are lacking.

Keseph Mishneh

7:3 From "According to what the poor person is lacking, etc." until "afterward marry him to a woman" can be found in Ketubot 67a.

Ketubot 67a

Mishnah: One who marries off his daughter without specifying the details of the marriage contract should not give her a dowry of less than 50 zuzim. If he agreed

to marry her naked (with no possessions) the husband-to-be should not say "When I have brought her into my house I will clothe her in my clothes," rather he clothes her and provides for her while she still resides in her father's house. Similarly, one marries off an orphan with a dowry of not less than 50 zuzim. If there are funds available in the community purse they support the betrothed orphan according to her honor.

Gemara: Abaye said "50 zuzim" are small coins. From where does he derive this? It is written at the end of the Mishnah, "If there are funds available in the community purse they support the betrothed orphan according to her honor." They asked, "What is 'purse'?" Ravhah said, "It is a wallet for tzedakah." And in case they thought the mishnah meant 50 zuzim literally, they might ask: What happens if there are plentiful funds in the community purse -- how much do they give her? Thus we learn from this that it should be understood as 50 zuzim of small coins.

The sages taught that when a male orphan and a female orphan both come to be supported, the community leaders support the female orphan and afterward the male orphan because it is the way of men to go around begging and it is not the way of women. When a male orphan and a female orphan come to get married, they marry the female orphan and afterward they marry the male orphan, because the embarrassment of the woman is greater than that of the man.

The Rabbis taught that when an orphan comes to marry, the community leaders buy for him a house, and prepare for him a bed and all the household utensils you use, and afterward they marry him to a woman, as it is said, "Sufficient for his need according to that which he lacks" (Deut. 15:8). "Sufficient for his need," refers

to a house. "According to that which he lacks," refers to a bed and table for him. "For him" refers to a woman, as scripture says, "I will make *for him* a help equal to him" (emphasis added) (Gen. 2:18).

The Rabbis taught regarding the poor person that "sufficient for his need" means you are commanded to support him, but you are not commanded to make him rich. "According to that which he lacks" means even providing a horse for him to ride upon and a servant to run before him. They said about Hillel, the elder, that he took a poor person, a child of good people, a horse to ride on and a servant to run before him. One time Hillel could not find a servant to run before the poor person and so he, Hillel, ran before him for 3 miles.

The Rabbis taught a story about the people of the Upper Galil who collected a pound of meat every day for a poor person from Tzippora, a child of good people. A pound of meat – why so much? Rav Hunah said it was a pound of poultry meat. But if you ask me I could say a pound of red meat, literally. Rav Asi said there is a small town in which an animal was destroyed for the poor man's sake every day there.

There was a man who came before Rabbi Nachamia. Rabbi Nachamia said to him, "On what do you dine?" The man said to him, "I dine on meat, oil and old wine." "Will you bear with me when I offer you lentils?" The man accepted the lentils and died. Rabbi Nachamia said, "Woe to him for this!" because Nachamia killed him. On the contrary, what should be said is, "Woe to Nachamia," for killing him. But that poor man should not have lived such a luxurious life!

A man came before Rava. Rava said to him, "What do you eat?" The man said to him, "I eat fattened turkey and old wine." Rava said to him, "Does it not trouble

you to press the community for such expensive foods?" The man said to him, "Is it from their portion/ their food that I eat? No, it is from the Merciful One that I eat, as it is taught, "The eyes of all look to You expectantly, and You give them their food when it is due." (Ps. 145:15) When "they are due" is not said, rather when "it" is due. This teaches that to each and every one God gives his sustenance when he is due." Meanwhile the sister of Rava came who had not seen him for 13 years, and she brought him fattened turkey and old wine. And Rava said to her, "What did you bring?" When Rava found out, he said to the man, "I humble myself before you/I spoke too much to you. Come and eat."

MTMA 7:4 When An Orphan Comes to Marry

When an orphan comes to marry a woman, rent for him a house and find him a bed and all of the household furnishings that you use, and afterward marry him to a woman.

TRANSLATOR'S NOTE:

The source for this material is also Ketubot 67b

MTMA 7:5 One Should Give Up to One Fifth; Even Those Maintained on Tzedakah Must Give Tzedakah

When a poor person comes and asks for enough to fulfill what he lacks and the person he asks does not have the means, the person who was asked gives him the poor person according to what he can give. How much is affordable? Up to one fifth of his wealth is best. And one tenth is mediocre/acceptable. Less than this is considered stingy. One should never neglect to give at least a third of a shekel in a

year. All those who give less than this do not fulfill the mitzvah of providing tzedakah to the poor. And even if a poor person is maintained on tzedakah he must give tzedakah to another.

Keseph Mishneh

7:5 "A poor person comes and asks, etc." How much should one give for tzedakah? The answer is up to one fifth of one's money. In Ketubot 50a and in the Yerushalmi ch. 1 of Pe'ah, since it is written, "And of all that You give me, I will set aside a tithe for you." (Gen. 28:22) Rashi explained that the double use of the root in the words "asher" and "e-eshrenu" makes two tithes— and together they equal one fifth (2 tithes is $2 \times 1/10 = 2/10 = 1/5$). And in Ketubot 66b that we learn one should not spend more than one fifth of one's wealth as did Rabbi Abahu* when he was about to die – he gave away half of his wealth. And it is taught there in that text that one may only give as much as one fifth during one's life lest he fall into poverty, but after death one may give more.

As for what Maimonides wrote, "*One tenth is mediocre/acceptable. Less than this is considered stingy. One should never neglect to give at least a third of a shekel in a year.*" In Baba Batra 9a.

"And even if a poor person is maintained on tzedakah he must give tzedakah to another." In Gittin 7a.

TRANSLATOR'S NOTE:

*Our manuscript reads, "When Mar Ukbah was about to die . . ."

Ketubot 50a

R. Eli said in Usha they decreed that one who gives generously to tzedakah should not give more than one fifth of his wealth. It is also taught that one who gives should not give more than one fifth lest he becomes needy. There is a story about one who requested to give more than one fifth and his friend would not allow it. Who was it that would not allow it? It was R. Yeshbab. And some say it was R. Yeshbab who wanted to give more and his friend would not allow it. And who was that his friend? R. Akiba said R. Nachman said, There are those that say that it was R. Acha Bar Yaakov who said, "What is written in scripture (Gen. 28:22) 'And all that You shall give me, I will surely give the tenth to You.'" (Rashi explains that the double use of the root in the words "asher" and "e-eshrenu" makes two tithes— and together they equal one fifth (2 tithes is $2 \times 1/10 = 2/10 = 1/5$).) Is it not that the last tenth is like the first tenth? R. Ashi said, "I would tithe with the last like the first." R. Shimi Bar Ashi said, "These received traditions continually decrease (grow fainter in memory)" and your mnemonic is "Little ones wrote and spent money."

Ketubot 66b

There was a poor person in Mar Ukbah's neighborhood to whom he used to throw in the door-socket of his doorway four zuzim every day. One day the poor man said, "I will go and see who is doing for me this goodness." Mar Ukbah was late at the house of study and his wife was coming home with him. As soon as the poor person saw them moving, he went out after them, but they fled from him and ran into a furnace from which fire had just been swept. Mar Ukbah's feet were burning and his wife said to him, "Raise your feet and put them on mine." His mind weakened he was upset. She said to him, "I am usually at home and my charitable donations are

near (benefiting me now).” And what is this all about? Because Mar Zutra b. Tobiah said in the name of Rav (some say R. Hunah b. Bizna said in the name of R. Simeon the Pious, and others say R. Yochanan said in the name of R. Simon b. Yochai), “Better had a man thrown himself into a fiery furnace than publicly put his neighbor to shame.” From where do we know this? We know this from Tamar, as it is written, “When she brought forth” (Gen 38:24).

Mar Ukbah had a poor man in his neighborhood to whom he regularly sent 400 zuz on the eve of Yom Kippur. One day he sent them through his son who came back and said to him, “He does not need your help.” “What have you seen?” Mar Ukbah asked. “I saw that they were spraying old wine before him.” “Is he so delicate?” Mar Ukbah asked, and, doubling the amount, sent it back to him. When Mar Ukbah was about to die, he said, “Bring me my tzedakah accounts.” He found that there were 700 Sijan denars and he said, “The provisions are scanty and the road is long.” And he arose and gave to tzedakah half his money. How could he do this? Did R. Elai not say, “It was ordained at Usha that if a man wishes to spend liberally he should not spend more than one fifth of his wealth?” This applies only during a man’s lifetime, since he might lose his wealth but after death this does not matter.

Baba Batra 9a

R. Asi said, “Never should a person prevent himself from giving a third of a shekel in a year,” as it is said, “We have laid upon ourselves obligations: To charge ourselves one-third of a shekel yearly for the service of the House of our God.” (Neh. 10:33).

Gittin 7a

What is the meaning of the verse, "Even as they were full and many, even so are they over and gone, etc."? (Nah. 1:12). Even if a man sees that his livelihood is barely sufficient for himself, he should give tzedakah from it. All the more so if it is plentiful. What is the meaning of the words "Even so are they over and gone, etc." In the school of R. Ishmael, it was taught: Whoever shears off part of his possessions and dispenses it in tzedakah is delivered from the punishment of Gehennom. Picture two sheep crossing a river: one is shorn and the other is not. The shorn one gets across and the unshorn one does not. "And though I afflicted you" (ibid). Mar Zutra said, "Even a poor man who himself subsists on tzedakah should give tzedakah. "I will afflict you no more." R. Yoseph taught, "If a poor person does give tzedakah, Heaven will not again inflict poverty upon him."

MTMA 7:6 Do Not Delay Providing Food

When a poor person that one does not know says, "I am hungry, feed me," they do not check to see if he is an imposter. Rather, they support him immediately. If one is naked and says, "Cover me," they do check to see if he is an imposter. But if they knew him, they would cover him according to his honor immediately and they would not check on him.

Keseph Mishneh

7:6 "A poor person they do not know, etc." Baba Batra 9a

Baba Batra 9a

R. Hunah said, "They examine the poor person to determine genuine need for food but do not examine for clothes. If you want I could say this is based on scripture and if you want I could say this is his reasoning. If you want I could say it is his reasoning, that the one who lacks clothing is despised since lacking appropriate clothing is obvious and the person is therefore likely to be spurned in community, and the other the one lacking food is not. If you want I could say it is scripture, that it says, "Is it not to examine the hungry before giving him thy bread." (Isa. 58:7) The word "*paros*" is written with a "sin," signifying the meaning: Examine him first, and then give food to him. There it is also written, "When you see the naked, cover him" (ibid) When you see him (i.e. immediately). R. Yehudah said, "Examine him for clothes and do not examine him for food." If you want I could say this is his reasoning and if you want I could say this is based on scripture. If you want I could say it is his reasoning that the lack of food causes him to suffer and the other does not. If you want a scriptural basis, it is written, "Is it not to deal your bread to the hungry" – that is to give to him immediately, whereas later it is written, "When you see the naked and dress him" – when it appears to you that he is deserving. It is taught that the law is according to the opinion of R. Yehudah. One who seeks clothing is examined but those seeking food are not.

MTMA 7:7 Non-Jews Receive Support; Never Turn a Beggar Away Empty-Handed

They support with food and clothe the poor non-Jews along with the poor of Israel for the sake of peace. With regard to the poor beggar, they are not obligated to give a large donation, but they must give at least a small donation. It is forbidden to

turn away a beggar empty handed, even if you just give him one dried fig, as it is said, "Let not the downtrodden turn away ashamed."

Keseph Mishneh

7:7 *"They support the poor non-Jews, etc."* Gittin 61a. *"And the poor person who begs from door to door, etc."* In Baba Batra 9a

"And it is forbidden to turn away the poor empty handed, etc."

Baba Batra 9a

It is taught that they do not care for beggars. There once was a beggar who came before R. Papa. R. Papa did not care for him. R. Sama b. R. Yeba said to him, "If you pay him no attention others will not pay him attention and this will kill him." "Is it not taught that if there is a beggar we do not pay attention to him?" R. Sama b. R. Yeba said to him, "Do not give him a large gift, but rather give him a small donation." R. Asi said, "Never should a person prevent himself from giving a third of a shekel in a year," as it is said, "We have laid upon ourselves obligations: To charge ourselves one-third of a shekel yearly for the service of the House of our God." (Neh. 10:33). And R. Asi said, "Tzedakah is equal to all mitzvot," as it is said, "We have laid upon ourselves obligations." It is not written "obligation" but "obligations." R. Eliezer said, "He who causes others to do is greater than the doer" as it is written, "And the work of the righteousness shall be peace, and the effect of righteousness, quiet and confidence forever." (Isa. 32:17). If he the beggar is worthy "you shall deal your bread to the hungry" but if he is not worthy then "you shall bring the poor who are cast out to your house." (Isa. 58:7)

Gittin 61a

“The poor of the heathen may not be prevented . . .” Our Rabbis taught that
“We support the poor non-Jews along with the poor of Israel, visit the sick of the non-Jews along with the sick of Israel, and bury the poor non-Jews along with the dead of Israel, for the sake of peace.

MTMA 7:8 The Minimum Donation to Give a Poor Person Who Is on His Way From One Place to Another

The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a selah, and we have already explained the value of all measures.⁹⁸ If he is spending the night, they give him a mattress to sleep upon, a pillow for under his head, and oil and beans. And if it is Shabbat they give him food for three meals, such as oil, beans, fish, and vegetables. If they know him, they provide for him according to his honor.

Keseph Mishneh

7:8 “*The minimum to give a poor person, etc.*” Mishnah at the end of Pe’ah
As for what Maimonides wrote, “*If he is spending the night, etc.*” *ibid.* “*They give him overnight necessities,*” in Baba Batra 9a and in Shabbat 118a.

What are overnight necessities? A bed and a pillow. As for what Maimonides wrote, “*oil and beans,*” the source is Tosefta at the end of Pe’ah. As for what Maimonides wrote, “*And if it is Shabbat they give him food for three meals,*” the source is the Mishnah at the end of Pe’ah. As for what Maimonides wrote, that they

⁹⁸ See Appendix A for a monetary and dry-measure conversion charts.

give him additionally on Shabbat "fish and vegetables," Tosefta Pe'ah. As for what Maimonides wrote, "If they knew him, etc." This is the implication in Ketubot 67b.

Pe'ah 8:7

8:7: The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a selah. If he spends the night, one must give him the cost of what he needs for a night. If he stays over the Sabbath he is given food for three meals. He who has the means for two meals must not accept anything from the tamchui; and if he has for 14 meals he must not accept any assistance from the kuppah. The kuppah is collected by two and distributed by three people.

Baba Batra 9a

They taught there that the minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a selah. If he spends the night they give him provisions for the night. What are provisions for the night? R. Papa said a bed and pillow. On Shabbat they give him food for three meals.

Shabbat 118a

This is taught: The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a selah. If he stays overnight, give him necessities to stay and if it is Shabbat, give him food for three meals. Is this in agreement with the Rabbis and not R. Hidka in that if the poor person has food with him for one meal, we say to him,

“Eat what you have.” And when he leaves, does he leave empty handed? No, we give him food for a meal. What are the necessities of a night’s stay? A bed and a pillow.

Tosefta Pe’ah

4:8: The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se’ahs of wheat are sold for a selah. If the poor person stays overnight, they must give him enough for the night, such as oil and beans. If he stays for Shabbat, they provide him with three meals, such as oil, beans, fish and a vegetable. Under what circumstances does this apply? As long as they do not recognize the poor person this applies. But if they recognize him, they even provide clothing for him.

Ketubot 67b

The Rabbis taught that when an orphan comes to marry, the community leaders buy for him a house, and prepare for him a bed and all the household utensils you use, and afterward they marry him to a woman, as it is said, “Sufficient for his need according to that which he lacks” (Deut. 15:8). “Sufficient for his need,” refers to a house. “According to that which he lacks,” refers to a bed and table for him. “For him” refers to a woman, as scripture says, “I will make for him a help equal to him” (Gen. 2:18).

The Rabbis taught regarding the poor person that “sufficient for his need” means you are commanded to support him, but you are not commanded to make him rich. “According to that which he lacks” means even providing a horse for him to ride upon and a servant to run before him. They said about Hillel, the elder, that he took a poor person, a child of good people, a horse to ride on and a servant to run before

him. One time Hillel could not find a servant to run before the poor person and so Hillel ran before him for 3 miles.

The Rabbis taught a story about the people of the Upper Galil who collected a pound of meat every day for a poor person from Tzippora, a child of good people. A pound of meat – why so much? Rav Hunah said it was a pound of poultry meat. But if you ask me I could say a pound of red meat, literally. Rav Asi said there is a small town in which an animal was destroyed for the poor man's sake every day there.

There was a man who came before Rabbi Nachamia. Rabbi Nachamia said to him, "On what do you dine?" The man said to him, "I dine on meat, oil and old wine." "Will you bear with me when I offer you lentils?" He the man accepted the lentils and died. He Rabbi Nachamia said, "Woe to him for this!" because Nachamia killed him. On the contrary, what should be said is, "Woe to Nachamia," for killing him. But that poor man should not have lived such a luxurious life!

A man came before Rava. He Rava said to him, "What do you eat?" He the man said to him, "I eat fattened turkey and old wine." He Rava said to him, "Does it not trouble you to press the community for such expensive foods?" He the man said to him, "Is it from their portion/ their food that I eat? No, it is from the Merciful One that I eat, as it is taught, "The eyes of all look to You expectantly, and You give them their food when it is due." (Ps. 145:15) When "they are due" is not said, rather when "it" is due. This teaches that to each and every one God gives his sustenance when he is due." Meanwhile the sister of Rava, who had not seen him for 13 years, came, and she brought him fattened turkey and old wine. And he Rava said to her, "What did

you bring?" When Rava found out, he said to the man, "I humble myself before you/I spoke too much to you. Come and eat."

MTMA 7:9 When A Poor Person Does Not Want To Accept Tzedakah

With a poor person who does not want to take tzedakah, they act cleverly/subtly with him and give to him assistance in the name of a gift or in the name of a loan. And regarding a wealthy man who starves himself and does not trouble his money (meaning that he refuses to spend his own money to support himself), there is no obligation upon others to care for him.

Keseph Mishneh

7:9 "*A poor person who does not want to take tzedakah, etc.*" in Ketubot 67b

Our Rabbis taught: If a person does not have the means to support himself and he does not want to be supported, give him assistance in the name of a loan first. When that does not work, give him assistance in the name of a gift (These are the words of R. Meir) The sages say they give him assistance as a gift first and then give him assistance in the name of a loan. If they try to give him assistance in the form of a gift, surely he will not take it! Rava said the gift is to loosen him up (i.e. make him more willing to take assistance). Maimonides adopted the decision of the sages. "*And regarding a wealthy man who starves himself, etc.*" Ketubot 67b. Maimonides adopted the decision of the sages.

Ketubot 67b

Our Rabbis taught: If a person does not have the means to support himself and he does not want to be supported, give him assistance in the name of a loan first.

When that does not work, give him assistance in the name of a gift (These are the words of R. Meir) The sages say they give him assistance as a gift first and then give him assistance in the name of a loan. If they try to give him assistance in the form of a gift, surely he will not take it! Rava said the gift is to loosen him up (i.e. make him more willing to take assistance). If he has means to support himself and he does not want to, they give him in the name of a gift and later they return and collect from him. "Return and collect from him?" But he would never accept a gift again! Rav Papa says, "They collect After his death." Rabbi Shimon says, "Regarding one who has the means to support himself but he does not want to, they are not obligated to support him. If he does not have the means to support himself and he does not want to be supported, they say to him, "Come make a pledge to return the money and take support," in order that his mind be elevated that he not be humiliated.

The sages taught "Give assistance in the form of a loan." This applies to one who does not have the means to support himself and does not want to be supported. They give him assistance in the name of a loan first and when that does not work they return and give him assistance in the name of a gift. "You will lend him," means that, regarding one who has means to support himself and does not want to, they give him assistance in the name of a gift first and they return to collect from him after his death. These are the words of Rabbi Yehuda. However, the sages say that regarding one who has the means to support himself and does not want to, they are not obligated to support him. Then how do I understand the words of Torah "and you shall lend him"? This is like the language of man.

MTMA 7:10 One Who Does Not Want To Give Tzedakah

Regarding one who does not want to give tzedakah or who gives less than what is appropriate for him: A court forces him to give and they strike him with punishing lashes until he gives what they estimated for him to give. And they take pledges for tzedakah even on Erev Shabbat.

Keseph Mishneh

7:10 *"One who does not want to give tzedakah, etc."* in Ketubot 49a, b and *"they take pledges for tzedakah, etc."* In Baba Batra 8b

Ketubot 49a, b

Mishnah: A father is not obligated to provide sustenance for his adult daughters while he is alive. This explanation was given by R. Eliezer ben Azariah before the sages in the vineyards of Yavneh: Sons inherit and daughters are sustained. Just as the sons cannot inherit until after the death of their father, so too the daughters are not sustained until after the death of their father.

Gemara: A father is not obligated to sustain his adult daughters while he is alive. Only with regard to his sons is he obligated. With his daughters he is also obligated – there is no legal obligation but there is a “religious obligation.” Whose opinion is this? Not R. Meir, not R. Yehuda, and not R. Yochanan ben Barukah, that it was taught: “It is a religious obligation to sustain your daughters. All the more so it is a religious obligation to sustain sons that engage in Torah study.” These are the words of R. Meir. R. Yehuda said, “It is a religious obligation to sustain daughters. All the more so it is a religious obligation to sustain sons because of the disgrace of having sons unable to support themselves.” R. Yochanan ben Barukah said, “It is a

legal obligation to sustain daughters after the death of their father, but during the life of their father, they neither daughters and sons are not sustained.” So whose opinion is this? If it is the opinion of R. Meir, he said, “Supporting sons is a religious obligation.” If it is the opinion of R. Yehuda, he said, “Supporting sons, also, is a religious obligation.” If it is the opinion of R. Yochanan Ben Barukah, there is not even a religious obligation to support sons or daughters! If you wish, I could say it is the opinion of R. Meir. If you wish I could say it is the opinion of R. Yehuda. If you wish I could say it is the opinion of R. Yochanan ben Barukah. If you wish, I could say it is the opinion of R. Meir, and thus the law would be that the father is not legally obligated to sustain his daughters and similarly this is the law for sons. However, there is a religious obligation for a father to sustain daughters and, all the more so, there is a religious obligation for a father to sustain sons. What is the reason the mishnah is taught about daughters? It comes to teach us that even for his daughters there is no legal obligation for a father to provide sustenance during his life but there is a religious obligation. If you want I could say it is the opinion of R. Yehuda, and thus the law would be that the father has no legal obligation to support his daughters and similarly no obligation to his sons. There is a religious obligation for a father to support his sons and, all the more so, for a father to support his daughters. What is the reason the mishnah is taught about daughters? It comes to teach that even for daughters there is no legal obligation for a father to provide sustenance. If you want I could say it is the opinion of R. Yochanan Ben Barukah, and thus the law would be that there is no legal obligation to sustain his daughters, and similarly this is the law for his sons. And according to R. Yochanan Ben Barukah there is not even a religious

obligation for a father to support his daughters or sons. Because there is a legal obligation after the death of their father, the mishnah is taught to clarify that there is no legal obligation during life.

R. Elai said Resh Lakish in the name of R. Yehuda Bar Chaninah said, "In Usha it was decreed that a man would sustain his sons and his daughters when they are minors." They asked a question of R. Elai. Is the law similar to this ruling or not? Come and learn: When a man came before R. Yehuda, R. Yehuda said to him, "A Yarud bears offspring and to the people of the town he throws them." When he comes before R. Chisdah, R. Chisdah said to him, "They compel him invert for him a mortar in public and let him stand up and say a raven provides for its young and this man does not care for his children! And a raven provides for its young. Is it not written, "to the young ravens which cry" (Ps. 147:9)? There is no difficulty. One refers to white ravens and one refers to black ravens (white ravens are neglected). When the same man came before Ravah, Ravah said to him, "Is it satisfactory for you that your children are sustained by tzedakah?" They only say thus (giving the man a hard time) when the person is not wealthy, but a wealthy person they compel him to pay against his will, as when Ravah forced R. Natan Bar Ami and took from him 400 zuz for tzedakah.

R. Eli said in Usha they decreed that one who gives generously to tzedakah should not give more than one fifth of his wealth. It is also taught that one who gives should not give more than one fifth lest he becomes needy. There is a story about one who requested to give more than one fifth and his friend would not allow it. Who was it that would not allow it? It was R. Yeshbab. And some say it was R. Yeshbab who

wanted to give more and his friend would not allow it. And who was that his friend? R. Akiba said R. Nachman said, (There are those that say that it was R. Acha Bar Yaakov who said), "What is written in scripture (Gen. 28:22) 'And all that You shall give me, I will surely give the tenth to You.'" (Rashi explained that the double use of the root in the words "asher" and "e-eshrenu" makes two tithes– and together they equal one fifth (2 tithes is $2 \times 1/10 = 2/10 = 1/5$).) Is it not that the last tenth is like the first tenth? R. Ashi said, "I would tithe with the last like the first." R. Shimi Bar Ashi said, "These received traditions continually decrease (grow fainter in memory)" and your mnemonic is "Little ones wrote and spent money."

Baba Batra 8b

From where is the authority for collecting tzedakah derived? Rav Nahman said Rava Bar Abuha said, "It derives from the fact that they take pledges for tzedakah even Erev Shabbat." Is it so? Is it not written, "I will punish all that oppress them" (Jer. 30:20) and R. Yitzhak bar Shmuel bar Marta asked in the name of Rav, "Will even collectors of tzedakah be punished?" There is no difficulty – the one refers to collectors who collect from those who are wealthy and the other refers to collectors who collect from those who are not wealthy. Thus Ravah compelled Rav Natan bar Ami and took from him 400 zuz for tzedakah. "And the knowledgeable shall be radiant like the bright expanse of the sky." (Dan 12:3) This refers to the judge who judges the true law according to its truth. "And they that turn many to righteousness will be like the stars forever and ever" (Dan 12:3) (i.e. This refers to collectors of tzedakah.) It is taught in a bereita that the wise will shine like the bright expanse of the sky. This refers to the judge who judges the true law according to its truth and to

collectors of tzedakah. And those who are the righteous of the masses are like the stars forever and ever. This refers to teachers of children. Like who? Rav said, "Like R. Shmuel bar Shelat. Rav found R. Shmuel bar Shelat standing in a garden. He said to him "You have left your duties." He said to him, "For 13 years I have not seen this garden and now, still, my thoughts are on the children." What does scripture say about Rabbis? Ravina said, "May his friends be as the sun rising in might (Judg. 5:31).

MTMA 7:11 Regarding A Man Who Despairs That He Has Given More Than He Can Afford

Regarding a man who despairs that he has given more tzedakah than is appropriate for him because he does not have much money or who puts himself in difficult circumstances to give to collectors in order that he not be embarrassed, it is forbidden to demand tzedakah from him. Collectors that chastise him and ask for him to give in the future will be punished for this, as it is said, "I will deal with all his oppressors." Jer. 30:20.

Keseph Mishneh

7:11 "*A man who despairs, etc.*" Baba Batra 8b*.

TRANSLATOR'S NOTE:

*This is the implication of the text.

Baba Batra 8b

From where is the authority for collecting tzedakah derived? Rav Nahman said Rava Bar Abuha said, "It derives from the fact that they take pledges for

tzedakah even on Erev Shabbat.” Is it so? Is it not written, “I will punish all that oppress them” (Jer. 30:20)? R. Yitzhak bar Shmuel bar Marta asked in the name of Rav, “Will even collectors of tzedakah be punished?” There is no difficulty – the one refers to collectors who collect from those who are wealthy and the other refers to collectors who collect from those who are not wealthy. Thus Ravah compelled Rav Natan bar Ami and took from him 400 zuz for tzedakah.

MTMA 7:12 Tzedakah Is Not Apportioned On Orphans; Only Small Donations Accepted From Women, Slaves, And Children

They do not apportion tzedakah on orphans even to redeem captives, not even when the orphans have lots of money. However, if the judge apportions them in order to give them a good name, it is permitted. Collectors of tzedakah who take from women, slaves, or minors may accept small donations but not large donations, because the presumption of a large amount of money is that it was acquired by theft or from the stolen property of others. And how much is a small donation? It depends on the wealth or poverty of their masters.

Keseph Mishneh

7:12 “*They do not apportion tzedakah on orphans, etc.*” until “*permitted*”. Baba

Batra 8a

“*Collectors of tzedakah, etc.*” until “*poverty of their masters.*” In Baba

Kamma 119a

Baba Batra 8a

It has been taught that a person resident in a town for 30 days is obligated to donate to the tamchui, resident for three months to the kuppah, resident for six months to the clothing fund, resident for 9 months to the burial fund, and resident for twelve months to the town tax. Money is collected even from orphans, but not from Rabbis because Rabbis do not need protection. Rav Papa said that for the town wall, for the horseman, and for the treasury office/ armory, money is collected even from orphans, but not from Rabbis because Rabbis do not need protection. The general rule is that for everything that affords general benefit money is collected even from orphans. Rabbah raised tzedakah from orphans of the house of bar Merion. Abaye said to him, "Did not R. Shmuel Bar Yehuda teach that we do not assess tzedakah on orphans even for the redemption of captives?" He replied to him, "I did collect from the orphans to make them estimable!"

Baba Kamma 119a

Our Rabbis taught: It is permitted to buy woolen and flaxen goods from housewives in Judea in Galilea, but not wine, oil, or flour; nor may items be purchased from slaves or from children. Abba Saul says that a housewife may sell the worth of four or five dinarii for the purpose of making a hat for her head. But in each of these cases, if it was stipulated at the sale that the goods should be hidden, it is forbidden to buy them. Tzedakah collectors may accept from women small donations but not large amounts. In the case of oil pressers, it is permitted to buy from the housewives olives by measure and oil by measure, but neither olives nor oil in small quantity. R. Simeon b. Gamliel says, however, "In Upper Galilea it is permitted to

buy olives even in small quantities from housewives, for sometimes a man is ashamed to sell them at the door of his house and so gives them to his wife to sell.”

Rabina came once to the city of Machuza and the housewives of Machuza came and threw before him chains and bracelets, which he accepted from them. Said R. Tosfa’ah to Rabina: Was it not taught: Tzedakah collectors may accept from them small donations but not large amounts? Rabina, however, said to him, “These things are considered by the people of Mechuza as small amounts.”

MTMA 7:13 Poor Relatives Take Priority Over Other Poor

A poor person who is one’s relative takes priority over other poor. The poor of one’s house take priority over the poor of the city. The poor of one’s city take priority over the poor of other cities, as it is said, “Open your hand to the poor and needy kinsman in your land.” Deut. 15:11

Keseph Mishneh

7:13 “A poor person who is one’s relative, etc.” in Baba Metziah 71a

Baba Metziah 71a

There are those who refer to the teaching of R. Hunah about which R. Yosef taught, “If you lend to any of My people, to the poor among you . . .” (Ex. 22:24) With regard to My poor, or foreign poor – my poor come first. With regard to the poor or the rich, the poor come first. With regard to your poor or the poor of the town, your poor come first. With regard to the poor of your city or the poor of another town – the poor of your city come first. Master said, “With regard to My people or foreign – my people first. Is not this obvious??” R. Nachman said, “Huna said to me, No it is

not obvious – we need this teaching because even if you loan to a foreigner with interest and to a Jew without interest, you still loan to Jews first.”

MTMA 7:14 Tzedakah Assessment While Traveling To Another City

One who travels in his trade and is assessed for tzedakah must give to the poor of the city in which he is traveling. If there were many who traveled and they were all assessed for tzedakah, they give the assessed amount, and when they return home they bring the money back with them to support the poor of their own city. If there is in the city which they visited a scholar in charge of the kuppah, they give the money to him and he distributes it according to what he deems is appropriate.

Keseph Mishneh

7:14 “One who travels in his trade, etc.” until “to what he sees is appropriate.” In Megillah 27a, b

Megillah 27a, b

Rabbi Yochanan said in the name of Rabbi Meir, “Citizens of a town that go to another city and the authorities of the town they visited apportion for them tzedakah, the visitors give the tzedakah. When they return home they bring the money with them and support the poor of their own city with it. It is also taught that a group of citizens of a city who travel to another city and have apportioned for them tzedakah must give the apportioned amount, and when they return home they bring it with them. But when a single person goes to another city and they apportion for him tzedakah, he gives to the poor of that city that he is visiting and does not take the money back home with him. Rav Huna decreed a fast day. Rav Hunah bar Chanilai

and all the people of his place visited him. They had imposed on them an amount of tzedakah and they brought it. When they wanted to return home they said to him, "The money should be returned to us, sir, and we shall go and support the poor of our city with it." He said to them, "It is taught: When does this law apply? When there is not there a communal body for tzedakah. But there is a communal body in this town. How much the more should I retain the money because the poor of my town and the poor of your town depend on me!

MTMA 7:15 Tzedakah Should Be Given To One's Home Community First

When one is told to give 200 denars to a synagogue or to give a sefer Torah to a synagogue, he should give to the synagogue at which he is a regular. And if he is a regular at two synagogues, he should give to both of them. When one is told to give 200 denars to the poor, he gives to the poor of the city in which he resides.

Keseft Mishneh

7:15 "*When one is told to give 200 denars to the synagogue , etc.*" until the end of the chapter. Tosefta Baba Kamma 11:3 And Baba Batra 3*

TRANSLATOR'S NOTE:

* The Baba Batra citation appears to be erroneous. The correct citation could not be identified.

Tosefta Baba Kamma 11:3

When one is told to give 200 denars to a synagogue or to give a sefer Torah to a synagogue, he should give to the synagogue at which he is a regular. And if he is a regular at two synagogues, he should give to both of them. When one is told to give 200 denars to the poor, he gives to the poor of the city in which he resides.

R. Aha says, "When one is told to give to the poor, he should give to the poor of all Israel." When one is told, "Give such-and-such a field to the poor," the gleanings, forgotten sheaf, and corner of the field are to go to the poor of the town in which he resides. If he is told, Give such-and-such a field to the poor of such-and-such a town," the gleanings, forgotten sheaf, and corner of the field go to the poor of the designated town.

MTMA 8:1 Tzedakah Falls Under The Category Of Vows

Tzedakah falls under the category of vows. Therefore the one who says, "I am herewith obligated for a selah for tzedakah" or "This here selah is tzedakah," is obligated to give the dedicated amount to the poor immediately and if he delays giving the tzedakah he has transgressed the injunction "Do not delay" -- that here it is, in his hands, the means to give immediately to the poor and the poor are there! However, if there are no poor there, he separates it the dedicated amount and puts it aside until he finds poor people. If he stipulates that he will not give tzedakah until he finds poor people, he does not have to separate the tzedakah now. And similarly, if he stipulated at the time of his vowing for tzedakah or at the time of his donation of it that the collectors have permission to change it, smelt it for gold, these changes are permitted.

Keseph Mishneh

8:1 *"Tzedakah falls under the category of vows, etc."* In Rosh Hashanah 6a

"If he stipulates, etc." "And similarly, if he stipulated, etc."

Rosh Hashanah 6a

Our Rabbis taught: "That which has gone out from your lips" (Deut. 23:24) refers to an affirmative precept. "You shall observe" refers to a negative precept. "And do" refers to an injunction to the Bet Din to make you do. "According as you have vowed" means a vow. "To the Lord Your God" refers to sin-offerings, trespass-offerings, burnt offerings, and peace offerings. "A freewill offering" has its literal meaning. "Even that which you have promised" refers to things dedicated for the repair of the Temple. "With your mouth" refers to tzedakah . . .

"With your mouth" refers to tzedakah. Rava said, "With regard to tzedakah, one becomes liable immediately." What is the reason for this? The reason is because there are poor people waiting for the donation. Is this not obvious? What might you have thought? Because tzedakah comes in the list of "sacrifices," it need not be paid until 3 festivals have passed, like sacrifices. Thus it comes to teach us this is not the case. Those (i.e. sacrifices) God made dependent on festivals, but this (i.e. tzedakah) he did not. The poor are waiting!

MTMA 8:2 Abbreviations Are Valid With Tzedakah As With Other Vows

The one who puts a hold on something for tzedakah is obligated as with other vows. How does this happen? If he said, "This specific selah here is like that selah that has already been dedicated to tzedakah." "This new selah one here" is also tzedakah. If one who separates a selah and says, "This here selah is tzedakah," then takes a 2nd selah and says, "and this one," they are both dedicated to tzedakah, despite the fact that he did not say so explicitly for the second selah.

Keseph Mishneh

8:2 *"The one who puts a hold on something in the name of tzedakah is obligated as with other vows, etc."* Nedarim 7a This is a question that was resolved with respect to the possible inquiry, and the resolution was according to Rabeinu.

Nedarim 7a

R. Papa inquired: Are abbreviations (i.e. saying only "and this one" instead of saying "this selah is also dedicated to tzedakah") binding with respect to pe'ah? What are the conditions that make it binding? Shall we say that one said, "Let this furrow be pe'ah and this one too"– Is that a complete pe'ah? His problem arises, for example, if he said "and this" without adding "too." Do we say, "Since tzedakah is compared to sacrifices, just as abbreviations are binding in the case of sacrifices, so too in the case of pe'ah? Or perhaps the analogy of tzedakah to sacrifices holds true only with respect to "You shall not delay." (In other words, tzedakah is only like sacrifices with respect to the fact that vows for both sacrifices and tzedakah must be fulfilled immediately, but not with regard to the binding nature of abbreviations). Now where is the analogy found? For it was taught: "When you make a vow to the Lord your God, do not put off fulfilling it, for the Lord your God will require it of you." (Deut. 23:22) This refers to gleanings, forgotten sheaves and pe'ah.

Are abbreviations valid for tzedakah or not? To what is this similar? If he said "This zuz is for tzedakah and this one also," they are both tzedakah. But if he said, "This one" but he did not say "also," what is this second one? He may have meant that it was also tzedakah, or he may have singled the second one out for general expenses. Do we say, since tzedakah is compared to sacrifices, as it is written, ["That which is gone out of your lips you shall keep and perform: even a free-will offering

according to your vow before the Lord your God, which you have promised] with your mouth,” (Isa. 45:23) which refers to tzedakah, that just as a abbreviations are valid for sacrifices, so too abbreviations are valid with tzedakah? Or, is the comparison in respect of the injunction “Do not delay” only? Are there abbreviations for hefker? But that is considered tzedakah. If you rule there is abbreviation with tzedakah, because there is no comparison for half, what do they say about hefker? Is this tzedakah? Or perhaps this is not tzedakah, in that tzedakah is only appropriate for the poor, but hefker is for the poor and the rich.

MTMA 8:3 One Who Vows Tzedakah And Does Not Know How He Vowed

The one who vows tzedakah and does not know how much he vowed gives until he says, “I did not intend this much!”

Keseph Mishneh

8:3 “*The one who vows tzedakah and does not know how much he vowed, etc.*” It is taught in a bareita, Menachot 106b

Menachot 106b

Mishnah: A person who says, “I take upon myself to offer wood” must bring no less than two logs. If he said, “I take upon myself to offer frankincense” he must bring no less than a handful. The handful of frankincense is specified in five cases: If a man said, “I take upon myself to bring frankincense,” he must bring no less than a handful. If he offered a meal-offering, he must bring a handful of frankincense with it. If a man offered the handful outside the Temple court he is still liable for the offering. The two dishes of frankincense require two handfuls.

If a man said, "I take upon myself to offer gold" he must bring no less than a golden denar. If he said, "I take upon myself to offer silver," he must bring no less than a silver denar. If he said, "I take upon myself to offer copper, he must bring no less than a silver ma'ah. If he said, "I specified that I would bring an offering but I do not know how much I specified," he must bring until he says, "I certainly did not intend to give so much."

MTMA 8:4 Exchanging Items Designated For Tzedakah

Regarding the one who says, "This selah is for tzedakah," or the one who says, "Upon me is the obligation to give a selah to tzedakah," and he puts it aside: If he wants to exchange it the dedicated selah with another selah he is permitted. But once the collector arrives it is forbidden to exchange it. The collectors are not permitted to combine the coins and make them denars. If there are no poor people there to divide the tzedakah collection amongst, they combine the coins with others [i.e. make change into larger coins], but not by themselves [i.e. from their own money].

Keseph Mishneh

8:4 "*Regarding the one who says this selah is for tzedakah, etc.*" until "*it is forbidden to exchange it.*" Arachin 6b

"The collectors are not permitted to combine, etc." Baba Batra 8b

Arachin 6b

R. Nahman said that Ravah B. Abuha said, "The one who says "This selah is for tzedakah" is permitted to exchange it – for himself, but not for others. There are

those who say that Rav Ami said that R. Yochanan said, "He may exchange it either for himself or another." (Both are permitted). R. Zaira said, "It is only taught with regard to a person stipulating generally, "I obligate myself;" but if he said, "Behold, I am obligated for this particular selah," he is obligated for it for that particular selah." Rava countered that this is backward from what is logical. If he said, "This particular one," then he may use it for himself, but if he just said "I am obligated generally" he is not allowed to exchange. It does not make a difference.

It is taught according to Rava, that a vow is tzedakah but a dedication is not tzedakah. What does this mean? Neither vows nor dedications are tzedakah. Rather, is it not as it is said, "Tzedakah is similar to a vow only in the sense of the injunction "you shall not delay" (Deut. 23:22)? And tzedakah is not like dedications, in that it is forbidden to use a dedicated item for personal use but with an item donated to tzedakah, you can use it for personal use. R. Kahana said, "I reported this teaching before R. Zebid of Nehardea whereupon he said, 'This is how you stated it – but we state it thus: R. Nahman in the name of R. Abuha based on Rav said: If one says "This particular selah is for tzedakah," it is permitted to exchange it either for himself or for another. Even if he said generally, "Behold this selah" or "I take upon me the obligation to give tzedakah."

Our sages taught with regard to one who says, "This selah is for tzedakah:" As long as the dedicated selah is not yet in the hands of the collectors it is permissible to exchange it. But after the collectors have it, it is forbidden to exchange it. Is it not so that R. Yanni borrowed from the tzedakah collective and paid it back later? It was

different with R. Yanni, because in his delay of giving tzedakah he was able to bring even more to the poor.

Our sages taught that an Israelite who dedicates a candelabrum or candle to a synagogue is forbidden from exchanging it. R. Chaya b. Abba thought that meant that it the dedicated item may not be exchanged either for a secular/optional purpose or for religious obligations. Rav. Ami said thus said R. Yochanan, "This rule is only taught with regard to exchanging the item for secular matters, but for religious obligations it is permissible to exchange it. From the words of R. Asi: R. Yochanan said, "With regard to a case in which a non-Jew dedicates a candelabra or candle to a synagogue: Until the name of the donor is forgotten it is forbidden to exchange it. Once the name is forgotten it is permissible to exchange it." For what can it be exchanged? I could say for secular/ optional purposes. But then why do we have the subject of non-Jews? Would this not apply for Jews also? Rather, it is permissible to exchange it only for a religious obligation. And the reason this rule is taught with regard to non-Jews is that a non-Jew would certainly create a row about the exchange of his dedication. But if a Jew would not fuss, the item can be exchanged before the name is forgotten.

Sharazaki, the Arab, dedicated a lamp to the synagogue of R. Yudah. Rehaba exchanged it and Rava got upset at him. Some say Rava exchanged it and Rehabah got upset. Others say the sextons of Punbeditha exchanged it and both Rehaba and Raba rebuked them for it. He who exchanged it held: It would be a rare occurrence for someone to throw a fit, whereas he who rebuked held: It may happen that he the donor comes and sees that the item was exchanged and gets upset!

Baba Batra 8b

Our Rabbis taught that tzedakah collectors that have no poor to whom they can distribute the tzedakah can make change for others but not for themselves. Tamchui collectors that have no poor to whom they can distribute the food can sell to others but not to themselves. Money for tzedakah is not counted two coins at a time. Rather, it is counted one coin at a time. Abaye said at first Mar would not sit on the mats of the shul. However, when he heard that they taught that tzedakah collectors could change tzedakah money for whatever they deemed necessary, he would sit. Abaye said that at first Mar would have two purses – one for the poor of the world and one for the poor of that particular town. However, when he learned that Shmuel said to Rav Tachlifa b. Avdima, “Make one purse and put stipulations on it” (to tell the people to give to anyone who comes, according to the explanation of Rashi), Mar also made one purse and put stipulations on it. Rav Ashi said, “I do not even need stipulations because all who come to my town rely on my judgment and leave it to me to give to whom I will.”

MTMA 8:5 Deriving Benefit From Tzedakah (For The Sake Of The Poor)

When there is a benefit to the poor in tzedakah money remaining with the collectors in order to entice others to give, then the collectors are permitted to lend others the money of the poor and pay it back later, because tzedakah is not like dedicated items to the Temple from which one may not derive benefit.

TRANSLATOR’S NOTE:

The source for this material is B. Arachin 6a, b

MTMA 8:6 Exchanging Items Donated To A Synagogue

One who donates a candelabra or candle to a synagogue is forbidden from exchanging it. However, if it is being exchanged for a religious obligation, it is permitted to exchange the item despite that the name of its owner has not fallen away from it been forgotten, and they still say, "This is the menorah or candle of ploni." But, if the name of the owner has fallen away from the item, it is permitted to exchange it even for a secular/optional reason.

Keseph Mishneh

8:6-7 As Maimonides wrote, "*One who dedicates a candelabrum, etc.*" until "*they sold it for themselves*" Arachin 6b and in the Yerushalmi: Shekalim*.

TRANSLATOR'S NOTE:

* The Yerushalmi: Shekalim citation appears to be erroneous. An alternative citation could not be identified.

Arachin 6b

R. Nahman said that Ravah B. Abuha said, "The one who says "This selah is for tzedakah" is permitted to exchange it – for himself, but not for others. There are those who say that Rav Ami said that R. Yochanan said, "He may exchange it either for himself or another." (Both are permitted). R. Zaira said, "It is only taught with regard to a person stipulating generally "I obligate myself," but if he said, "Behold, I am obligated for this particular selah," he is obligated for it for that particular selah." Rava countered that this is backward from what is logical. If he said, "This particular one," then he may use it for himself, but if he just said, "I am obligated generally" he is not allowed to exchange. It does not make a difference.

It is taught according to Rava, that a vow is tzedakah but a dedication is not tzedakah. What does this mean? Neither vows nor dedications are tzedakah. Rather, is it not as it is said, "Tzedakah is similar to a vow only in the sense of the injunction "you shall not delay" (Deut. 23:22). And tzedakah is not like dedications, in that it is forbidden to use a dedicated item for personal use but with an item donated to tzedakah, you can use it for personal use. R. Kahana said, "I reported this teaching before R. Zebid of Nehardea whereupon he said, 'This is how you stated it – but we state it thus: R. Nahman in the name of R. Abuha based on Rav said: If one says "This particular selah is for tzedakah," it is permitted to exchange it either for himself or for another. Even if he said generally, "Behold this selah" or "I take upon me the obligation to give tzedakah."

Our sages taught with regard to one who says, "This selah is for tzedakah:" As long as the dedicated selah is not yet in the hands of the collectors it is permissible to exchange it. But after the collectors have it, it is forbidden to exchange it. Is it not so that R. Yanni borrowed from the tzedakah collective and paid it back later? It was different with R. Yanni, because in his delay of giving tzedakah he was able to bring even more to the poor.

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regard to a case in which a non-Jew dedicates a candelabra or candle to a synagogue: Until the name of the donor is forgotten it is forbidden to exchange it. Once the name is forgotten it is permissible to exchange it." For what can it be exchanged? I could say for secular/ optional purposes. But then why do we have the subject of non-Jews? Would this not apply for Jews also? Rather, it is permissible to exchange it only for a religious obligation. And the reason this rule is taught with regard to non-Jews is that a non-Jew would certainly create a row about the exchange of his dedication. But if a Jew would not fuss, the item can be exchanged before the name is forgotten.

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MTMA 8:7 Exchanging Donations From Non-Jews

About what are we speaking in the previous paragraph? When the donor is an Israelite. But, if he was a non-Jew it is forbidden to exchange it the donated item even for the fulfillment of a religious duty, until the name has fallen away from it, lest the non-Jew will say, "I consecrated a thing to the synagogue of Jews and they sold it for themselves."

Keseph Mishneh

8:6-7 As Maimonides wrote, *One who dedicates candelabrum*, etc. until they sold it for themselves, Arachin 6b and in the Yerushalmi: Shekalim*.

TRANSLATOR'S NOTE:

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Arachin 6b

R. Nahman said that Ravah B. Abuha said, "The one who says "This selah is for tzedakah" is permitted to exchange it – for himself, but not for others. There are those who say that Rav Ami said that R. Yochanan said, "He may exchange it either for himself or another." (Both are permitted). R. Zaira said, "It is only taught with regard to a person stipulating generally "I obligate myself," but if he said, "Behold, I am obligated for this particular selah," he is obligated for it for that particular selah." Rava countered that this is backward from what is logical. If he said, "This particular one," then he may use it for himself, but if he just said, "I am obligated generally" he is not allowed to exchange. It does not make a difference.

It is taught according to Rava, that a vow is tzedakah but a dedication is not tzedakah. What does this mean? Neither vows nor dedications are tzedakah. Rather, is it not as it is said, "Tzedakah is similar to a vow only in the sense of the injunction "you shall not delay" (Deut. 23:22). And tzedakah is not like dedications, in that it is forbidden to use a dedicated item for personal use but with an item donated to tzedakah, you can use it for personal use. R. Kahana said, "I reported this teaching before R. Zebid of Nehardea whereupon he said, 'This is how you stated it – but we state it thus: R. Nahman in the name of R. Abuha based on Rav said: If one says "This particular selah is for tzedakah," it is permitted to exchange it either for himself

or for another. Even if he said generally, "Behold this selah" or "I take upon me the obligation to give tzedakah."

Our sages taught with regard to one who says, "This selah is for tzedakah." As long as the dedicated selah is not yet in the hands of the collectors it is permissible to exchange it. But after the collectors have it, it is forbidden to exchange it. Is it not so that R. Yanni borrowed from the tzedakah collective and paid it back later? It was different with R. Yanni, because in his delay of giving tzedakah he was able to bring even more to the poor.

Our sages taught that an Israelite who dedicates a candelabra or candle to a synagogue is forbidden from exchanging it. R. Chaya b. Abba thought that meant that the dedicated item may not be exchanged either for a secular/optional purpose or for religious obligations. Rav. Ami said thus said R. Yochanan, "This rule is only taught with regard to changing the item for secular matters, but for religious obligations it is permissible to exchange it. From the words of R. Asi: R. Yochanan said, "With regard to a case in which a non-Jew dedicates a candelabra or candle to a synagogue: Until the name of the donor is forgotten it is forbidden to exchange it. Once the name is forgotten it is permissible to exchange it." For what can it be exchanged? I could say for secular/ optional purposes. But then why do we have the subject of non-Jews? Would this not apply for Jews also? Rather, it is permissible to exchange it only for a religious obligation. And the reason this rule is taught with regard to non-Jews is that a non-Jew would certainly create a row about the exchange of his dedication. But if a Jew would not fuss, the item can be exchanged before the name is forgotten.

Sharazaki, the Arab, dedicated a lamp to the synagogue of R. Yudah. Rehaba exchanged it and Rava got upset at him. Some say Rava exchanged it and Rehabah got upset. Others say the sextons of Punbeditha exchanged it and both Rehaba and Rava rebuked them for it. He who exchanged it held: It would be a rare occurrence for someone to throw a fit, whereas he who rebuked held: It may happen that he the donor comes and sees that the item was exchanged and gets upset!

MTMA 8:8 Non-Jews Who Donate To The Temple Or A Synagogue

Regarding a non-Jew who donates to repair the Temple: They should not accept donations from him in the first place. But if they took from him already they do not return the donation to him. If he donated a specific item like a beam or stone they return it to him in order that there not be something identifiable from him in the Temple, as it is said, "It is not for you and us to build a House . . ." (Ezra 4:3). But for the repair of a synagogue they receive donations from non-Jews in the first place, provided that the non-Jew who is donating says, "According to the laws of Israel I apportioned this." But if he did not say it, they put the offering in the geniza, lest his heart really was turned toward heaven when he made the offering. They do not accept donations from non-Jews for the walls of Jerusalem or for a canal, as it is said, "But you have no share or claim or stake in Jerusalem." (Nehemiah 2:20).

Keseph Mishneh

8:8 "*Regarding a non-Jew who donates to repair the Temple, etc.*" Arachin 6b

It was taught by one that when a non-Jew dedicates a dedication to the repair of the Temple, the dedication is accepted from him. Another taught they do not accept it. R.

Ilah said R. Yochanan said, "There is no difficulty – the first text applies to the beginning of a project, the latter to the end." For R. Assi said in the name of R. Yochanan: In the beginning one should not accept from them non-Jews even salt or water, whereas at the end one may not accept anything that can be easily identified. However, something that cannot be easily identified may be accepted. And Rashi explains that "something identifiable" means something that can be seen with the eye. One does not accept these donations from them non-Jews because this is a disgrace and more – this glorifies it. And Maimonides explains that what is written the ruling above that nothing is accepted from non-Jews for the repair of the Temple applies at the beginning, and that the other ruling that says small, unidentifiable donations may be kept, but large ones must be returned applies at the end. That is to say the first ruling applies at the beginning – before the object has been accepted – and that other ruling is after the fact. Rashi explains in another matter.

And as for what Maimonides wrote "*But for the repair of a synagogue they receive donations from non-Jews in the first place, etc.*" *ibid.* When a non-Jew dedicates a beam that has written upon it God's name, they accept it if he said, "According to the law of Israel I put this aside." They should cut off the end with God's name and use the rest of it. And if he did not say that, the beam must be hidden away in a geniza, because we suspect his heart may have been turned to the Lord. The reason it needs to be hidden away is because the name of God is inscribed upon it; but if the name of God were not inscribed on it, then it would not need to be hidden away. Perhaps even if the name of God were on it, it would not have to be hidden away. And this is exactly what we are told. Although the Name is written on it, that end is

cut off and the rest is used. And the explanation of Rashi is that they must put the beam in a geniza and that it is forbidden to benefit from it. They hide the beam in a geniza lest his heart was turned to heaven, to the Holy Name when he dedicated it. And at this time it is customary that dedicated items cannot be used for personal benefit. They cut the piece with God's name and geniza it, and use the rest. "end quote"

And it seems, from the Maimonidean statement that thus was taught: They use the permissible part to build the synagogue.

As Maimonides wrote, "*They do not accept donations from them (non-Jews) for the walls of Jerusalem, etc.*" Shekalim 1:4 in Yerushalmi.

Arachin 6b

R. Nahman said that Ravah B. Abuha said, "The one who says "This selah is for tzedakah" is permitted to exchange it – for himself, but not for others. There are those who say that Rav Ami said that R. Yochanan said, "He may exchange it either for himself or another." (Both are permitted). R. Zaira said, "It is only taught with regard to a person stipulating generally "I obligate myself," but if he said, "Behold, I am obligated for this particular selah," he is obligated for it for that particular selah." Rava countered that this is backward from what is logical. If he said, "This particular one," then he may use it for himself, but if he just said, "I am obligated generally" he is not allowed to exchange. It does not make a difference.

It is taught according to Rava, that a vow is tzedakah but a dedication is not tzedakah. What does this mean? Neither vows nor dedications are tzedakah. Rather, is it not as it is said, "Tzedakah is similar to a vow only in the sense of the injunction

“you shall not delay” (Deut. 23:22). And tzedakah is not like dedications, in that it is forbidden to use a dedicated item for personal use but with an item donated to tzedakah, you can use it for personal use. R. Kahana said, “I reported this teaching before R. Zebid of Nehardea whereupon he said, ‘This is how you stated it – but we state it thus: R. Nahman in the name of R. Abuha based on Rav said: If one says “This particular selah is for tzedakah,” it is permitted to exchange it either for himself or for another. Even if he said generally, “Behold this selah” or “I take upon me the obligation to give tzedakah.”

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say for secular/ optional purposes. But then why do we have the subject of non-Jews? Would this not apply for Jews also? Rather, it is permissible to exchange it only for a religious obligation. And the reason this rule is taught with regard to non-Jews is that a non-Jew would certainly create a row about the exchange of his dedication. But if a Jew would not fuss, the item can be exchanged before the name is forgotten.

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Yerushalmi Shekalim 1:4

[Simeon does not allow any participation of non-Jews at all, in line with the following verse:] "It is not for you and us to build a House . . ." (Ezra 4:3).

R. Hezekiah said R. Simon said, "If this is so, they should not accept funds to maintain the water channel and the walls of the city and their towers from Gentiles! This is on the count, 'It is not for you and us . . .'"

MTMA 8:9 Accepting Tzedakah From Non-Jews In Public

It is forbidden for Jews to accept tzedakah from non-Jews in public. If one cannot live solely on the tzedakah of Israel and cannot accept tzedakah from non-Jews in private, then it is permitted to accept tzedakah in public. If a non-Jewish king or a prince sends money to Jews for tzedakah, it should not be returned, for the sake

of peace in the kingdom. Rather, it should be accepted from him and secretly distributed to the non-Jewish poor, so that the king might not hear about it.

Keseph Mishneh

8:9 "*It is forbidden for Jews, etc.*" Sanhedrin 25a*

TRANSLATOR'S NOTE:

*This citation should read Sanhedrin 26b

Sanhedrin 26b

R. Nachman said: Those who accept tzedakah from non-Jews are incompetent witnesses, provided that they accept it publicly, but not if they accept it in private. And even if publicly [accepted], the law is applicable only if, when it is possible for them to obtain the tzedakah privately, they degrade themselves by open acceptance. But where private receipt is impossible, public acceptance is vitally necessary.

MTMA 8:10 Redemption Of Captives Comes Before The Needs Of The Poor

Redemption of captives comes before money and clothing portions for the poor. There is no greater mitzvah than ransoming the captive because the captive falls into the categories of the hungry, the thirsty, and the naked, and stands in mortal danger. And those who turn their eyes from ransoming him are transgressing "Do not harden your heart and shut your hand," (Deut 15:7), and "Do not stand on the blood of your fellow," (Lev. 19:16), and "He shall not rule ruthlessly over him in your sight," (Lev. 25:53), and turning away from the duty to ransom the captive cancels, "You must open your hand and lend him sufficient for whatever he needs." (Deut 15:8) And "Let him live by your side as your kinsman," (Lev. 25:36), "And love your

neighbor as yourself," (Lev. 19:18), and "Deliver them that are drawn unto death," (Prov. 24:11), and many other things like this. And there is no greater mitzvah for you than redemption of captives.

Keseph Mishneh

8:10 "*Redemption of captives comes before money and clothing portions for the poor, etc.*" and "*There is no mitzvah greater than redemption of captives.*" Baba Batra 8b

Baba Batra 8b

Eporah Harmiz, mother of Shabir the King, sent a purse of *denars* to R. Yoseph. She said, "These are for a great mitzvah." R. Yoseph sat and looked at them. What is a great mitzvah? Abaye said to him, "Has it not been taught that R. Shmuel Bar Yehuda did not rule tzedakah on orphans even for the ransoming of captives?" Learn from this that ransoming of captives is a great mitzvah." Ravah said to Raba Bar Mari, "Where does the saying of the Rabbis, 'Redeeming captives is a great mitzvah' come from?" He said to him, "As it is written, 'And if they ask you, "To what shall we go forth?" Answer them, "Thus said the Lord: Those destined for death, to the death; those destined for the sword, to the sword; those destined for famine, to famine; those destined for captivity, to captivity.'" (Jer. 15:2) And Rabbi Yochanan said, "In the verse, each fate is harsher than the one before. Sword is worse than death. If you want I could say this is based on scripture or if you want I could say it is based on reasoning. If you want to say it is based on reasoning, it is that the one sword disfigures and the other one does not disfigure. If you want to say it is

based on scripture, "Precious in the eyes of the Lord is the death of his saints" (Ps. 116:15).

Famine is harsher than sword. If you want to say this is based on reasoning, it is because one is suffering famine the other is not suffering (i.e., he dies swiftly). If you want to say this is based on scripture, "They that be slain with the sword are better than they that be slain with hunger (Lam. 4:9). Captivity is harder than them all for they are all encompassed in it.

MTMA 8:11 Redirecting Funds For The Ransom Of Captives

When people of the city have collected money for the building of a synagogue and the opportunity for a mitzvah comes to them, they can spend the money they have collected for it. If they bought stones and beams already, they do not sell them for the mitzvah opportunity unless it is to redeem a captive. Despite the fact that they bought stones, fences, and beams and cut them, and that they acquired them all for the building of the synagogue, they sell them all for the ransoming of the captive only. But if they built and finished the project, they do not sell the synagogue. Rather, they collect money from the congregation for ransoming the captives.

MTMA 8:12 We Do Not Ransom Captives For More Than Their Worth Or Help Them Escape

We do not ransom captives for more than their worth, for the sake of "tikkun olam" – so that the captors will not chase them to capture them again. We do not help prisoners to escape captivity because of "tikkun olam" – so that the captors will not make the burden harder on prisoners and increase their guard.

Keseph Mishneh

8:12-14 In Gittin 37b 45a, 46b,ff, "*We do not ransom captive* , etc." until "*forbidden to redeem him.*"

Gittin 45a

Mishnah: Captives should not be redeemed for more than their value, to prevent abuses (that captors will increase their kidnappings for the fees). Captives should not be helped to escape, to prevent abuses (that the burden on prisoners will harder and the guard of prisoners increased). Rabban Simeon B. Gamliel says we do not help prisoners to escape in order to prevent the ill-treatment of fellow captives.

Gemara: The question was raised: Does this prevent abuses related to the burden that may be imposed on the community or to the possibility that the activities of the bandits may be stimulated? Come and hear: Levi b. Darga ransomed his daughter for 13,000 dinarii of gold. Abaye said, "But are you sure that he acted with the consent of the Sages? Perhaps he acted against the will of the Sages." Captives should not be helped to escape, to prevent abuses. Rabban Shimon b. Gamliel said, "The reason is to prevent the ill-treatment of fellow captives." What practical difference does it make which reason we adopt? The difference arises when there is only one captive.

MTMA 8:13 Ransoming One Who Sells Himself And Children Into Slavery

Regarding one who sells himself and his children to non-Jews or who has borrowed money from non-Jews and they captured the man and his children for his debt: The first time and the second it is a mitzvah to redeem them. The third time they

do not redeem them. But we redeem the children after the death of the father.

However, if the captors threaten to kill them, we redeem even him the father from their hands even after many times.

Keseph Mishneh

8:12-14 In Gittin 37b 45a, 46b,ff, "*We do not ransom captives, etc.*" until "*forbidden to redeem him.*"

Gittin 46b

Mishnah: If a man sells himself and his children to non-Jews they do not redeem him but they do redeem the children after the death of their father.

Gemara: Rav Asi said, "This applies only to one who has sold himself a second and a third time." There were residents of Beit Michsei who borrowed money from non-Jews and they did not have the means to repay the loan to them. The non-Jews seized the residents of Beit Michsei for it. They brought the matter before Rav Hunah who said to them, "What can I do for you? For they teach that regarding the one who sells himself and his children to non-Jews, they do not redeem him." Rabbi Abayei said, "Rabeinu taught me that this applies only to the one who sells himself a second and a third time." He said to him, "Here is one who is a regular seller of himself to slavery."

There was a man that sold himself to Ludites. He came to bring this before Rabbi Ami. He asked him, "Should they redeem him?" He said to him, "They teach that regarding one who sells himself and his children to non-Jews, they do not redeem him but they redeem his children because of the corruption of idolatry. All the more so here, that there is in this case risk of death." The sages said to Rabbi Ami, "What

do we do if an Israelite is a blasphemer and they saw him eating dead animals and unkosher food.” He says to them, “One might think that in order to eat at all he ate unkosher food.” They said to him, “Behold, there were times that permitted food and forbidden food were before him and he forsook the permitted and ate the forbidden food.” He said to the man who sold himself into slavery, “Go! They do not leave for me any room for me to redeem you.”

MTMA 8:14 Ransoming Slaves And (Not Ransoming) Heathen Jews

Regarding a slave who is captured: Since he has immersed for the sake of slavery and accepted the mitzvah, redeem him like an Israelite who is captured. Regarding a captive that converted to a non-Jew, and violated even one mitzvah (i.e.) that he used to eat animals that died a natural death specifically to defy Jewish law, and similar things, it is forbidden to redeem him.

Keseph Mishneh

8:12-14 In Gittin 37b 45a, 46b,ff, “*We do not ransom captives, etc.*” until “*forbidden to redeem him.*”

Gittin 46b

Mishnah: If a man sells himself and his children to non-Jews they do not redeem him but they do redeem the children after the death of their father.

Gemara: Rav Asi said, “This applies only to one who has sold himself a second and a third time.” There were residents of Beit Michsei who borrowed money from non-Jews and they did not have the means to repay the loan to them. The non-Jews seized the residents of Beit Michsei for it. They brought the matter before Rav

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MTMA 8:15 When Women Take Priority Over Men, And Vice Versa

Women come before men with regard to feeding and clothing the poor and redeeming from captivity. Because it is the way of a man to go around begging, but not the way of a woman, her shame is greater. And if there were two (a man and a woman) in captivity and they were taken and were demanded for an illegal sexual act, the man is redeemed first because this is not his way.

Keseph Mishneh

8:15 "*Women come before men, etc.*" until "*because this is not his way.*"

Horayot 13a.

Horayot 13a

Mishnah: A man takes precedence over a woman in matters concerning the saving of life and the restoration of lost property, and a woman takes precedence over a man with respect to clothing and ransoming from captivity. When both are exposed to immoral degradation in their captivity the man's ransom takes precedence over that of the woman.

MTMA 8:16 When A Male And A Female Orphan Come To Marry

When a male and a female orphan come to marry, marry the woman before the man because the shame of the woman is greater. Do not make less of a dowry for her than the weight of six and a quarter denars of pure silver. And if there are funds in the tzedakah purse, they give her money according to her honor.

Keseph Mishneh

8:16 "*When a male and a female orphan, etc.*" in Ketubot 67a, b

Ketubot 67a, b

The sages taught that when a male orphan and a female orphan both come to be supported, the community leaders support the female orphan and afterward the male orphan because it is the way of men to go around begging and it is not the way of women. When a male orphan and a female orphan come to get married, they marry

the female orphan and afterward they marry the male orphan, because the embarrassment of the woman is greater than that of the man.

The Rabbis taught that when an orphan comes to marry, the community leaders buy for him a house, and prepare for him a bed and all the household utensils you use, and afterward they marry him to a woman, as it is said, "Sufficient for his need according to that which he lacks" Deut. 15:8. "Sufficient for his need," refers to a house. "According to that which he lacks," refers to a bed and table for him. "For him" refers to a woman, as scripture says, "I will make for him a help equal to him" Gen. 2:18.

The Rabbis taught regarding the poor person that "sufficient for his need" means you are commanded to support him, but you are not commanded to make him rich. "According to that which he lacks" means even providing a horse for him to ride upon and a servant to run before him. They said about Hillel, the elder, that he took a poor person, a child of good people, a horse to ride on and a servant to run before him. One time Hillel could not find a servant to run before the poor person and so Hillel ran before him for 3 miles.

The Rabbis taught a story about the people of the Upper Galil who collected a pound of meat every day for a poor person from Tzippora, a child of good people. A pound of meat – why so much? Rav Hunah said it was a pound of poultry meat. But if you ask me I could say a pound of red meat, literally. Rav Asi said there is a small town in which an animal was destroyed for the poor man's sake every day there.

There was a man who came before Rabbi Nachamia. Rabbi Nachamia said to him, "On what do you dine?" He the man said to him, "I dine on meat, oil and old

wine.” “Will you bear with me when I offer you lentils?” The man accepted the lentils and died. Rabbi Nachamia said, “Woe to him for this!” because Nachamia killed him. On the contrary, what should be said is, “Woe to Nachamia,” for killing him. But that poor man should not have lived such a luxurious life!

A man came before Rava. Rava said to him, “What do you eat?” The man said to him, “I eat fattened turkey and old wine.” He Rava said to him, “Does it not trouble you to press the community for such expensive foods?” The man said to him, “Is it from their portion/ their food that I eat? No, it is from the Merciful One that I eat, as it is taught, “The eyes of all look to You expectantly, and You give them their food when it is due.” (Ps. 145:15) When “they are due” is not said, rather when “it” is due. This teaches that to each and every one God gives his sustenance when he is due.” Meanwhile the sister of Rava came who had not seen him for 13 years, and she brought him fattened turkey and old wine. And Rava said to her, “What did you bring?” When Rava found out, he said to the man, “I humble myself before you/I spoke too much to you. Come and eat.”

MTMA 8:17 Priorities Regarding Who To Redeem From Captivity

If there were before us many poor and many captives and there was not enough in the purse to support all of them, or to dress them, or to redeem them, prioritize a Cohen before a Levite, and a Levite before an Israelite; an Israelite before a tainted priest and a tainted priest before a child of unknown fathering; a child of unknown fathering before a foundling and a foundling before a mamzer; a mamzer before a Natin and a Natin before a convert, that the Natin grew up with us in

holiness. The convert comes before a free slave because the slave is under the category of those who are "cursed."

Keseph Mishneh

8:17-18 "*If there were before us many poor, etc.*"until "*scholars first.*"

Horayot 13a

And as for what Maimonides wrote "*and all those great in wisdom, etc.*"

And as for what Maimonides wrote "*And if one of them was his teacher or his father, etc.*"

Horayot 13a

Mishnah: A Cohen comes before a Levite, a Levite before an Israelite, an Israelite before a mamzer, a mamzer before a Natin, a Natin before a convert, and a convert before a freed slave. When? At a time when all of them are equal. But if there was a mamzer who was a student of the wise and a high priest who was an unlearned man, the mamzer, a student of the wise, comes before the high priest, who is unlearned.

Gemara: A Cohen comes before a Levite, as it is said, "The sons of Amram: Aaron and Moses; and Aaron was separated that he should be sanctified as most holy." (I Chron. 23:13) A Levite comes before an Israelite, as it is said, "At that time the Lord separated the tribe of Levi, etc." (Deut. 10:8). An Israelite comes before a mamzer that he has proper lineage and the other one (the mamzer) does not have proper lineage. A mamzer comes before a Natin because he comes from a kosher drop (semen) and the other (the Natin) comes from a tainted line. The Natin comes before a convert because the Natin grew up with us in holiness and the other one did

not grow up with us in holiness. The convert comes before a freed slave because the freed slave was in the category of the cursed and the other one was not in the category of the cursed.

MTMA 8:18 The Learned Come Before The Ignorant

About what are we speaking in the previous paragraph? That the two captives are equal in wisdom. But, if there is a high priest who is an "Am Ha'Aretz," an unlearned person, and a mamzer who is a student of the wise, the student comes first. And all those greater in wisdom come before his fellow. However, if one of them was the redeemer's teacher or his father, despite that there are there in captivity greater than his teacher or father in wisdom, if his teacher or his father was a student of the wise, he is redeemed before the person of greater wisdom.

Keseph Mishneh

8:17-18 "*If there were before us many poor, etc.*" until "*scholars first.*"

Horayot 13a

And as for what Maimonides wrote "*and all those great in wisdom, etc.*"

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MTMA 9:1 Every City Creates A Tzedakah Collective

Regarding any city in which Jews reside: The Jews are obligated to create amongst them tzedakah collectors – reputable and trustworthy men, who will circulate amongst the people from Erev Shabbat to Erev Shabbat and take from each and every person what is appropriate for him to give and what is apportioned for him to give. They will divide the money from Erev Shabbat to Erev Shabbat and give to all the poor sufficient sustenance for seven days. This is called the kuppah.

Keseph Mishneh

9:1-2 "*Any city*, etc." This is the implication in Baba Batra 8b and at the end of Pe'ah 8:7.

Baba Batra 8b

The Rabbis taught the kuppah of tzedakah is collected by two people and divided by three people. It is collected by two people because no authority/office is established in the community with fewer than two officials, and they divide it by three people like in monetary (judicial) cases. Tamchui is collected by three people and divided by three people because the collectors and the dividers of it are the same. Tamchui is collected everyday; kuppah is from Erev Shabbat to Erev Shabbat. Tamchui is for the poor of the world; the kuppah is for the poor of that particular city. The citizens of the city have authority to use the kuppah for the tamchui and the tamchui for the kuppah, and to change them for what they deem appropriate. The citizens of the city have authority to stipulate the weights and prices and the wages for work, and to impose penalties on those who disregard their stipulations. Mar said they do not establish an office in the community with fewer than two officials. From where do we derive this? Rav Nahman said, "Scripture says, 'And they shall take the gold, etc.'" (Ex. 28:5) This is not regarding exercise of authority – but it shows they were trusted (regarding the gold.). This supports Rabbi Haninah: Rabbi Haninah told a story in which Rabbi appointed two brothers over the kuppah.

From where is the authority for collecting tzedakah derived? Rav Nahman said Rava Bar Abuha said, "It derives from the fact that they take pledges for tzedakah even on Erev Shabbat." Is it so? Is it not written, "I will punish all that oppress them" (Jer. 30:20)? R. Yitzhak bar Shmuel bar Marta asked in the name of

Rav, "Will even collectors of tzedakah be punished?" There is no difficulty – the one refers to collectors who collect from those who are wealthy and the other refers to collectors who collect from those who are not wealthy. Thus Ravah compelled Rav Natan bar Ami and took from him 400 zuz for tzedakah. "And the knowledgeable shall be radiant like the bright expanse of the sky." (Dan 12:3) This refers to the judge who judges the true law according to its truth. "And they that turn many to righteousness will be like the stars forever and ever" (Dan 12:3) This refers to collectors of tzedakah. It is taught in a beraita that the wise will shine like the bright expanse of the sky. This refers to the judge who judges the true law according to its truth and to collectors of tzedakah. And those who are the righteous of the masses are like the stars forever and ever. This refers to teachers of children. Like who? Rav said, "Like R. Shmuel bar Shelat. Rav found R. Shmuel bar Shelat standing in a garden. He said to him "You have left your duties." He said to him, "For 13 years I have not seen this garden and now, still, my thoughts are on the children." What does scripture say about Rabbis? Ravina said, "May his friends be as the sun rising in might (Judg. 5:31).

Our Rabbis taught that tzedakah collectors who have no poor to whom they can distribute the tzedakah can make change for others but not for themselves. Tamchui collectors who have no poor to whom they can distribute the food can sell to others but not to themselves. Money for tzedakah is not counted two coins at a time. Rather, it is counted one coin at a time. Abaye said at first Mar would not sit on the mats of the shul. However, when he heard that they taught that tzedakah collectors could change tzedakah money for whatever they deemed necessary, he would sit. Abaye

said that at first Mar would have two purses – one for the poor of the world and one for the poor of that particular town. However, when he learned that Shmuel said to Rav Tachlifa b. Avdima, “Make one purse and put stipulations on it” (to tell the people to give to anyone who comes, according to the explanation of Rashi), Mar also made one purse and put stipulations on it. Rav Ashi said, “I do not even need stipulations because all who come to my town rely on my judgment and leave it to me to give to whom I will.” The Rabbi taught there is no accounting of tzedakah with the tzedakah collectors and none with accountants of dedicated goods. Despite that there is no proof for this, there is a hint of this, as it is said, “No check was kept on the men to whom the money was delivered to pay the workers; for they dealt honestly.” (2 Kings 12:16). R. Eliezer said, “Despite that a man has a trustworthy accountant in his house he should tie up and count, as it is said, “They put in bags and counted.” (2 Kings 12:11).

Pe'ah 8:7

The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a selah.⁹⁹ If he spends the night, one must give him the cost of what he needs for a night. If he stays over the Sabbath he is given food for three meals. He who has the means for two meals must not accept anything from the tamchui, and if he has food for 14 meals, he may not accept any support from the kuppah. The kuppah is collected by two people and distributed by three.

⁹⁹ See Appendix A for a monetary and dry-measure conversion charts

MTMA 9:2 The Tamchui Is Established In Each Jewish Community

And thus every Jewish community establishes: Collectors who take from each courtyard every day: bread, fruit and money from whoever is moved to donate at that time. They divide the collection in the evening among the needy, giving from it to each poor person his daily ration. This is called the Tamchui.

Keseiph Mishneh

9:1-2 "*Any city, etc.*" This is the implication in Baba Batra 8b and at the end of Pe'ah 8:7.

Baba Batra 8b

The Rabbis taught the kuppah of tzedakah is collected by two people and divided by three people. It is collected by two people because no authority/office is established in the community with fewer than two officials, and they divide it by three people like in monetary (judicial) cases. Tamchui is collected by three people and divided by three people because the collectors and the dividers of it are the same. Tamchui is collected everyday; kuppah is from Erev Shabbat to Erev Shabbat. Tamchui is for the poor of the world; the kuppah is for the poor of that particular city. The citizens of the city have authority to use the kuppah for the tamchui and the tamchui for the kuppah, and to change them for what they deem appropriate. The citizens of the city have authority to stipulate the weights and prices and the wages for work, and to impose penalties on those who disregard their stipulations. Mar said they do not establish an office in the community with fewer than two officials. From where do we derive this? Rav Nahman said, "Scripture says, 'And they shall take the gold, etc.'" (Ex. 28:5) This is not regarding exercise of authority – but it shows they

were trusted (regarding the gold.). This supports Rabbi Haninah: Rabbi Haninah told a story in which Rabbi appointed two brothers over the kuppah.

From where is the authority for collecting tzedakah derived? Rav Nahman said Rava Bar Abuha said, "It derives from the fact that they take pledges for tzedakah even on Erev Shabbat." Is it so? Is it not written, "I will punish all that oppress them" (Jer. 30:20)? R. Yitzhak bar Shmuel bar Marta asked in the name of Rav, "Will even collectors of tzedakah be punished?" There is no difficulty – the one refers to collectors who collect from those who are wealthy and the other refers to collectors who collect from those who are not wealthy. Thus Ravah compelled Rav Natan bar Ami and took from him 400 zuz for tzedakah. "And the knowledgeable shall be radiant like the bright expanse of the sky." (Dan 12:3) This refers to the judge who judges the true law according to its truth. "And they that turn many to righteousness will be like the stars forever and ever" (Dan 12:3) This refers to collectors of tzedakah. It is taught in a bereita that the wise will shine like the bright expanse of the sky. This refers to the judge who judges the true law according to its truth and to collectors of tzedakah. And those who are the righteous of the masses are like the stars forever and ever. This refers to teachers of children. Like who? Rav said, "Like R. Shmuel bar Shelat. Rav found R. Shmuel bar Shelat standing in a garden. He said to him "You have left your duties." He said to him, "For 13 years I have not seen this garden and now, still, my thoughts are on the children." What does scripture say about Rabbis? Ravina said, "May his friends be as the sun rising in might (Judg. 5:31).

Our Rabbis taught that tzedakah collectors who have no poor to whom they can distribute the tzedakah can make change for others but not for themselves. Tamchui collectors who have no poor to whom they can distribute the food can sell to others but not to themselves. Money for tzedakah is not counted two coins at a time. Rather, it is counted one coin at a time. Abaye said at first Mar would not sit on the mats of the shul. However, when he heard that they taught that tzedakah collectors could change tzedakah money for whatever they deemed necessary, he would sit. Abaye said that at first Mar would have two purses – one for the poor of the world and one for the poor of that particular town. However, when he learned that Shmuel said to Rav Tachlifa b. Avdima, “Make one purse and put stipulations on it” (to tell the people to give to anyone who comes, according to the explanation of Rashi), Mar also made one purse and put stipulations on it. Rav Ashi said, “I do not even need stipulations because all who come to my town rely on my judgment and leave it to me to give to whom I will.” The Rabbi taught there is no accounting of tzedakah with the tzedakah collectors and none with accountants of dedicated goods. Despite that there is no proof for this, there is a hint of this, as it is said, “No check was kept on the men to whom the money was delivered to pay the workers; for they dealt honestly.” (2 Kings 12:16). R. Eliezer said, “Despite that a man has a trustworthy accountant in his house he should tie up and count, as it is said, “They put in bags and counted.” (2 Kings 12:11).

Pe'ah 8:7

The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for

a selah.¹⁰⁰ If he spends the night, one must give him the cost of what he needs for a night. If he stays over the Sabbath he is given food for three meals. He who has the means for two meals must not accept anything from the tamchui, and if he has food for 14 meals, he may not accept any support from the kuppah. The kuppah is collected by two people and distributed by three.

MTMA 9:3 Every Community Has A Kuppah, Some Have A Tamchui

Never have we seen or heard of a community of Jews that does not have a tzedakah kuppah. But, regarding the tamchui, there are places that operate one and places that do not. And the simple custom today is that the collectors go around every day to collect donations and divide the collection from Erev Shabbat to Erev Shabbat.

MTMA 9:4 The Poor Still Are Fed On Fast Days

On fast days they still divide sustenance for the poor. Any fast day that the people eat and sleep and do not divide tzedakah for the poor people, the people who sleep without providing for the needs of the poor are like spillers of blood and about them it is said, "Righteousness lodged in her, but now murderers." (Isa. 1:21). About what are we speaking? When they do not give to the poor bread and fruit with which they eat the bread, like prunes and grapes. But if the people delay distributing the money or the wheat they are not like spillers of blood.

¹⁰⁰ See Appendix A for a monetary and dry-measure conversion charts

Keseph Mishneh

9:4 "*On fast days divide, etc.*" in Sanhedrin 35a and in Yerushalmi at end of Pe'ah*

TRANSLATOR'S NOTE:

*This appears to be an erroneous citation. An alternative citation could not be identified.

Sanhedrin 35a

Civil suits are concluded in the day . . . From where is this derived? R. Hanina said that scripture says, "She that was full of justice, righteousness lodged in her, but now murderers" (Isa. 1:21). And Rava said, "It is derived from here: "Bless the judge who reserves his verdict." (Isa. 1:17) How does R. Haninah understand this verse? He understands it to mean, "Relieve the oppressed, not the oppressor." And the other (Rava) – how does he understand, "And she that was full of justice"? Just as R. Eliezer said R. Yitzchak said, "On any fast that the people go to bed without giving tzedakah, they are as if they are murderers, as it is said: 'She that was full of justice . . .' This applies only to bread and dates. But in the case of wheat or barley, it does not matter if they wait to distribute until the morning.

MTMA 9:5 The Kuppah Is Collected By Two People

The kuppah is only collected by two people because they do not have offices dealing with the community's money with fewer than two officers. It is permissible to entrust the money of the kuppah to one person for safe keeping, but they only divide it among the poor with three people because this is like a monetary judgment, in that they give to everyone enough to fill his lacking on Shabbat. The tamchui is collected

by three people because it is not a determined amount. They divide the tamchui by three people.

Keseph Mishneh

9:5 "*The kuppah is not collected except by two people, etc.*" Mishnah at end of Pe'ah. As for what Maimonides wrote, "*It is permissible to entrust the money of the kuppah to one for safe keeping, etc.*". In Baba Batra 8b

As for what Maimonides wrote, "*but they only divide it among the poor with three people.*" Mishnah at end of Pe'ah

As for what Maimonides wrote, "*The tamchui is collected by three people, etc.*" Baba Batra 8b

Pe'ah 8:7

Mishnah 7: The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a selah.¹⁰¹ If he spends the night, one must give him the cost of what he needs for a night. If he stays over the Sabbath, he is given food for three meals. He who has the means for two meals must not accept anything from the tamchui; if he has food for 14 meals he must not accept any assistance from the kuppah. The kuppah is collected by two people and distributed by three.

Baba Batra 8b

The Rabbis taught the kuppah of tzedakah is collected by two people and divided by three people. It is collected by two people because no authority/office is established in the community with fewer than two officials, and they divide it by

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three people like in monetary (judicial) cases. Tamchui is collected by three people and divided by three people because the collectors and the dividers of it are the same. Tamchui is collected everyday; kuppah is from Erev Shabbat to Erev Shabbat. Tamchui is for the poor of the world; the kuppah is for the poor of that particular city. The citizens of the city have authority to use the kuppah for the tamchui and the tamchui for the kuppah, and to change them for what they deem appropriate. The citizens of the city have authority to stipulate the weights and prices and the wages for work, and to impose penalties on those who disregard their stipulations. Mar said they do not establish an office in the community with fewer than two officials. From where do we derive this? Rav Nahman said, "Scripture says, 'And they shall take the gold, etc.'" (Ex. 28:5) This is not regarding exercise of authority – but it shows they were trusted (regarding the gold.). This supports Rabbi Haninah: Rabbi Haninah told a story in which Rabbi appointed two brothers over the kuppah.

MTMA 9:6 The Tamchui Is For All The Poor, The Kuppah Is For The Local Poor

The tamchui is collected every day. The kuppah is collected from Erev Shabbat to Erev Shabbat. The tamchui is for all the poor of the world. And the kuppah is only for the poor of that city.

Keseph Mishneh

9:6-12 "*The Tamchui is collected every day, etc.*" until "*all that is needed for burial.*" In Baba Batra 8a-9a.

Baba Batra 8b

The Rabbis taught the kuppah of tzedakah is collected by two people and divided by three people. It is collected by two people because no authority/office is established in the community with fewer than two officials, and they divide it by three people like in monetary (judicial) cases. Tamchui is collected by three people and divided by three people because the collectors and the dividers of it are the same. Tamchui is collected everyday; kuppah is from Erev Shabbat to Erev Shabbat. Tamchui is for the poor of the world; the kuppah is for the poor of that particular city. The citizens of the city have authority to use the kuppah for the tamchui and the tamchui for the kuppah, and to change them for what they deem appropriate. The citizens of the city have authority to stipulate the weights and prices and the wages for deeds, and to impose penalties on those who disregard their stipulations. Mar said they do not establish an office in the community with fewer than two officials. From where do we derive this? Rav Nahman said, "Scripture says, 'And they shall take the gold, etc.'" (Ex. 28:5) This is not regarding exercise of authority – but it shows they were trusted (regarding the gold.). This supports Rabbi Haninah: Rabbi Haninah told a story in which Rabbi appointed two brothers over the kuppah.

MTMA 9:7 The Authority To Change The Kuppah Or Tamchui Rests With The Community

The citizens of the city have authority to use the kuppah for the tamchui and the tamchui for the kuppah, and to change them for what they deem necessary for the community, even though they did not designate the new purpose for the collection at the time the funds were collected. If there is in the district a very

wise person upon whose opinion all collections depend, and he divides for the poor people according to what he deems is appropriate, he has the authority to change the kuppah or tamchui according to the need of the community.

Keseph Mishneh

9:6-12 "*The Tamchui is collected every day, etc.*" until "*all that is needed for burial.*" In Baba Batra 8a-9a.

Baba Batra 8b

The citizens of the city have authority to use the kuppah for the tamchui and the tamchui for the kuppah, and to change them for what they deem necessary for the community. The citizens of the city have authority to stipulate the weights and prices and the wages for work, and to impose penalties on those who disregard their stipulations.

MTMA 9:8 Tzedakah Collectors Must Stay Together

The tzedakah collectors do not have authority to separate from one another in the market, except in order for one to separate to the gate and the other to go into a shop, and (there) they collect.

Keseph Mishneh

9:6-12 "*The Tamchui is collected every day, etc.*" until "*all that is needed for burial.*" In Baba Batra 8a-9a.

Baba Batra 8b

Our Rabbis taught that collectors of tzedakah have no authority to separate one from another except in order for one to separate to the gate and the other to go into a shop. If one finds money in the shuk he does not put it in his wallet. Rather, he puts it in the tzedakah purse and when he gets home he takes it out. One who collects repayment of a loan from his fellow in the shuk does not put the money in his wallet. Rather, he puts it in the tzedakah purse and when he gets home he takes it out.

MTMA 9:9 Tzedakah Collectors Who Find Money Must Put It In The Tzedakah Collective Until They Arrive Home

If the collectors of tzedakah find money in the market, they do not put it in their pocket. Rather, they put it in the wallet of tzedakah and when they arrive home they take it out.

Keseph Mishneh

9:6-12 "*The Tamchui is collected every day, etc.*" until "*all that is needed for burial.*" In Baba Batra 8a-9a.

Baba Batra 8b

Our Rabbis taught that collectors of tzedakah have no authority to separate one from another except in order for one to separate to the gate and the other to go into a shop. If one finds money in the shuk he does not put it in his wallet. Rather, he puts it in the tzedakah purse and when he gets home he takes it out. One who collects repayment of a loan from his fellow in the shuk does not put the money in his wallet. Rather, he puts it in the tzedakah purse and when he gets home he takes it out.

MTMA 9:10 Tzedakah Collectors Put Loan Repayments Into The Tzedakah
Collective Until They Arrive Home

A tzedakah collector who has a claim (loan) against his fellow for a manah and his fellow repays him in the market, the tzedakah collector does not put the repayment in his pocket. Rather, he puts it in the wallet for tzedakah and when he arrives home he can take it out. The tzedakah collector does not count the kuppah money two coins at a time, but rather one at a time in order to avoid suspicion, as it is said, "You shall be clear before the Lord and before Israel." (Num. 32:22).

Keseph Mishneh

9:6-12 "*The Tamchui is collected every day, etc.*" until "*all that is needed for burial.*" In Baba Batra 8a-9a.

Baba Batra 8b

Our Rabbis taught that collectors of tzedakah have no authority to separate one from another except in order for one to separate to the gate and the other to go into a shop. If one finds money in the shuk he does not put it in his wallet. Rather, he puts it in the tzedakah purse and when he gets home he takes it out. One who collects repayment of a loan from his fellow in the shuk does not put the money in his wallet. Rather, he puts it in the tzedakah purse and when he gets home he takes it out.

Our Rabbis taught that tzedakah collectors who have no poor to whom they can distribute the tzedakah can make change for others but not for themselves. Tamchui collectors who have no poor to whom they can distribute the food can sell to others but not to themselves. Money for tzedakah is not counted two coins at a time. Rather, it is counted one coin at a time.

MTMA 9:11 When There Are No Poor To Whom They Give The Alms

Tzedakah collectors who have no poor people for whom to divide collections may change the *denars* for others but not for themselves. Tamchui collectors who have no poor people for whom to give the divided collections may sell them to others but not to themselves. The Rabbi taught there is no accounting of tzedakah with the tzedakah collectors and none with accountants of dedicated goods. As it is said, "However, no check is to be kept on them for the silver that is delivered to them, for they deal honestly." (2 Kings 22:7)

Keseph Mishneh

9:6-12 "*The Tamchui is collected every day, etc.*" until "*all that is needed for burial.*" In Baba Batra 8a-9a.

Baba Batra 8b

Our Rabbis taught that tzedakah collectors who have no poor to whom they can distribute the tzedakah can make change for others but not for themselves. Tamchui collectors who have no poor to whom they can distribute the food can sell to others but not to themselves. Money for tzedakah is not counted two coins at a time. Rather, it is counted one coin at a time. Abaye said at first Mar would not sit on the mats of the shul. However, when he heard that they taught that tzedakah collectors could change tzedakah money for whatever they deemed necessary, he would sit. Abaye said that at first Mar would have two purses – one for the poor of the world and one for the poor of that particular town. However, when he learned that Shmuel said to Rav Tachlifa b. Avdima, "Make one purse and put stipulations on it" (to tell the people to give to anyone who comes, according to the explanation of Rashi), Mar also

made one purse and put stipulations on it. Rav Ashi said, "I do not even need stipulations because all who come to my town rely on my judgment and leave it to me to give to whom I will." The Rabbi taught there is no accounting of tzedakah with the tzedakah collectors and none with accountants of dedicated goods. Despite that there is no proof for this, there is a hint of this, as it is said, "No check was kept on the men to whom the money was delivered to pay the workers; for they dealt honestly." (2 Kings 12:16). R. Eliezer said, "Despite that a man has a trustworthy accountant in his house he should tie up and count, as it is said, "They put in bags and counted." (2 Kings 12:11).

MTMA 9:12 Giving Requirements Based On Duration Of Residency

Whoever settles in a town 30 days is compelled to give tzedakah to the kuppah along with the citizens of the town. One who settles three months is compelled to give to the tamchui. One who settles six months is compelled to give donations of clothing to the poor of that city. One who settles nine months is compelled to give tzedakah to the burial fund that buries the poor of the town and that provides for them all that is needed for burial.

Keseph Mishneh

9:6-12 "*The Tamchui is collected every day, etc.*" until "*all that is needed for burial.*" In Baba Batra 8a-9a.

9:12 The Maharik (Moreinu Harav Yosef Kolon -- Italy, 1420-1480) wrote that there is amazement that Maimonides, our teacher, wrote 30 days for kuppah, and three

months for tamchui, when it says in their Talmud (8a) in a bereita that it was the opposite. Know that there are different versions in different books because I have found this version in two books according to Maimonides, our teacher, and there is supportive evidence for his reading because in Tosefta of Pe'ah it is written "30 days for the kuppah." According to this version the reason is that the kuppah is more necessary than the tamchui. You do not have any locale where there is no kuppah but there are places without a tamchui.

Baba Batra 8a

It has been taught that a person resident in a town for 30 days is obligated to donate to the tamchui, resident for three months to the kuppah, resident for six months to the clothing fund, resident for 9 months to the burial fund, and resident for twelve months to the town tax. Money is collected even from orphans, but not from Rabbis because Rabbis do not need protection. Rav Papa said that for the town wall, for the horseman, and for the treasury office/ armory, money is collected even from orphans, but not from Rabbis because Rabbis do not need protection. The general rule is that for everything that affords general benefit money is collected even from orphans. Rabbah raised tzedakah from orphans of the house of bar Merion. Abaye said to him, "Did not R. Shmuel Bar Yehuda teach that we do not assess tzedakah on orphans even for the redemption of captives?" He replied to him, "I did collect from the orphans to make them estimable!"

Tosefta on Pe'ah

A resident there for 30 days is responsible for the kuppah. But for tamchui, he must be there 60 days. And to be liable for the town tax, he must be there for twelve months.

MTMA 9:13 Means-Testing The Kuppah And Tamchui

One who has enough food for two meals is forbidden from taking from the tamchui. If he has enough food for 14 meals he may not take from the kuppah. If he has 200 zuz that he does not use in business (or if he has 50 zuz that he does use for business), this person may not take of the "poor man's sheaf," the corners of the field, or the tithe for the poor. If he has 200 zuz minus one, even if 100 different people give him assistance all at the same time* he is permitted to take this. If he has money in his hand but he owes it or has a security/pledge for the ketubbah of his wife, then he is permitted to take from the poor man's sheaf, etc.

TRANSLATOR'S NOTE:

*Literally: even if 100 different people give him assistance as one person

Keseph Mishneh

9:13-14 "*One who has enough food for two meals, etc.*" until "*and it is a mitzvah to give to him.*" Mishnah at the end of Pe'ah. As for what Maimonides wrote, "*About what are we speaking? About eating utensils and drinking, etc.*" In Ketubot 68a.

A question was raised by Rava: About what is written: "*About what are we speaking? Before he arrives to collect from the community, etc.*" There is the point

raised by Rav Papa that in the matter of the law there is no disagreement, and thus is the opinion of Alfasi.

Pe'ah 8:7-9

Mishnah 7: The minimum donation to give a poor person who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a selah.¹⁰² If he spends the night, one must give him the cost of what he needs for a night. If he stays over the Sabbath, he is given food for three meals. He who has the means for two meals must not accept anything from the tamchui; if he has food for 14 meals he must not accept any assistance from the kuppah. The kuppah is collected by two people and distributed by three.

Mishnah 8: He who possesses 200 zuz may not take gleanings, the forgotten sheaf, pe'ah or the poor man's tithe. If he possesses 200 hundred minus one denar, then even if a 100 people each give him one zuz, he may accept assistance. If his property is mortgaged to his creditors or to the ketubbah of his wife, he may accept assistance. They cannot compel him to sell his house or his tools.

Mishnah 9: If a man possesses 50 zuz and he uses them for his business, he must not take assistance for the poor. Whoever does not need to take tzedakah and yet takes will not depart from this world before being actually in need of his fellow men. But he who needs to take and does not take will not die before he grows old and acquires the ability to support others from his own wealth. Regarding this man, the verse says, "Blessed be the man who trusts in the Lord and whose hope is the Lord." (Jer. 17:7). The same may be applied to a judge who judges the true law according to

¹⁰² See Appendix A for monetary and dry-measure conversion ca

its truth. And if a man is not lame, blind, or halting, and he feigns to be one of these, he will not die until he becomes as one of these, as it is said, "He who searches for evil, it shall come to him." (Prov. 11:27). And also it is said, "Justice, justice shall you pursue" (Deut. 16:20). And any judge who accepts a bribe or who perverts justice will not die in old age before his eyes become dim, as it is said, "And a gift you shall not accept, for a gift blinds those who have sight." (Ex. 23:8)

Ketubot 68a

The Rabbis taught that a man who pretends to have a blind eye, a swollen belly, or a humpback will not pass from this world until he has this condition. One who takes tzedakah and does not need it will not pass from this world until he is poor. They teach there that they do not make him sell his house or those instruments that he uses. Is this really so? Was it not taught that if he uses instruments of gold he should use instruments of silver? If he uses instruments of silver he should use copper? R. Zavid said, "There is no difficulty. "He must sell" is applied to his bed and table and "they do not make him sell" applies to his cups and dishes." What difference is there that they do not make him sell the cups and dishes? That he might reject those of inferior quality and say, "I am disgusted." But with regard to the bed and table he may also say, "I will not take these!" Raba b. Rava said, "'He must sell' refers to a silver strigil." R. Papa said, "There is no difficulty. The rule that they do not make him sell is before it comes to the creditors, and "he must sell" applies after it comes to the creditors."

MTMA 9:14 Receiving Assistance Even While In Possession Of Assets Of Worth

A poor person that needs assistance and has a yard and housewares -- even if he has silver utensils that he uses —is allowed to take assistance. And it is a mitzvah to give to him. About what are we speaking? We are speaking about eating and drinking utensils, clothing and beds, etc. But if he had silver utensils or gold utensils like a strigil or pestle or the like, he sells them and takes cheaper ones. About what are we speaking? They do not make him sell before he arrives to collect from the community. However, after he has collected tzedakah they force him to sell off his utensils and acquire cheaper ones, and then he may take further assistance.

Keseph Mishneh

9:13-14 “*One who has enough food for two meals, etc.*” until “*and it is a mitzvah to give to him.*” Mishnah at the end of Pe’ah. As for what Maimonides wrote, “*About what are we speaking? About eating utensils and drinking, etc.*” In Ketubot 68a.

A question was raised by Rava: About what is written: “*About what are we speaking? Before he arrives to collect from the community, etc.*” There is the point raised by Rav Papa that in the matter of the law there is no disagreement, and thus is the opinion of Alfasi.

Ketubot 68a

The Rabbis taught that a man who pretends to have a blind eye, a swollen belly, or a humpback will not pass from this world until he has this condition. One who takes tzedakah and does not need it will not pass from this world until he is poor. They teach there that they do not make him sell his house or those instruments that he

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MTMA 9:15 A "Solid Citizen" In Temporary Need May Take Assistance

Regarding a "solid citizen" who was going to the city and spent all his money on the way: If he has nothing to eat now, he is permitted to take gleanings, sheaves, and corner foods, the poor person's tithe and to benefit from tzedakah. And when he returns to his home he does not have to repay, for he was poor at the time when he received assistance. To what is this similar? To a poor person who becomes rich who does not have to pay for the assistance he received while poor.

Keseph Mishneh

9:15 "*Regarding a "solid citizen" who was going to the city, etc.*" Mishnah in ch. 5 of Pe'ah. Maimonides takes this from the view of the sages in this Mishnah.

Pe'ah 5:4

Mishnah 4: If a man of property (a “solid citizen”) was traveling about from place to place and happened to be in need of taking gleanings, the forgotten sheaf, pe'ah or the poor man's tithe, he may take them; on his return home, he must pay for the amount gathered. So said R. Eliczer. The sages, however, say: He was a poor man at the time that he accepted assistance and so he does not need to make restitution.

MTMA 9:16 One Is Not Forced To Sell Property While The Price Is Low

Regarding one who has fields, houses and vineyards and if he sells them during the rainy season he must sell them for a low price but if he delays until the hot season he sells them according to their worth, he is not forced to sell while the price is low. Rather they feed him from the poor person's tithe up to half the worth of his property and he should not feel pressure to sell when it is not selling time.

Keseph Mishneh

9:16-17 “*One who has fields, houses, etc.*” until “*that he is not compelled/pressured to sell.*” In Baba Kamma 7a It is taught: Whoever has houses, fields, and vineyards to sell, we can feed him the poor tithe up to half. Rabbah took up the question: If land in general depreciates, including his, even a fraction of this they don't give him. But, if land in general appreciates, but his fell in price because he went looking here and there for money, they give him even more than this. This only applies in the month of Nisan when land is worth more and in the month of Tishri when land is worth less. In general people wait until Nisan to sell, but because he needs money he has to sell in Tishri, he gets up to half, because it is not the nature

of property values to drop more than half. This is the version of the Rif (Rabbi Isaac Alfasi, 11th century North African commentator; to Baba Kamma, 2a).

And the Tosafot (a compilation of commentaries by 12th and 13th century German and French Jewish scholars on both the Talmudic text and on Rashi's Talmudic commentary) explained this version of Rif: This applies to land that is worth a great deal. And "up to half" means until he finds a buyer at at least half their worth. And even if he has a buyer at less than half of the original worth they don't assist him even a little, since land in general is depreciated and the land is still worth at least 200 zuz in the depressed market. "Even much they would give him" the Tosafot explained, if he has a buyer at more than half the original value, they do assist him in any case, until he finds a buyer at a price equal to the actual full value. And the only reason he can't find a buyer is that they see how desperate he is to sell.

And R. Yerucham (13th-14th century French/Spanish commentator) wrote that R. Jonah (12th-13th century Spanish commentator) concluded by saying, "We don't need his case, etc." That is to say, if they are worth (now) half their original value, he should sell them and not take from the poor tithe. It is not the way of property to drop to less than half price. And he can depend on the fact that because he is pressured to sell, he cannot find a buyer at half the value of the land in the month of Nisan, so they do feed him from the poor tithe until he finds a buyer at half their value.

And the Semag (Sefer Mitzvot HaGadol, a 13th century compilation and explanation of the 613 mitzvot as specified by Rambam by Rabbi Moshe of Coucy, France) wrote that all of the earlier rabbis in France said that this is the correct version and this is the correct explanation. They exclude the explanation of Rashi.

It would make sense that the words of Maimonides should be a version of the Rif. However what he wrote, that they feed him from the poor tithe up to half their worth, is not as the Tosafot explained the Rif. They explained it according to the Rif's sense of it, i.e., they feed him until he finds someone to buy his property. Maimonides seemed to be explaining that they feed him up to half the worth of the land because it is common for land to drop as much as half its value but not more. And even though it is possible to strain the language of Maimonides, so that it would mean that we would feed him until he finds a way to sell at half their worth, in any case the simple meaning of his language gives us to understand thus: That he taught they feed him up to half the worth of his land. And Maimonides omitted the part that says, "When land in general depreciates and his too, even if it is worth less than half (and his land is still worth 200 zuz in the depreciated market) they do not assist him," because this goes without saying.

Baba Kamma 7a

Abaye pointed out to Raba the following contradiction: Scripture records "Out of the best of his field and out of the best of his vineyard shall he make restitution" (Ex. 22:4), thus indicating that payment must be made only out of the best and not out of anything else; whereas it is taught "He should return" includes payment in kind, even with bran (for example). There is no contradiction – the latter applies when the payment is made willingly, while the former refers to payments enforced by law. 'Ulla the son of R. Elai, thereupon said, "This distinction is evident even from the Scriptural term, "He shall make restitution" meaning, even against his will. Abaye, on the other hand, said to him: Is it written "yeshullam" (Restitution shall be made)? As

for what Maimonides wrote, “yeshellem” (He shall make restitution), which could mean of his own free will! But Abaye said: The contradiction can be solved as the Master did in the case taught: An owner of houses, fields, and vineyards who cannot find a purchaser is considered needy and may be given the tithe for the poor up to half the value of his estate. Now the Master discussed the circumstances under which this permission could apply: If property in general, and his included, dropped in value why not grant him even the value of more than half of his estate’s value, since the depreciation is general? If, on the other hand, property in general appreciated, but his, on account of his going about looking here and there for ready money, fell in price, why give him anything at all? And the Master thereupon said, “No. The above law is applicable to cases where in the month of Nisan property has a higher value, whereas in the month of Tishri it has a lower value. People in general wait until Nisan and then sell, whereas this particular proprietor, being in great need of ready money, finds himself compelled to sell in Tishri at the existing lower price; he is therefore granted half because it is in the nature of property to drop in value up to a half, but it is not in its nature to drop more than that.

MTMA 9:17 A Person Under Pressure To Sell Property May Not Be Forced To Sell
At Low Price

If all the other people sold at the high price and he could not find someone to buy from him except at a cheap price because they can see he is pressured and troubled, they do not force him to sell. Rather, he eats from the poor person’s tithe until he can sell at a fair price and everyone knows he is not pressured to sell.

Keseeph Mishneh

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half because it is in the nature of property to drop in value up to a half, but it is not in its nature to drop more than that.

MTMA 9:18 The Excess From Collections Is Designated Money

Regarding a poor person for whom they make a collection in order to pay for what he lacks: If the collection is more than what he needs, the excess is his. The excess of a collection for the poor is for the poor. The excess of a collection for captives is for the captives. The excess of a collection for a specific captive is for the same captive. The excess of a collection for the burial of the poor is for the burial of the poor. The excess of a collection for the burial of a specific poor person is for his heirs.

Keseph Mishneh

9:18 *"Regarding a poor person for whom they make a collection, etc." until "his heirs."*

Mishnah ch. 2 of Shekalim.

Shekalim 2

Mishnah: . . . This is the general rule: regarding all monies set aside for a sin-offering or for a guilt-offering, the surplus goes to the chest of free-will offerings. The surplus of money set aside for a burnt-offering must be used for a burnt-offering; the surplus of money set aside for a meal-offering must be used for a meal-offering; the surplus of money set aside for a peace-offering must be used for a peace-offering; the surplus of money set aside for a Passover-offering must be used for a Passover-offering; the surplus of money raised for the offerings of the Nazarites must be used

for the offerings of other Nazarites; the surplus of money raised for the offerings of a particular Nazarite must go to the chest of free-will offerings; the surplus of money raised for the poor must be used for other poor; the surplus of money raised for a particular poor person must be given to that poor person; the surplus of money raised for the ransom of captives must be used for the ransom of other captives; the surplus of money raised for the ransom of a particular captive must be given to that captive; the surplus of the money raised for the burial of the dead must be used for the burial of other dead; the surplus of money raised for the burial of a particular dead must be given to his heirs. R. Meir says: The surplus of money raised for the burial of a particular dead person must be laid aside until Elijah comes. R. Nathan says: the surplus of money raised for the burial of a particular dead person must be used for the building of a monument for him over his grave.

MTMA 9:19 When The Poor Give Tzedakah It Is Accepted

When a poor person gives a peruta to the tamchui or peruta to the kuppah, they accept it from him.¹⁰³ And if he did not give, they do not force him to give. If they gave him new clothes and he returned to them his worn out clothes, they accept them from him. And if he did not give, they do not force him to give.

Keseph Mishneh

9:19 *"A poor person that gave a peruta to the tamchui or peruta, etc."* until end of the chapter. Tosefta ch. 4 of Pe'ah.

¹⁰³ See Appendix A for a monetary conversion chart

Tosefta Pe'ah 4:10

As regards a poor person who gave a peruta to the kuppah or a piece of bread to the tamchui – they may accept the contribution from him. But if he did not contribute, they do not force him to give. If they gave a poor person new clothes and he exchanged his worn out clothes they may accept the old clothes from him. But if he did not exchange the old clothes, they do not force him to give.

MTMA 10:1 Tzedakah Is The Hallmark Of The Jewish People

We are obligated to take care with the mitzvah of tzedakah more than with any other mitzvah, because tzedakah is a sign for the righteous offspring of Abraham, our father, as it is said “For I have known him, to the end that he may command his children, etc, to do righteousness,” (Gen. 18:19). And the throne of Israel is established and the knowledge of truth stands only on tzedakah, as it is said, “In righteousness shall you be established.” (Isa 54:14). And Israel will be redeemed only with tzedakah, as it is said, “Zion shall be redeemed with justice, and they that return of her with righteousness.” (Isa. 1:27).

Keseph Mishneh

10:1 “*We are obligated, etc.*” and “*Israel is not redeemed except with tzedakah, etc.*” Baba Batra 10a and Shabbat 139a.

TRANSLATOR’S NOTE:

The Keseph Mishnah cites Baba Batra 10a as the source for this material. This is apparently an erroneous citation. The correct citation is Sanhedrin 98a.

Sanhedrin 98a

Ulla said, "Jerusalem shall be redeemed only by righteousness," as it is written, "Zion shall be redeemed with judgment, and her converts with righteousness. (Isa. 1:27).

Shabbat 139a

Ulla said, "Jerusalem shall be redeemed only by righteousness," as it is written, "Zion shall be redeemed with judgment, and her converts with righteousness. (Isa. 1:27).

MTMA 10:2 Nothing Bad Can Come Of Giving Tzedakah

A person never becomes poor from giving tzedakah and there is no evil thing or damage that prevails because of tzedakah, as it is said, "And the work of the righteousness shall be peace," (Isa. 32:17). All those who are compassionate are shown compassion by others, as it is said, "That the Lord may . . . show you mercy, and have compassion upon you" (Deut. 13:18). And every person who is brutal and not compassionate should feel caution regarding his origin, for strict judgment is only among non-Jews, as it is said, "They are cruel, and have no compassion," (Jer. 50:42). Every Jew and everyone who joins with them are like brothers, as it is said, "You are the children of the Lord your God," (Deut. 14:1). And to whom do the poor of Israel raise their eyes -- to the non-Jews that hate them and pursue after them? No, their eyes are only turned to their brothers.

Keseph Mishneh

10:2 *"A person never becomes poor from tzedakah, etc."* *"All those who are compassionate are shown compassion, etc."* Shabbat 151b

"And all who are brutal, etc." In Yebamot 79a

TRANSLATOR'S NOTE:

Although it is not cited in the Keseph Mishnah, the source for this material can also be found in Betza 32b

Shabbat 151b

It was further taught: R. Simon b. Eleazar said, "Perform tzedakah while you have the opportunity and it is within your means." And Solomon in his wisdom said too, "Remember also your Creator in the days of your youth, before those days of sorry come" (This refers to the days of old age.) "and those years arrive of which you will say, 'I have no pleasure in them'" (Eccl. 12:1) (This refers to the Messianic era, when there is neither merit nor guilt.) Now Solomon disagrees with Samuel, who said, "The only difference between this world and the Messianic era is in respect to servitude to foreign powers, for it is said, "For the poor shall never cease in the land" (Deut. 15:11). It was taught, R. Eleazar haKappar said: Let one always pray to be spared the fate of poverty, for if he does not descend to poverty his son will, and if not his son, his grandson, for it is said "Give to him readily and have no regrets when you do so, for in return the Lord your God will bless you, etc" (Deut. 15:10). The school of R. Ishmael taught regarding poverty: It is a wheel that revolves in the world. (Eventually all families will be touched by poverty). R. Joseph said, "We hold that a Rabbinical student will not suffer poverty." But we see that he does suffer poverty. However, even if he suffers poverty, he does not engage in begging. Rabbi Chaya said to his wife, "When a poor man comes, be quick to offer him bread, so that

others may be quick to offer it to your children.” “You curse them!” She exclaimed. “A verse is written,” he replied, “‘because of this thing God will bless you, etc.’” on which the school of Ishmael taught, “It is a wheel that revolves in the world.” It was taught: R. Gamliel Beribbi said, “‘And He shall show you mercy and have compassion upon you, and multiply you’” (Deut. 13:18). He who is merciful to others, mercy is shown to him by Heaven, while he who is not merciful to others, mercy is not shown to him by Heaven.”

Yebamot 79a

David said: As to Saul, already the twelve months of the year have elapsed and it would be unusual to arrange this mourning now. As to the netim, however, let them be summoned and we shall pacify them. Immediately, “The king called the Gibeonites, and spoke to them . . . ‘What shall I do for you? How shall I make expiation, so that you may bless the Lord’s own people? And the Gibeonites answered him: ‘We have no claim of silver or gold against Saul and his household; and we have no claim on the life of any other man in Israel, etc.’ Let seven of his male issue be handed over to us, and we will impale them before the Lord, etc. “ (2 Sam. 21: 2-4, 6) He tried to pacify them but they would not be pacified. Thereupon he said to them: This nation is distinguished by three characteristics: They are merciful, bashful, and benevolent. “Merciful” for it is written, “That the Lord may . . . show you mercy, and have compassion upon you” (Deut. 13:18), etc.

Betza 32b

R. Nathan b. Abba further said in the name of Rav: The rich men of Babylon will go down to Gehenna, for once Shabathai b. Marinus came to Babylon and

entreated them to provide him with facilities for trading and they refused this to him; neither did they give him any food. He said: These are the descendants of the "*mixed multitude*" for it is written, "That the Lord may . . . show you mercy, and have compassion upon you . . . as he promised your fathers on oath," (Deut. 13:18), teaching that whoever is merciful to his fellow-men is certainly of the children of our father Abraham, and whoever is not merciful to his fellow-men is certainly not of the children of our father Abraham.

MTMA 10:3 Those Who Do Not Give Tzedakah Are Wicked

Everyone who shuts his eyes from tzedakah is called wicked like the idol worshipper is called wicked. "Certain wicked have gone out" (Deut. 13:14). Concerning those who shut their eyes from tzedakah, scripture says, "Beware that there be not a base/wicked thought in your heart." (Deut. 15:9) And they are called wicked, as it is said, "The tender mercies of the wicked are cruel," (Prov. 12:10). And he is called sinner, as it is said, "He will cry out to the Lord against you, and it will be a sin for you," (Deut 15:9). And the Holy One, blessed be He, is close to the cry of the poor, as it is said, "You hear the cry of the poor". Therefore one needs to be careful in their cries because there is a covenant cut with them, as it is said, "And it shall come to pass, when he cries out to Me, that I will hear, for I am compassionate," (Ex. 22:26).

Keseph Mishneh

10:3 "*Everyone who shuts his eyes, etc.*" In Ketubot 68a and in Sifrei parshat Re'eh

Ketubot 68a

And R. Chaya b. Rav of Difti taught R. Yohoshua b. Karcha said all those who lift their eyes from tzedakah are like idol worshippers, as it is written, "Beware that there be not a base thought in your heart, etc." (Deut. 15:9) and it is written, "Certain base fellows are gone out" (Deut. 13:14) Just as there is idol worship so too here is idol worship.

Sifrei: Re'eh

If however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman. Rather, you must open your hand and lend him sufficient for whatever he needs. Beware lest you harbor the base thought, "the seventh year, the year of remission is approaching" so that you are mean to your needy kinsman and give him nothing. He will cry out to the Lord against you and you will incur guilt. Give to him readily and have no regrets when you do so, for in return the Lord your God will bless you in all your efforts and in all your undertakings. For there will never cease to be needy ones in your land, which is why I command you: "Open your hand to the poor and needy kinsman in your land," (Deut. 15:7-11) etc.

MTMA 10:4 Tzedakah Should Be Given With A Smile

Every one who gives tzedakah to the poor with an unhappy face or an embarrassed face turned to the ground, even if he gives 1000 gold pieces, loses his merit and forfeits it. Rather, one should give with a happy face and in happiness, and

he should be distressed with the poor person in his troubles as it is said, "Did I not weep for the troubled? Did I not grieve for the needy?" (Job 30:25) He should speak to him words of prayers and comfort, as it is said, "And I caused the widow's heart to sing for joy." (Job 29:13).

Keseph Mishneh

10:4 "*Every one who gives tzedakah, etc.*"

TRANSLATOR'S NOTE:

Although it is not cited in the Keseph Mishnah, Deut. 15:9ff also states that one who gives without regret will be rewarded for his generosity.

MTMA 10:5 If You Have Nothing To Give, Offer Kind Words

If a poor person asks for assistance from you and you have nothing in your hand to give him, make peace with him with words. It is forbidden to rebuke a poor person or to raise your voice to him in a shout because his heart is broken and crushed. Here scripture says, "A broken and contrite heart, O God, You will not despise." (Ps. 51:19). And "To revive the spirit of the humble, and to revive the heart of the contrite ones" (Isa. 57.15) Woe to the one who chastises the poor – woe to him! Rather, he should be to him as a father whether with compassion or with words, as it is said, "I was a father to the needy." (Job 29:16).

Keseph Mishneh

10:5 "*The poor person asks from you, etc.*" in Midrash Proverbs on verse

"Better is a meal of vegetables" (Prov. 15:17)

And in Baba Batra 9b the one who gives a peruta to the poor is blessed with six blessings and one who consoles him with words is blessed with eleven.

Baba Batra 9b

R. Eliezar said, "Greater is the one who does tzedakah secretly than Moses, our teacher, for of Moses it is written, 'For I was afraid because of the anger and the wrath.' And of the one who does tzedakah it is written, 'A gift in secret subdues anger.'" R. Eliezer differs from R. Yitzchak, that R. Yitzchak said, "It subdues "anger" but not "wrath," as it is said, 'And a present in the bosom of fierce wrath.'" There are others who say R. Yitzchak said a judge who takes a bribe brings fierce wrath upon the world, as it is said, "And a present, etc." And R. Yitzchak said, "All those who give a peruta to the poor are blessed with six blessings and those who speak comforting words are blessed with eleven blessings. The one who gives a peruta to the poor is blessed with six blessings as it is written, "Is it not to deal your bread to the hungry and bring the poor into your house, etc. when you see the naked, etc." (Isa. 58:7). One who speaks words to him is blessed with eleven blessings as it is written, "If you draw out your soul to the hungry and satisfy the afflicted soul, then shall your light rise in the darkness and your gloom be as the noonday, and the Lord will guide you continually and satisfy your soul in drought . . . and they shall build from you the old waste places and you shall raise up the foundations of many generations, etc." (Isa. 58:10-12).

R. Yitzchak said, "What is the meaning of what is written, "The one who pursues righteousness and mercy finds life, righteousness and honor?" Because one pursues tzedakah he finds tzedakah? No, rather it is to say that for all those who pursue after tzedakah, The Holy One, Blessed be God, finds him money with which to do tzedakah. R. Nachman b. Yitzchak said, "The Holy One, Blessed be God finds him people who are fitting recipients so he can give them tzedakah in order to receive

reward on their account.” Who does this exclude? This excludes those Ravah explained when he clarified what is written, “Let them be made to stumble before you, in the time of your anger will you deal with them?” (Jer. 18:23): Jeremiah said before The Holy One, Blessed be God, “Master of the Universe, even at the time when they subdue their evil inclination and seek to do tzedakah before you, cause them to stumble over people who are not fit in order that they should not receive reward.” R. Yochanan b. Levy said, “All those who regularly do tzedakah will have sons who are wise, wealthy, and versed in aggadah. Wise, as it is said, “He will find life . . .” (Prov. 21:21/ 8:35). Wealthy, as it is written, “. . . Tzedakah.” (Prov. 21:21) Versed in aggadah as it is written, “. . . And honor” and it is written elsewhere “the wise shall inherit honor” ((Prov. 21:21/ Prov. 3:35).

MTMA 10:6 Compelling Others To Give Tzedakah Is Greater Than Giving Oneself

One who compels others to give tzedakah and causes them to do it is greater than the one who gives, as it is said, “And the work of righteousness shall be peace” (Isa. 32:17). And regarding tzedakah collectors and the like, it says, “And those who lead the many to righteousness will be like the stars forever and ever.” (Dan. 12:3).

Keseph Mishneh

10:6 “*One who compels others, etc.*” This is a halachic statement of R.

Eliezar. Baba Batra 9a. And as for what Maimonides wrote, “*And regarding tzedakah collectors, etc.*” Baba Batra 8b

Baba Batra 9a, 8b

R. Eliezer said, "He who causes other to do is greater than the doer" as it is written, "And the work of the righteousness shall be peace, and the effect of righteousness, quiet and confidence forever." (Isa. 32:17). (9a)

From where is the authority for collecting tzedakah derived? Rav Nahman said Rava Bar Abuha said, "It derives from the fact that they take pledges for tzedakah even Erev Shabbat." Is it so? Is it not written, "I will punish all that oppress them" (Jer. 30:20) and R. Yitzhak bar Shmuel bar Marta asked in the name of Rav, "Will even collectors of tzedakah be punished?" There is no difficulty – the one refers to collectors who collect from those who are wealthy and the other refers to collectors who collect from those who are not wealthy. Thus Ravah compelled Rav Natan bar Ami and took from him 400 zuz for tzedakah. "And the knowledgeable shall be radiant like the bright expanse of the sky." (Dan 12:3) This refers to the judge who judges the true law according to its truth. "And they that turn many to righteousness will be like the stars forever and ever" (Dan 12:3) (i.e. This refers to collectors of tzedakah.) It is taught in a bereita that the wise will shine like the bright expanse of the sky. This refers to the judge who judges the true law according to its truth and to collectors of tzedakah. And those who are the righteous of the masses are like the stars forever and ever. This refers to teachers of children. Like who? Rav said, "Like R. Shmuel bar Shelat. Rav found R. Shmuel bar Shelat standing in a garden. He said to him "You have left your duties." He said to him, "For 13 years I have not seen this garden and now, still, my thoughts are on the children." What does scripture say about Rabbis? Ravina said, "May his friends be as the sun rising in might (Judg. 5:31). (8b)

MTMA 10:7 The Highest Level Of Tzedakah

There are eight levels of tzedakah, one higher than the next. The highest level that has no levels higher than it is to strengthen the hand of an Israelite reduced to poverty by giving him a gift, or a loan, or going into a partnership with him, or finding him work in order to strengthen his hand until he does not need to ask other people for help. And about this it says, "You shall hold him as though a resident alien, let him live by your side." (Lev. 25:35)

Keseph Mishneh

10:7 *"Eight levels etc." "The highest level that has no levels higher than it is to strengthen the hand of an Israelite reduced to poverty".*

MTMA 10:8 Tzedakah Level Seven

The second highest level of tzedakah is when the one who gives tzedakah to the poor does not know to whom he gives and the poor does not know from whom he takes, because in this case it is a mitzvah for its own sake. This is like the "Hall of Silent Ones" that was in the Temple, where donations to tzedakah would be made anonymously and those collecting would be anonymous so that they would not be embarrassed about needing to support themselves with tzedakah. And similar to this is the one who gives to the kuppah of tzedakah. But a person shall not give to the kuppah unless he knows that a trustworthy and wise person has been appointed who knows how to administer the kuppah equitably, like R. Chaninah ben Tardion.

Keseph Mishneh

10:8 And as for what Maimonides wrote, "*The second highest level of tzedakah is when the one who gives tzedakah to the poor does not know to whom he gives and the poor does not know from whom he takes*" it is based on Sukkot 49b and Baba Batra 10a, b

Why this double mention of righteousness (tzedakah?), etc. And which is the one that saves a person from an unnatural death? The one that saves a man from an unnatural death is the one when a man gives and does not know to whom, and one receives without knowing from whom. And as for what Maimonides wrote, like "*the Hall of Silent Ones, etc*" Shekalim 5:6.

And as for what Maimonides wrote, "*and a man shall not give to the kuppah, etc.*" in Baba Batra 10a

Sukkot 49b

To do justly means [to act in accordance with justice]; '*to love mercy*' refers to acts of loving kindness, '*and to walk humbly with your God*' refers to attending to funerals and dowering a bride for her wedding. Now can we not make a deduction *a fortiori*: If in matters which are normally performed publicly the Torah enjoins '*to walk humbly*,' how much more so in matters that are normally done privately?

Baba Batra 10a

R. Eliezer gave a peruta to the poor and returned and prayed. He said that it is written, "I, in righteousness, shall behold your face." What is the meaning of "I shall be satisfied when I awake with your likeness"? R. Nachman b. Yitzchak said these are the students of the wise that banish sleep from their eyes in this world and whom

The Holy One Blessed be God, feasts with Shechinah in the world to come. R. Yohanon said, "As for what is written, 'He that has pity on the poor lends to God,' were it not written in scripture it would not be possible to say the borrower is a servant to the lender." (Prov. 22:7). R. Chaya b. Aba said R. Yochanan said, "It is written 'Wealth is of no avail on the day of death but righteousness saves from death' (Prov. 11:4). And it is written 'Ill-gotten wealth is no avail but righteousness saves from death.'" (Prov. 10:2) Why are there two "tzedakahs?" One saves from an unnatural death and one saves from Gehenom. Which is the one that delivers from Gehenom? The one that has written in it, "wrath" as it is written, "A day of wrath is that day" (Zeph. 1:15) and which is the one that delivers from an unnatural death? The tzedakah that is given without knowledge to whom and without knowledge from whom it comes is the one that saves from death. "Not knowing to whom" to exclude the practice of Mr. Ukbah and "Not knowing from whom" to exclude the practice of R. Abab. And so how should this be done? One should give to the tzedakah collective. An objection is raised: What can a man do so that he will have male children? R. Eliezer said he should give his money to poor. R. Yehoshua said he should make his wife happy (sexually). R. Eliezer ben Yaakov said a man should not put a peruta in the tzedakah collective unless there is an appointment over it like R. Chaninah ben Tardiyon.

Shekalim 5:6

Mishnah 6: There were two chambers in the Temple, one the chamber of secret gifts (or the Hall of Silent Ones) and the other the chamber of vessels. The Hall

of Silent Ones was a place where sin-fearing people used to put their gifts to the poor in secret, and the worthy poor were supported from these funds, also in secret.

MTMA 10:9 Tzedakah Level Six

The third level of tzedakah is when the one who gives knows to whom he gives, but the poor does not know from whom he received, like the greatest of the sages that used to go in secret and toss coins in the doorways of the poor. Giving in this way is a worthy thing to do, and it is a good way to go if the administrator of the tzedakah kuppah does not administer equitably.

Keseph Mishneh

10:9 And as for what Maimonides wrote, "*like the greatest of the sages etc.*"

In Ketubot 67b, A story of Mar Ukbah.

Ketubot 67b

There was a poor person in Mar Ukbah's neighborhood to whom he used to throw in the door-socket of his doorway four zuzim every day. One day the poor man said, "I will go and see who is doing for me this goodness." Mar Ukbah was late at the house of study and his wife was coming home with him. As soon as the poor person saw them moving, he went out after them, but they fled from him and ran into a furnace from which fire had just been swept. Mar Ukbah's feet were burning and his wife said to him, "Raise your feet and put them on mine." His mind weakened he was upset. She said to him, "I am usually at home and my charitable donations are near (benefiting me now)." And what is this all about? Because Mar Zutra b. Tobiah said in the name of Rav (some say R. Hunah b. Bizna said in the name of R. Simeon

the Pious, and others say R. Yochanan said in the name of R. Simon b. Yochai),
“Better had a man thrown himself into a fiery furnace than publicly put his neighbor
to shame.” From where do we know this? We know this from Tamar, as it is written,
“When she brought forth” (Gen 38:24).

MTMA 10:10 Tzedakah Level Five

The fourth level of tzedakah is when the poor person knows from whom he
takes but the giver does not know to whom he gives. This is like the greatest of the
sages who would tie up the money in their clothes and throw it over their shoulder,
and the poor would come and take from it without being embarrassed.

Keseph Mishneh

10:10 And, as for what Maimonides wrote “*like the greatest of the sages
would wrap the coins in their clothes, etc.*” There, Rabbi Abba tied zuzim in his
sheets and carried it behind him, and shielded his eyes from the poor. And Rashi
explained that he inclined his eyes to the side to see that no imposters pretending
poverty would come and would untie them, but the poor would come and untie them
the coins.

MTMA 10:11 Tzedakah Level Four

The fifth level of tzedakah is when one hands another assistance before he is
asked.

MTMA 10:12 Tzedakah Level Three

The sixth level of tzedakah is when one gives after he is asked.

MTMA 10:13 Tzedakah Level Two

The seventh level of tzedakah is when one gives less than what is appropriate but with a happy face.

MTMA 10:14 Tzedakah Level One

The eighth and lowest level of tzedakah is giving grudgingly.

MTMA 10:15 Giving Tzedakah Before Prayer

The greatest of the sages used to give a peruta to the poor before every prayer service and afterward they prayed, as it is said, "I will see your face in righteousness." Ps. 17:15.

Keseph Mishneh

10:15 *The greatest of the sages used to give a peruta to the poor, etc.* Baba

Batra 10a

Baba Batra 10a

R. Dostai, son of R. Yanai, explained, "Come and see that unlike the ways of The Holy One, Blessed be God, are the ways of human beings. It is the way of a human being to bring a great gift to the king. There is doubt if it will be accepted or will not be accepted, and if you say it is accepted, there is still doubt of whether or not

the person will get to see the king or not. And The Holy One, Blessed be God, is not like this. A person who gives a peruta to the poor is worthy and receives the face of the Shechina, as it is said, 'I shall behold Your face in righteousness (tzedakah), I shall be satisfied when I awake with your likeness'" (Ps. 17:15).

R. Eliezer gave a peruta to the poor and returned and prayed. He said that it is written, "I in righteousness shall behold your face." What is the meaning of "I shall be satisfied when I awake with your likeness"? R. Nachman b. Yitzchak said these are the students of the wise that banish sleep from their eyes in this world and whom The Holy One Blessed be God, feasts with Shechinah in the world to come. R. Yohanon said, "As for what is written, 'He that has pity on the poor lends to God,' were it not written in scripture it would not be possible to say the borrower is a servant to the lender." (Prov. 22:7). R. Chaya b. Aba said R. Yochanan said, "It is written 'Wealth is of no avail on the day of death but righteousness saves from death' (Prov. 11:4). And it is written 'Ill-gotten wealth is no avail but righteousness saves from death.'" (Prov. 10:2) Why are there two "tzedakahs?" One saves from an unnatural death and one saves from Gehenom. Which is the one that delivers from Gehenom? The one that has written in it, "wrath" as it is written, "A day of wrath is that day" (Zeph. 1:15) and which is the one that delivers from an unnatural death? The tzedakah that is given without knowledge to whom and without knowledge from whom it comes is the one that saves from death. "Not knowing to whom" to exclude the practice of Mr. Ukbah and "Not knowing from whom" to exclude the practice of R. Abab. And so how should this be done? One should give to the tzedakah collective. An objection is raised: What can a man do so that he will have male

children? R. Eliezer said he should give his money to poor. R. Yehoshua said he should make his wife happy (sexually). R. Eliezer ben Yaakov said a man should not put a peruta in the tzedakah collective unless there is an appointment over it like R. Chaninah ben Tardiyon.

MTMA 10:16 Giving Sustenance To Grown Children

When one gives sustenance to his grown sons and daughters who is not obligated to support them, in order to teach the boys Torah and to direct his daughters in the appropriate way/path, or when one gives sustenance to his father and to his mother, these actions are in the category of Tzedakah. And it is a great justice that family is first. For anyone who feeds and gives drink to poor people and orphans at his table: Behold, if he calls to God, God will answer him and he will rejoice, as it is said, "Then shall you call, and the Lord will answer." (Isa. 58:9).

Keseph Mishneh

10:16 *"One who gives sustenance to his grown sons and daughters, etc."* in Ketubot 50a The meaning of "grown" is that they are older than six years old.

And as for what Maimonides wrote, *"or when one when one gives sustenance to his father and to his mother, etc."* *"And everyone who feeds and gives drink to the poor and orphans on his table, etc"*.

Ketubot 50a

Mishnah: A father is not obligated to provide sustenance for his adult daughters while he is alive. This explanation was given by R. Eliezer ben Azariah before the sages in the vineyards of Yavneh: Sons inherit and daughters are sustained.

Just as the sons cannot inherit until after the death of their father, so too the daughters are not sustained until after the death of their father.

Gemara: A father is not obligated to sustain his adult daughters while he is alive. Only with regard to his sons is he obligated. With his daughters he is also obligated – there is no legal obligation but there is a “religious obligation.” Whose opinion is this? Not R. Meir, not R. Yehuda, and not R. Yochanan ben Barukah, because it was taught: “It is a religious obligation to sustain your daughters. All the more so it is a religious obligation to sustain sons that engage in Torah study.” These are the words of R. Meir. R. Yehuda said, “It is a religious obligation to sustain daughters. All the more so it is a religious obligation to sustain sons because of disgrace, the disgrace of having sons unable to support themselves.” R. Yochanan ben Barukah said, “It is a legal obligation to sustain daughters after the death of their father, but during the life of their father, neither daughters nor sons are sustained.” So whose opinion is this? If it is the opinion of R. Meir, he said, “Supporting sons is a religious obligation.” If it is the opinion of R. Yehuda, he said, “Supporting sons, also, is a religious obligation.” If it is the opinion of R. Yochanan Ben Barukah, there is not even a religious obligation to support sons or daughters! If you wish, I could say it is the opinion of R. Meir. If you wish I could say it is the opinion of R. Yehuda. If you wish I could say it is the opinion of R. Yochanan ben Barukah. If you wish, I could say it is the opinion of R. Meir, and thus the law would be that the father is not legally obligated to sustain his daughters and similarly this is the law for sons. However, there is a religious obligation for a father to sustain daughters and, all the more so, there is a religious obligation for a father to sustain sons. What is the reason

the mishnah is taught about daughters? It comes to teach us that even for his daughters there is no legal obligation for a father to provide sustenance during his life but there is a religious obligation. If you want I could say it is the opinion of R. Yehuda, and thus the law would be that the father has no legal obligation to support his daughters and similarly no obligation to his sons. There is a religious obligation for a father to support his sons and, all the more so, for a father to support his daughters. What is the reason the mishnah is taught about daughters? It comes to teach that even for daughters there is no legal obligation for a father to provide sustenance. If you want I could say it is the opinion of R. Yochanan Ben Barukah, and thus the law would be that there is no legal obligation to sustain his daughters, and similarly this is the law for his sons. And according to R. Yochanan Ben Barukah there is not even a religious obligation for a father to support his daughters or sons. Because there is a legal obligation after the death of their father, the mishnah is taught to clarify that there is no legal obligation during life.

R. Elai said Resh Lakish in the name of R. Yehuda Bar Chaninah said, "In Usha it was decreed that a man would sustain his sons and his daughters when they are minors." They asked a question of R. Elai. Is the law similar to this ruling or not? Come and learn: When a man came before R. Yehuda, R. Yehuda said to him, "A Yarud bears offspring and to the people of the town he throws them." When he comes before R. Chisdah, R. Chisdah said to him, "They compel him invert for him a mortar in public and let him stand up and say a raven provides for its young and this man does not care for his children! And a raven provides for its young. Is it not written, "to the young ravens which cry" (Ps. 147:9)? There is no difficulty. One refers to

white ravens and one refers to black ravens (white ravens are neglected). When the same man came before Ravah, Ravah said to him, "Is it satisfactory for you that your children are sustained by tzedakah?" They only say thus (giving the man a hard time) when the person is not wealthy, but a wealthy person they compel him to pay against his will, as when Ravah forced R. Natan Bar Ami and took from him 400 zuz for tzedakah.

MTMA 10:17 The Poor And Orphaned Should Be Members Of One's Household

The sages commanded that there would be as members of a man's house poor people and orphans instead of servants. It is better for him to use these people and to benefit the children of Abraham, Isaac, and Jacob from his property and not benefit the children of Ham (i.e. non-Jews), because all those who increase servants each and every day add sin and transgression in the world. And if there are poor people as members of his house, each and every day he adds merit and fulfillment of commandments.

Keseph Mishneh

10:17 *"The sages commanded that there would be members of his house, etc."*

In Mishnah Avot 1:5

Mishnah Avot 1:5

Yose ben Yochanan of Jerusalem said: Let your house be wide open, let the needy be members of your household, and do not engage in too much idle talk with a woman. They said this of a man's own wife – how much more so of his fellow's wife? Hence the sages said: Whoever engages in too much idle talk with a woman

brings evil upon himself, and neglects the study of Torah, and ultimately will inherit Gehennom.

MTMA 10:18 Avoiding Taking Tzedakah Is Praiseworthy

A man should always pressure himself and go around in trouble rather than depend upon other people or upon tzedakah. Thus have the sages commanded, saying, "Make the Sabbath a weekday rather than be dependent upon other people." Even if he had been a wise and honored man, he should engage in a trade – even a nasty trade – so that he should not depend upon other people. It is better to strip hides off dead animals and not say to people "I am a great scholar, I am a Cohen, support me." And thus the sages commanded. Some of the greatest sages were hewers of wood, carriers of beams, drawers of water for gardens, iron and charcoal workers. They did not ask for support from the congregation and they did not accept support from them when they tried to give to them.

Keseph Mishneh

10:18 *"A man should always pressure himself, etc. Thus have the sages commanded, saying, ' Make the Sabbath a weekday rather than be dependent upon other people, etc.'" in Pesachim 113a.*

And as for what Maimonides wrote: *"Even if he had been a wise and honored man, etc. It is better to strip hides off dead animals, etc."* Pesachim 112a.

"Some of the greatest sages were hewers of wood." Hillel in Yoma 35b.

And as for what Maimonides wrote *"carriers of beams."* Rav Sheshet, in Gittin 67b.

And “*drawers of water for gardens.*” Rav Hunah, in Ketubot 105a

And “*iron workers and charcoal workers.*” Rabbi Yehoshua in Berachot 28b.

TRANSLATOR’S NOTE:

*There is no apparent reference to wood cutters in the Talmudic text, although reference is made to Hillel doing menial work for which he was paid a very small sum.

Pesachim 112a, 113a

Arise early and eat, in summer on account of the sun and in winter on account of the cold; treat your Sabbath like a weekday rather than be dependent on man, and strive to be on good terms with the man upon whom the hour smiles. (112a)

Three things did R. Yochanan b. Levi say in the name of the men of Jerusalem. When you go out to battle, do not go out among the first but among the last, so that you may return among the first; treat your Sabbath like a weekday rather than be dependent on your fellow-beings, and strive to be on good terms with him upon whom the hour smiles. (113a)

Yoma 35b

Our Rabbis taught: The poor, the rich, and the sensual come before the heavenly court. They say to the poor: Why have you not occupied yourself with the Torah? If he says: I was poor and worried about my sustenance, they would say to him: Were you poorer than Hillel? It was reported about Hillel the Elder that every day he used to work and earn one tropaic, half of which he would give to the guard at the House of Learning, the other half being spent for his food and for that of his family.¹⁰⁴ One day he found nothing to earn and the guard at the House of Learning would not permit him to enter. He climbed up and sat upon the window to hear the words of the living God from the mouths of Shamayah and Avtalion. They say that

¹⁰⁴ See Appendix A for a monetary conversion chart

day was the eve of the Sabbath in the winter solstice and snow fell down upon him from heaven. When the dawn rose, Shamayah said to Avtalion: Brother Avtalion, on every day this house is light and today it is dark; perhaps it is a cloudy day. They looked up and saw the figure of a man in the window. They went up and found him covered by three cubits of snow. They removed him, bathed him, anointed him, placed him opposite the fire, and said: This man deserves that the Sabbath be profaned on his behalf.

Gittin 67b

To cure a chill, one should eat fat meat broiled on the coals with undiluted wine. When the household of the Exhilararch wanted to annoy R. Amram the Pious, they made him lie down in the snow. On the next day, they said, "What would your honor like us to bring you?" He knew that whatever he told them they would do the opposite, so he said to them, "Lean meat broiled on the coals and wine much diluted." They brought him fat meat broiled on the coals and undiluted wine. Yaltha heard about this and took R. Amram the Pious to the bath. They kept him there till the water turned the color of blood and his flesh was covered with bright spots. R. Yoseph used to cure the shivers by working at the mill, R. Sheshet by carrying heavy beams. He said: Work is a splendid thing to make one warm.

Ketubot 105a

But is a judge permitted to take compensation for loss of work? Was it not in fact taught: Contemptible is the judge who takes a fee for pronouncing judgment; but his decision is valid? Now, what is to be understood by "fee?" If it is suggested that this means a fee for acting as judge, how could it be said "his decision is valid" when

we have learned "the legal decisions of one who takes a fee for acting as judge are null and void? Consequently it must mean a fee for loss of work, and yet was it not stated, "Contemptible is the judge, etc." This applies only to a loss of work that cannot be proven, but Karna received compensation for loss of work that could be proven, for he was regularly employed for smelling tests at a wine store and for this he was paid a fee. This is similar to the case of R. Huna. When a lawsuit was brought to him, he used to say to the litigants, "Provide me with a man who will draw the water in my place and I will pronounce judgment for you."

Berachot 28b

Rabban Gamliel also did not absent himself from the House of Learning a single hour, as we have learned: On that day Judah, an Ammonite proselyte, came before them in the House of Learning. He said to them, "Am I permitted to enter the assembly?" R. Joshua said to him, "You are permitted to enter the congregation." Rabban Gamliel said to R. Joshua, "Is it not already laid down: 'An Ammonite or a Moabite shall not enter into the assembly of the Lord?' (Deut. 23:4) R. Joshua replied to him, "Do Ammon and Moab still reside in their original homes? Sennacherib king of Assyria long ago went up and mixed up all the nations, as it says 'I have erased the borders of peoples; I have plundered their treasuries and have exiled their vast populations.' (Isa. 10:13.) and whatever strays is assumed to belong to the larger group." Rabban Gamliel said to him, "But has it not been said, 'But afterward I will bring back the captivity of the children of Ammon, says the Lord' (Jer. 49:6) so that they have already returned?" To which R. Joshua replied, "And has it not been said 'And I will turn the captivity of My people Israel' and they have not yet returned?"

Forthwith they permitted the man to enter the congregation. Rabban Gamliel thereupon said, "This being the case, I will go and apologize to R. Joshua." When he reached his house he saw that the walls were black. Rabban Gamliel said to him, "From the walls of your house it is apparent that you are a charcoal-worker." R. Joshua replied, "Alas for the generation of which you are the leader, seeing that you know nothing of the troubles of the scholars, their struggles to support and sustain themselves!" Rabban Gamliel said to him, "I apologize, forgive me." R. Joshua paid no attention to him. (Rabban Gamliel said,) "Do it out of respect for my father." R. Joshua then became reconciled to him.

MTMA 10:19 Those Who Take Tzedakah When They Do Not Need It Will Be Punished

All those who do not need to take assistance and deceive the people and take it anyway, do not die of old age until they in fact need others. And here it is in the category of "*Cursed is the man who trusts in man.*" (Jer. 17:5.) And all those who need to take and cannot live unless they take, like the old or sick, or those afflicted with sores, and are proud and do not take, here this person is a murderer and accountable for his own soul, and his sufferings are to him nothing but sins and transgressions. And all those who need to take (but it is not a dire situation of need) but deny and postpone the hour of accepting assistance and live a life of trouble in order that they are not a burden on the community, do not die from old age until they have provided maintenance for others from his own wealth. Upon this person and on all similar people it is said, "Blessed is the man who trusts in the Lord." (Jer. 17:7).

Keseph Mishneh

10:19. *"All those who do not need to take, etc."* Yerushalmi Pe'ah 8:9. And as for what Maimonides wrote, *"and all those who need, etc."* Mishnah there.

Yerushalmi Pe'ah 8:9

Whoever possesses 50 zuz yet conducts business with them – that person may not collect produce designated for the poor, because he derives a steady income from his money. And anyone who does not need to collect tzedakah but does collect will depart from this world only after he comes to depend upon other people. And any person who is not deaf, blind, nor handicapped, but acts as if he is will die of old age only after he actually suffers from this condition. But anyone who needs to collect tzedakah but does not collect will die of old age only after he has become able to support others from that which belongs to him. And with regard to this person, Scripture states, "Blessed is he who trusts in the Lord, whose trust is the Lord alone." (Jer. 17:7).

CONCLUSIONS: ETHICAL APPLICATIONS OF THE LEGAL PROVISIONS

Introduction

Historic Jewish communities were semi-autonomous within larger societies and functioned in a world in which religious traditions were expected to govern the lives of adherents to a faith. Therefore, for historic Jewish communities, understanding and implementing correctly Jewish laws regarding the kuppah (the money collective for the poor), the tamchui (the food collective for the poor), and other communal institutions was of utmost importance.

Today in the United States, Jews live in an integrated society ruled by secular, rather than sectarian, law. Few American Jews live their lives by what Jewish tradition, or their rabbis' interpretation of the tradition, dictates. And yet, to say that Jewish tradition therefore has lost its relevance for us today is a mistake. Judaism is often referred to as a "religion of deed rather than creed." Rather than a faith credo, we have an intricate set of laws that prescribe appropriate behavior for every aspect of life. Although as modern, liberal Jews we struggle with how to balance modernity with religious life, we must still consider the insights and guidance of our tradition of utmost importance in determining how best to live our lives if we are to truly consider ourselves practicing Jews. Further, it is in this balancing act, in this willingness to interpret, reinterpret and apply Jewish teachings to modern life that we keep Judaism a living religion, ever relevant for changing times and places.

In this section I offer modern applications of the ethical mandates of some of the laws found in the Mishneh Torah's Laws on Gifts to the Poor. Each interpretation is how I envision these laws as continuing guides for us in 21st century American

society. They are just one person's understanding of the texts and the ethical behavior they dictate. The wisdom of Jewish tradition is that the laws will be read and re-read, digested and considered again and again by each community and each generation which will discover their own applications of the teachings. As Rabbi Yochanan ben Bag Bag is quoted in the Mishnah, "Turn it and turn it again, for everything is in it."¹⁰⁵ In this way the laws will continue to guide each and every Jew.

We Must Give . . . But Not Without Bounds

We learn from MTMA 7:1 that one is obligated to give tzedakah to the extent that one is financially able. But we might ask how a person knows whether or not he is financially able to do so. According to MTMA 7:5, even a person who is a recipient of donations from others should still find a way to give to others in need. It would seem, therefore, that everyone is financially able to give tzedakah, because even those poor enough to receive help are expected to give it. However, when we read MTMA 9:19, we learn that while it is honorable for those receiving assistance to give, they are neither assessed an amount to give, nor are they forced to give tzedakah. Further, attempts by the poor to give donations may not be turned away. We learn from this that while the goal is for everyone to be able to contribute to the welfare of those in need, each person must make their own assessment of their ability to give. Additionally, we learn that the requirement for everyone to give tzedakah does not mean that everyone must give tzedakah all the time, if they are unable. Each person is expected to make an honest assessment of their finances and, with God as their

¹⁰⁵ Mishnah Pirkei Avot 5:25

witness, give tzedakah according to what is appropriate for their means. As long as one gives to tzedakah when one is able, what is appropriate, and with a happy heart, the mitzvah or religious obligation is fulfilled. Inability to give all the time does not render one in violation of the mitzvah.

We also learn that the minimum annual amount to give to donations is one third of a shekel – or about the equivalent of eight loaves of bread – per year.¹⁰⁶ This is not a very large burden, and most of the poor, particularly the working poor or seasonal and migrant workers, will be able to meet this minimum requirement at some point during the year. Better than giving the minimum is to give what is considered a respectable, average annual donation. According to the Mishneh Torah Laws on Gifts to the Poor, this donation amount is a tithing – or one tenth of your wealth.¹⁰⁷

Tragedy and misfortune can, however, strike even those who seem the most secure. Therefore, while generosity is expected, protection of one's own financial well-being is also required. For this reason, there is also a maximum limit applied to the amount one can donate each year: twenty percent of annual income. Giving up to one fifth of one's wealth is a very generous annual donation to tzedakah and still protects one's financial stability in case of unforeseen financial hardship. There is recognition in Jewish law that nothing is certain, thus we must be responsible with our money so that, if at all possible, we ourselves do not become a burden on the community.

¹⁰⁶ We learn in MTMA 7:8 that a loaf of bread costs a pundion. See Appendix A for a monetary and dry-measure conversion charts.

¹⁰⁷ MTMA 7:5

The Obligation Upon Each Community To Collect Tzedakah

In the Bible, the laws governing assistance to the poor are targeted on individual giving. Individual farmers must not harvest the corners of their fields; they must leave what falls during harvest for the poor; they must tithe their harvest to the poor, etc.¹⁰⁸ There was no expectation that communities would combine resources to support the poor. Rather, each family was expected to take care of their own needy, and each individual was expected to assist, to the best of his ability, the beggars who approached him. However, by the time the Talmud was codified a communal expectation to care for the needy had developed. While many of the original Biblical laws are reflected or included in the Talmud a new requirement also appears for each community, not just every individual, to collection donations for those in need. The laws in the Mishneh Torah reflect this communal responsibility.

MTMA 9:1 explains that every city must take up a collection of money to be given to the poor. Trustworthy and respected members of the community should be selected to oversee the collection, accounting and distribution of this money.¹⁰⁹ No longer is each family individually burdened by the requests of the poor. While each person is still expected to assist their close kin when they are in need, and to give at least minimally to all those who ask, it is now the community that is tasked with providing the primary source of assistance to the poor.¹¹⁰

In his analysis of Rashba's famous responsum to a medieval Spanish community's question about whether or not it is better to let the poor collect donations door to door or to have the community collect centrally and give rations to

¹⁰⁸ Leviticus 19:9-10, Leviticus 23:22; Deuteronomy 14:28-29

¹⁰⁹ MTMA 9:1

¹¹⁰ MTMA 7:13; 7:7

the poor, Jonathan Cohen notes that the communal response, which was advocated by Rashba, precludes the poor from begging door to door and thus saves the poor from humiliation.¹¹¹ This ruling helps us to understand that not only do we have a communal obligation to assist those in need, but, just as when we are approached individually we should not shame the beggar, so too our communal responses to hunger and poverty need to respect and honor the dignity of the poor.

Cohen further explains that Rashba's citation of the Talmudic story involving the downfall of Nakdimon (See Appendix B) was a caution to Jewish communities that refused to collect adequately for the poor. In the Talmud, the story is related about one man, Nakdimon, who gave tzedakah improperly and therefore was eventually financially ruined, causing his daughter to suffer as well. Rashba interprets this story communally: Nakdimon is symbolic of the Jewish community and we are warned that the failure to do tzedakah adequately will cause our communal downfall. Thus we learn that not only is the community expected to give tzedakah to the poor, but not doing so is detrimental to the well-being of everyone.

Uncertainty, Embarrassment, And Minimum Donations To Beggars

When we turn our eyes away from those who ask for change, we not only are breaking a negative commandment, we are acting in an evil way.¹¹² Turning our eyes and trying to ignore the suffering of the poor and homeless people who ask for our help as we pass by is not only not following God's laws, it is an evil act according to

¹¹¹ Cohen, Jonathan p. 92. For a review of the original question and Rashba's response, see p. 87-88

¹¹² MTMA 7:2; 10:3

MTMA 10:3. Jews are expected to be compassionate to people who are in need.¹¹³ In fact, the one who does show compassion to those who ask for help might as well be a non-Jew, for he is compared to an idol worshiper.

Those of us who are confronted on a regular basis with the reality of poverty and homelessness and who struggle with what amount or type of assistance is appropriate to give to those who beg can find further guidance in the Laws on Gifts to the Poor. MTMA 7:7 tells us that when we are asked for handouts we are not allowed to turn the beggar away empty handed. The Mishneh Torah text tells us that turning the beggar away empty handed is a violation of Psalm 74:21, which tells us, "Let not the downtrodden turn away ashamed." And we learn in B. Baba Metzia 58b that shaming another in public is tantamount to killing them.

While MTMA 7:7 suggests that turning away a beggar empty-handed shames them and therefore figuratively kills them, the Talmudic source material for this passage takes the threat to the beggar more literally. In B. Baba Batra 9a, we learn that Rav Papa once turned away a beggar empty-handed. He was scolded by another Rabbi and told, "If you pay him no attention others will not pay him attention and this will kill him." The lesson this Rabbis was teaching is that when we shun a person who asks for food or money and deny them a donation, we set an example to others to do the same. And in doing so, we are the indirect cause of their death, because, following our example, no one will feed them.

MTMA 7:7 does not simply tell us that we must give to the beggar. It continues, teaching us that, although we have an obligation to help the poor beggar, we are not required to fulfill the person's every need. Even a small donation, such as a single fig,

¹¹³ MTMA 10:2

is enough set an example to others that they too should help the person in need. In this way we are able to acknowledge the poor person's humanity and dignity, and to remind others of their responsibility to care for the needy as well.

Using Eligibility Criteria To Limit Service

When we are asked to provide services for those who have little or no food, clothing, shelter, or other basic necessities, we often find ourselves racked with guilt when we do not have sufficient resources and therefore have to turn people away. Rather than provide service randomly or overburden service-delivery systems to the point of crippling service for everyone, most programs have devised criteria to determine in an unbiased manner who will receive their limited resources and who cannot be served. But, while applying eligibility criteria for some benefits is acceptable, there are some basic necessities that are so crucial that Judaism says it is not appropriate to deny them to anyone who says they are in need.

MTMA 7:6 lays out the first of these rules. When a poor person asks for immediate food assistance, there is no time to judge worthiness or need. Food is crucial to life and therefore must be made available to everyone who requests it, without application of eligibility criteria. Jewish law implies an assumption that those of us with enough to eat and who are not hungry on a regular basis would never think of asking for food handouts that are meant for the poor. Therefore, if someone is requesting food we should assume they are truly in need.

MTMA 9:6 goes a step further, explaining that not only should food be given immediately to those of your own community, but it is so vital that it must be

available to any hungry person who requests it, regardless of his or her area of residence. A reasonable modern extension of this law is that if someone is requesting food assistance, their area of residence, their immigrant status, their ethnicity, their income, and their net worth are not our concern. Food is such an immediate and pressing need that we must serve it without question. And while this may create supply problems because of the over-usage of delivery systems, Jewish law requires that the shortage becomes the problem of the community that donates the food, and not the problem of those who are hungry. We must operate our soup kitchens according to the words of the Passover Haggadah: "Let all those who are hungry come and eat!" It is incumbent upon the community to make sure that the food supplies are sufficient.

Although there are not many services delivered that, like emergency food assistance, can mean the difference between a poor person living or not living through another day, there are some. Today, in almost every city there are programs to provide shelter or blankets to the homeless. On nights when the temperature drops below freezing, receiving an extra blanket or having shelter can mean the difference between living through the night and freezing on the streets. Each year, approximately 600 Americans die of exposure to extreme natural cold.¹¹⁴ Given that blankets and shelter are life-saving necessities as vital as food, it is easy to infer that Jewish tradition would require that they be provided without delay and without application of eligibility criteria.

¹¹⁴ Hypothermia-related Deaths – Philadelphia, 2001, United States, 1999
<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5205a3.htm> 1/2/04

But Jewish law makes a distinction between emergency food relief and food that is part of a larger support package provided to the poor. Every community must operate a tzedakah collection to assist the poor.¹¹⁵ However, collecting food to give in addition to cash assistance is, while advisable and praiseworthy, not a requirement.¹¹⁶ Food and other resources, such as clothing, that are not provided as emergency or immediate assistance may be distributed in programs that use eligibility criteria.¹¹⁷ In fact, MTMA 9:13 explicitly states that means-testing is appropriate for the distribution of this kind of assistance, so that limited resources can be appropriately directed to those most in need.

Jewish law does not require that all of a poor person's assets be assessed in determining their eligibility for food assistance. Advocates for the poor and homeless in the United States often criticize as detrimental and unreasonably harsh requirements that the poor sell their assets, such as a car or burial plot, in order to qualify for assistance. Selling their vehicles can mean the working poor can no longer get to their jobs; selling their burial plot can mean the elderly lose their space in the cemetery next to a deceased spouse or other family members. MTMA 9:14 explains that when a poor person who otherwise qualifies for assistance retains basic items of worth that are necessities, those items may be disregarded in assessing their eligibility. If the poor person has functional items that are unnecessarily extravagant, the poor person can be expected to exchange them for less extravagant versions that

¹¹⁵ MTMA 9:1

¹¹⁶ MTMA 9:2- 9:3

¹¹⁷ MTMA 7:6

are just as practical, in order to help support themselves.¹¹⁸ In any case, poor people are not expected to sell off their possessions altogether before assistance is provided.

In a related, but slightly different case, one who is trying to sell his property or assets to support himself and cannot find a buyer who will pay a fair price should not be denied public assistance because he is still the owner of valuable assets. As long as the person is making a reasonable attempt to sell his assets, he should be assisted with communal funds for the poor.¹¹⁹ Similarly, in a case where property values have dropped but are expected to rise again, such as during an off-season, the community should not expect that someone who has fallen on difficult times will sell his property at an unreasonable loss just to avoid needing public assistance.¹²⁰ Although, according to means-testing, this person has assets that could be sold for his support, the sale would mean that this person no longer would have assets with which he could sustain himself. This short-term fix would cause long-term dependency. The ultimate goal in Jewish law is not to provide long term care for growing numbers of poor, rather it is to support the members of the community enough to get them through their toughest times and back to self sufficiency. Jewish tradition takes a longer-range view of financial stability and encourages long-range self-sufficiency over short-term eligibility requirements. This is reflected in the laws prescribing means-testing for services for the poor.

¹¹⁸ MTMA 9:14

¹¹⁹ MTMA 9:17

¹²⁰ MTMA 9:16

What The Poor Need, Not What You Want To Give

It is not uncommon to hear the saying “beggars cannot be choosers” muttered by well-intentioned people who try to give food handouts to those who are hungry and asking for help but whose offers are rebuffed for various reasons. I have heard the frustrated exclamation that the poor do not have the right to be vegetarian – if they are hungry, they should just eat the ham sandwich. We want to give what we are comfortable giving, and we want to be able to feel good about helping those in need. Unfortunately, our giving is more often about how we feel about ourselves than it is about the person or people to whom we are providing help. We give what we want, not what they need. And we give when we want, not regularly or consistently.

According to MTMA, neither of these approaches to giving tzedakah is appropriate. Giving the example of religiously observant Jews who do not continue to provide food to the hungry on fast days and are therefore compared to murderers, the Talmud, and by extension the Mishneh Torah, explains that regardless of what is right for us and our own personal practices, we must provide for the poor what they need.¹²¹ To deny them appropriate food and other resources is tantamount to killing them.¹²²

There is a rabbinic story that illustrates this beautifully.¹²³

The important story is told of a certain disciple of a Rabbi who boasted that he had converted an unbelieving Jew.

"How did you do this?" the Rabbi asked.

¹²¹ MTMA 9:4; B. Sanhedrin 35a

¹²² MTMA 9:4; B. Sanhedrin 35a

¹²³ Schulweis, Harold. "Keruv, Conversion And The Unchurched." Retrieved 1/3/04 from Valley Beth Shalom <http://www.vbs.org/Rabbi/hshulw/outreach.htm>, Our Rabbis

The disciple answered "A poor man knocked at my door and was hungry and asked for food. I welcomed him. Then I said to him 'First we must pray minchah, the afternoon prayers.' We prayed together. And after that I told him 'we pray maariv, the evening prayers.' Then we went to the table but first I told him that he had to wash his hands and recite the blessing, and then to recite the blessing over the bread.

"What happened?" asked the Rabbi.

"The man fainted and I revived him and we prayed."

The Rabbi thought and told him, "My son, you have done wrong."

"But Rabbi he blessed God. What did I do wrong?"

The Rabbi said "You should have acted as if there were no God."

"But Rabbi, that is atheism."

The Rabbi answered "God created everything for a purpose, atheism is for a purpose. When a person comes to you in need you act as if there is no God in the world, no angel, no heavenly intervention. You act as if there is no one in the world but you yourself." The disciple asked him, "But what about the saving of his soul?" The Rabbi answered "Save your soul and his body and not vice-versa."

Just as a poor person who is severely hungry will be put in unnecessary peril by imposing a religious observance on them, so too the opposite can be the case. Denying that the poor may have legitimate reasons and feelings for eating – or not eating – various foods can mean that we cause needless suffering. A Hindu who is destitute will not be able to eat the hamburger we buy him from McDonalds. An indigent observant Jew will not be sustained on a ham and cheese sandwich. And while we can say preservation of life should take precedence, and the poor, if they are

so hungry, should eat whatever they can, this is not a Jewish approach to helping those in need of our assistance.

Repeatedly in the law code we are told we must provide for the poor what the poor person is lacking.¹²⁴ If possible we not only provide the type of assistance needed, we also give what is appropriate for that person's status and honor.¹²⁵ If we are not able to fulfill their needs, we give as much as we can.¹²⁶ This applies to everything the poor might need – from food, money and shelter, to providing furnishings, transportation, and even an appropriate wedding.¹²⁷ Never are we told that just anything we give to a poor person who asks is appropriate. To the contrary, there are strict guidelines that inform us as to what is an appropriate level of help. In fact, in the Eight Levels of Tzedakah, as outlined by Maimonides, giving less than what is appropriate, even if done with the best of intentions and a pleasant disposition, is the second to lowest level.¹²⁸ We must never assume to judge another's needs or substitute our own needs for the needs of the poor. We are not asked to evaluate the worthiness of their lives or the validity of their choices. It is simply our responsibility as members of society to give tzedakah appropriately.

There are Hungry People This Week and There Will Still Be Hungry People Next Week

Giving inconsistently or sporadically is not an effective way to help the poor. MTMA outlines for us a regular schedule for collecting money and food for those in

¹²⁴ MTMA 7:3; 7:4

¹²⁵ MTMA 7:1; 7:6; 9:1

¹²⁶ MTMA 7:5

¹²⁷ Some examples include MTMA 7:3; 7:4; 7:6; 7:7; 7:8; 8:16;

¹²⁸ MTMA 10:7 -10:13

need.¹²⁹ While we do not necessarily need to implement the exact schedule provided in the law codes, the necessity for a regular and consistent collection and distribution of resources for the poor suggested in the laws is still valid today. The poor who are in need of assistance this week will very probably still be in need of assistance next week. The community has an obligation not only to provide for them, but to give them the security of knowing where their next meal will come from.

To this end, the people who direct collection and distribution of donations for the poor must be carefully chosen. The Mishneh Torah tells us they must be reputable and trustworthy.¹³⁰ The Talmud before it had gone even further, explaining that the directors must be so far beyond reproach that no accounting of their activities should even be necessary.¹³¹

In MTMA 9:8-9:10, regulations are laid out that prescribe appropriate action in various public circumstances in order to avoid raising suspicion about the collectors. If they find money, they must put it in the tzedakah collective and remove it in the privacy of their home, so that no one should see them put money in their pocket and think they are stealing cash from the collective, even though the found money is indeed theirs, if they want it. The same procedure is prescribed for receiving repayment of a loan while collecting tzedakah. Under no circumstances should the collector of tzedakah be seen pocketing what appears to be public money, even if the money belongs to him personally. Rather, the directors of tzedakah collectives must at all times be aware of their behavior and avoid even the appearance of impropriety so that those who donate to the collective will have no reason to doubt the institution

¹²⁹ MTMA 9:1; 9:2; 9:3; 9:6

¹³⁰ MTMA 9:1

¹³¹ B. Baba Batra 9a

and therefore will continue to give. This, again, is in order to maintain the regular and consistent collection and distribution of needed goods and services to the poor.

Directed Giving vs. General Donations

One of the current frustrations in the world of fundraising is the growing number of donors who are giving "directed gifts" – funds that come with requirements on how the money is spent.¹³² While this may not seem like a particular hardship, it can mean, for example, that a charity might receive money to buy enough bread for 400 sandwiches, and enough peanut butter for 400 sandwiches, but no money to pay for a staff person to make the sandwiches, or to pay for the electricity in the office. More and more it means that if an organization fails to spend the money exactly as the donor has prescribed, the donation must be returned to the donor in full. Further, organizations that are eager to receive large donations may begin to make spending decisions based not on community, organizational, or programmatic needs, but rather on what a donor is interested in supporting.¹³³ The idea that the donor of the funds can make these types of decisions or influence spending to this degree is not supported in Jewish tradition.

According to MTMA 9:7, donations to umbrella organizations (organizations that provide multiple types of service to the needy) that are run by trustworthy, reputable administrators (a feature we would assume any organization to which we would make donations today would have) are by default unrestricted. Even donations

¹³² Blum, Debra. (3/21/2002) "Ties That Bind" in *The Chronicle of Philanthropy*. Retrieved 1/3/04 from *The Chronicle of Philanthropy* <http://philanthropy.com/free/articles/v14/i11/11000701.htm>, Introduction

¹³³ Blum, Introduction

that were made to a particular program in the organization can be used to support other programs if the administrator of the charity identifies a greater need elsewhere. This helps to ensure that the community's most pressing needs are being met and that relief is not subject to the whims to the donating public. Otherwise one day it might be popular to support food distribution for the homeless, but the next day donations may only come in to buy new textbooks for children. By considering all donations to umbrella organizations to be "unrestricted" gifts, allocated by the best discretion of the administrator, Jewish tradition guarantees a measure of stability and reliability in service delivery.

The only exception to this rule is a special fund that is established to meet the needs of a particular crisis. In these cases the funds must be used only for purpose for which they collected.¹³⁴ Even if more resources were collected than were needed to address the need, these funds must be delivered to those for whom they were collected. The Mishneh Torah gives several examples to make this point. If money is collected for a specific poor person, then any money collected belongs to him. If the money was collected for the poor in general, then all the money must be used to assist the poor. If money was collected for the burial of a particular indigent person, all of the excess money collected belongs to his heirs. If money is collected for the burial of any indigent person in need, the money must be used only for this purpose.¹³⁵

In recent times there have been a number of special collections taken that were created for the purpose of helping a specific group in crisis. In December 2003, a powerful earthquake destroyed the village of Bam in Iran. Money and goods were

¹³⁴ MTMA 9:18

¹³⁵ MTMA 9:18

collected around the world to assist the survivors of the quake. Even if it were to be found that more money was collected than was needed to rebuild that town, the money and goods would belong to the victims of this earthquake. That money could not be allocated elsewhere, even if a new, pressing need arose.

Following the tragedy of the September 11, 2001 terrorist attacks, the American Red Cross (ARC) found itself steeped in controversy for not following some version of this rule.¹³⁶ The ARC is a large umbrella organization that collects money and resources to assist in any community crisis in the United States. Following the general principle that donations to umbrella organizations are considered unrestricted, collections by the ARC after the tragedy of Sept 11, 2001 were considered "unrestricted" by the administrators of the organization. The money was donated to relief efforts and excess funds were commingled with general ARC funds in order to support other programs by the organization. Unfortunately, the ARC collected donations following September 11, 2001 by creating what it told the public was a fund specifically designated to assist with September 11 relief efforts. When the excess money was directed elsewhere, the public was outraged and felt deceived.¹³⁷

To establish goodwill and trust, it is important for administrators of charitable institutions to be careful that money donated is used appropriately. The risk in not doing so is erosion of confidence in the organization and its ability to serve its mission. Both the public and charitable organizations must take care, because,

¹³⁶ Blum, Spreading to Small Donors

¹³⁷ Blum, Spreading to Small Donors

ultimately, it is the poor and needy who benefit by the maintenance of good relationships between administrators and donors.

Any Job (With Benefits and a Living Wage) Will Do

In recent years, following the demise of the dot-com revolution of the late 1990s, the rate of unemployment has risen and seems determined, at least in the short term, to remain relatively high. Many bemoan the inability to find a job in their field, or any decent employment at all. While there are various options for a person who is waiting out the economic recovery, such as collecting unemployment checks, moving back in with their parents, or going back to school, Jewish tradition suggests that maintaining a determined work ethic and finding employment – any employment – is better than allowing oneself to become a financial burden on others.

MTMA 10:18 says that a person should live a more difficult life than that to which they have become accustomed, they should take even the most blue-collar, manual-labor intensive job, or the most unskilled, mindless job, rather than become a burden on others. The greatest of sages, it tells us, were carriers of wood, drawers of water, and charcoal workers. Who are we to suggest that we are above this type of blue-collar work when the sages, devoted to the highest cause, that of religious study and prayer, were not above it? Further, not only should we not be above such work, but violation of religious precepts, even including the Sabbath, in order to maintain an income that allows us to be self-sufficient, while a last resort, is preferable to

becoming dependent on public support.¹³⁸ Hard work and self-reliance must remain part of our work ethic, even in the most difficult of economic times.

However, the caveat is that today we have a problem of minimum wage jobs with few or no benefits that cannot support the out-of-work professional and his or her family. But Jewish tradition promotes the notion that any work is better than no work. If we truly want people to be able to live and be advised by Jewish tradition, we must create a system in which this is the reality – where it does not cost more to work than to stay home. Living wages, affordable health insurance, and other job-based benefits (sick leave, disability insurance, etc.) are requirements today in order to make any job better than no job.

Affirmative Action

One area of controversy in the American social agenda is whether or not it is appropriate to use “Affirmative Action” to help benefit certain classes of people. While the laws on tzedakah do not specifically address this issue, I believe that MTMA 7:12 can guide us toward a reasonable Jewish response. MTMA 7:12 explains that orphans should not be apportioned set tzedakah donations, even for the most important and pressing of needs, the ransom of captives. The net worth of the orphan’s assets and their ability or willingness to pay are not mentioned. All we know is that orphans may not be assessed for tzedakah.

With just this much information, we can begin to understand a Jewish position on affirmative action. Orphans, regardless of their financial portfolio, are “at-risk”

¹³⁸ See the Keseph Mishneh on MTMA 10:18; B. Pesachim 112a

children. They have no parents to provide for their needs and therefore are the most at risk of becoming burdens to the community. Even orphans with solid finances should not be expected to pay tzedakah since they have no familial safety net to catch them should their money run out or unforeseen calamity (such as illness or injury) strike. It is better for the community to do what it can to help the orphaned children begin life on stable footing, than it is to receive their assistance providing for the poor. Further, it is not just that orphans should have some resources. The more resources they start with – however much they have inherited, the better their chances of being successful, contributing, non-dependent adult members of society. This is why their wealth is not a factor in determining their eligibility to be assessed for tzedakah.

Under-represented populations that benefit from affirmative action policies can be likened to the orphans. Regardless of their assets (financial, intellectual, or otherwise), their membership in a disadvantaged class, whether based on race, ethnicity, sex, or other category, immediately puts them at higher risk of failure in society. Just as MTMA 7:12 does not take into account the orphan's ability to contribute, an assessment of social and/or financial assets may not be relevant to ensuring that members of historically disadvantaged groups will have every opportunity to be successful, productive members of society.

While applying the same affirmative action policies to all members of these disadvantaged groups benefits not just those assisted by the policies but all of society, there may be times to limit the application of such policies for the benefit of the disadvantaged classes. MTMA 7:12 continues, as does the Baba Batra text from which it is derived, with the caveat that assessing orphans for tzedakah *is* permitted

when the orphans' reputation will benefit from the assessment. In other words, while assessing orphans should not be standard practice, orphans can be assessed on a case-by-case basis in order to raise their esteem in the community. Applied to affirmative action, we can learn that there may be cases or individuals who would benefit by being treated as though they were not members of a disadvantaged class. Regularly, success in education and employment drive the push for affirmative action. But there may be times when the benefit to an individual's reputation would be so enhanced as to profit them more in these realms than the application of affirmative action policies. In these cases, the revocation of affirmative action policies may be in order.

AFTERWARD

The Jewish community is, and is likely to remain, committed to social equality and social justice. While many Jews feel very comfortable quoting the “Prophetic Tradition” as their Jewish foundation for the passion they feel about social justice, fewer American Jews know the rich textual tradition beyond the prophets that has guided, and can continue to guide, Jewish social justice work. As was stated in the introduction to this thesis, a comprehensive understanding of the tradition and commitment to social welfare programs is necessary for discerning appropriate Jewish approaches to modern social ills. This thesis has provided some significant texts, along with their contextual history and some suggestions on how these teachings might be applied, in an effort to make more of our rich tradition accessible to those interested in deepening their knowledge of the Jewish historical and textual commitment to social justice.

APPENDIX A: CONVERSION CHARTS¹³⁹

Monetary Conversion Chart

8 Perutah = 1 Issar

2 Issar = 1 Pundion

12 Pundion¹⁴⁰ = 1 Denars = 1 Zuz

2 Tropaics = 1 Denar

2 Denars = 1 Shekel = 24 Pundion

2 Shekel = 1 Selah¹⁴¹

1 Selah = 4 Denars = 48 Pundion

6 Ma'ah – 1 Denar

If a Selah is the approximate equivalent of \$1¹⁴², a Pundion is about \$.02.

Dry-Measure Conversion Chart

1 Log = Contents of 6 eggs

4 Logs = 1 Kab

6 Kabs = 1 Ke'ah

24 Logs = 1 Se'ah = Contents of approximately 12 dozen eggs

¹³⁹ Danby, Herbert. *Mishnah*. London :Oxford University Press Appendix 2, 1933. p. 797-798

¹⁴⁰ Alternate spelling: Pondion

¹⁴¹ Alternate spelling: Sela

¹⁴² Danby 798

APPENDIX B: THE STORY OF NAKDIMON BEN GURION

Ketubot 66b:

Our Rabbis taught a story about R. Yochanan ben Zakkai:

R. Yochanan ben Zakkai was riding on a donkey on his way out of Jerusalem and his students were walking after him. He saw a girl collecting barley among the dung of the animals of the Arabs. When she saw him she wrapped herself in her hair and stood before him.

She said to him, "Rabbi, support me."

He said to her, "My girl, who are you?"

She said to him, "I am the daughter of Nakdimon ben Gurion."

He said to her, "My girl, what happened to the money of your father's estate?"

She said to him, "Rabbi, is it not a saying in Jerusalem now, 'The salt of money is lacking'?" (Meaning the hoarding of money leads to lacking)

"Where is the money of the estate of your father-in-law?" (he asked.)

She said to him, "This one came and took from that one!" Further she said to him, "Do you remember when you signed my ketubbah?"

He said to his students, "I remember when I signed her ketubbah. I read in it, '1 million *denars* of gold from the house of her father' aside from that of her father-in-law. R. Yochanan ben Zakkai died and he said, 'You happy ones of Israel: In the time that they do the will of God no nation or language (people) can dominate them, but when they do not do the will of God they are delivered into the hands of a nation of the lowland – and not just into the hands of the lowland people but into the hand of their animals.' Did Nakdimon ben Gurion not do tzedakah? Was it not taught that

they said about Nakdimon ben Gurion, that when he would go out of his house to the house of study woolen clothes were under him and the poor came behind him and rolled them up! If you want, I could say he did this for his own honor (i.e., he gave tzedakah for the wrong reasons). And if you want I could say that when he was asked to do tzedakah he did not do it, as people say, "According to the camel is the burden." (i.e., he did not give sufficiently for his means).

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