

Halakhic Entrepreneur: The *Kitzur Shulchan Aruch* of Rabbi Shlomo Ganzfried

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Thesis Summary

Rav Shlomo Ganzfried published the *Kitzur Shulchan Aruch* in 1864. This compendium of Jewish law sought to provide every Jew with a straightforward, simple guide to every aspect of Jewish life and conduct. Ganzfried's 221 chapters guide the user toward a life of observance and Torah study. Ganzfried writes in clear and lucid prose, presenting the reader with brief, concise *halakhot*, or laws, organized by chapter, and subdivided into paragraphs. To this day, no scholar has attempted to "deconstruct" the *Kitzur* and analyze Ganzfried's method in codifying the *Kitzur Shulchan Aruch*. One might imagine that Ganzfried draws a great deal of his material from the *Shulchan Aruch*. The *Shulchan Aruch* was 16th century code of law written by Joseph Caro, the name of which is echoed in the name of the *Kitzur*. However, when one juxtaposes the *Kitzur* with the *Shulchan Aruch*, he or she will discover many differences between the two. Ganzfried retains, omits, re-orders and at times adds *halakhic* material that is not found in Caro's work. By deeply examining the design and format of the *Kitzur*, one can understand a great deal more about Ganzfried as a *halakhic* codifier and as a man.

One cannot, however, understand Ganzfried without also understanding his historical context and cultural milieu. Ganzfried lived in 19th century Hungary, during a period of transition for the Jewish people. This thesis will discuss the ways in which the Jewish enlightenment, Emancipation, and rise of Reform Judaism affected Ganzfried's worldview and the words he writes on the pages of the *Kitzur*. Throughout this thesis, I will attempt to understand Ganzfried more deeply, and to understand his priorities and his vision of Judaism.

This thesis has a brief introduction, four chapters, and a final conclusion. Chapter 1 provides an overview of *halakhic* literature. Chapter 2 focuses on the life and times of Shlomo Ganzfried, including a background on 19th century Hungary. I used the *Kitzur Shulchan Aruch* as my primary source, as well as key texts of Jewish law spanning from the Hebrew Bible through the *Shulchan Aruch*. I additionally used many secondary sources in my writing of the overview of *halakhic* literature and my chapter on Ganzfried's life and historical context.

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Introduction

Rav Shlomo Ganzfried published the *Kitzur Shulchan Aruch* in 1864. This compendium of Jewish law sought to provide every Jew with a straightforward, simple guide to every aspect of Jewish life and conduct. Ganzfried's 221 chapters guide the user toward a life of observance and Torah study. Ganzfried writes in clear and lucid prose, presenting the reader with brief, concise *halakhot*, or laws, organized by chapter, and subdivided into paragraphs. To this day, no scholar has attempted to “deconstruct” the *Kitzur* and analyze Ganzfried's method in codifying the *Kitzur Shulchan Aruch*. One might imagine that Ganzfried draws a great deal of his material from the *Shulchan Aruch*. The *Shulchan Aruch* was 16th century code of law written by Joseph Caro, the name of which is echoed in the name of the *Kitzur*. However, when one juxtaposes the *Kitzur* with the *Shulchan Aruch*, he or she will discover many differences between the two. Ganzfried retains, omits, re-orders and at times adds *halakhic* material that is not found in Caro's work. By deeply examining the design and format of the *Kitzur*, one can understand a great deal more about Ganzfried as a *halakhic* codifier and as a man.

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My process in writing this thesis was essentially to choose two chapters from the *Kitzur* and then re-construct Ganzfried's process of codification. I chose chapter 32 on physical wellbeing and chapter 34 on the laws of giving *tzedakah*, as I am interested in both of these topics. Using the major post-Talmudic *halakhic* works - Maimonides' *Mishneh Torah*, R. Jacob ben Asher's *Tur*, and Joseph Caro's *Shulchan Aruch* – I aimed to discover the source of every single verse of these two chapters of the *Kitzur*. I then analyzed these discoveries alongside information about Ganzfried's life and his historical context. The result is this thesis, an attempt to more deeply appreciate Shlomo Ganzfried as a man and as a codifier.

My interest in this topic was born out of an interest in engaging in a daily regimen of study of a compendium of Jewish law. I chose Ganzfried as he is one of the most recent codifiers and his Hebrew is easily accessible to the modern reader. The more I studied the *Kitzur*, the more I realized that a *halakhic* work such as the *Kitzur Shulchan Aruch* could have relevance in our modern day Reform communities. While many Reform Jews do not follow many of the practices discussed in the *Kitzur*, we can study these texts and extract key Jewish principles by which to live our lives as modern, progressive Jews. I thus thought it would be fitting to augment my daily study of the *Kitzur* with an in-depth analysis of Ganzfried and his codification of the *Kitzur*. It is my hope that we as Reform Jews can re-claim these *halakhic* texts and apply their principles to our daily lives as Jews.

This thesis could not have been written without the assistance of a number of individuals whom I wish to thank below: My sincerest thanks to my advisor, Dr. Alyssa Gray. Dr. Gray has been a major influence during my four years on the New York

campus. She inspired my interest in reading and studying post-Talmudic *halakhic* literature. I have learned from her to always push myself to read and discover new writings and texts; to always expand my language and ideas. She is a role model for me in what it means to be a rabbi and a teacher.

I also want to thank my classmates, the class of 2012 (and 2013) who began this journey with me five years ago in Jerusalem. As we are about to make the transition from classmates to colleagues, I feel so appreciative that I will always have these individuals in my life as sources of support, friendship, and humor.

Finally, I want to thank my wife Jenny and my son Koby, who have provided an endless supply of love, support, encouragement, and laughter throughout the entire process of writing (and codifying) this thesis.

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1

An Overview of *Halakhic* Literature

The written Torah is the first and foremost literary source of Jewish law. The writings of the Prophets, the Hagiographa, and the Oral Law all rest upon the Written Law as their source.¹ Additionally, rabbinic tradition teaches that many of the laws and *halakhic* discourse of the Jewish people were transmitted orally for many generations. The Oral Law was taught and developed through debate, resolution of real-life problems, and close analysis of problems raised in the study hall. According to rabbinic tradition, R. Yehudah HaNasi redacted the Oral Law in the Mishnah in ca. 200 CE. For several hundred years, it was the Mishnah that organized Jewish life and practice for Jewish scholars and rabbis until the emergence of the Babylonian Talmud in approximately the beginning of the 7th century.

The Babylonian Talmud is structured in the form of a commentary on much—but not all—of the Mishnah. Beginning in the Geonic period, it started on the path to becoming the principal source of Jewish life and practice, which it certainly was by the twelfth century. In some ways, the Babylonian Talmud was a puzzling choice to be the principle source of Jewish life and practice, based on its language and rhetoric. The Babylonian Talmud is not a systematic code of Jewish law, but rather presents a series of

¹ Menachem Elon, *Jewish Law: History, Sources, Principles*. (Philadelphia: The Jewish Publication Society, 1994) 1020.

legal discussions as well as much non-legal material. The editors of the Talmud present no introduction or preface to the work, leaving the reader to speculate as to the editors' intended purpose for this grand body of Jewish literature. It thus eventually became clear to Jewish leaders and scholars in the Geonic period that, in addition to the Talmud, the Jewish community needed codes of rabbinic law to enable more ready access to Jewish law.

One of the most important developments of the earlier Geonic period (8th century, C.E.) was the proliferation of codes of Talmudic law.² These early works included *Sefer ha-She'iltot* by Acha of Shabcha, *Halakhot Pesukot* by Yehudai Gaon, and *Halakhot Gedolot*, attributed to R. Shimon Kayyara. The common feature to all of these books is that they are books of *halakhot*, meaning that their declared aim is to present the *halakhic* conclusion and final ruling after a concise discussion of the underlying Talmud and post-Talmudic sources.³ *Sefer ha-She'iltot* was one of the first *halakhic* works of known authorship written after the completion of the Talmud. The book encompasses all parts of the *halakha* and is arranged by subject matter. *Halakhot Gedolot* presents its sources, follows the order of the tractates of the Talmud, and is the first Hebrew book with a preface. These early works of the Geonim, among others, had a profound influence on subsequent *halakhic* works.

One of the first major attempts to organize Jewish law in the post-Geonic era was made by Isaac ben Jacob Alfasi, also known as the RIF. Alfasi was born in 1013 in the town of Qal'at Hammad in North Africa. He wrote a compendium of Jewish law entitled *Sefer ha-Halakhot*, which is considered one of the greatest and most important rabbinic

² Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*. (New Haven: Yale University Press, 1998) 216.

³ Elon, 1150

legal works.⁴ Many Jewish scholars referred to his work as the *Talmud Katan*, or “small” Talmud, because it followed the order of the Babylonian Talmud. A key aspect of Alfasi’s work is that he presents and discusses his sources and legal conclusions on key Talmudic issues.

Rabbi Moses ben Maimon, also known as Maimonides, brought about a significant change in the methodology of codification. Maimonides was born in Cordova, Spain and lived from 1138-1204. His productive years were spent in Egypt. He wrote the *Mishneh Torah*, or “second” Torah. He created an entirely new structure and arrangement of the Jewish legal material that was clear, concise, and easily readable by all Jews. The *Mishneh Torah* was divided into fourteen books and was written in Hebrew rather than in Aramaic, the language of the Babylonian Talmud. In describing his intent in composing this magnum opus, Maimonides hoped that his code would make “all the law-the rules of each and every commandment, and of all the enactment promulgated by the Sages and prophets – clear and manifest to young and old.” Additionally Maimonides wrote, “In brief, a person will not need to have recourse to any other work to ascertain any of the laws of Israel. This work is intended as a compendium of the entire Oral Law...Hence, I have entitled this work *Mishneh Torah*, for the reason that a person who first reads the Torah and then this work will know from it all of the Oral Law, and there will be no need to read any other book [written] between them.” While some individuals initially criticized Maimonides’ work because he did not cite his source texts, the Jewish people ultimately came to revere the *Mishneh Torah*. That reverence, however, did not translate into the universal acceptance of the code for which

⁴ Elon, 1168

Maimonides had hoped. The Mishneh Torah would become the most monumental and most original *halakhic* code ever written.⁵

Following the Mishneh Torah, various attempts were made to craft codes in the style of books of *halakhot*, whether following the order of the Talmudic tractates or the Biblical commandments, or organized topically. The issue was that the majority of these subsequent works did not fulfill the essentially codificatory objectives: easy style, simple language, logical organization, clear statement of the law, and comprehensive coverage of the entire corpus of Jewish law.⁶ In the 14th century there was an urgent need to develop a suitable method for the codification of Jewish law. R. Jacob ben Asher's "Tur" fulfilled this need.

R. Jacob ben Asher was born in Cologne, Germany, and lived from 1269-1343. The son of R. Asher ben Yehiel, or the "Rosh," he eventually became a very influential Jewish scholar in medieval Spain after fleeing Germany in 1303. R. Jacob ben Asher wrote a compilation known as the *Arba'ah Turim*, or the "four rows." This work, known as the "*Tur*," is divided into four books, named after the four rows of precious stones set in the breastplate worn by the High Priest.⁷ The four books were named: *Orach Hayim* (Path of Life), *Yoreh Deah* (It will Teach Knowledge), *Eben Haezer* (Stone of Help), and *Choshen Mishpat* (Breastplate of Judgment). *Orach Hayim* focuses on ritual laws relating to prayers, blessings, Shabbat, and festivals, while *Yoreh Deah* contains laws about ritual slaughtering of animals, mixing dairy and meat foods, salting meat, and laws of mourning, among other laws relevant to the "forbidden and the permitted." *Eben*

⁵ Elon, 1181

⁶ Elon, 1278

⁷ Solomon Ganzfried, *Kitzur Shulchan Aruch*, trans. Hyman E. Goldin (New York: Hebrew Publishing Company, 1963) foreword

Haezer focuses on laws pertaining to marriage, divorce, and related issues. Finally, *Choshen Mishpat* deals with laws of civil disputes, damages, wages, and commercial transactions. The contents and the topical arrangement of Jacob ben Asher's "Tur" became the basis for the most widely accepted Jewish legal code, the *Shulchan Aruch* of Joseph Caro.

R. Joseph ben Ephraim Caro was born in Toledo, Spain, and lived from 1488-1575. At the age of four, the Spanish Inquisition forced Caro and his family to flee Spain. Caro eventually settled in the city of Safed, where he went on to write two great works: the *Bet Yosef* and the *Shulchan Aruch*. Published in approximately 1550, the *Bet Yosef* was Caro's extension of Rabbi Jacob ben Asher's *Tur*. Caro's objective was to "compose a work that includes all the laws currently applicable, together with an explanation of their roots and origins in the Talmud, as well as an exposition of the different opinions of all the authorities, omitting none."⁸ In 1563 Caro published the *Shulchan Aruch*, or "set table," which was a book that contained clear and definitive statements of the applicable law, without discursive debate or argument.⁹ In his introduction he explained the book's title, writing, "I called this book the *Shulchan Aruch* because the reader will find set out in it all kinds of delicacies meticulously arranged, preserved, systematized, and clarified." Caro used the format of the four Turim in the *Shulchan Aruch* and included new material. Some of that "new" material was actually "old" material that for whatever reason was not found in the *Bet Yosef*. Caro created a thorough compendium of Jewish law as practiced in the post-Temple era.

⁸ Bet Yosef to Tur Orach Chayim, Introduction

⁹ Elon, 1322

One of the challenges, however, was that because Caro was a Sephardic Jew he was more familiar with the Sephardic decision-making structure and was less versed on the work of the late medieval Ashkenazic scholars of the 14th and 15th centuries. The *Shulchan Aruch* thus did not systematically include the customs, or *minhagim*, of the Jews from Ashkenaz. Additionally, Caro's system for determining the law as to disputed issues was to create a two-tiered virtual "*bet din*," or court.¹⁰ Many, although not all, of these great "pillars" of Jewish law were Sephardic Jews. Thus, shortly after the publication of the *Shulchan Aruch*, a Polish scholar named Moses ben Isserles (1530-1572) annotated the *Shulchan Aruch* with his *Mappah*, or "tablecloth," to address the Sephardic leanings of the *Shulchan Aruch*. Isserles' glosses filled in certain gaps so that the *Shulchan Aruch* includes all of the law as followed in practice, with all its nuances and differences in customs and principles of decision-making, as it developed in both eastern and western Jewry. To this day, the *Shulchan Aruch*—with Isserles's glosses—remains the definitive and authoritative code of Jewish law.¹¹

In the decades following the publication of the *Shulchan Aruch*, certain Jewish scholars either wrote commentaries on the *Shulchan Aruch* or wrote separate *halakhic* compilations. The two foremost examples were *Yam Shel Shelomo* by Solomon Luria (Maharshal, 1510-1574) and the *Levushim* by Mordecai Jaffe (1530-1612). In *Yam Shel Shelomo*, Luria rendered *halakhic* decisions using the Talmud as his sole criterion.¹² His methodology was the complete opposite of Caro, who followed the majority of three

¹⁰ Caro's *bet din* consisted of great *halakhic* minds from throughout Jewish history. On the first bench sat Alfasi, Maimonides, and Asheri. Caro would consult these works and seek a majority opinion. If a decision could still not be rendered, Caro would then refer to his second bench, consisting of Nachmanides, Rashba, the Ran, the Mordechai, and the Semag.

¹¹ Elon, 1365-1366

¹² Elon 1388

great *halakhic* codifiers. The purpose of *Levushim* was to “provide an apt explanation for all the very brief statements contained in the *Turim* and the *Shulchan Aruch*.”¹³ Jaffe sought to create a source for use in decision-making and to facilitate the study and knowledge of *halakha*.

In addition to *halakhic* works and commentaries on the *Shulchan Aruch*, an extensive amount of responsa literature was written during the 17th and 18th centuries. The nature of responsa literature, a style of *halakhic* writing that dates back to the Geonic period, was such that questions dealing with problems with daily life were submitted to a respondent who would resolve the issue using Jewish legal sources. The responsa literature has been one of the most valuable and significant creations of the *halakhic* system.¹⁴ In the 18th century, *halakhic* works began to shift to a focus on religious law, those dealing with subjects treated in primarily in Orah Hayyim and Yoreh De’ah. There are several possibilities regarding this shift. One factor may be that as Jews were granted Emancipation throughout Western and Central Europe, their civil disputes shifted from religious courts to secular courts and the “law of the land.” They therefore required less *halakhic* literature on topics on Choshen Mishpat, such as civil disputes, damages, wages, and commercial transactions. Secondly, as Jews were granted access to Christian society and secular knowledge in the 18th and 19th centuries, Orthodox Jews may have feared that Jews would either join the growing Reform movement or abandon traditional Jewish practice altogether. Orthodox scholars may have thus felt the need to protect and sustain the traditional Jewish lifestyle, writing codes that both advocated for Jews to live a life of Torah and were written in a clear and succinct way. The most popular and widely

¹³ Elon, 1400

¹⁴ Elon, 1499

distributed works of this type was the Kitzur Shulchan Aruch, published in 1864 by Shlomo Ganzfried, in Ungvar, Hungary. It is to Hungary and Ganzfried's milieu that we will now turn.

2

The Life and Times of Shlomo Ganzfried

The first Jews to settle in Ungvar were Sephardic Jews in the 17th century. They were a small Jewish community, numbering only six families in 1745. Following the division of Poland, however, in 1772, more Jews began to settle in Ungvar. By the 1780s, this small Jewish community established a synagogue and Talmud Torah in rented quarters.¹⁵ As the community grew, they sought to establish a formal organizational structure. Towards the end of the 17th century, the community established a *kehillah*, a communal decision-making body, and hired its first full-time rabbi, Leibush Bodek Reisman.¹⁶ Reisman established a communal system of governance, which included an eleven-member council, a president, and a treasurer. Under Rabbi Reisman, the Ungvar Jewish community grew at a rapid pace. By the 1837, the census showed 624 Jews, and by 1880, the city's 4,140 Jews represented over thirty-six percent of the population. They had become Ungvar's largest faith group, even ahead of the Roman Catholics.¹⁷

The *kehillah* rapidly became the organized voice of the Jewish community of Ungvar. This was due, in part, to the fact that the national government required that every Jew be affiliated with an officially recognized religious establishment. The

¹⁵ Jack Friedman, Rabbi Shlomo Ganzfried: His Kitur and His Life (New Jersey: Jason Aronson, Inc., 2000) 9.

¹⁶ Friedman, 11

¹⁷ Friedman, 12

kehillah financed its operations through a system of taxes and user fees for the Jewish services within the community, such as ritual slaughter and the *mikvah*, the Jewish ritual bath. The *kehillah* could also attribute its success to the delicate integration of the various Jewish groups within the community, namely the Mitnaggdim and the Chassidim, the two dominant streams of traditional Judaism at the time. The *kehillah*, for example, elected co-presidents, one a representative of the Mitnaggdim and the other of the Chasidim. The Mitnaggdim and Chasidim also united strongly during this time against the growing Neolog movement, which emerged in Hungary in the early 19th century.

Neolog Judaism was the unofficial name of the communities in Hungary belonging to the Reform movement. On the basis of the decisions of the General Jewish Congress of 1868, they constituted the majority of Hungarian Jews. Unlike the Reform movement in Germany, the Neologs had a more conservative orientation, hesitant to make drastic reforms in the prayers and religious services. The organized activities of the Neologs aroused opposition from the Orthodox communities in Hungary. The two communities ultimately preserved the unity of Hungarian Jewry despite their ideological split.

Struggles for Jewish religious reform began in Hungary in the early 19th century as a product of the Jewish Emancipation in Western Europe and push for Emancipation in Hungary. The advent of Emancipation in Western Europe in the early nineteenth century influenced and in many ways determined the directions that Judaism would follow in the modern world. A new aesthetic and new understanding of Judaism emerged.¹⁸ For example, in 1802, a Hungarian storekeeper named Marcus Nissa Weisz published a

¹⁸ David Ellenson, *After Emancipation: Jewish Religious Responses to Modernity* (Cincinnati: Hebrew Union College Press, 2004) 99.

German treatise entitled “The Jew As He is” in which he discussed the transformation of the “moral sentiments” of the Jews.¹⁹ Raphael Patai writes in The Jews of Hungary, “He [Weisz] argued that the rabbis and the Talmudists misinterpreted the divine laws, and the rules of kashrut and clothing were outdated and antiquated. He gave vent to very dim views of Orthodox Judaism: it totally subordinated its life to tradition and thereby isolated itself from the environment.”²⁰ As the progressive Neolog movement began to gain momentum in the early 19th century, the Orthodox community responded with fierce opposition.

Neolog Jews sought to make serious religious reforms in Hungary during the 19th century. Unlike their Reform counterparts in Germany who called for the dismantling of the basic foundations of halakha, the Hungarian Neologs wanted to expose the synagogue and its traditions to the influences of the surrounding gentile world, thereby reducing the barriers of integration into the general society.²¹ Leopold Low was the rabbi of Papa, Hungary, and arose as a major voice for religious reform and progressive Judaism in Hungary. In 1847 he issued an appeal that stated:

We, the undersigned Hungarian rabbis, in harmony with our sacred religion, solemnly declare:

1. All the duties toward fellow men that are taught in our sacred writing have to be solemnly fulfilled not only toward Israelites but equally toward non-Israelites, because we consider every man, whatever religion he follows, our true brother.

¹⁹ Raphael Patai, The Jews of Hungary: History, Culture, Psychology (Detroit: Wayne State University Press, 1996) 242.

²⁰ Patai, 242

²¹ Friedman, 88

2. Recognizing that Hungary is our true and only fatherland, we shall endeavor to instill its love and the fervor for its patriotism in the hearts of our adherents.

3. Appreciating the value of popular education, we shall use all our influence as clergymen to establish good and effective elementary schools.

4. Everything contained in our casuistical works that does not agree with what is said above, we declare as being outmoded and invalid, and we shall endeavor with all our strength to have our principles as presented spread among our people through both the living word and the textbooks to be written and approved by us.

During the 1850's, the conflict between the traditional and progressive wings of Hungarian Jewry worsened. Many progressive Hungarian Jews "become intoxicated by the first whiffs of freedom"²² and potential equality with their Christian neighbors. There were sharp controversies over many ritual and aesthetic issues. For example, the progressive Jews wanted to move the *bimah* in their synagogue to the front of the sanctuary, similar to their Christian neighbors. They cited Rabbi Joseph Caro who wrote in his commentary on Maimonides' Mishneh Torah that "It is not essential to place the *bimah* in the center." The traditional Jews vehemently opposed this innovation, and many Orthodox rabbis issued a proclamation prohibiting worship in any synagogue that did not have the *bimah* in the center. Similar issues arose regarding women's seating in the sanctuary, issues of Jewish divorce, prayerbook and sermon language, and the Jewish educational curriculum. Throughout these clashes between the Neologs and Orthodox Jews, Ungvar's rabbis were among Orthodoxy's most stalwart champions. Rabbi Meir Ash (1780-1852), who was a student of the Chattam Sofer of Pressburg, was a major

²² Patai, 293-294

figure in the fight against Neolog Judaism. This rift between the Orthodox and Neologs became one of the most prominent issues of the Hungarian Jewish community during this time. Shlomo Ganzfried grew up during these historical events of early 19th century Hungary.

Shlomo Ganzfried was born in Ungvar, Hungary, in 1804. Ganzfried, who was orphaned as a young child, became a student of the Chief Rabbi of Ungvar, Rabbi Zvi Hirsh Heller, at age nine. Rabbi Heller became Ganzfried's official guardian and welcomed the young child into his *yeshiva* in Ungvar. Even at a young age, Ganzfried had already mastered a large portion of the Mishnah and showed promise to be a great Jewish scholar. When Heller departed Ungvar for Bonyhad, Ganzfried followed, spending the next seven years continuing his studies in the Bonyhad yeshiva. In Bonyhad, Ganzfried befriended Zvi Hirsh Friedman, a fellow student who would later become the country's most prominent Chassidic leader.²³ The two lived in poverty in Bonyhad, studying together at the yeshiva and supporting one another, as they existed on the margin of starvation. In 1826, at the age of twenty-two, Ganzfried received his rabbinic ordination from Rabbi Heller. Shortly thereafter, Ganzfried returned to his hometown of Ungvar. He married a woman only identified as Hendl, and joined his father-in-law's merchant business. He started a family and established his own wine business. As he frequented the markets selling his wine, he attempted simultaneously to continue a serious course of Jewish study.

In the 1830's Ganzfried began to delve more deeply into a life of serious Jewish scholarship. As early as 1832, Ganzfried became involved in the Ungvar *kehillah*, and in

²³ Friedman, 31

1834 he accepted his first pulpit in Brezevitz.²⁴ One year later, in 1835, Ganzfried published his first halakhic work, the *Kesset HaSofer*, a comprehensive handbook on the *halakhot* governing the writing of the Torah, *tefillin*, *mezuzot*, and Megillat Esther. Thirty years before the publication of the *Kitzur*, Ganzfried was already attempting to publish halakhic material in a practical, user-oriented format. In the preface to the *Kesset HaSofer* he wrote that it was “Divine work to gather all the laws [on this subject]...and to make of them a singular unit, all arranged as a shulchan aruch, for the sofer. In this way, he will be able to study [the laws] with ease and review them periodically so as not to forget them.” It was evident that Ganzfried not only demonstrated mastery of the Jewish sources, but also was a model of organization and lucid prose.²⁵

As Ganzfried established himself as a master of Jewish texts, it is important to note his scholarship in areas of science and the arts. The German-Jewish Haskalah, or Enlightenment, of the 18th and 19th centuries influenced many Jews in Hungary. The Haskalah movement contended that secular studies should be recognized as a legitimate part of the curriculum in the education of a Jew. The Haskalah movement worked towards Jewish assimilation in language, dress, and manners. It regarded this assimilation as a precondition to and integral element in emancipation. For Jews living in Central and Eastern Europe, this conflicted with the deeply ingrained ideal of Torah study that left no place for other subjects.²⁶ The influence of Haskalah did, however, penetrate to Orthodox circles. Rabbi Ezekiel Landau agreed that it was necessary “to know language and writing, although Torah is the main thing.” Rabbi David Tevele of Lissa

²⁴ Friedman, 56

²⁵ Friedman, 46

²⁶ Yehudah Slutsky and Judith R. Baskin, *Encyclopedia Judaica, Second Edition* (New York: Thomson Gale, 2007) Volume 8, 435

conceded to the emperor's request to "teach the children to speak and write the German language for an hour or two." The Orthodox communities in Halberstadt and Hamburg opened the first of these "integral" schools.²⁷ The Haskalah eventually made its way from Germany to Central and Eastern Europe, as well as Russia.

Ganzfried continued to write and publish books during the mid 19th century. He published his second book, *Seder Tefilah im Derech HaChaim* (an anthology of the laws of prayer), in 1839. In 1846 he published his third book, *Pnei Shlomo*, which was a commentary on tractate *Bava Batra* of the Babylonian Talmud. As Jack Friedman writes in *Rabbi Shlomo Ganzfried: His Kitzur and His Life*, "The text of *Pnei Shlomo* was accompanied by a number of meticulously drawn geometric illustrations based on the principles of algebra, including four intricate designs based to illuminate the discussion in the sixth chapter of *Bava Batra* on the construction and layout of burial crypts. In support of his mathematical calculations he cited Euclid." This reveals that Ganzfried was, at least partly, influenced by the European Haskalah, which was spreading through Hungary at this time.

In 1849, Rabbi Meir Ash invited Ganzfried to join the *bet-din*, or religious court, of Ungvar. As a judge on the religious court, Ganzfried ruled on matters of *halakha*, adjudicated disputes, presided over marriage and divorce rites, and helped to ensure that the community adhered to strict standards of *kashrut*. Ganzfried also taught in the Ungvar yeshiva and delivered sermons in the local Ungvar synagogues. Starting in 1861, Ganzfried issued three new books in the space of four years: *Lechem VeSimla*, *Appiryon*, and the *Kitzur Shulchan Aruch*. *Lechem VeSimla* discussed the laws of ritual purity and

²⁷ Slutsky and Baskin, *Encyclopedia Judaica, Second Edition* (New York: Thomson Gale, 2007) Volume 8, 438

immersion, as well as proper building of a *mikvah*, the Jewish ritual bath. Once again, Ganzfried continued his focus on practical *halakhic* outcomes. *Appiryon* was not a *halakhic* work, but rather a commentary on the weekly Torah portions. In sharing his insights on the Torah portion, Ganzfried drew from his enormous range of Talmudic and contemporary sources.²⁸

In the spring of 1864 Ganzfried published the *Kitzur Shulchan Aruch*, his final book and masterpiece of Jewish law and practice. As noted above, Ganzfried had published earlier *halakhic* works mainly on one specific area or topic of Jewish practice. With the *Kitzur*, he aimed to compile a work that spanned the gamut of traditional Jewish life. Upon the publication of the *Kitzur*, Ganzfried posted an advertisement in the periodical *Hamaggid*. In the advertisement Ganzfried wrote, “In the congregations will I bless Hashem, who has granted us life and sustenance and permitted us to reach this season, with the printing of my sefer *Kitzur Shulchan Aruch*, a collection from all four sections of the Shulchan Aruch...of the laws required to be known by every Jew, written in simple language, and appropriately arranged. This work [will be] good and beneficial for those in business who lack the time for in-depth study of [Rabbi Yosef Caro’s] Shulchan Aruch and its commentaries, and they will find in it with ease [the answers to their questions.] Similarly [it will be useful] to instruct the young... The cost is eighty zlotys.” The *Kitzur* was an immediate success.

In 221 chapters, Ganzfried incorporated the relevant topics and religious requirements from the *Shulchan Aruch*. These topics included: the cycle of daily routine, dietary strictures, Shabbat and the holidays, personal hygiene, marriage, divorce and

²⁸ Friedman, 76

mourning, and ethical behavior in business and personal relationships. Ganzfried drew from all four parts of the *Shulchan Aruch*. Rabbi Bezalel Landau, a contemporary rabbi, author, and prominent scholar of the *Kitzur*, has pointed out that from *Orach Hayyim*, Ganzfried drew the laws on the daily commandments, Shabbat, and the festivals. From *Yoreh De'ah*, he took laws concerning ritual purification, forbidden food mixtures, the education of children, obligations to one's parents, ethical and moral behavior, the implications of slander, and the importance of exercising care in speech. From *Choshen Mishpat* he drew laws concerning lending and borrowing practices, the remission of debts, lost and found objects, personal health, and prevention of cruelty to animals.²⁹ Lastly, from *Even HaEzer* he drew *halakhot* concerning the rites of marriage and marriage and divorce contracts.³⁰ The majority of the chapters in the *Kitzur* are derived from *Orach Chayim*, some from *Yoreh De'ah*, and a few from *Even ha-Ezer*. Of the 221 chapters of the book, only eleven deal with the laws relating to *Choshen Mishpat*.³¹ These include chapter 62 on laws concerning commerce, and chapter 65 on interest on loans. Ganzfried most likely retained these particular chapters because they deal less with the civil litigation, which as discussed above, shifted from Jewish courts to secular courts, and more with business dealings and banking affairs. As the *Kitzur* was designed for “those in business,” it makes sense that Ganzfried would include these chapters from *Choshen Mishpat* in the *Kitzur*, as they would still be relevant to Jewish business owners and money lenders in 19th century Hungary.

²⁹ The only chapter in the *Shulchan Aruch* where Caro deals briefly with personal health is *Shulchan Aruch, Choshen Mishpat* 427

³⁰ Friedman, 79-80

³¹ Elon, 1447-1448

The brevity of the *Kitzur* also contributed to its widespread popularity. Ganzfried omitted information that was generally known, as he states in his preface to chapter 80 on the laws of Shabbat, “Most Jews are familiar with the kinds of work that are forbidden on Shabbat. Therefore, we write here about only those [kinds] that are not known to many and that are commonly encountered.” Ganzfried additionally did not offer differing points of view in the *Kitzur*, but rather he stated without ambiguity what was permitted and what was forbidden.³² Similar to Rabbi Caro’s “virtual Bet Din” when determining a ruling, Ganzfried also turned to three authoritative halakhic masters when determining a ruling on an issue. These three rabbis were: Rabbi Jacob of Lissa, Rabbi Shneur Zalman of Liadi, and Rabbi Avraham Danzig.³³ Rabbi Jacob of Lissa (1760-1832) wrote several *halakhic* works, including *Chavat Da’at*, a commentary on *Shulchan Aruch Yoreh Deah* 69-201, *Netivot HaMishpat* a commentary on *Shulchan Aruch, Choshen Mishpat*, and *Derech Chaim* a commentary on *Shulchan Aruch Orach Chayim*.³⁴ Rabbi Shneur Zalman of Liadi (1745-1812), the founder of the Chabad Chassidic movement, wrote *Shulchan Aruch HaRav*, a Chassidic version of Caro’s *Shulchan Aruch*.³⁵ Rabbi Avraham Danzig (1748-1820) wrote two *halakhic* works: *Chayei Adam* (Human Life), which covered the laws of the *Shulchan Aruch Orach Chayim* dealing with daily conduct, and *Chochmat Adam* (Human Wisdom), which dealt with the laws of the *Shulchan Aruch Yoreh De’ah* dietary laws.³⁶ Ganzfried does not discuss why he chose those three

³² Friedman, 80

³³ Friedman, 81

³⁴ <http://www.jewishencyclopedia.com/articles/8417-jacob-ben-jacob-moses-of-lissa>

³⁵ <http://www.jewishencyclopedia.com/articles/13599-shneur-zalman-ben-baruch>

³⁶ Simon S. Schlessinger, *Encyclopedia Judaica, Second Edition* (New York: Thomson Gale, 2007) Volume 5, 432

scholars as his ruling authorities. Like Maimonides and Caro, Ganzfried stated his decisions without citing his sources.

As the *Kitzur* grew quickly in popularity, Ganzfried arose as a leading figure in the Orthodox community, dealing with the effects of Hungarian Emancipation and the rising Neolog tide. In December 1867, the Hungarian parliament granted full Emancipation to the Jewish community. The first paragraph of the constitutional article stated, “The Israelite inhabitants of the country shall have the same civic and political rights as the Christian inhabitants.” While this was a huge step for the Hungarian Jewish community, it also led to certain complications and a deeper rift between the Orthodox and Neolog communities. Minister Eotvos of the Hungarian government insisted that the government would only recognize one religious denomination. This led to fierce debates within the General Jewish Congress of 1868. While the Orthodox delegates asserted for a predominance of *halakha* over the rulings of the Congress, the Neologs sought reform and control of the Jewish educational system and the establishment of a Neolog rabbinical seminary.³⁷ Ganzfried asserted that the Neologs were not “believers” or followers of the *Shulchan Aruch*. In 1869, the Congress adopted the platform of the Neologs. The Ungvar Neologs established their own separate *kehillah* and rabbinical seminary. They built a synagogue, appointed their own ritual slaughterer, and hired a rabbi. Ganzfried ridiculed the Neolog congregation’s founders as “light-headed and empty” and organized a ban against the ritual slaughterer hired by the Neologs.³⁸ He also published a polemic against the Reform Movement.³⁹ Ganzfried was careful, however, to

³⁷ Friedman, 96

³⁸ Friedman, 103

³⁹ Jacob S. Levinger, *Encyclopedia Judaica, Second Edition* (New York: Thomson Gale, 2007) Volume 7, 379

not “inject the polemical effusions that are frequently found in the Orthodox responses to the Neolog threat... In his writings he avoided the polemics. In the *Kitzur*, for example, he does not excoriate the dissidents. Nor does he incorporate into its text halakhic pronouncements issued in the heat of confrontation by some of the Hungarian rabbis for the sole purpose of distancing Orthodoxy from Neolog practice; for example, the prohibition against preaching in a foreign language that emerged from the Michalovitz conference in 1866. By avoiding these excesses...Ganzfried kept the *Kitzur* in the mainstream of traditional halakhic outcomes, thereby helping to assure that its teachings could continue to be relevant.”⁴⁰ Ganzfried’s choice to not make the *Kitzur* a polemical work was a sign that Ganzfried wanted his *Kitzur* accessible to all Jews. This decision too may have helped to contribute to the preserved unity between the Orthodox and Neologs in the latter half of the 19th century in Hungary.

Until his death in 1886, Ganzfried remained true to his goals for the *Kitzur Shulchan Aruch*. As subsequent editions of the *Kitzur* were published, Ganzfried contended with several scholars who wanted to add their commentaries to the *Kitzur*. Ganzfried was adamantly opposed to expanding the *Kitzur*. Rabbi Yehezkel Banet writes, “His wish was that his *sefer* remain a ‘brief’ *Shulchan Aruch*.”⁴¹ Ganzfried wrote the *Kitzur* with mastery and craftsmanship, and laid out the material in a prose that was concise and lucid.⁴² He took his reader through the entire span of life, from the opening chapters on rising in the morning to the final chapter on death and commemorating one’s *yartzeit*. In organizing the *Kitzur* in this fashion, Ganzfried shows a level of

⁴⁰ Friedman, 183

⁴¹ Friedman, 115

⁴² Friedman, 183

craftsmanship in the *Kitzur* similar to the first part of Tur, *Orach Chayim*, and the Mishnah Torah. All of these factors contributed to the lasting success of the *Kitzur*.

Yet there is still so little that we know and understand about Ganzfried and his process of codifying the *Kitzur Shulchan Aruch*. He does not simply abbreviate Caro's *Shulchan Aruch*; his process of codification was much more complex. This thesis will present an in depth exploration of Ganzfried's process of codifying the *Kitzur Shulchan Aruch*. I will examine two chapters from the *Kitzur*, chapter 32 on protecting one's body and personal wellness, and chapter 34 on laws of giving *tzedakah*. My goal is to systematically examine each paragraph in these two chapters and determine Ganzfried's *halakhic* sources. I specifically chose these two chapters, as the laws of giving *tzedakah* are found in the *Shulchan Aruch* while the laws of wellness and the body are not discussed in Caro's *halakhic* work. While I will discuss my conclusions about Ganzfried's codification process in chapter 5 of this thesis, I will share that Ganzfried, who was known to be a very humble man, created a *halakhic* work that is much more than a "shortened" *Shulchan Aruch*. Ganzfried was a *halakhic* master in his own right. He drew from a multiplicity of prior sources and codes, and he had an original and unique vision for the *Kitzur* that all Jews would have an accessible, concise code of Jewish law.

3

An Analysis of Chapter 32

Chapter 32 of the *Kitzur Shulchan Aruch* focuses on physical wellbeing and protecting one's health through natural means. Ganzfried devotes a total of twenty-seven paragraphs to the practice of physical wellness and health. While Ganzfried bases his chapter primarily on Maimonides' Mishneh Torah, Hilchot Deot 4, he also draws from Maimonides' medical writings, the Babylonian Talmud and the *Shulchan Aruch*. The *Shulchan Aruch*, however, only deals briefly with physical wellbeing and the body. Ganzfried's chapter, however, is not a verbatim reproduction of Maimonides' chapter of physical wellbeing. While the two chapters are similar, Ganzfried adds, omits, and re-orders much of Maimonides' original chapter.

As one reads and studies each chapter, he or she will walk away with a very different sense of the two scholars. For Maimonides, the primary focus is on food: specifically how, when, and what we eat. He appears most concerned with the outside forces that enter and exit the body. As a physician, he was concerned with preventing disease so that one may dedicate his life to the study of Torah and God. Maimonides writes in Hilchot Deot 3:3, "He [man] should have the intent that his body be whole and strong, in order for his inner soul to be upright so that [it will be able] to know God. For it is impossible to understand and become knowledgeable in wisdom when one is starving or sick, or when one of his limbs pains him." Ganzfried, however, engages more deeply

with the connection between one's mental and physical wellness. Ganzfried aims to connect the body with the soul of each individual, pushing each individual towards a path of deeper self-understanding and self-awareness. Maimonides prescribes one regimen for all human beings, while Ganzfried advocated for different types of care and diet based on a person's demeanor and personality.

Both Ganzfried and Maimonides begin by acknowledging that maintaining a healthy and sound body is one of the ways of God. How does one do this? Both scholars agree that one must strive to avoid actions that harm the body and to acquire habits that keep one healthy.⁴³ It is at this point that Ganzfried splits off from Maimonides. Maimonides, in *Hilchot De'ot* 4:1, explicates further, stating that "a person should never eat unless he is hungry, nor drink unless thirsty. He should never put off relieving himself, even for an instant." From the outset of his chapter, Maimonides is most concerned with what goes in and out of the body, and how an individual can do this in the healthiest possible way. In *halakha* 2, Maimonides discusses how one should prepare before he eats or drinks, and in *halakha* 3 he suggests the manner in which one should eat. "One should always eat while seated or reclining on his left side," he writes. "He should not walk about, ride, exert himself, subject his body to startling influence, nor take a stroll until the food has been digested in his intestines."

In the first half of *Hilchot De'ot*, *halakhot* 2-12, Maimonides focuses on eating, digestion, and food, as Maimonides asserts that some foods can be quite beneficial, while others extremely harmful to the body. He discusses foods that act as laxatives and foods that are constipating. Certain foods should be eaten in the summer, while others eaten in

⁴³ Maimonides *Mishneh Torah Hilchot De'ot* 4:1, Shlomo Ganzfried *Kitzur Shulchan Aruch*, Chapter 32:1

colder climates. Additionally, he cites a long list of foods in *halakha* 9 that are extremely harmful to the body, such as large fish that are aged and salted, cheese that is aged and salted, and truffles and mushrooms. Within these *halakhot* it is evident that Maimonides places top priority in this chapter on the foods and substances that enter and exit one's body.

The second half of Hilchot De'ot 4 discusses exercise, bathing, and sexual practice. Similar to the style discussed above, Maimonides is very pragmatic, discussing specific actions that one should take in these particular areas of health and wellness. For example, he writes in *halakha* 17, "When one leaves the bath, he should dress and cover his head in the outer room, so that he not catch a chill...After leaving [the baths], he should wait until he regains his composure, and the warmth [from bathing] has receded, and then eat." Maimonides addresses the specific actions one should take and how external factors can affect the body and one's health. Similarly, when discussing sexual intercourse, he writes in *halakha* 19, "He should not engage in intercourse on a full or empty stomach, but after the food has been digested...He should not engage in intercourse while standing or sitting, nor in the bathhouse."

Maimonides concerns himself with the workings of the body and that which enters and exits the body. He focuses on preventing disease and always remaining healthy. He writes as a physician laying out a regimen for proper health for his patients. Through his understanding of the human body, he argues that by following his chapter on wellness, one will prevent disease and remain healthy. In Hilchot De'ot 4:20 he writes, "Whoever conducts himself in the ways which we have drawn up, I will guarantee that he

will not become ill throughout his life, until he reaches advanced age and dies. He will not need a doctor. His body will remain intact and healthy throughout his life.”

Maimonides was a physician, using both Jewish and non-Jewish medical sources to create a regimen of health that enables a Jew to grow strong and live in the manner of God. In the introduction to chapter four of *Hilchot De'ot* by Rabbi Za'ev Abramson and Rabbi Eliyahu Touger, they state, "Many other commentaries also suggest that the Rambam, more often than not, relies on his general medical knowledge in this chapter. This approach would seem to be supported by closely parallel passages in the Rambam's medical writings which often cite non-Jewish medical authorities."⁴⁴ In his *The Medical Legacy of Moses Maimonides*, Fred Rosner notes, "Maimonides must have been an avid reader, since his medical writings show a profound knowledge of ancient Greek authors in Arabic translation and of Moslem medical works. Hippocrates, Galen, and Aristotle were some of his Greek medical inspirations, and Rhazes of Persia, al-Farabi, and Ibn Zuhr, the Spanish-Arabic physician, are Moslem authors frequently quoted by Maimonides."⁴⁵ Maimonides also believed deeply in the Egyptian collaborative method, meaning that he consulted with other physicians, many of whom were not Jewish, before making a diagnosis.⁴⁶ Maimonides himself acknowledges in *Hilchot Kiddush HaChodesh* that he uses both Jewish and non-Jewish sources for his scientific material. He writes, "Since all of these concepts have been substantiated without question...it makes no difference who the author is. Regardless of whether the [concept] was authored by the prophets or by a gentile, since the rationale for it has been revealed and proven...we do

⁴⁴ Moses Maimonides, *Mishneh Torah* trans. Za'ev Abramson and Eliyahu Touger (New York: Moznaim Publishing Corporation, 1989) *Hilchot De'ot*, 63

⁴⁵ Fred Rosner, *The Medical Legacy of Moses Maimonides* (New Jersey: KTAV Publishing House, Inc., 1998) 3-4

⁴⁶ Sarah Stroumsa, *Maimonides in his World* (Princeton: Princeton University Press, 2009) 131-132

not rely on the author, but rather on the proofs that have been revealed.” Maimonides does not explicitly state in Hilchot De’ot whether he uses solely Jewish sources or incorporates non-Jewish medical sources as well. It appears that Ganzfried mainly draws from Maimonides in chapter 32 of the *Kitzur*. While much of his material is clearly drawn from Hilchot De’ot 4, he may have also referenced both Maimonides’ medical writings, such as *Medical Aphorisms*, *Regimen of Health* and his *Treatise on Asthma*. To gain a better understanding of chapter 32 of the *Kitzur*, we shall now shift from Maimonides to a systematic analysis of Ganzfried’s chapter on personal health and physical wellbeing.

The opening paragraphs of chapter 32 introduce the concept of keeping a strong and healthy body. Ganzfried opens with the words of Maimonides, stating, “Since maintaining a healthy and sound body is among the ways of God – for one cannot understand or have any knowledge of the Creator, if he is ill – therefore he must avoid that which harms the body and accustom himself to that which is healthful and helps the body become stronger.” Ganzfried omits the second part of Rambam’s opening statement which reads, “A person should never eat unless he is hungry, nor drink unless thirsty. He should never put off relieving himself, even for an instant. Rather, whenever he [feels the] need to urinate or move his bowels, he should do so immediately.” Ganzfried instead inserts the verse from Deuteronomy 4:15, “Take you, therefore, good heed of your souls.” Ganzfried draws this biblical reference from the *Shulchan Aruch*, *Choshen Mishpat* 427:8. Caro understands Deuteronomy 4:15 to mean that one should make all efforts to avoid any activity that endangers one’s life. It is likely that Ganzfried adopted a similar viewpoint on the Deuteronomy text. The placement of Deuteronomy

4:15 at this point in the chapter is an appropriate choice considering Ganzfried's opening statement that one should "avoid that which harms the body."

One achieves proper health through eating and exercising, as well as a deep understanding of one's own demeanor and personality. In paragraph 2, Ganzfried discusses the natural warmth that God instilled within each human being. He writes, "The Creator, blessed be He, and blessed be His name, created man and gave him the natural warmth which is the essence of life, for, if the natural warmth of the body should be cooled off, life would cease. This warmth of the body is maintained by means of the food which the man consumes." He continues to describe the ways in which the food travels through each part of the body to nourish the individual and keep the human being healthy and vigorous.

In chapter 2, Ganzfried explicates upon the inner workings of the human body through the lens of the *Asher Yatzar* prayer.⁴⁷ He ties the end of the blessing masterfully into his description of the food making its way through the body. He writes, "And concerning this process, we say in the benediction *Asher Yatzar*, the following: "*Umafli La'assot*," which means, "that the Holy One, blessed be He has endowed the man with the nature to select the good part of the good, and every limb selects for itself the nourishment that is suitable for it." Ganzfried wants his audience to view their bodies as one of the miracles of God's creation. Ganzfried writes: "good health of the body

⁴⁷ The *Asher Yatzar* prayer is recited as part of the morning *Shacharit* liturgy and after one relieves his or herself. The full text in Hebrew reads: *Baruch atah Adonai, Eloheinu Melech Ha-Olam, asher Yatzar et-ha-Adam b'chochma u'vara vo n'kavim n'kavim chalulim chalulim. Galui v'yadua lifnei chisei chvodecha she'im yi-pa-tay-ach echad mayhem o yisater echad mayhem ee efshar l'hitkayem v'la'amod l'fanecha. Baruch atah Adonai, rofay chol-basar umafli la'asot.* Translation (Mishkan T'filah): Praise to you, Adonai, our God, Sovereign of the Universe, who formed the human body with skill creating the body's many pathways and opening. It is well known before Your throne of glory that if one of them be wrongly opened or closed, it would be impossible to endure and stand before You. Blessed are You, Adonai, who heals all flesh, working wondrously.

depends upon the digestion of food.” God endowed us with bodies and digestive systems. Ganzfried thus seems to include this prayer to highlight for his reader, who is not a Jewish scholar but a busy Jewish layperson, that even something as pedestrian as the digestion of food can be sanctified through prayer.

The digestive system and its connection to one’s demeanor is a key component in the early sections of chapter 32. Paragraphs 3 through 5 discuss issues pertaining to the digestive system. Paragraph 3 discusses the best way for food to be digested and how it is digested. Ganzfried connects proper digestion to one’s demeanor. He writes, “Therefore, the person who wishes to preserve his physical well being must take care to adopt the happy mean, eating neither too little nor too much, all depending upon the nature of his body.” He quotes Proverbs 21:23, stating, “Whosoever keeps his mouth and his tongue, keeps his life from trouble.”

He continues to distinguish between the digestive systems of the young versus the old, and how digestion is affected by hot or cold days. Paragraph 7 continues to discuss the connection between one’s temperament and the food that he eats. He writes, “Men differ with respect to the temperaments; some are hot-tempered, some cold, and others medium.” He explains that one should eat food that matches his or her temperament. So, for example, one who is hot tempered should eat cool foods to balance them out, and vice versa. This style contrasts with Maimonides, who presents one prescribed regimen for all individuals of any age. Maimonides does discuss different personality types in *Hilchot Deot* 1 where he writes, “Each and every man possesses many character traits. Each trait is very different and distant from the others.” Maimonides explains that humans can be wrathful, prideful, greedy, and misers. The key, according to Maimonides is balancing

these traits and finding the straight path. In *Hilchot De'ot* 1:3 is that “if he finds that his nature leans towards one of the extremes or adapts itself easily to it, or, if he has learned one of the extremes and acts accordingly, he should bring himself back to what is proper and walk in the part of the good. This is the straight path.” Maimonides, most likely drew these ideas from the ancient Greek philosopher Hippocrates, who developed the theory of “The Four Temperaments.” Hippocrates believed that four types of fluids in the body caused certain human moods and behaviors. It was then Galen, a Greek doctor and philosopher, who further developed the theory and proposed that one could “balance” the four fluids, creating harmony within the body.⁴⁸ It would seem that Ganzfried draws his ideas about different temperaments and balancing one’s personality type from Hippocrates ancient theory. Ganzfried appears to add the idea that individuals should eat foods that match their personality types; this notion is not found within *Hilchot De'ot*.

Ganzfried draws his ideas on issues of specific types of food, relieving one’s bowels, the importance of exercise, and bathing from the Mishneh Torah without, however, quoting the Mishneh Torah verbatim. On these topics Ganzfried gives similar advice to that of Maimonides. In paragraph 14 of the Kitzur, on injurious foods, he directly quotes Hilchot De’ot 4:9. Paragraph 16, which discusses abstaining from eating fruit, is taken directly from Hilchot De’ot 4:11. On the issues of mixing different types of food in paragraph 12, such as mixing fowl with cattle, Ganzfried uses Hilchot Deot 4:6 and 4:7 as his sources. Ganzfried omits many of Maimonides’ halakhot on specific foods that one should eat, such as Hilchot Deot 4:8 on eating unseasoned foods in the summer, and 4:10 which discusses foods that are only somewhat harmful. It is unclear whether

⁴⁸ Eliot Stellar, *Encyclopedia Britannica* (Chicago: Encyclopedia Britannica, Inc., 1974) Volume 15, 163

Ganzfried omits these for purposes of brevity or for a more substantive reason. On the issue of relieving one's bowels in paragraphs 19 and 20, Ganzfried uses Hilchot Deot 4:1 and 4:13 as his source texts. It is interesting that he chooses to cite the second half of Hilchot De'ot 4:1 at this point in the chapter, rather than at the beginning, like Maimonides. In paragraph 19 Ganzfried writes, "A person should eat only when he is hungry, and drink when he is thirsty, and should not neglect the call of nature even for one moment, and should not begin consuming food before he ascertains whether he has an urge to move his bowels." He discusses exercise in paragraph 21 stating, "In the hot season, a little exercise will suffice, but in the cold season, more is required." He draws this from Hilchot De'ot 2:15. Finally, paragraph 24, on bathing, draws from Hilchot De'ot 4:16.

Ganzfried promotes a notion of sleep that differs from that of Maimonides. Maimonides discusses sleep in Hilchot De'ot 4:4-5. Maimonides states that, "It is sufficient for a man to sleep a third of this period; i.e., eight hours... One should not sleep face down or on his back, but on his side - on his left side at the beginning of the night and on the right side at the end of the night...One should not sleep during the day."

Ganzfried discusses sleep in paragraph 23 in a completely different manner. Ganzfried writes,

Moderate sleep is good for the physical well being...Too much sleep is injurious because it increases the gases that come up from the belly, fill up the head with them, and causes serious harm to the body...When sleeping, the head should be higher than the rest of the body, because it will help the food come down from the stomach, and it will diminish the gases that come up into the head.

There is a difference between the writing of Maimonides and the writing of Ganzfried. Maimonides advocates sleeping on one's side, but does not provide a reason. Ganzfried suggests that one raise the head, and does provide a detailed reason to the reader why one should do so. This example shows how Ganzfried wants the reader to understand more deeply the physiology of one's body, while Maimonides presents the reader with the specific actions that one must take. Similar to his writing in paragraph 2, Ganzfried may want to re-enforce to his reader that the body is part of God's creation, and Jews should thus be thankful to God when our bodies function properly. He may also add this material on the body's physiology to connect with his primary audience of Jewish laypeople, some of whom were Jewish doctors and physicians.

Several of Ganzfried's paragraphs contain material most likely drawn from Maimonides' medical writings, not the Mishneh Torah. Paragraph 17, for example, discusses the value of drinking water, in which he writes, "Water is the natural drink for a person and it is healthful." In his *Regimen of Health*, Maimonides discusses how one should properly drink water.⁴⁹ Here Ganzfried may also be referencing the Babylonian Talmud, Tractate Berachot 40a, which asserts to "drink plenty of water with your meals." Paragraph 18 highlights the benefits and risks of drinking wine. Maimonides discusses drinking wine in his *Medical Aphorisms*.⁵⁰ In paragraph 25, Ganzfried advocates that one should dwell in an area where the air is pure and clear, on elevated ground. Maimonides discusses this very point in his *Treatise on Asthma*, in which he states that clean air is one of the six obligatory hygienic principles. Maimonides also writes, "city air is stagnant, turbid, and thick, the natural result of its big buildings, narrow streets, the refuse of its

⁴⁹Fred Rosner, *Medical Encyclopedia of Moses Maimonides* (New Jersey: Jason Aronson, Inc., 1998) 237-238

⁵⁰Rosner, 239-240

inhabitants...one should at least choose for a residence a wide-open site.”⁵¹ In paragraph 26, Ganzfried states that one should live in an area that is neither too hot nor too cold, and advises how one should heat his home. Maimonides discusses the ways in which climate affects health in *Medical Aphorisms*.⁵² Finally, in paragraph 27 Ganzfried shares the ways in which one can preserve his or her eyesight. Ganzfried most likely draws from Maimonides discussion of ophthalmology in *Treatise on Asthma* and *Treatises on Health*.⁵³

Ganzfried also omits topics that Maimonides discusses in Hilchot De’ot 4, such as bloodletting and issues of sexual relations and intercourse. This is partly due to the fact that Ganzfried lived in a time period in which the practice of bloodletting was all but extinct. Bloodletting had reached its end by the early 19th century.⁵⁴ Most importantly, Ganzfried omits Hilchot Deot 4:20 which states, “Whoever conducts himself in the ways which we have drawn up I will guarantee that he will not become ill throughout his life, until he reaches advanced age and dies. He will not need a doctor. His body will remain intact and healthy throughout his life.” Ganzfried does not make this claim at the end of chapter 32 or at any point during the chapter, as modern medical professionals could easily refute it.

Ganzfried’s omission of Rambam’s claim in halakha 20 is an important indicator of the cultural and social milieu in which Ganzfried lived. Ganzfried lived during the period of Hungarian Emancipation. The first half of the nineteenth century was a time of

⁵¹ Rosner, 22

⁵² Rosner, 60

⁵³ Rosner, 166

⁵⁴ <http://www.pbs.org/wnet/redgold/basics/bloodlettinghistory.html>

intense cultural, literary, scientific, and economic activity for the Jews of Hungary.⁵⁵ While Ganzfried spent a great deal of his time studying in a yeshiva, it surely would have been difficult for him to ignore the wealth of knowledge flowing into the Jewish community. Many Hungarian Jews entered the field of medicine in the middle of the 19th century. Raphael Patai writes in his book, The Jews of Hungary: History, Culture, Psychology, that “In the eight years until the 1848 revolution, fifty Hungarian Jews entered the field of medicine.”⁵⁶ The growing number of Jews in medicine during this time period might explain why Ganzfried elected to write chapter 32 in the first place. As noted above, a chapter on physical health and wellness does not appear in the Tur or in the Shulchan Aruch. It is Ganzfried who hearkens back to Maimonides and the Mishneh Torah in codifying this material. As the Kitzur was a document intended for the use of everyday business people, Ganzfried may have thought it beneficial to add a chapter for the growing number of Hungarian Jewish physicians and business people.

Based on this close reading of chapter 32, we can understand several points about Ganzfried as a codifier. The first is that when possible, he seeks to provide a physiological background to each halakhic point. He wants his reader to understand not just how to act, but how that action will affect or not affect one’s health. An example of this is found in paragraph 23, where Ganzfried discusses sleep and how too much or too little sleep can affect the body. Ganzfried too concerns himself with connecting one’s physical health to his or her psychological and mental state. He states in paragraph 22,

One who desires to preserve his health must learn about his psychological reactions and control them; joy, worry anger and fright are psychological

⁵⁵ Patai, 250

⁵⁶ Patai, 262

reactions...But one should not try to stimulate the joy of life by means of eating or drinking, as the fools do, for the reason that by too much joy, the warmth of the heart is diffused over the entire body, and the natural warmth of the heart is cooled off, with the result that it may cause sudden death...Grief, which is the reverse of joy, is likewise injurious, because it cools off the body and the natural warmth centralizes into the heart, which condition may cause death.

This text highlights the manner in which Ganzfried connects one's bodily health to his or her psychological and emotional state. According to Ganzfried, one must be mindful of his demeanor, natural state, personality type, and emotions. This knowledge will help one choose the right foods, environment, and ideal lifestyle for total wellbeing. This is quite different from Maimonides, who prescribes a single regimen for all human beings, regardless of their personality type or emotional state. Finally, Ganzfried adds several biblical proof texts in chapter 32 that do not exist in Hilchot De'ot 4. These include Deuteronomy 4:15 and Proverbs 21:23, which states, "He who guards his mouth and tongue guards himself from trouble." By adding the biblical proof texts, Ganzfried provides the reader with deeper context for his statements regarding the body and physical well being.

4

An Analysis of Chapter 34

Chapter 34 of the *Kitzur Shulchan Aruch* focuses on the laws of giving *tzedakah*. Ganzfried divides the chapter into sixteen paragraphs. Ganzfried draws from a variety of sources in constructing this chapter, including Maimonides' Mishneh Torah, the Tur, the *Shulchan Aruch*, the Babylonian Talmud, Midrash, and Hebrew Bible. At points he uses the exact language from those prior sources, while at other times he summarizes that particular source. Similar to chapter 32, Ganzfried too seems to add several of his own biblical proof texts here in chapter 34. Several of his statements also appear to be influenced by his own experience of growing up in poverty and working as a wine dealer as a young man. This chapter will analyze Ganzfried's use of prior sources in his chapter on *tzedakah*, as well as seek to understand more deeply his life experience, historical context, and his choices in crafting and codifying chapter 34 of the *Kitzur*.

Paragraph 1 discusses the religious duty of Israel to give *tzedakah* to "the poor of Israel." Ganzfried opens with phrase, "It is a positive commandment to give *tzedakah*," which he draws from both Caro and Maimonides. He then continues, however, to cite Maimonides, from Matanot Aniym 7:11 and 10:1, incorporating verses from Deuteronomy 15:8, Leviticus 25:36, and Deuteronomy 15:7. The opening lines read, "It is a religious duty to give alms to the poor of Israel, as it is written (Deuteronomy 15:8), 'You shall surely open your hand unto him,' and it is written again (Leviticus 25:36),

‘That your brother may live with you.’ If a poor man asks for help and we disregard his supplications and give him no relief, we transgress God’s command, for God said (Deuteronomy 15:7) ‘You shall not harden your heart nor shut your hand from your poor brother’.” Already we see that Ganzfried opens with verses from the Mishneh Torah as opposed to the *Shulchan Aruch*. Ganzfried then quotes Isaiah 54:14, which is found in the Tur, Yoreh Deah 247. The verse reads, “By *tzedakah* you shall be established.” Following this verse are two more biblical proof texts, one from Proverbs 21:3, which reads, “To exercise *tzedakah* and justice is more acceptable to God than sacrifice.” and the other from Isaiah 1:27, stating, “Zion shall be redeemed by justice, and those that return to her with *tzedakah*.” It appears that Ganzfried adds these two proof texts, as they do not appear to be found in prior *halakhic* sources. By inserting these two sources, Ganzfried establishes the giving of *tzedakah* as one of the highest Jewish ideals. According to Ganzfried, giving *tzedakah* is greater than offering sacrifices and the act of giving *tzedakah* will bring about the redemption of the Jewish people. Similar to such verses in the Tur, these are example of how the *Kitzur* is a religiously focused *halakhic* code. *Tzedakah* is a way of helping the poor and the means through which the Jewish people will be redeemed and return to Zion.

Ganzfried shifts to theological reasons for giving *tzedakah* in the second half of paragraph 1. He cites verses from Isaiah 32:17, which states, “And the work of *tzedakah* is peace,” and Deuteronomy 13:18, which states, “And God will show thee mercy and have compassion on thee and multiply thee.” Ganzfried draws both of these biblical verses from the Mishneh Torah, Matanot Ani'im 10:2. By citing these biblical verses, Ganzfried asserts his theological belief that God will protect and show mercy upon those

who give *tzedakah*. Following this are two more biblical proof texts, Job 34:28, which reads, “And the cry of the poor God will hear,” and Exodus 22:26, stating, “And it shall come to pass when he cries to Me, that I will hear, for I am gracious.” Ganzfried then quotes the *Shir Hashirim Rabbah* 6:11, stating, “A door which opens not for the poor will open for the physician.”⁵⁷ By inserting this verse, Ganzfried speaks directly to his target audience, many of whom are merchants, business owners, and physicians, reminding them of their prosperity and responsibilities towards the poor. In his biography of Ganzfried, Jack Friedman writes that Ganzfried’s father was not one of the prosperous Jews of Ungvar. “He had no portion or share with the rich men of the city...He toiled and struggled with the sweat of his brow to sustain his family.”⁵⁸ We can speculate that Ganzfried writes these verses with his childhood in mind. He was surely influenced by the fact that many Hungarian Jews became prosperous in the early 19th century while Ganzfried’s father struggled to earn money. Perhaps Ganzfried saw some of these Jews lose their fortunes. He reminds his reader that “the wheel of fortune is ever revolving, and that either he himself, or his son, or his grandson may eventually beg for charity.”⁵⁹ He continues in paragraph 1 to say, “Let no man say, ‘Why should I dissipate my wealth by giving it to the poor?’ He must bear in mind that the wealth really belongs not to him, but that it was simply given to him as a trust with which to execute the will of the One who has entrusted his fund to him.”⁶⁰ Ganzfried, who served as a wine dealer before he became a full-time Jewish scholar and author, surely knew intimately the mindset of the

⁵⁷ In the *Kitzur* Ganzfried attributes this verse to the Jerusalem Talmud. The verse is actually found in *Shir Hashirim Rabbah* 6:11.

⁵⁸ Friedman, 26

⁵⁹ Babylonian Talmud, Shabbat 151b

⁶⁰ This notion is also discussed in *Leviticus Rabbah*.

business owners and merchants within the Hungarian markets. As he writes paragraph 1, one can speculate that he is pointing to these business owners, almost in a critical manner, that it is their obligation to give *tzedakah*. Ganzfried, citing Leviticus Rabbah, warns them not only that one's fortune may reverse at any time, but also that their wealth belongs to God, and that they are the mere stewards of this money.

Paragraphs 2 and 3 discuss who should give and how much a poor person should be given. Paragraph 2 asserts that every person should give *tzedakah*. Ganzfried opens paragraph 2 with the verse, "Every man must contribute charity according to his means," which Ganzfried cites from the *Shulchan Aruch*, Yoreh De'ah 258:1. "Even a person who is supported by charity," he writes, "must donate to charity from what is given to him." Ganzfried derives paragraph 3, which discusses how much a poor person should be given, from the *Shulchan Aruch*, Yoreh Deah 250. Ganzfried adds in the words, however, "*she'm'kabel b'chash'ei*," which applies to one who receives *tzedakah* in secrecy. This is a reference to Mishnah Shekalim 5:6 which states, "There were two collection chambers in the Temple: One was called 'the chamber of the discreet... What purpose did 'the chamber of the discreet' serve? The God-fearing would deposit money into it quietly, and the poor sons of good families supported themselves from it discreetly.'"⁶¹ There are two potential reasons as to why Ganzfried re-inserts this phrase from the Mishnah. Perhaps during the time of R. Jacob ben Asher and the publication of the Tur, *tzedakah* was a more public phenomenon, while later on in the 19th century Hungarian milieu of Ganzfried, more individuals received their *tzedakah* in private or in secrecy from the community. The second possibility is that Ganzfried is implicitly

⁶¹ Mishnah Shekalim 5:6

criticizing people who make too public a show of their *tzedakah*, and thus asserts that *tzedakah* should be given in private.

Ganzfried's concludes paragraph 2 with the verse, "The poor of all nations must be supported like poor Israelites, for the sake of peace." This verse, which originates in the Babylonian Talmud Gittin 61a, is quoted by Maimonides in the Mishneh Torah Matanot Ani'im 7:7 but not in the *Shulchan Aruch*. Ganzfried may have inserted this verse because he relies heavily on the Mishneh Torah. Another possibility, however, is that just like Maimonides and Joseph Caro, Ganzfried's historical circumstances and personal relationships may have been why he includes this verse in paragraph 3. Maimonides, who lived in both Spain and Egypt, not only studied many secular texts but also had a great deal of contact with his non-Jewish neighbors.⁶² His peaceful relationships with his non-Jewish neighbors as well as the fact that he was the personal physician to Sultan Saladin in Egypt may have prompted him to insert this Talmudic verse in the Mishneh Torah. He had to be cautious about his statements about his non-Jewish neighbors in the Mishneh Torah. Maimonides' circumstances differed from the experience of Joseph Caro, who omits this from the *Shulchan Aruch*. The Spanish Inquisition forced Caro and his family to flee Spain at the age of four. They settled in Safed, an area heavily populated with Jews. Caro's experience of persecution at a young age as well as the population demographics in 16th century Safed may have possibly prompted him to omit this from the *Shulchan Aruch*. Ganzfried, who published the *Kitzur* only three years before Hungary granted the Jews Emancipation, certainly had access to his non-Jewish neighbors. As a wine merchant he no doubt interacted with non-

⁶² Sherwin B. Nuland, *Maimonides* (New York: Nextbook, 2005) 77

Jewish business owners and merchants. As a member of the Ungvar *Kehillah* and Orthodox representative in the General Jewish Congress of 1868, he dealt with non-Jewish Hungarian government officials. Considering both Ganzfried's business dealings and his historical circumstances, it is not surprising that he re-inserts this statement about giving to the non-Jewish poor "*mipnei darchei shalom*," for the sake of peace. It is thus a possibility that Ganzfried's life experiences and historical circumstances may have affected his choices in codifying the *Kitzur*.

Paragraph 4 begins with a discussion of how much one should give to *tzedakah*. Ganzfried explains that in the first year one should offer 10% of their capital, and thereafter 10% of the annual net profits. This however, is the average way to give. The preferable way to give is to donate a fifth of the capital the first year, and thereafter, a fifth of the net annual profits. He draws this concept from both Maimonides *Matanot Aniyim* 7:5 and the *Shulchan Aruch* Yoreh Deah 249. Ganzfried chooses to omit the verse from *Matanot Aniyim* 7:5 which states, "A person should never refrain from giving less than a third of a shekel a year. A person who gives less than this has not fulfilled the mitzvah." Ganzfried does not state a minimum amount that one should give. He may omit that particular minimum because that unit of currency no longer has any meaning. He does, however, provide a maximum donation amount. "A person must not give more than one-fifth," he writes. "So that he himself may not eventually need the support of others." Ganzfried emphasizes his point from paragraph 1 that one may never know when he or she will lose their money and require *tzedakah*.

The latter piece of paragraph 4 discusses how one may use this money designated for *tzedakah*. Unlike the Tur and the *Shulchan Aruch*, Ganzfried does not speak of

appointing a gabbai or having a central community Kupah. He only discusses the *gabbai* in paragraph 9, when one makes a pledge of *tzedakah* specifically to the synagogue and then does not pay. Ganzfried appears to suggest that one should give their *tzedakah* directly to the poor. This is certainly a shift from earlier periods when the *gabbai* was responsible for distributing *tzedakah* to the community's poor. Ganzfried also states several other uses for *tzedakah* money, such as using it to circumcise one's son, for a dowry, or to purchase religious books for one's own study use. If one does buy these books with their *tzedakah*, he states that they are in essence communal property; the user should loan them out to others and write in the books that they were bought with *tzedakah* money so that one's children cannot take possession of them after their death.

Paragraphs 5 and 6 are sourced almost verbatim from the *Shulchan Aruch*, with a few small edits from Ganzfried. Paragraph 5, which discusses essentially not being cheap when buying anything for the glory of God, is drawn from the *Shulchan Aruch*, Yoreh Deah 248:8. Paragraph 6 provides the guidelines on supporting one's sons and daughters, as well the hierarchy of how one should preference their giving. This paragraph Ganzfried sources from Yoreh Deah 251:3 and 257:10. Ganzfried writes, "Making gifts to parents is included in charity giving. Moreover, they take precedence over others. Other family members take precedence over strangers. The poor living in his own house have precedence over the poor of the town, and the poor of his town have precedence over the poor of another town." Ganzfried substitutes the phrase from the *Shulchan Aruch*, "the brother of one's father takes precedence over the brother of one's mother," with "Other family members take precedence over strangers." By doing this he applies Maimonides' *halakha* in Matanot Ani'im 7:13 that a person's relatives take

precedence over strangers. Ganzfried also adds in the verse from Deuteronomy 15:11 as a proof text, which states, "To your brother, to your poor, and to your need in your land." These two paragraphs highlight the way in which Ganzfried juxtaposes various *halakhot* from the *Shulchan Aruch* while concurrently adding an additional biblical proof text to create his chapters. In these two paragraphs alone he draws from three different chapters in the *Shulchan Aruch*. Additionally, Ganzfried's substitution of a Caro idea for a Maimonides' idea is another example of the way in which Ganzfried relies on Maimonides in crafting the *Kitzur*.

To this point in the chapter, Ganzfried essentially answers the questions of why, what, and when and to whom one must give *tzedakah*. Beginning with paragraph 7, Ganzfried moves on to discuss the details of exactly how one should give *tzedakah*. Paragraph 7 discusses the issue of giving to the poor with an unfriendly demeanor. This he sources from Matanot Ani'im 10:4. The first half of paragraph 8, which obligates one to never turn away a poor person who asks, Ganzfried draws from the Mishneh Torah, Matanot Ani'im 7:7. The second half of paragraph 8 consists of two biblical proof texts: Psalms 51:19, which states, "A broken and contrite heart, O God, will you not despise," and Job 29:16, which reads, "I was a father to the needy." Ganzfried incorporates the verses to convey the importance of neither rebuking nor speaking harshly to the poor.

Paragraphs 9 and 10 discuss the idea that a promise of *tzedakah* is included in the category of vows. All but the final line of paragraphs 9 and 10 are derived from the *Shulchan Aruch*, Yoreh Deah 257:3 and the Isserles gloss on that *halakha*. The last line of paragraph 10 states, "anyone may set aside a certain amount of money for *tzedakah*, keep it in his possession, and distribute it little by little as he sees fit." In this paragraph

Ganzfried essentially shifts much of the traditional responsibilities of the Gabbai to the individual giver. The *Shulchan Aruch* and prior sources place much of the responsibility for distribution of *tzedakah* funds upon the Gabbai. Although Ganzfried does mention the Gabbai in paragraph 9, it seems that Jewish communal institutions were less powerful in his time and thus giving also became a responsibility placed upon each individual giver.

Paragraph 11, which states, "One who urges others to give *tzedakah* and causes them to practice it deserves greater reward than the one who merely gives charity." This verse is found in the Talmud Bavli, Bava Batra 9a. The second piece of paragraph 11, on the Gabbai being taunted by the poor, is found in the *Shulchan Aruch*, Yoreh Deah 257:7.

In paragraphs 12 and 13 Ganzfried re-frames Maimonides' eight levels of giving *tzedakah*. While the Tur and the *Shulchan Aruch* both present Maimonides' eight levels in their entirety, Ganzfried chooses to present them in an abbreviated form. This is an excellent example of how Ganzfried's work is a *Kitzur*, or "shortened" *Shulchan Aruch*. He uses Maimonides' eight levels as a base, however he changes the wording and eliminates most of the rungs. In paragraph 12 he says that the highest level is to come to the aid of a fellow man in bad circumstances, before he reaches the actual stage of poverty. The main difference here is that Ganzfried urges helping the person before he reaches poverty. In paragraph 13 he states that one should give *tzedakah* secretly, and if possible in a way that the giver and receiver are not aware of one another. He draws these two ideas from the *Shulchan Aruch*, Yoreh Deah 6-7. At the end of paragraph 13 Ganzfried then adds the verse that no man should boast about his *tzedakah* contributions, which may be an interpretation of *Shulchan Aruch* Yoreh Deah 249:13, which is when

one gives unwillingly and is the lowest rung of giving *tzedakah*. Ganzfried also adds that, “if one donates an object for a certain charitable purpose, he may write his name on a plaque that serves as a memorial.” He draws this concept from an Isserles gloss on *Shulchan Aruch* Yoreh Deah 249. Thus, while one should not boast about monetary contributions, it is acceptable to for a donor to receive recognition for an object bequeathed to the community. This was thus an opportunity for Jewish community leaders to publicly honor the growing number of prosperous Jews in 19th century Hungary.

Paragraph 14 discusses the charitable needs of a poor Torah scholar. He writes, “We must take special care in the treatment of a poor scholar who studies the Law, and to offer gifts to him in a manner that accords with his dignity.” Ganzfried draws his ideas from *Shulchan Aruch* Yoreh Deah 253:11, as well as the Babylonian Talmud, Pesachim 53b, which states that, “He who supplies a scholar with merchandise merits to sit in the divine court,” and Berachot 34b, which reads, “The glorious prophecies predicted by all the prophets were for the man who establishes a scholar in business.” It is interesting to note that although Ganzfried draws a great deal of his material from Maimonides, it is widely-known that Maimonides refused to accept any money for his work as a rabbi and as a scholar (he became a physician to earn money and support his family).⁶³ Paragraph 15 and 16, which focus on avoiding charity and acquiring charity by deceit, are drawn almost verbatim from Yoreh Deah 255:1-2.

It is important to note several key ideas and themes from the earlier codes that Ganzfried omits in his chapter on *tzedakah*. Ganzfried essentially omits chapters 256 and

⁶³ Nuland, 94

257 of the *Shulchan Aruch*, Yoreh Deah, which discuss the *kupah*, a communal *tzedakah* fund, the *tamchui*, a communal pool of sustenance for the poor, and the role of the *gabbai* in the community. Ganzfried appears to give much more authority to the individual in the distribution of their *tzedakah* funds directly to the poor, and thus eliminates discussion of the *gabbai*, *kupah*, and *tamchui*. Ganzfried also omits any reference to the redemption of captives, which encompasses all of chapter 252 in *Shulchan Aruch* Yoreh Deah. As mentioned earlier, Ganzfried also chooses not to use Maimonides' eight levels of giving *Tzedakah*, which are cited in the Tur and *Shulchan Aruch*. His choices also perhaps show a culture shift in giving *tzedakah*, from the Gabbai and the Kupah towards the authority of the individual in distributing *tzedakah* funds.

Chapter 34 is a tapestry of many *halakhic* sources. Ganzfried cites most of his *halakhot* in chapter 34 from the *Shulchan Aruch*. He does not, however, adhere to Caro's specific order and organization of the *tzedakah* laws. Ganzfried both shifts the placement of *halakhot* and fuses together disparate *halakhot* into one paragraph. Additionally, Ganzfried juxtaposes material from the *Shulchan Aruch* with verses from the Mishneh Torah, the Tur, the Babylonian Talmud, Midrash, and the Hebrew Bible. He cites Mishnah Shekalim 5:6 to advocate for private giving over public giving. It too appears that he adds several of his own biblical proof texts to the existing proof texts used in prior codes of Jewish law.

Chapter 34 highlights Maimonides' influence on Ganzfried in the *Kitzur*. In certain paragraphs Ganzfried prefers Maimonides' perspective to that of Caro. Consider these two examples. In paragraph 3 Ganzfried writes, "The poor of all nations must be supported like poor Israelites, for the sake of peace." This verse is in the Mishneh Torah

but not in the *Shulchan Aruch*. In chapter 6, Ganzfried substitutes the phrase from the *Shulchan Aruch*, "the brother of one's father takes precedence over the brother of one's mother," with the Maimonidean phrase, "Other family members take precedence over strangers." These two examples highlight the fact that Maimonides influence Ganzfried's decisions and that Ganzfried may prefer Maimonides' to Caro on certain disputed issues.

One cannot read chapter 34 without considering Ganzfried's life experience and historical context. He most likely amended Caro's *halakhot* because of the changing realities of the world around him. Caro wrote in 16th century Safed while Ganzfried lived in 19th century Hungary. This may be the reason, for example, that Ganzfried re-inserts the *halakha* on giving to the non-Jewish poor with the poor Israelites in paragraph 3. As Hungarian Jews moved towards Emancipation in 1867, their relationships with non-Jewish neighbors surely grew more intimate. Ganzfried had to consider these new realities when codifying the *Kitzur*. Ganzfried also speaks to the new reality that many Hungarian Jews grew prosperous in the 19th century. He warns his readers, many of whom are wealthy business owners, merchants, and physicians, that one should always give *tzedakah* because one never knows when the tides of fortune will turn. While he wants to maintain the dignity of the poor and avoid boastful giving, he is perhaps aware of the realities of the period that Jews wanted to be recognized for their gifts to the community. He thus in chapter 13 cites Isserles, allowing for someone who donates an object to the community to write their name on a plaque to serve as a memorial. In crafting chapter 34, Ganzfried was attuned to both the codes of *halakha* that preceded him and the realities of the world for him and his reader in 19th century Hungary.

5

Conclusion

Ganzfried's *Kitzur Shulchan Aruch* is a compendium of *halakha* that draws upon Judaic sources spanning from the Hebrew Bible through Joseph Caro's *Shulchan Aruch*. As a codifier, Ganzfried included, omitted, revised, edited, and juxtaposed the many Jewish texts and *halakhic* codes he had at his disposal in 19th century Hungary. Like the codifiers who preceded him, he did not live and write in a bubble; his work was influenced by his own life experience and the historical events taking place in Hungary at the time. Ganzfried writes for a specific audience: the busy, 19th century Hungary Jew who does not have time for in-depth, serious study of Jewish texts. He speaks directly to his audience at various points in the *Kitzur*. His work is a *kitzur*; he abbreviates the works and *halakhic* codes that preceded him in a manner that is straightforward and accessible for his reader.

One can now better understand why Ganzfried entitles his work the *Kitzur Shulchan Aruch*. The term “*kitzur*,” or abbreviated, is also an appropriate component to the title of Ganzfried's work. His 221 chapters present *halakha* in a concise, articulate manner. This manifests itself in several ways. Ganzfried only presents on issues that are not well known to his readers. For example, in the introduction to chapter 80 on labors forbidden on Shabbat, he writes, “The general principles regarding the labors forbidden on the Sabbath are well-known and therefore will not be mentioned here. The following listing refers to the difficulties which are not common knowledge, and yet frequently

arise”⁶⁴ Ganzfried also abbreviates concepts such as Maimonides’ eight levels of giving *tzedakah*. In chapter 10 of *Matanot Aniym*, Maimonides discusses the eight levels in eight *halakhot*, or paragraphs. In contrast, in chapter 34, Ganzfried discusses only two of Maimonides’ eight rungs in paragraphs 7 and 8. It is unclear if Ganzfried does this because he believes his readers are familiar with the eight levels of *tzedakah*, or if he inserts the rungs that he believes to be most important and relevant to his readership.

There are several reasons for the “*Shulchan Aruch*” in the title of his work. First, as Ganzfried writes in his introduction that the *Kitzur* is “a collection from all four sections of the *Shulchan Aruch*.” He draws from all four “*turim*” in the *Kitzur*. Second, Ganzfried establishes a virtual *bet din*, or court, on disputed *halakhic* issues. Ganzfried almost certainly draws this concept of the virtual *bet din* from Joseph Caro, who created this system when codifying the *Shulchan Aruch*. Third, Ganzfried utilizes the *Shulchan Aruch* as one of his main *halakhic* sources in the *Kitzur*.

While he does follow the overlying structure of the *Shulchan Aruch*, he does not necessarily follow adhere to Caro’s specific order and organization of the *Shulchan Aruch*. For example, consider the manner in which Ganzfried orders paragraphs 5, 6, 12, and 14 in chapter 34 on *tzedakah*. Chapter 5, which discusses buying the best quality items when building a synagogue, feeding the hungry, or clothing the naked, is drawn directly from the *Shulchan Aruch*, Yoreh De’ah 248:8. Chapter 6 then discusses the order of preference for giving *tzedakah*, citing Yoreh De’ah 251:3 and 257:10. In his discussion on the highest merit of giving *tzedakah* in paragraph 12, Ganzfried jumps back

⁶⁴ My critique of Ganzfried is that while in his introduction he asserts that the *Kitzur* is for “every Jew,” he makes assumptions here about the level of Judaic knowledge of his audience. Perhaps he is correct, however, in making these assumptions. Even Reform Jews at this time were well versed in Jewish texts and *halakha*. Dr. David Ellenson discusses this in *After Emancipation: Jewish Religious Responses to Modernity*, chapter 5.

to Yoreh De'ah 249:6. Finally in paragraph 14, on the treatment of the poor scholar, Ganzfried leaps ahead to Yoreh Deah 253:11. This is one example of the manner in which Ganzfried blazes his own trail, utilizing his prior sources but ordering them in a manner that seems appropriate to him.

Maimonides' influence on Ganzfried is evident in the *Kitzur*. Chapter 32 is based almost entirely on Maimonides Mishneh Torah Halakhot Deot 4. Caro only briefly touches on the issue of health and wellness in *Shulchan Aruch, Choshen Mishpat* 427

In certain paragraphs Ganzfried prefers Maimonides' perspective to that of Caro. Consider the two examples of chapter 34:3 in which Ganzfried writes, "The poor of all nations must be supported like poor Israelites, for the sake of peace," and chapter 34:6, in which Ganzfried substitutes the phrase from the *Shulchan Aruch*, "the brother of one's father takes precedence over the brother of one's mother," with the Maimonidean phrase, "Other family members take precedence over strangers." In both of these examples Ganzfried prefers Maimonides' opinion to Caro's on these disputed issues.

In addition to drawing from sources such as Maimonides and R. Jacob ben Asher, Ganzfried strengthens many of his *halakhot* and statements with biblical proof texts. Consider the fact that chapter 34:1 has twelve biblical references. Similarly, in chapter 32 on physical wellness, Ganzfried appears to add such biblical references as Deuteronomy 4:15 and Proverbs 21:23. These biblical citations almost seem to function as proof texts for Ganzfried. Most of his statements are in a form of eisegesis, meaning that he begins with the statement of belief and then presents a supporting passage from the document. Chapter 34:1 follows this pattern. He writes, for example, "No man ever becomes poor by giving charity, nor will any harm result from its practice, as it is said (Isaiah 32:17),

‘and the work of charity is peace’.” This perhaps gives some insight into Ganzfried as a codifier. As Ganzfried writes an abbreviated code of Jewish law, he must carefully choose which *halakhic* statements are most important to the reader. The biblical proof texts essentially highlight his careful choosing of each of his texts and assert the importance and relevance of those particular *halakhot*.

Ganzfried’s personal narrative and historical context also influence his codification of the *Kitzur Shulchan Aruch*. In chapter 34:1, one of the reasons that Ganzfried cites for giving *tzedakah* is that “the wheel of fortune is ever revolving, and that either he himself, or his son, or his grandson may eventually beg for charity.” Ganzfried’s own experience of growing up in poverty while many Hungarian Jews may have prompted him to codify this Talmudic idea in chapter 34. Consider too chapter 34:15, in which Ganzfried writes, “A man should avoid charity. He should rather suffer hardship than depend on men.”⁶⁵ Recall that as a young man studying in Bonyhad with Zvi Hirsh Friedman, Ganzfried endured extreme poverty and lived on the brink of starvation. Here again Ganzfried experience of enduring a life of poverty in Bonyhad may have prompted him to insert this verse from the *Shulchan Aruch* into chapter 34. Examine as well chapter 34:3 in which Ganzfried writes, “The poor of all nations must be supported like poor Israelites for the sake of peace.” As noted earlier, Ganzfried published the *Kitzur* only three years prior to Hungarian Emancipation of the Jews. Ganzfried surely knew and had relationships with his non-Jewish neighbors. Additionally, as a member of the Ungvar *Kehillah* and Orthodox representative in the General Jewish Congress of 1868, he dealt with non-Jewish Hungarian government

⁶⁵ Shulchan Aruch Yoreh De’ah 255:1

officials. Considering both Ganzfried's business dealings and his historical circumstances, it is not surprising that he re-inserts this statement about giving to the non-Jewish poor "*mipnei darchei shalom*," for the sake of peace. As discussed earlier, Ganzfried did not write the *Kitzur* secluded from the outside world. His life experiences and historical circumstances surely affected his process of codifying the *Kitzur*.

In his intro to the *Kitzur Shulchan Aruch* Shlomo Ganzfried writes that the *Kitzur* is "a collection from all four sections of the *Shulchan Aruch*...of the laws required to be known by every Jew, written in simple language, and appropriately arranged. This work [will be] good and beneficial for those in business who lack the time for in-depth study of [Rabbi Yosef Caro's] *Shulchan Aruch* and its commentaries, and they will find in it with ease [the answers to their questions.]" Ganzfried's vision for the *Kitzur* was thus to reach those Jews who were too busy for a life of serious Torah study in a concise, articulate, accessible manner. Throughout chapters 32 and 34 Ganzfried aims to speak directly to this audience. This is evidenced in the fact that in chapter 32 he discusses the complexities of the body and explains human physiology. This may be an attempt by Ganzfried to reach the growing number of Jewish doctors in Hungary in the mid-19th century. Similarly in chapter 34, Ganzfried speaks to the many Hungarian Jews who grew in prosperity during the 19th century, reminding them of their responsibility to give *tzedakah* and support the poor of their community in a sacred and dignified manner. Ganzfried intimately knew his audience. As a wine salesman in the Hungarian markets, he surely interacted with many successful Jewish business owners and merchants. Ganzfried saw the need to provide them with a Jewish code of law that would allow them to meet the changing realities of Jewish life in 19th century Hungary. Ganzfried's vision

and hope for the *Kitzur Shulchan Aruch* was to enable these busy Jews to both engage in their professions and businesses and live a rich, Jewish life.

Bibliography

- Brody, Robert. The Geonim of Babylonia and the Shaping of Medieval Jewish Culture. New Haven: Yale University Press, 1998
- Encyclopedia Britannica, Chicago: Encyclopedia Britannica, Inc., 1974
- Ellenson, David. After Emancipation: Jewish Religious Responses to Modernity. Cincinnati: Hebrew Union College Press, 2004
- _____. Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy. Tusacloosa: The University of Alabama Press, 1990
- Elon, Menachem. Jewish Law: History, Sources, Principles. Philadelphia: The Jewish Publication Society, 1994
- Encyclopedia Judaica: Second Edition. New York: Thomson Gale, 2007
- Friedman, Jack E. Rabbi Shlomo Ganzfried: His Kitzur and His Life. New Jersey: Jason Aronson, Inc., 2000
- Ganzfried, Solomon. Kitzur Shulchan Aruch, trans. Goldin, Hyman E. New York: Hebrew Publishing Company, 1963
- Maimonides, Moses. Mishneh Torah trans. Abramson, Za'ev and Touger, Eliyahu. New York: Moznaim Publishing Corporation, 1989
- Nuland, Sherwin B. Maimonides. New York: Nextbook, 2005
- Patai, Raphael. The Jews of Hungary: History, Culture, Psychology. Detroit: Wayne State University Press, 1996
- Rosner, Fred. Medical Encyclopedia of Moses Maimonides. New Jersey: Jason Aronson, Inc., 1998
- _____. The Medical Legacy of Moses Maimonides. New Jersey: KTAV Publishing House, Inc., 1998
- _____. Medicine in the Mishneh Torah of Maimonides. New Jersey: Jason Aronson, Inc., 1997
- Stroumsa, Sarah. Maimonides in his World. Princeton: Princeton University Press, 2009