

“You
Shall Strengthen
Them:”

Leviticus 25:35

A Rabbinic Letter on the Poor

Rabbi Elliot N. Dorff

With material on current government policies (Section E)
by Rabbi Lee Paskind and with editorial assistance by
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INTRODUCTION

There is a story in the Talmud (Kiddushin 40b) in which Rabbi Tarfon and the Rabbis were gathered in a loft in a house of a man named Nitza in Lydda. The following question was asked. "Which is greater: the study of Torah (Talmud) or the performance of good deeds (מעשה)? Rabbi Tarfon answered that the performance of good deeds was a more important value. Rabbi Akiva answered that the study of Torah was more valuable. Then all the rabbis gathered answered that the study of Torah was greater for it leads to action."

The Social Action Committee of The Rabbinical Assembly and the Joint Social Action Commission of the RA and United Synagogue of Conservative Judaism are proud to present, "You Shall Strengthen Them: A Rabbinic Letter on the Poor." We ask our colleagues, congregants and students to study and teach the material included. There is a wealth of sources cited which will make excellent source material for both adult and youth study groups. We hope that this material will lead to a heightened awareness and concern for the poor in our midst. Most importantly, we hope that the study of this material will lead to action on behalf of the poor in your communities.

We urge you to share "You Shall Strengthen Them" with the broader community. We ask you to distribute this Rabbinic Letter to every Federation and Jewish Family Service director. Also please give a copy of the Rabbinic Letter on the Poor to public officials on the local, state and national levels.

I want to express my deepest appreciation to Rabbi Elliot Dorff who revised one of his earlier published essays which became the main part of this Rabbinic Letter. Rabbi Dorff's compassion and concern for the most vulnerable members of our society has been a source of inspiration to all who know him. I also want to thank Rabbis Lee Paskind and Debra Orenstein for editing Rabbi Dorff's manuscript and for adding a special section on the current debate in the United States on welfare reform. Special thanks are due to Rabbis Joel Meyers and Jan Kaufman for all their support, advice, and suggestions. This project was conceived and brought to completion during the administrations of Rabbis Alan Silverstein, David

Lieber and Seymour Essrog. Their support and wisdom were invaluable. The Rabbinical Assembly is delighted that the United Synagogue of Conservative Judaism has joined us in the publication of this document.

May God give us the courage and the will to apply the wisdom of our tradition so that the poor not be forgotten.

Charles M. Feinberg
Chair, RA Social Action Committee, 1992-1998

Civilized societies have confronted poverty for millennia. Jews, comprising one of the oldest societies in the world, have developed an ideology and a code of law and ethics affirming that it is an obligation of both the individual and the community to care for the poor and ultimately to bring them out of poverty. Traditional sources on the subject of poverty are not merely hortatory. Many of the rules were enforced as law. Until the very recent past, in most places and times, the decrees of Jewish courts were enforced upon Jews by the Jewish community itself and, under certain circumstances, by the non-Jewish host government. The way we Jews have interpreted and met our obligations to the poor has changed over the years with our shifting economic and political fortunes and the varying political, social, and economic conditions of the countries in which we lived. Nevertheless, responsibility to the poor has endured as an essential ingredient both in Jewish values and in Jewish practice.

Jews generally know that our heritage manifests great concern for the poor. Some even identify as Jews primarily through efforts to take care of the downtrodden. Equating Judaism with social action alone is a mistake, for Judaism is much richer than that; but Judaism does concentrate a large portion of its attention on the care of those in need. Few Jews know, however, what Judaism specifically requires of its adherents in this area, and why. Likewise, too few Jews draw on traditional religious ideals and instructions in making practical political decisions about minimum wage, unemployment, or welfare reform.

Both vision and action are necessary. Without an over-arching framework to justify and motivate our efforts to help the poor, we devote less time and energy to the task, carry it out less well, and ultimately lose interest in it. On the other hand, pious theories about the need to provide such aid are useless without appropriate policies and action to effectuate them. By including, then, both the theoretical framework for a Jewish approach to poverty and some specific guidelines for action to combat it, this pamphlet provides a structure for Jewish thought, feeling, programming, and action.

A. Jewish Value-Concepts Relevant to Concern for the Poor

One can easily think of humanitarian reasons to help the needy, but general rationales and good wishes tend to lack color and staying power. Religions do not guarantee moral action, but they can provide an ideologi-

cal and social context for thinking seriously about moral issues and strong motivations to carry out our moral resolves. Therefore it is helpful to plumb Jewish priorities and attachments that foster advocacy for the poor.

Two methodological points before we begin: First, whenever we examine sources from our past on this or any other matter, we must be careful to understand them *in their historical context*. The Conservative movement, in particular, is committed to that kind of sensitive, contextualized reading of traditional sources. Sometimes such a reading will surprise us—especially when Jewish sources say things radically different from what other peoples were doing in the same time and vicinity. At other times, Jews may be thinking and doing things that are remarkably similar to those living around them. In either case, the historical evidence may at times convince us that current conditions require a different valuation of things altogether, or a new application of the underlying principles and values that we hold still today. At other times both the rationales and the specific expressions of those rationales expressed in the sources can and should apply straightforwardly. The important thing here is to note that we must first begin with an accurate understanding of the source in its historical time period before we can legitimately and sensibly decide how to apply it to our own times.

The second methodological point—also at the heart of Conservative Judaism—is that Judaism is a civilization. Therefore Jewish law cannot be correctly read as if it were isolated from all the other expressions of the Jewish tradition. On the contrary, we must see Jewish legal sources as part of the entire matrix of what it means to be Jewish. Jewish theology, moral convictions, social and economic concerns, and even, on some issues, Jewish artistic expressions may influence how we understand and apply Jewish law—and conversely. When we focus, as we do in this pamphlet, on Jewish law regarding the poor, then, we must be aware not only of the historical context of these sources, but also of their ideological and practical context within the Jewish tradition.

Precisely because of this latter point, it will be important to begin our study with a description of the Jewish theological tenets that undergird Jewish discussions and laws concerning poverty:

1. פיקוח נפש (Saving or Guarding Human Life). The major Jewish concern in relation to poverty is to provide the underprivileged with enough food to sustain themselves. This is reiterated throughout the Bible, especially in Deuteronomy and in the Prophetic writings. פיקוח נפש is of paramount importance, and concern over human health and safety takes precedence in Jewish law even over the Sabbath and Yom Kippur.

Jews take it for granted that life is a supreme value, but other cultures definitely do not. Stalin's Russia, Mao's China, Hitler's Germany, and the "killing fields" of Cambodia are stark, twentieth-century examples of whole societies that valued life very little, even when their own citizens' lives were at stake. The Jewish tradition not only values Jewish lives, but non-Jewish ones as well. Indeed, on Passover night we diminish the cup of joy for our Exodus because some of God's children (the Egyptians) had to be killed in order for the Exodus to happen, and Jewish sources on just wars (including contemporary discussions in Israel on "pure wars") are concerned about unnecessary deaths on either side.¹ American ideology values life too—as an "inalienable right," according to the Declaration of Independence—and other Western societies have also inherited that Enlightenment value. Even so, very few cultures or religions value life as much as the Jewish tradition does—even to the point of worrying about the lives of enemies. This, then, is not only a deeply-rooted value of the Jewish tradition, but a distinctive one, in degree, if not in kind.

2. Community. One conceptual underpinning of the Jewish value of caring for the poor is that it exemplifies and expresses our existence and character as a community. Over the ages, care for the poor became nothing less than a defining characteristic of Jews, a manifestation of what it means to be a Jewish community. Maimonides (1135-1204) went so far as to say, "We have never seen nor heard of an Israelite community that does not have a charity fund."²

Members of the community were legally required to contribute the equivalent of a tax in our society. The amounts varied with the wealth of the individual, but there was no escaping this obligation. "The court may even seize his property in his presence and take from him what it is proper for that person to give. It may pawn possessions for purposes of charity, even on the eve of the Sabbath."³ The degree to which a person was obligated to

contribute to the poor became the mark of membership in a community:

One who settles in a community for thirty days becomes obligated to contribute to the charity fund together with the other members of the community. One who settles there for three months becomes obligated to contribute to the soup kitchen. One who settles there for six months becomes obligated to contribute clothing with which the poor of the community can cover themselves. One who settles there for nine months becomes obligated to contribute to the burial fund for burying the community's poor and providing for all their needs of burial.⁴

According to Jewish law, at least two people must approach a donor to collect funds for the poor, and a minimum of three must jointly distribute the funds, so as to convey that the entire community is collecting and distributing money in fulfillment of its corporate obligation.⁵ In our own day, when Jews differ sharply in beliefs, practices, and customs, and when we live and work among non-Jews to a much greater extent than in the past, the shared work of collecting and distributing charity is a significant mechanism through which individual Jews *become* a Jewish community.⁶

Of course, individuals also are held responsible for helping the needy. In general, however, an individual is not required to shoulder the burden of financing the total needs of a petitioner; that is a collective responsibility. Only if the community will not or cannot cooperate in giving assistance is the individual liable to satisfy all of a petitioner's needs—assuming, of course, that the donor can afford the requisite aid. The rule became to help family members first, then close friends, then the poor of one's own community, and then the poor of other communities.⁷ Since there are more people in need than anyone has resources to help, ongoing programs traditionally concentrate on the local poor. One is best equipped to know both the problems and the resources in one's own area, and the ties that one feels to others who are near and dear are a powerful motivation to help. Even so, the record of medieval Jewish communities that put themselves out for refugees fleeing persecution and expulsion is truly impressive. A leading scholar estimates that in 1160 in the Cairo (Fustat) Jewish community, there was one relief recipient to every four contributors.⁸

The Jewish value-concept of community is very different from the way that Americans understand the concept. In the Enlightenment thought on which American society is based, it is a "self-evident" truth, to quote the Declaration of Independence once again, that we are endowed "by our Creator with certain unalienable rights." Among those is not only life, but liberty and the pursuit of happiness. That liberty extends even to leaving the society altogether; that is, America is a voluntary community. Jews, in contrast, are part of an organic community; being Jewish is part of your being from which you cannot extricate yourself. Thus while converting to another faith entails the loss of Jewish privileges (being married or buried as a Jew, being counted as part of a minyan, etc.), it does not free a Jew of Jewish duties. America's sense of community is thus "thin" by comparison to Judaism's "thick" sense of it—and that comes through in the differing degrees to which Americans and Jews hold themselves responsible for the welfare of the destitute. Jews do not have the luxury of saying that the poor should just take care of themselves or go elsewhere and seek the aid of some other community; we ourselves are responsible for each other, whether we like it or not.

3. Compassion. Compassion is probably the primary motive for the many private groups that engage in poverty relief efforts. It is clearly an important Jewish motivation too, but Judaism goes beyond the basic humanitarian feelings that all of us have as human beings. We are enjoined not so much to have sympathy for the poor but, more importantly, empathy, as the following biblical passage makes clear:

You shall not subvert the rights of the stranger or the fatherless; you shall not take a widow's garment in pawn. Remember that you were a slave in Egypt and that the Lord your God redeemed you from there; therefore do I enjoin you to observe this commandment.... When you gather the grapes of your vineyard, do not pick it over again; that shall go to the stranger, the fatherless, and the widow. Always remember that you were a slave in the land of Egypt; therefore do I enjoin you to observe this commandment (Deuteronomy 24:17-18, 21-22).

In the ancient world, even among Jews, one way people became slaves was by falling into debt; slavery was then the method of last resort to regain

financial solvency.⁹ Consequently, the imagery in Deuteronomy is very powerful: Jews are to care for the poor because they themselves have known the slavery to which poverty subjects a person. Historical experience imposes a special responsibility upon Jews since we, if anyone, should be sensitive to the indignity and, indeed, slavery that poverty produces.

4. God's Commandment. For many modern Jews, the previous three motives for caring for the poor are immediately relevant; the value of human life, a sense of community, and the cultivation of empathy come more or less naturally.

In the minds of most Jews until the twentieth century, though, the ultimate reason for assisting the poor was that God commanded us to do so. For many, that was enough; if God, who was all-knowing and all-wise, commanded such action, then it must be the proper thing to do. For others, the belief that God would enforce divine commandments by reward and punishment was the crucial factor. For most Jews, both aspects of this divine imperative were operative.

These motivations are not simply a description of what was, but also, potentially, an exploration of what is becoming increasingly relevant to contemporary Jews, i.e., the theological dimension of life. Without advocating a specific view of God or mandating the belief in a personal God, we can begin to investigate how our theological beliefs affect everything we think, feel, and do, including, quintessentially, the way we treat the poor.

After the year 70, according to Professor S. D. Goitein, when "there was no longer the Temple where one could express one's gratitude toward God or seek his forgiveness by sacrifices, gifts to the poor served as substitutes. This idea, so impressively expounded in Talmudic and medieval literature, was taken literally and seriously."¹⁰

Jewish medieval philanthropy was not just an activity of the rich. Every Jew (even the poor themselves) contributed to the welfare of the destitute. All assets of the community were called קדוש, "holy," or "reserved for Temple use" to convey the idea that anything contributed to the common good was in effect given to God. This language "strongly emphasized the religious

character of charity and certainly was not without influence on the minds of the givers."¹¹

5. Acknowledgement of God's Dominion over Earth and Humanity. One consistent theme in the Bible is the fact that God is not only the Creator of the earth, but the "owner" of it.¹² Since God is the Owner of all assets, He has the right to distribute them as He wills. Human beings may, at God's behest, own property, but God requires us, as the Torah's commandments indicate, to give charity from "our" resources, gained from our temporary lease on God's property. Those who refuse to provide for the poor thus effectively deny God's sovereignty, for such people dispute God's ultimate legal claim to all the earth and the right of God to demand that some of His property be redistributed to the poor. Consequently the Rabbis deemed refusal to assist the poor nothing less than idolatry.¹³

This is especially true of the Land of Israel, where another factor is significant. God promised economic prosperity to all Israelites who live in the land.¹⁴ The poor and the priests, however, are deprived of that prosperity, the former through their economic circumstances and the latter by the law which denies them title to part of the Land of Israel. These two groups are therefore directly dependent upon God, who reserves part of the harvest that He grants the People Israel for their sake.¹⁵ Thus the landholder, in obeying God's command to designate some of his crops and animals for the priests and the poor, is helping God fulfill His promise to the entirety of the People Israel while simultaneously recognizing God's ownership of the Land of Israel.¹⁶

Assisting the poor in biblical times took the form not only of direct aid, but also of relief from servitude, and that too was rooted in respect for God's ownership of the world. While an Israelite could be sold into slavery in order to pay a debt, the master was required to set the slave free within six years, even if the debt was not totally redeemed by that time. If the slave chose to remain in servitude, he could do so, but only until the Jubilee year, when even the reluctant had to go free. Moreover, the master could not abuse the slave. The Bible specifies clearly that the rationale behind these commandments is that all Jews "are My servants, whom I freed from the land of Egypt; they may not give themselves over into [perpetual] slavery."¹⁷

Thus care for the poor, in this case the enslaved poor, is required because ultimately God owns us all, together with the world in which we live.

6. The Dignity of Being God's Creature. According to the Jewish tradition, the dignity of all human beings—that which raises us above the status of other animals—derives from the fact that we are created in God's own image: "And God created the human being in God's image, in the image of God He created him; male and female God created them" (Genesis 1:27).

The primary way in which humanity is like God is in our abilities to understand and follow an argument for justice, to know right from wrong, and to choose the right. That is both the privilege and responsibility of being created in God's image. As Jews, God has given us the Torah to help us make the right decisions, and hence study of the tradition is an aid to good practice.¹⁸

Even without a thorough Jewish education, we may not hide from the implications of being created in the divine image.¹⁹ Thus, a variety of biblical and rabbinic sources demand that we preserve not only the lives of the poor, but their dignity, as well.²⁰

If someone injures another person, the attacker must compensate the victim for the injury itself (lost capital value), the pain involved, medical expenses, time lost from work, and degradation.²¹ When discussing payment for degradation, the Talmud's basis for comparison is the embarrassment involved in poverty. That is, the clear case of degradation, to which other cases can be instructively compared, is the embarrassment involved in being in need.²²

Since poverty is an affront to the dignity inherent in us as creatures of God, all those who can are obliged to help. By the same token, the poor themselves must take care to protect their own dignity. One way of doing this is to give charity—no matter what one's economic state. "Even a poor person who lives entirely on charity must also give charity to another poor person."²³ Also, the poor who needed aid were encouraged to apply to the community fund and were discouraged from door-to-door begging because it would diminish their own dignity.²⁴

7. Membership in God's Covenanted People. Why should we obey God's laws—including God's laws on aiding the poor? One prominent biblical reason is that we have established a special relationship with God through our Covenant. The mutual promises between God and our ancestors morally and legally bind us to the obligations of the Covenant beyond the sheer coercion with which God could enforce His divine will. Similarly, God is bound by the promises made to our ancestors at Sinai and earlier.

But the Covenantal contract with God goes beyond that; it becomes a personal relationship between God and the Jewish people. That personal relationship, like the close, covenantal relationship of marriage, produces obligations even stronger than those of a promise or a contract; its duties carry the authority of love.²⁵ Thus, honoring the dignity of the poor fulfills not just the law but the spirit of the Covenant.

Because caring for the poor is considered a covenantal obligation, Jewish poor people who could not sustain themselves through the provisions of the Jewish community alone were discouraged from taking charity from non-Jews in public. It would entail shame for the Jewish community and חלול השם, "profanation of the Divine Name."²⁶

8. Aspirations for Holiness. Finally, and perhaps quintessentially, Judaism bids us to care for the poor in order to be holy. The Hebrew term "קדוש" denotes something set apart from the usual and mundane, something special or even God-like. Most of the biblical laws regarding poverty occur in the sections of Leviticus which scholars call "The Holiness Code." Chapter 19 of Leviticus, where some of the poverty provisions appear, begins: "The Lord spoke to Moses, saying: Speak to the whole Israelite community and say to them: You shall be holy (קדוש), for I, the Lord your God, am holy" (Leviticus 19:1-2). What does it mean to be like God? In part, we are assured in the Bible, it requires caring for the poor, for God does just that. God will not forget the poor, He pities and comforts them, and He cares for them;²⁷ conversely, in biblical legal and prophetic literature, God seeks social justice for the poor and warns against oppressing them.²⁸ These passages put the poverty laws in a striking, theological context: you shall care for the poor because that is part of what it means to be holy, to be like God.

The ancient Rabbis spelled it out even more clearly:

Rabbi Hama, son of Rabbi Hanina, said: What is the meaning of the verse, "You shall walk behind the Lord your God" (Deuteronomy 13:5)?...[It means that] a person should imitate the righteous ways of the Holy One, blessed be God. Just as the Lord clothed the naked,...so too you must supply clothes for the naked [poor]. Just as the Holy One, blessed be God, visited the sick,...so too you should visit the sick. Just as the Holy One, blessed be God, buried the dead,...so too you must bury the dead. Just as the Holy One, blessed be God, comforted mourners,...so too you should comfort mourners.²⁹

The very word for charity in Hebrew, צדקה, is a derivative of the word צדק, meaning justice. Another derivative of that word is צדיק, a righteous person. We care for the poor because it is the just and righteous thing to do. We seek to be just and righteous ultimately because that is the holy and God-like choice. Acting for the welfare of the poor is thus perceived as a way of imitating and finding God.

B. Jewish Poverty Programs

1. Biblical Provisions for the Poor. The Bible treats the support of the poor primarily in two sections: parts of the Holiness code, especially Leviticus 19 and 23; and sections of the laws of Deuteronomy, especially in chapters 14-15 and 23-26.

Ongoing biblical aid took several forms: leaving for the poor the corners of the fields (פאה), sheaves or fruit forgotten while harvesting (שכיחה), the stalks that by chance fall aside from the edge of the farmer's sickle (לקט), grapes separated from their clusters (פרת), and defective clusters of grapes or olives (עוללות). During the Sabbatical year (שביעית), when fields were to lie fallow, the poor had first rights to the sabbatical fruits. In addition, during the third and sixth years of the Sabbatical cycle, a tithe of all of one's crops was to be designated for the poor (מעשר עני, "the tithe of the poor"), and the Sabbatical fruits were open to the consumption of anyone. Moreover, people had an open privilege to eat their fill from a neighboring vineyard or field. The first tithe (מעשר ראשון), given yearly to the Levites, was also a form of aid to the poor, since the Levites had no other income.³⁰ Fi-

nally, the Bible provides that every fifty years, during the Jubilee year, all land reverts to its original owners; this was intended to prevent permanent impoverishment.³¹

In addition to these agricultural gifts, several other provisions of biblical law helped to prevent poverty. Specifically, workers were to be paid promptly,³² and those who had money were to extend loans to their fellow Israelites in need without usury.³³ On the Sabbatical year, debts were to be canceled altogether; despite that, Israelites were not to "harbor the base thought" of refusing to loan money to needy Israelites when the Sabbatical year is near.³⁴ If clothing was taken as a pledge for a loan, it was to be returned for use by the poor person at night. When collecting such a pledge, the creditor had to stand outside the poor person's home, thus reinforcing the abiding dignity of the poor person despite his or her poverty.³⁵ It was the duty of the judge to protect the rights of the downtrodden, although not at the price of fairness.³⁶

It is not at all surprising that biblical provisions for the poor focus primarily on agricultural gifts, for most Jews of that time earned their living through farming. Moreover, a monetary economy was not well established until later times. Thus provisions for the poor would thus naturally appear as gifts in produce.

What is surprising is that there is any provision for the poor at all. No other ancient law code makes ongoing provisions for the poor based on each year's crops, as the Torah does.³⁷ In most law codes to modern times, in fact, the assumption was that poor people were not just unfortunate; their poverty was caused by some moral fault of theirs, and they therefore did not deserve to be helped. On the contrary, they were to be punished. In England and the United States, for example, debtors' prisons were common until the nineteenth century, and even when they were theoretically abandoned at that time, imprisonment on other charges, such as concealment of assets, continued some of the substance of the idea that debtors should be imprisoned for their wrongdoing.³⁸ These biblical laws, then, which proclaim that the poor are not to be blamed but to be helped, are truly unprecedented and innovative, and they can only be explained on the basis of the Israelites' theological convictions described in the previous section.

2. Rabbinic Poverty Law. By the time of the Talmud, Jews had become involved in commerce and trades, and so rabbinic law provides for the urban, as well as the rural, poor. This included a number of curative and preventative measures.

a. Curative measures: the forms of assistance. There were three rabbinic forms of relief: the soup-kitchen (תמחוי), medical attention (ריפוי), and the charity fund (קיפיה).

The Mishnah establishes a soup-kitchen for the daily dietary needs of the poor. It also prescribes that a travelling poor person be given no less than a loaf of bread; if s/he stays overnight, the townspeople must supply enough food for a night's lodging, and if the stay includes a Sabbath, the locals must give the traveler three meals.³⁹ In the Middle Ages, synagogues were the site of daily food distribution to the local and traveling poor. This system was gradually superseded by three other forms of aid which included dietary assistance: reception of poor travelers in the homes of the rich; provision for vagrants in communal hostels or inns; and aid offered by benevolent societies for strangers and the resident poor.⁴⁰

Although there was no formal institution to give medical care to the poor, physicians gave of their services freely. The Talmud approvingly notes the example of Abba, the bleeder, who placed a box outside his office where his fees were to be deposited. Whoever had money put it in, but those who had none could come in without feeling embarrassed. When he saw a person who was in no position to pay, he would offer him some money, saying to him, "Go, strengthen yourself (with food after the bleeding operation)."⁴¹

There are similar examples among medieval Jewish physicians, and the ethic must have been quite powerful because it is not until the nineteenth century that a rabbi rules that the communal court should force physicians to give free services to the poor if they do not do so voluntarily.⁴² Moreover, the obligation to heal the poor devolves upon the community as well as the physician. The sick, in fact, enjoy priority over other indigent persons in their claim to private or public assistance, and they may not refuse medical aid out of pride or a sense of communal responsibility.⁴³

The most substantial form of assistance to the poor was the charity fund. Eligibility for its beneficence was generally limited to the resident poor, rather than to passers-through.⁴⁴ It was clearly defined in other regards as well:

Whoever possesses two hundred zuz [i.e., enough money to support himself for a full year, from one harvest season to the next] may not collect gleanings, forgotten sheaves, [crops from] the corners of the fields, or poor man's tithe. If he possesses two hundred zuz less one dinar [i.e., 199 zuz], even if one thousand [householders each] give him [one dinar] all at the same time, this person may collect [produce designated for the poor]. If he possesses two hundred zuz [that he cannot freely use because the money serves as] collateral for a creditor or for his wife's marriage contract, this person may collect [produce designated for the poor.] They may compel him to sell neither his house nor the tools [of his trade so that he might acquire through his sale 200 zuz in cash].⁴⁵

Along with food, the community authorities arranged for shelter. Jewish communities commonly fulfilled this obligation through a compulsory hospitality rotation, wherein the townspeople were required to take turns providing lodging for guests.⁴⁶ The charity fund also provided clothing, although food for the starving took precedence over clothing for the naked.⁴⁷

b. Curative measures: the hierarchy of recipients. As a general rule, women were to be aided before men—assuming that there was not enough for both—because "it is not unusual for a man to go begging, but it is unusual for a woman to do so."⁴⁸ This assumed gender differentiation probably was based on, or combined with, fear for the physical safety of a begging woman.

Family members (especially women) were to be aided first, then close friends, then the poor of one's own community, and then the poor of other communities.⁴⁹ Redeeming captives (פדיון שבוים), though, takes precedence over helping any other Jew in need, for those in captivity, even more than the homeless and destitute, are in danger of sexual violation and, ultimately, of losing their lives:

There are those who say that the commandment to [build and support] a synagogue takes precedence over the commandment to give charity [צדקה, to the poor], but the commandment to give money to the youth to learn Torah or to the sick among the poor takes precedence over the commandment to build and support a synagogue.⁵⁰

One must feed the hungry before one clothes the naked [since starvation is taken to be a more direct threat to the person's life than exposure]. If a man and a woman came to ask for food, we put the woman before the man [because the man can beg with less danger to himself]; similarly, if a man and woman came to ask for clothing, and similarly, if a male orphan and a female orphan came to ask for funds to be married, we put the woman before the man.⁵¹

Redeeming captives takes precedence over sustaining the poor and clothing them [since the captive's life is always in direct and immediate danger], and there is no commandment more important than redeeming captives. Therefore, the community may change the usage of any money it collected for communal needs for the sake of redeeming captives. Even if they collected it for the sake of building a synagogue, and even if they bought the wood and stones and designated them for building the synagogue, such that it is forbidden to sell them for another commanded purpose, it is nevertheless permitted to sell them for the sake of redeeming captives. But if they built it already, they should not sell it...⁵²

Every moment that one delays redeeming captives where it is possible to do so quickly, one is like a person who sheds blood.⁵³

Because Jews were a prime target for kidnappers, Jewish communities had to establish limits as to how much they would spend so as not to encourage future kidnapping of Jews. They routinely erred though, on the side of redeeming their captives at too high a price despite the implications of doing so for the future, for they simply could not let their captives suffer or die.

Jewish law required Jews to support the non-Jewish poor as well "for the sake of peace."⁵⁴ One must remember that until the twentieth century

most Jews lived in societies that were corporately organized, in which each ethnic or religious group within a nation had responsibility for dealing with its own affairs. Moreover, under Muslims and Christians, Jews were generally second-class citizens who had as little contact with non-Jews as possible. The rabbi's memorable blessing for the czar in *Fiddler on the Roof*, "May the Lord bless and keep the czar—far away from us," graphically articulates the usual relationship between Jews and non-Jews until the Enlightenment. That Jewish law should require Jews to give charity to non-Jews at all—even if it is only for the political motive of maintaining peace—is therefore rather remarkable.

c. *Curative measures: the extent and hierarchy of assistance.* On the basis of Deuteronomy 15:8, "You shall open your hand [to the poor person] and provide him sufficient for his need, whatever it may be," the Rabbis ruled that the fund must take cognizance of the standard of living people enjoyed before they fell into poverty and then afford them whatever they need to regain their dignity—even if that meant providing a horse and herald.⁵⁵ (Of course, the community stopped well short of restoring them to their former wealth.)⁵⁶ The officers who distributed funds had to differentiate between the *legitimate* call to sustain a poor person's honor and an *illegitimate* demand on the part of the poor to live lavishly at the community's expense. Jewish communities were generally not wealthy. Consequently, few, if any, were provided with "a horse to ride upon and a slave to run before him," or the equivalent. Indeed, in light of their limited resources, Jewish communities had to balance the individual needs of each poor person with due regard for their obligation to aid *all* the needy.⁵⁷ No wonder the Talmud says that the distribution of charitable funds is more onerous than the collection!⁵⁸

The hierarchy of needs embedded in the sources, then, is this:

- (i) Redemption from captivity—especially for women—for captives were at risk of loss of life and physical violation.
- (ii) Medical care for people who need it, for even those who maintain that building and supporting a synagogue take precedence over normal charity nevertheless give precedence to providing for the sick among the poor over

establishing and maintaining a synagogue. Life and health take precedence over all other communal priorities, in accordance with the value of פיקוח נפש.

(iii) Food for those without it.

(iv) Clothing and housing. Starvation was seen as more of a risk to a person's life than clothing or housing, at least in the Middle Eastern countries where the Tanaitic and Amoraic sources were written. In America's northern states during the winter, clothing and housing may be considered more urgent than they were there, sometimes even more than food.

(v) Dowries and other necessities for indigent brides, and then, grooms.

(vi) That necessary to sustain a person's dignity.

Despite the economic limitations of the Jewish communities of the past, over time Jews have done remarkably well in affording medical attention, food, clothing, shelter, and marital mates for their indigent members. In the worst times the quantities of bread and wheat "did not provide more than mere subsistence at starvation level,"⁵⁹ but Jewish communities consistently tried to afford their poor better than that. They always managed to take care of them somehow—to the extent that Lancelot Addison, describing the Jews of Barbary in the seventeenth century, felt the need to dispel the belief prevalent at the time that "the Jews have no beggars." He attributes this error to the "regular and commendable" methods by which the Jews supplied the needs of their poor and "much concealed their poverty."⁶⁰ Claude Montefiore was reflecting on Jewish historical experience when he correctly said, "The Talmudic ascription of charity to Israel, as a mark and token of his race, is not exaggerated or undeserved."⁶¹ These comments are especially noteworthy in light of the fact that until the middle of the twentieth century, Jews were overwhelmingly poor themselves, and so in most cases it was the poor helping the destitute. That our ancestors did this should be a source of pride for us—and a source of a keen sense of duty as well.

d. Preventative Measures. Jewish family law was one mechanism to prevent poverty. Fathers were obligated to teach their sons not only the Torah, but a trade as well. A father could delegate this responsibility to a teacher who would be paid for taking the young man on as an apprentice, but the father remained responsible to make sure that the son acquired a remunerative skill.⁶² As Rabbi Judah taught, failure to do that is effectively teaching your son to steal.⁶³ Indigent young women were supplied a dowry by

the community; that insured that there would be few unmarried women and therefore, hopefully, few women who would need to go begging.⁶⁴

Rabbinic law governing the marketplace also served to prevent poverty. With regard to foodstuffs and perhaps other commodities essential to human life (e.g., clothing, rent), the Rabbis imposed a profit limit of one sixth. Concessions to the market may have undermined the effectiveness of this law at times: the base price included not only the price at which the vendor bought the item but also his costs in selling it and reasonable payment for his time and effort; the vendor was always permitted to sell at the current market price, even if it was considerably more than a sixth over the base. Nevertheless, the intent of the regulation was clearly to insure that the necessities of life would be available to everyone. The one-sixth profit margin provided an incentive for business people to produce and sell basic necessities, while keeping the price of those commodities within reach of at least most of the population.⁶⁵

Poverty was also prevented through loans. The Bible demanded that Jews lend money interest-free to a needy fellow Jew. In order to insure obedience to that demand, the Rabbis actually altered the court's procedural rules "so as not to lock a door in front of potential borrowers."⁶⁶

The community made an effort to provide job opportunities for all. In most cases, the extended family, as the basic social unit within the community, took primary responsibility for affording employment to those of its members who were out of work or unskilled, but if that failed, the community as a whole became responsible. That obligation was often not easy to fulfill. One historian estimates that between the fifteenth and eighteenth centuries approximately 20% of the Jewish community were unemployed or paupers.⁶⁷ In trying first to secure employment for these people, the Jewish community was helping the poor to help themselves, the highest form of charity on Maimonides' famous list:

The highest merit in giving charity is attained by the person who comes to the aid of another in bad circumstances before he reaches the stage of actual poverty. Such aid may be in the form of a substantial gift presented in an honorable manner, or a loan, or the forming of a partnership with him for the transaction of some business

enterprise, or assistance in obtaining some employment for him, so that he will not be forced to seek charity from his fellow men. Concerning this Scripture says, "You shall strengthen him" (Leviticus 25:35), that is, you shall assist him so that he does not fall.⁶⁸

In our own day, Richard Rubenstein has argued vigorously that this traditional demand to find employment for those able and willing to work will become harder and harder to meet. He claims that contemporary unemployment is a chronic condition fed by massive overpopulation, which itself is the product of the high value placed on human manipulation of the environment, which in turn is rooted in the biblical view of humankind ruling nature. He thinks that socio-political triage, in which whole nations and entire segments of nations (especially the poor and unemployed) are deprived of food, shelter, medical attention, and other necessities, will increasingly become the way rich nations solve the problem of too many people in the world and too few resources.⁶⁹ Whether or not he is correct in measuring the extent of poverty and unemployment or in tracing our attitudinal problems back to the Torah, he is certainly right in underscoring the contemporary urgency of the traditional Jewish demand to provide employment.⁷⁰

e. The Responsibilities of the Poor. If donors and distributors have obligations, so do the poor. The goal of Jewish charity to help the poor become self-supporting is based on the assumption that the poor would work diligently to earn themselves out of poverty. Indeed, in biblical times, as we have seen, the ultimate solution of overwhelming debt was indentured servitude, which certainly required continuous labor. While later Jewish communities did not use that legal institution, they did assume that the poor would do whatever they could to avoid taking communal funds.⁷¹ The poor did not have to sell their homes or tools, nor to sell their fields at a substantial loss, but they were required to work and to sell off any luxurious possessions in a good-faith effort to become independent of public assistance.⁷² As we have noted, Jewish law requires even the poor to give charity and presumes that people would strive heartily to avoid the embarrassment of being on the dole.

The law could make this assumption in part because respect for labor runs deep within the Jewish tradition. In sharp contrast to many in the an-

cient world—including the Greek philosophers—Jews were not to disdain labor or the working classes but were rather to "love work and hate lordship."⁷³ Jews certainly were not permitted to wage war or engage in robbery or piracy to earn a living, as many other peoples did. It was also forbidden to simply rely upon God to provide:

A person should not say, "I will eat and drink and see prosperity without troubling myself since Heaven will have compassion upon me." To teach this, Scripture says, "You have blessed the work of his hands" (Job 1:10), demonstrating that a man should toil with both his hands and then the Holy One, blessed be God, will grant divine blessing.⁷⁴

The ideal for a human being was "Torah with gainful employment"—i.e., knowledge and continuing study of the tradition combined with constructive work.⁷⁵

It was not only for one's own livelihood that one worked; labor had an ongoing effect on generations to come. A popular story recounts that the Emperor Hadrian was walking near Tiberias when he saw an old man breaking up the soil to plant trees. Hadrian said to him, "Old man, if you had worked earlier there would be no need for you to work so late in life." He replied, "I have toiled both early and late, and what was pleasing to the Master of Heaven God has done with me." Hadrian asked him how old he was, and the answer was one hundred. He therefore exclaimed, "You are a hundred years old, and you stand there breaking up the soil to plant trees! Do you expect to eat of their fruit?" He replied, "If I am worthy, I shall eat; but if not [and I die], as my fathers labored for me, so I labor for my children."⁷⁶

In addition to the implications of labor for the common good of society over the generations, the Rabbis were sensitive to its psychological effects: "Great is work, for it honors the workers."⁷⁷ Work was thus not a human punishment inherited from Adam in the Garden of Eden; it was instead our path to respect and self-worth. The Rabbis' esteem for the value of work was so great that at one point they interpret God's sweeping commandment, "Therefore choose life" (Deuteronomy 30:19), to mean "acquire a

handicraft"⁷⁸—a terse, but forceful expression of the connection of life itself to work.

This work ethic in the Jewish tradition is a strong factor in explaining why Jewish sources do not express the worry, as American sources do, that providing too much in welfare will serve as a disincentive for the poor to become self-sustaining. Another factor, of course, was that those on welfare in Jewish communities were not richly provided for, and so there was little to recommend staying on the dole. But in addition to that negative motivation to become self-sustaining, the positive value of work and the dignity that accompanied it pushed people to get off welfare.

People taken into captivity against their will were not, of course, expected to fulfill the responsibility to earn a living in order to warrant the community's funds. Even so, the following paragraph from an important medieval code, the *Shulhan Arukh*, indicates that the gravity of the duty to redeem captives applied only when the captivity was involuntary; for those Jews who sold themselves into slavery, the obligations of the Jewish community were limited:

He who sold himself to a non-Jew or borrowed money from them [non-Jews], and they took him captive for his debt, if it happens once or twice, we redeem him, but the third time we do not redeem him. . . . But if they sought to kill him, we redeem him even if it is after many times.⁷⁹

f. Respect for the poor. Whether one is called upon to help a person to avoid poverty through a job or loan, or whether one is asked for outright aid, the Jewish tradition insists that the dignity of the person asking be preserved. We already saw that in the Torah's provision that creditors may not enter the homes of those from whom they are collecting pledges,⁸⁰ and the Rabbis take this further. One must remember that "God stands together with the poor person at the door, and one should therefore consider Whom one is confronting."⁸¹ Yose b. Yohanan of Jerusalem, one of the earliest rabbinic authorities, went further still, saying "Let the poor be members of your household."⁸²

Even if you cannot help a beggar, rabbinic law insists that you preserve the person's sense of dignity by speaking kindly with him or her. You may certainly not yell at the beggar or even pass him or her by as if the beggar is not worth notice, for "God, You will not despise a contrite and crushed heart" (Psalms 51:19) such as that of the poor person. Thus, as Maimonides asserts and repeats, "Woe onto him who embarrasses a poor person — woe onto him!"⁸³

C. Translating from Then to Now⁸⁴

In a variety of ways, our contemporary situation presents a new set of challenges and circumstances that did not exist when most of the Jewish laws and customs of charity distribution were being refined. Poverty itself is undergoing a significant but not necessarily positive change.⁸⁵ In the United States, it is spreading. Increasing numbers of previously stable families find themselves among the newly poor.⁸⁶ Not only are the numbers rising, but people from formerly "protected" geographic and economic backgrounds are in jeopardy. From 1975 to 1994, the largest increase in poverty for children under age six was not in urban or rural areas, but in suburbia. Today, "poor" is defined as a single person with an annual income of less than \$7,740 or a family of four earning less than \$15,600.⁸⁷ Since the 1960s many of these people received benefits—such as housing subsidies, food stamps, Aid to Families with Dependent Children, and direct cash payments—that enabled them to achieve a minimal standard of living, but Congress has now put many of these programs in jeopardy.

Among Canadians, poverty also remains a serious social problem. In 1992, 16.8% of Canadians (4.5 million people) lived below Statistics Canada's low income cut-offs, up from 14% in 1989. In 1993, three million Canadians were living on welfare, according to a report of Human Resources Development Canada (June 1994). In 1992, 1.25 million Canadian children lived in low-income families—nearly one in five. Of the 2.2 million Canadians who used a food bank in 1994, 40% were children.

Increasingly today, we speak also of the "working poor." As a result of rising costs and lower-paying jobs, an increasing number of families are at, or perilously near, the poverty-line *even though at least one member of the family is employed*. Frequently, the working poor are becoming further impoverished rather than getting ahead. Many observers foresee a rise in unem-

ployment, whether temporary or extended, among workers with formerly steady jobs, especially among the unskilled and semi-skilled.⁸⁸ There will be, then, in the near future, increasing competition among these different sub-groups of “the poor” for the decreasing governmental supports and lower-wage jobs that are available.

In addition, some Americans have developed a “culture of poverty,” in which it is “acceptable” to be poor—even for several generations within a family. Rabbinic communal mechanisms to provide for the poor (soup-kitchen, charity fund) presumed that poverty was largely a temporary, circumstantial occurrence in the life of an individual that could and would be alleviated through small-scale, local efforts. While Genizah documents indicate that some medieval Jews remained on the dole throughout their lives,⁸⁹ the strong push of the Jewish tradition was for Jews to try to become self-sufficient. Dependence on communal funds was never seen as a respectable form of living to be accepted with resignation, let alone with any kind of self-righteousness.

Who is responsible to provide for the poor? Today, we operate through massive and far-reaching social and governmental institutions. Thus, the respective obligations of the individual, the Jewish community, and the government to aid the poor in various ways need to be re-evaluated and adjusted. Do our taxes, or a portion of them, fulfill part of our religious obligations to provide for the poor? If so, do we now have a religious as well as a civic duty to get involved in government to insure that the funds are equitably, honestly, and wisely apportioned?

The answer to both questions is “yes.” Some of the poverty provisions in the Torah’s laws were, after all, nothing less than taxes on a person’s income. One can legitimately therefore argue that at least part of one’s duty to care for the poor is fulfilled through one’s taxes. At the same time, American social policy specifically presumes that the safety net for the poor will not be created by government alone, that private charity will also play a significant role. Government monies are allocated with that in mind, and tax provisions permitting deductions for charity make that intention explicit. Jews therefore can only fulfill a part of their obligations to the poor through their taxes; they must, in addition, contribute some of their income to the charities of their choice. And, indeed, it is a mark of pride for Jews to

be among the most generous segments of the general population, an ethic that all Jews should adopt and foster through their own giving.

Jews *qua* Jews certainly do not have the right to determine government policy; the First Amendment precludes that any religion be established to that extent. We do, however, have not only the right, but the duty—both the Jewish and the American duty—to get involved in the public discussion of public policy on poverty, and to that discussion we may and should bring our specifically Jewish perceptions and values. That was another part of Madison’s intention in creating the First Amendment: no religion would be established as the only body to determine government policy, but all of the religions would be free to exercise their religious convictions, not only in their homes and houses of worship, but in public discussion as well. Indeed, the wisdom of American policy depends upon the widest possible discussion of important issues such as these, and so the duty to bring our Jewish concepts and values to the American marketplace of ideas is not only a Jewish obligation, but an American one.⁹⁰

Jewish law’s preference for the poor near-at-hand over those far away is much harder to define and justify in a world of instant communications. Within the North American Jewish community, some of the most pressing and costly needs concern Jews in places as distant as Israel and the former Soviet bloc. Both morally and strategically, Western powers must be concerned with Third World poverty. We may still have primary responsibility for the poor who are near and dear, but it is not as simple to apply that criterion as it once was.

The level of assistance that we expect to provide the poor has also changed substantially. Except for making the indigent downright rich, there was hardly any limit on what a community had to afford a poor person. That is an impossible standard to maintain in modern times, as it undoubtedly was in centuries past too.

What, though, do we provide the poor whom we can help? Here Jewish values set clear priorities: We must seek to save life and health, in part by providing medicine and in part by supplying food, clothing, and shelter. We must also seek to provide the skills and tools to enable people to become self-sufficient. The methods for accomplishing these ends will surely

differ in many respects from the past, but even the classical *תמזורי* (soup-kitchen) is alive and well as a project of many Jewish communities today.

Many of the details described in the law for collection and distribution are out of place in the modern world. Designating three people to decide how to distribute the community's charitable resources, as Jewish law does, seems blatantly autocratic to us; thirty is even too small a number for the boards of directors of many of our larger charitable organizations, to say nothing of governmental agencies. And delivery of the aid is much more efficiently and honorably done through the mail or through direct deposits in bank accounts rather than by delegations traveling door-to-door.

Jewish law gives the court legal power to force people to give an amount commensurate with their income and the community's needs, and it also assigns the court legal authority to seize the property of those who renege on a pledge. However tempting these measures may be to modern collectors of charity, Jewish communal officials no longer have such power. Government agents do have that power, of course, but collecting and distributing aid for the poor through governmental agencies is a mechanism unfamiliar to the Jewish tradition.

Despite these differences between earlier times and our own in the circumstances of poverty and the remedies for alleviating it, Jewish sources and the concepts and values embedded in them can have a significant impact on the way we think about poverty in our times and the ways we respond to it. The methods we use to prevent or alleviate poverty may be different, but the imperative to guarantee both the survival and the dignity of the impoverished, derived as it is from the fundamental concepts and values discussed in Section A, remains just as strong now as it was in the past.

D. Insights from the Tradition for Contemporary Thought and Action.

The Jewish tradition, though, cannot accurately be used to support specific political agendas. Because the poor are seen as the creatures of God no less than anyone else, the obligation to help them in Judaism is independent of the political orientation of the donor, the receiver, or the society in which they live. The Jewish tradition is not committed to any particular ideological stance—conservative, moderate, liberal, or anything else—in

responding to the problem of poverty. Nevertheless, some guidelines clearly emerge from Jewish concepts and law. In light of God's image embedded in each of us, we must determine the recipients of aid, the donors, the methods of collection and distribution, the programs of prevention, and all other related factors in this area by asking: What is the most practical and efficient way of caring for the poor while preserving the dignity and economic viability of all concerned?

Since the best type of aid by far is prevention of poverty in the first place, the clear mandate of the Jewish tradition is to support governmental and private programs of education in general and job training in particular. These programs pay multiple dividends, keeping whole groups of the population from a life of unemployment, degradation, and often crime, and enabling them to become productive and dignified members of society. This priority stems from the Jewish parental responsibility—and, by extension, the community's duty—to teach children a form of gainful employment, as well as Maimonides' hierarchy of charity.

If assistance is necessary, for both practical and moral reasons it is better to proffer employment, a loan, or investment capital to poor people than to give money as a dole. A loan or investment has the potential for making the poor person self-supporting, thus eliminating the drain on the community's resources. It also preserves the dignity of the poor person now and, if the venture succeeds, for the long term.

Even so, a poor person seeking aid from an individual cannot be denied enough for immediate sustenance. However we may react to being confronted by street beggars, Jewish law requires that we give something to those who ask—or, if we cannot, that we at least treat them kindly.⁹¹ Jewish law intended, though, that we provide food for the hungry; if the beggar is asking for money, and if he or she is clearly inebriated or under the influence of drugs, we need not give this person money to feed his/her habit. On the contrary, that would be "placing a stumbling block before the blind," a violation of Lev. 19:14. To avoid this problem, some people keep food coupons with them that can be redeemed at various food establishments.

Similarly, on a communal level, immediate sustenance should be available for the truly destitute with few, if any, questions asked. Programs like

Mazon and Sova do this now on an ongoing basis. Similarly, Los Angeles Jewish Aids Services, for example, sponsors a soup kitchen for Jewish AIDS patients and their families ("Project Chicken Soup"), and there are undoubtedly other local programs of this sort. Mickey Weiss, מ"ל, a Los Angeles produce distributor, began what became a nation-wide effort to get produce distributors to donate their left-over fruits and vegetables each day to local soup kitchens, and some caterers donate their left-over food to them as well. "Good Samaritan laws" in many states now protect such benefactors from law suits as long as the donors took reasonable care to protect the donated food from contamination. In addition, some synagogues and Jewish Family Service agencies collect money for the needy before Passover (מעות חייטים) and/or on Purim (מתנות לעביונים). All such efforts should be supported with contributions in food and money. Food may also be provided to the hungry through giving them food stamps or other supermarket vouchers rather than by running a soup-kitchen or a food pantry. In addition to these private efforts, governmental assistance helps millions of people. In the end, though, Jewish law holds us responsible for ensuring that our combined efforts supply food to the hungry in adequate quantities and with sufficient regularity to meet their nutritional needs, just as these needs were met in the soup-kitchen of yore.

Jewish communities made arrangements of varying sorts for housing the poor. Since the 1980s severe cutbacks in government support for mental health facilities and for housing programs for the poor have forced thousands of people to live on America's streets. From a Jewish perspective, that is intolerable; it is, indeed, a national disgrace. Housing must be provided for the homeless, preferably on an ongoing basis but at least on nights with cold or inclement weather. If poor people have housing of their own, they should be permitted to retain it even while getting public assistance. Welfare programs should also allow retention of tools for employment since the ultimate goal is to help people become self-sustaining.

One important way to prevent poverty is through education. In this world that increasingly requires skills of communication and technology, teenagers who drop out of school all too often find out that unskilled jobs are few and low-paying. Major efforts, then, must be devoted to keeping teenagers in school and to improving the education students obtain there.

One clear deterrent to remaining in school is teenage pregnancy, for pregnancy usually means that one or both of the parents will not finish high school. That simply perpetuates the cycle of poverty among the economically disadvantaged. Teenage sex education for boys as well as girls must be seen as a significant vehicle for extricating whole segments of the population from poverty. Recent statistics indicate that we have made some headway on this front, as the rate of teenage pregnancy has declined somewhat⁹² and as school programs and even billboard signs announce messages like "Fatherhood is forever." These are crucial steps toward preventing poverty in the future.

Collectors and distributors of public assistance have the responsibility to act honestly, discreetly, and wisely in their sacred tasks. This includes striking a delicate balance between assuring that those asking for aid are truly in need while simultaneously preserving their privacy and honor as much as possible. The same applies to individuals in distributing whatever funds they have for charity: nobody is able or obligated to sustain all needy people, and so one should seek to give one's charitable funds to those truly in need—whether that be for education, social service, or food, housing, and clothing.

When people who are not under the influence of drugs or alcohol approach you on the street, knock on your door, or enter a synagogue asking for money, it is often hard to determine whether they are needy or simply manipulating your sense of compassion and the welfare system. There is no easy guideline for dealing with these situations. If possible, it is often best to refer them (and maybe even offer to take them) to the agencies established to deal with these needs, including governmental and private facilities, the Jewish Free Loan, and Jewish Family Service; that both tests their need to get assistance and provides it in the most appropriate way possible. Most often, though, such a referral is not possible, and then it is probably better to give those asking something, knowing full well that you may be the object of deception, rather than pass by someone who is truly in need. On the other hand, nobody is obliged by Jewish law to supply people who ask for help under such circumstances with large sums of money. On the contrary, that is counterproductive, for ultimately we do not want to encourage people to beg on the streets; we want them instead to get help from the agencies that we have created to supply assistance with continuity

and with the professional expertise to assess and respond to people's actual needs.

The poor have duties of their own. These include responsibly managing whatever resources they have, and, if at all possible, working to secure training and employment that will extricate them from poverty. That the poor should become self-sufficient is an ideal not only for donors, but for recipients as well. Those who cannot work or find employment must try to contribute to the community in some other way(s). Communal officials have the right and duty to insure that people receiving aid are living up to these responsibilities, but they must do so tactfully and respectfully.

E. Specific Application of Jewish Principles to Current Welfare Legislation (prepared by Rabbi Lee Paskind)

The politics of the November 1996 Presidential and Congressional elections fueled a budget-slashing war in Washington and around the country. One of the farthest-reaching results of this trend was the "welfare reform" legislation signed into law by President Clinton in August, 1996. Because the driving force behind welfare reform was the budget, rather than the problems with the existing welfare system or long-term plans for how to improve it, there are very serious issues which must be faced from the perspective of Jewish teaching. True job programs tend to *cost* money rather than save it—at least in the short term. Thus, the budget-reducing motive must call us to scrutinize the proposed methods and their likely effect on the poor. Balancing the budget is, of course, an important economic goal for the nation. Since, though, entitlement programs constitute only a tiny percentage of the national deficit, it is unreasonable both fiscally and morally to focus as heavily as media and government tend to do on their costs. This is especially true because these programs prevent the most disastrous consequences of poverty for both individuals and society.

The main feature of the Welfare Reform Act is the termination of the historic Federal safety net for poor children through cuts in Aid to Families with Dependent Children and through a lifetime five-year cap on welfare benefits. The legislation also aspires to transfer large numbers of people from the welfare rolls to the job rosters. With its emphases on empathy for the poor and the value of labor, Judaism can subscribe to these goals, pro-

vided that those who are in need continue to receive help. Judaism's consistent emphasis on safety, empathy, and dignity for the poor, though, calls us to evaluate whether the proposed program addresses the real needs of poor people and whether it works to treat them with the honor due to God's creatures. Also, since Judaism places a high value on human labor, we must determine if that value is enhanced through the new law, and if not, what else needs to be done.

Two main factors must be taken into account in assessing whether any program has a chance to succeed: 1) recent developments in the economy and 2) the needs of the poor.

1. Developments in the Economy and the Structure of the Business World.

a. Changes in Available Jobs. The very nature of the economy and the job market is changing.⁹³ The living standard of most Americans is down since 1991. This, in turn, is part of a larger downturn since the early 1970s. The average weekly earnings of some 80% of Americans below the managerial or executive levels has dropped 18% in consistent dollars in the last two decades. This comes largely as a result of different production techniques designed to increase profits and of companies exporting their labor to countries where they can use workers who will do the work for very low wages.

i. *Lean production.* This refers to techniques of mass production (of automobiles, electronics and machine tools, for example) which meet three criteria: products must be easy to assemble, workers must require less specialized training, and components must arrive at the factory just in time for assembly, reducing warehousing and financing costs.

ii. *Re-engineering.* This refers to the use of computer software to replace large numbers of workers, particularly specialized clerks and middle managers.

iii. *Outsourcing.* The use of largely non-unionized and temporary workers allows companies to pay lower wages. It reduces dramatically the number of full-time skilled workers and the attendant benefits that companies must pay.

The job market has thus become increasingly unfriendly even to people with traditional job skills and training. Without *at least* a high school diploma, most unskilled workers will be hard pressed to find a job that can sustain an individual, let alone a family.

These new economic realities raise real questions about the viability of the plan to place people in jobs once they are forced off the welfare rolls. Facile rhetoric about "putting the able-bodied to work" will have to be replaced with realistic plans for training former welfare recipients in new skills for new industries.

b. The Quality and Viability of Jobs. Just as the current welfare reform legislation makes unrealistic assumptions about the availability of sufficient jobs and the ability of those previously on welfare to qualify for them and keep them, it also ignores the quality and viability of available jobs. Even the current, newly-increased minimum-wage does not begin to keep a family of three or more safely above the poverty line.⁹⁴ With the shift to a state-by-state approach, the nature of available work in each region becomes particularly significant. The number of immigrants and job prospects in a given locale affect employability. In many areas a significant number of jobs is strictly seasonal. Workers will thus need intermittent support when jobs cannot be found. Indeed, in states with a relatively high unemployment rate, those forced off the welfare rolls will now increasingly be competing for jobs that do not exist!⁹⁵ This competition for low-wage jobs among a larger potential work force may actually drive the wages for such jobs down, putting any solution even further out of reach.

c. Pitting Workfare Against the Working Poor. As states, in conformity with the new Federal legislation, are unveiling their own welfare plans, a new conflict is emerging. The people being moved off supports and onto workfare schemes are competing for the same low-wage jobs currently held or desired by the working poor. The irony is that people who are doing what society currently *wants* the poor to do—work to support themselves—are fighting to hold onto positions that do not even allow them to rise above the poverty line. Moreover, as they face competition from those leaving the welfare rolls, their security is threatened by the government's own plan to "cure" welfare.

d. Corporate and Social Responsibility. Many people today sense a "mean-ness" about the marketplace. It has been suggested that downsizing is not always about greater fiscal responsibility to shareholders. It is also, and perhaps often, about greed. As pink slips proliferate, the salaries of the highest paid executives continue to grow—and to outpace growth in the compensation of mid-level workers.⁹⁶

President Clinton issued a challenge to the corporate world when he signed the Welfare Reform Act. He called upon every business person in America who has ever complained about the failure of the welfare system to try to hire somebody off welfare, and try hard. Here is the response of Robert T. Jones, President and C.E.O. of the National Alliance of Business: "Business is not in the business of providing jobs for welfare recipients." It is solely up to the states, he argued, to prepare these people to enter the work force.⁹⁷

In the face of the vise beginning to close on our poorest citizens, cities have become harsher in their treatment of panhandlers and the homeless.⁹⁸ This is yet another manifestation of "meanness," this time on a political and social level.

2. The Needs Of The Poor. We must realistically assess factors that contribute to a stable family life and thereby make it possible for the poor to work. First, affordable housing must be readily obtainable so that the basic need of shelter can be met. With the rising cost of living, and notably of housing, it becomes harder to find and afford maintenance for homes and apartments. Care must be taken especially for the working poor, so that they do not lose the shelter they already have. Caps to welfare benefits for those qualified recipients who live in states with high-priced housing and rentals will have a particularly deleterious impact. Since jobs are often unavailable in the areas where people live,⁹⁹ adequate public transportation for people to get to their jobs also becomes a major desideratum.¹⁰⁰

With the prevalence of single parents and the need for both adults in a two-parent home to work, reliable, affordable, and safe child care is also an important factor. Child care is already at risk for the working poor. Presently, nearly two-thirds of the 1.5 million children in federally subsidized child care programs across the nation are from working poor families. The

number of programs available for the working poor, as well as for the middle class, is far below the current need. Places in such programs are now in jeopardy, as states look to provide child care for those required to work by the new law. Changes are already underway in several states to give slots previously set aside for the children of working poor to the children of former welfare recipients.¹⁰¹ Reductions in food stamps, medical benefits, and child nutrition programs will also take a heavy toll on poor families. Ultimately, these reductions may derail a parent's motivation and ability to work.¹⁰²

Personal problems can add a burden for families facing the job market, some for the first time. One pilot program has demonstrated that functional illiteracy and alcoholism are major obstacles for many people trying to get off welfare and into jobs.¹⁰³ Where these problems pertain, literacy programs and alcohol counseling become necessary components of truly helping the poor to gain and keep employment.

3. The Path Toward a Solution. True welfare reform will require a massive effort by government on all levels working hand-in-hand with business to create jobs appropriate to the needs of the workplace and to the levels of preparedness of potential employees.¹⁰⁴ It is not enough for President Clinton to "encourage" business. He must work with Congress to create tax incentives for businesses that train people with no skills, supporting them while they are learning how to do and keep their new jobs. Businesses must be motivated with financial rewards to provide transportation, in-house quality child care, and good health benefits. We must be cognizant that the largest number of workers today are in service jobs.¹⁰⁵ These workers are largely unskilled. The effort to bring even some of them to a higher level of employment will be prodigious. Our goal must always be to enable them to keep their families intact while they become self-sustaining.

When President Clinton signed the welfare reform legislation into law, he indicated his strong reservations with the law as drafted. Specifically, he addressed the need to create jobs in high-poverty areas and to reward companies that hire welfare recipients. The President also aspires to grant a grace period for legal immigrants whose benefits may run out before they can fully support themselves.¹⁰⁶

Jewish tradition clearly agrees with these positions. It is neither viable nor just to turn welfare recipients onto the street. There is a great need for more and appropriate jobs in the right areas. The removal of the safety net for those in need threatens the new system in its entirety, along with many individual poor people. If the goal is a true improvement in the human situation by means of real reform, the President's caveats must be meaningfully addressed by both the President and Congress.

Some of these efforts must originate with the government. The President together with Congress must create a massive jobs program on the model of the Works Progress Administration in order to provide jobs that the untrained poor can do: build schools, repair roads, care for bridges and parks. Along with learning traditional trades, they can also train for low level computer operator jobs and other employment to meet the needs of the changing business world.

Some initiatives, on the other hand, must be taken by private enterprise—and some are already underway. In Tulsa, Oklahoma, for example, the Metropolitan Chamber of Commerce, a nonprofit corporation formed in 1992, trains adults currently on welfare for assembly and manual jobs. The companies where they work pick up the training costs. The program's retention rate is over 80 percent. In Indianapolis, existing community-based groups have redirected efforts from getting welfare benefits for the poor to finding them jobs.

In Kansas City, Missouri, LINC, the Local Investment Corporation, has created the Local Investment Commission. The Full Employment Council, part of LINC, has garnered public and corporate resources, along with foundation grants, with the state's blessing, to subsidize new jobs for welfare recipients. The program targets people who think they have more to gain by staying home and not working. By partly subsidizing jobs for these people, the Council provides an incentive to employers to hire workers who are not yet self-sufficient.¹⁰⁷

These programs demonstrate that the task of *real* welfare reform is just beginning—but that it can be done. It takes "on-the-job-training" to learn what the long-term unemployed will need to become and remain gainfully

employed. Successful programs like these can serve as models both in their economic approach and in the high degree of respect that they show the poor.

For those who cannot work or find a job, the communal safety net must be restored. Just as the Jewish community always provided food, clothing, shelter and funds for those in need, so we must reinstitute the safety net today. A minimum level of subsistence must be provided for those unable to work as well as those who can work, but remain unemployed beyond the time allotted for welfare benefits by the new laws.

We must confront the spirit of meanness that would blame the poor. Our anger must be directed not at impoverished classes and individuals, but at eradicating or ameliorating impoverishment with the best and most humane social tools at our disposal. If the welfare system has been wanting, we must seek out and create better alternatives—for the good of the poor and society as a whole.

The Conservative rabbinate calls upon local and national leaders to create programs that reflect *צדקה* (righteous giving) and *גמילות חסדים* (human acts of lovingkindness that reflect God's grace). We must also seek avenues to discharge on a global level the sense of communal responsibility that Jewish societies have always felt and acted upon in dealing with their poor. Especially relevant in this regard is the teaching that, of all the forms of *צדקה*, the most honorable is to help an individual find gainful employment.¹⁰⁸ This would imply nothing less than an obligation on the part of those who have the ability—state and Federal governments, *and* the business sector—to provide job-training programs for the new skills that are in demand, and support services in the form of child care and health care on or near the job. The values of *פיקוח נפש* (saving/preserving life) and *רחמים* (compassion) must be brought into play to create an infrastructure that addresses the real needs of the poor, the business world, and society as a whole. Following the biblical and rabbinic tradition, we aspire to realize the potential holiness of the human community and individual. Our solutions to economic problems must always be mindful of this goal. Our methods must always be informed by the dignity and sanctity of the individual human being.

We must constantly remind ourselves of the humanity of the “nameless” poor, the mothers, the fathers, the children. Not only the bottom line, but the family lines that connect us all must determine our approaches to confronting this ongoing human problem. “The poor will not cease from the land” (Deuteronomy 15:11). But with the serious resources of the federal and state governments and business and local foundations, we can find a way to provide the services needed to extend our communal hand to help the poor achieve dignity and self-sufficiency.

While “the poor will never cease from the land,” we are not permitted to sit back and apathetically let that situation persist. The verse continues: “That is why I command you: open your hand to the poor and needy kinsman in your land” (Deuteronomy 15:11). Judaism has accepted the continuous nature of the problem of poverty, but it is anything but fatalistic about it. On the contrary, in both theory and practice Jews have assumed that it was within our ability to provide for the poor and that it is our sacred task to do so.

In all this, all of the Jewish convictions described in Section A above play a role, but perhaps the fundamental, underlying principle is the dignity of the human being created in the image of God. Fulfilling the duty to care for the poor makes it possible for a fellow human being and perhaps a fellow Jew to escape the slavery of poverty and live as a respected member of the community, thereby gaining the station we all need and deserve. Preventing poverty and honorably assisting the poor are, indeed, holy activities. In making these our priority, we act as human beings should and imitate no less an exemplar than God:

If your brother, being in straits, comes under your authority. . . let him live with you as your brother. . . . I the Lord am your God who brought you out from the land of the Egyptians to be their slaves no more, who broke the bars of your yoke and made you walk erect... (Leviticus 25:35-36; 26:13).

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APPENDIX

Recent resolutions by branches of Conservative Judaism with reference to Welfare Reform and related issues A Representative Selection

RESOLUTION ON WELFARE REFORM

Whereas Judaism mandates respect, compassion and consideration for those in financial need;

Whereas Maimonides teaches that the greatest value in giving *tzedakah* is to help people help themselves;

Whereas the declared intent of the new welfare legislation is to move people from public assistance to work and independence;

Therefore be it resolved that the membership of The Rabbinical Assembly urge the President, his administration and Congress to continue to evaluate the current welfare law to insure that the safety net still exists for the poorest Americans; and

Be it further resolved that the membership of The Rabbinical Assembly urge the President to appoint a bipartisan commission to investigate the costs of such efforts, and to prioritize different ways of funding such programs; and

Be it further resolved that the Rabbinical Assembly salute religious and nonsectarian groups who do so much to ease the burden of the poor while government continues to cut back its assistance to the most vulnerable members of American society.

Passed by The Rabbinical Assembly Convention Plenum, April 1997

CARE OF HOMELESS

Whereas the membership of the UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM, as well as all North Americans, is concerned about the problem of the homeless in our society; and

Whereas numerous sociological and physiological studies have clearly shown that in many cases, homelessness is a direct result of extended unemployment, inadequate job skills, a chaotic welfare system, physical or mental disabilities; and

Whereas many individuals and families are homeless due to poverty and inadequate funding of public housing and overly restrictive public zoning laws and the absence of adequate rental housing; and

Whereas, in an attempt to reduce the federal deficit of the United States, legislation has been introduced that would eliminate, or substantially reduce, programs directly affecting the quality of life and care of the disadvantaged, underprivileged and physically and/or mentally disabled, leading to increased homelessness; and

Whereas *Gemilut Hassadim*, acts of loving kindness and caring for the disabled, are basic tenets of Judaism, as well as essential elements of any society; and

Whereas the UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM is concerned that eliminating or reducing such programs will increase the number of homeless individuals and families in this country and will exacerbate the plight of the present homeless who lack adequate shelter;

Now, therefore, be it resolved that the UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM:

(a) calls upon the President of the United States, the Prime Minister of Canada, the Congress of the United States, the Parliament of Canada, as well as all state and provincial government authorities to give great and careful consideration to the plight and quality of life of the homeless and to utilize every resource available to eliminate this problem from our society;

(b) calls upon all of its affiliated congregations to participate in cooperative communal efforts with other religious groups and institutions to aid and assist the homeless in locating adequate shelter and thereby improving their quality of life; and

(c) calls upon all of its affiliated congregations, as well as their individual members, to utilize any and all excess food, and other such items, from communal functions to help provide for, and improve the quality of life of, the homeless in our midst.

Passed by the United Synagogue of Conservative Judaism Convention,
1991

FEEDING THE HUNGRY

The blessings Jews recite after meals praise God for providing every creature with food and sustenance (*hazan et hakol*, Who provides food for all). However, while the total world food supply is bountiful, millions of men, women and children perish each year for lack of adequate nourishment.

Women's League for Conservative Judaism, mindful of the teachings of our tradition, resolves to:

1. Support re-examination of government policies which encourage fields to lie fallow, excess livestock to be slaughtered, and surplus milk and grain products to stockpile, unused, in warehouses; to assess ways to more equitably distribute surplus food to the needy.
2. Urge affiliates to support programs such as:
 - a. "City Harvest" and "Sova" which redistribute good food from restaurants, caterers and organizations to the poor and hungry.
 - b. "Mazon" which seeks a voluntary tax on the cost of *simchas*, to be distributed to relief organizations.

Passed by Women's League for Conservative Judaism, 1986

National and Regional Organizations Devoted to Issues Related to the Poor: an Annotated Select Listing

Better Homes Fund

181 Wells Avenue

Newton Centre, MA 02459

(617) 964-3834, fax (617) 244-1758

Studies the lives of homeless and low-income women and gives grants to organizations dealing with homelessness and welfare issues.

Food Research and Action Center

1875 Connecticut Avenue, N.W., Suite 540

Washington, D.C. 20009

(202) 986-2200, fax (202) 986-2525

e-mail: foodresearch@frac.org

www.frac.org

Works with state policy makers to urge them to choose options of the new welfare law that keep in place supports for food and nutrition. Also helps advocates for legal immigrants learn about exemptions from exclusion.

Mazon: A Jewish Response to Hunger

12401 Wilshire

Los Angeles, CA 90025

(310) 442-0020, fax (310) 442-0030

e-mail: mazonmail@aol.com

www.shamash.org./soc-action/mazon/

MAZON Canada

788 Marlee Avenue, Suite 301

Toronto, Ontario Canada M6B 3K1

(416) 783-7554, fax (416) 783-5470

Raises funds from the Jewish community nationally (especially through gifts of a percentage of the cost of a bar or bat mitzvah or a wedding) to support Jewish and non-Jewish organizations that provide food for the hungry.

Mexican American Legal Defense Fund

634 South Spring St.

Los Angeles, CA 90014

(213) 629-2512, fax (213) 629-0266

www.maldef.org

Works to increase education on immigrant issues, and to challenge the ban on the impact of welfare reform on education, health care, job training supports, and Supplemental Security Income (SSI) for immigrants.

National Association of Child Advocates

1522 K Street, N.W., Suite 600

Washington, D.C. 20005

(202) 289-0777, fax (202) 289-0776

naca@childadvocacy.org

www.childadvocacy.org

Gives grants to encourage state- and city-based advocacy groups to increase local involvement in the welfare law's implementation.

Religious Action Center of Reform Judaism

Rabbi David Saperstein, Director and Counsel

2027 Massachusetts Ave., N.W.

Washington, D.C. 20036

(202) 387-2800, fax (202) 387-9070

rac@uahc.org

<http://rj.org/rac>

Engages in social action programs on behalf of the Reform Movement and lobbies for progressive legislation.

The Rabbinical Assembly Social Action Committee,

Rabbi Richard L. Eisenberg, Chair

c/o The Rabbinical Assembly

3080 Broadway

New York, NY 10027

(212) 280-6000, fax (212) 749-9166

rabassembly@jtsa.edu

www.rabassembly.org

Establishes social and public policy for the Conservative rabbinate and advocates legislation consistent with its policies and Jewish tradition.

Second Harvest

116 South Michigan Ave.

Chicago, IL 60603

(800) 532-FOOD

Supports people who lose food benefits under the new law and encourages volunteers to work in food pantries and to organize food drives.

United Synagogue of Conservative Judaism

Commission on Social Action and Public Policy

Sarrae Crane, Director

155 Fifth Avenue

New York, NY 10010

(212) 533-7800 ext. 2614, fax (212) 353-9439

Develops social and public policy and disseminates related educational materials for Conservative congregations.

Welfare Rights

1231 N. Franklin Street

Philadelphia, PA 19122

(215) 684-3600, fax (215) 684-3603

Seeks to find unconstitutional sections of the new welfare legislation and to extend benefits for food and medical care.

Welfare Warriors

2711 West Michigan Ave.

Milwaukee, WI 53208

(414) 342-6662, fax (414) 342-6667

e-mail: wmvoice@execpc.com

www.execpc.com/~wmvoice

Educates women about their rights under the new law, including challenging sometimes illegal cessation of their benefits.

Canadian Association of Food Banks

530 Lakeshore Blvd., W

Toronto, Ontario Canada M5V 1A5

(416) 203-9241, fax (416) 203-9244

cafb@icomm.ca

www.icomm.ca/cafb

National umbrella organization of food banks in Canada. Oversees the 2500 food banks across Canada. Also conducts research into hunger and poverty in Canada.

Human Resources Development Canada

Enquiries Centre

140 Promenade du Portage Phase IV Level 0

Hull, Quebec Canada K1A 0J9

fax 819-953-7260

www.hrdc-drhc.gc.ca/hrdc/epoverty.html

Official government agency that produces background material and provides statistics on hunger and poverty in Canada.

ENDNOTES

Key to Frequently Used Abbreviations of Rabbinic Literature

M. = Mishnah

T. = Tosefta

J. = Jerusalem (Palestinian) Talmud

B. = Babylonian Talmud

M.T. = Mishneh Torah

S.A. = Shulhan Arukh

1 For a discussion of some of the sources on this, see Elliot Dorff, 'A Time for War and A Time for Peace': A Jewish Perspective on the Ethics of International Intervention, Los Angeles: University of Judaism, 1987 (*University Papers* 6:3).

2 M.T. *Laws of Gifts to the Poor* 9:3.

3 M.T. *Laws of Gifts to the Poor* 7:5, 10. Maimonides' sources: B. Ketubbot 50a (one-fifth maximum); Sifre on Deut. 14:22 (tithe applied to money); B. Bava Batra 9a (a third shekel minimum); B. Gittin 7b (poor must give); B. Bava Batra 8b (compulsion applied, but cf. Tosafot there for minority views). Cf. also S.A. *Yoreh De'ah* 248:1-2.

4 M.T. *Laws of Gifts to the Poor* 9:12. Cf. T. *Pe'ah* 4:9; J. Bava Batra 1:4; B. Bava Batra 8a.

5 B. Bava Batra 8b; M.T. *Laws of Gifts to the Poor* 9:5.

6 Jacob Neusner, *Tzedakah: Can Jewish Philanthropy Buy Jewish Survival?* (Chappaqua, New York: Rossel Books, 1982), pp. 32, 67ff.

7 Sifre on Deut. 15:7; M.T. *Laws of Gifts to the Poor* 7:13; S.A. *Yoreh De'ah* 251:3.

8 S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza* (Berkeley: University of California Press, 1971), Vol. II, pp. 139-142; cf. also p. 128.

9 Cf. Ex. 21:2-11; Lev. 25:39ff.

10 Goitein, *A Mediterranean Society*, Vol. II, p. 143.

11 Ibid., p. 99.

12 See, for example, Deut. 10:14, Ps. 24:1. See also Gen. 14:19, 22 (where the Hebrew word for Creator [קוּנֵה] also means Possessor, and where "heavens and earth" is a merism, including everything in between as well); Ex. 20:11, Lev. 25:23, 42, 55, Deut. 4:35, 39; 32:6.

13 T. Pe'ah 4:20.

14 Cf. Deut. 8:7-10; 15:4.

15 Cf. Lev. 27:30-33; Num. 18:8-24; Deut. 18:1-5. The analogy between the poor and the priests is suggested by the inclusion of the Mishnah's tractate Pe'ah in its Order Zera'im, along with the tractates dealing with the priests' portions, and the analogy is made explicit in T. Pe'ah 4:4, 6-8.

16 Cf. Roger Brooks, *Support for the Poor in the Mishnaic Law of Agriculture: Tractate Peah* (Chico, California: Scholars Press, 1983), pp. 17-19; Walter Brueggemann, *The Land: Place as Gift, Promise, and Challenge in Biblical Faith* (Philadelphia: Fortress, 1977), pp. 48-50.

17 Lev. 25:42; cf. 25:55; Ex. 21:2-11; Deut. 15:12-18; and B. Kiddushin 22b.

18 It is, of course, not a guarantee of good action. For a discussion as to how it helps, cf. Elliot Dorff, "Study Leads to Action," *Religious Education* 75:2 (March-April, 1980), pp. 171-192. See also citation to תלמוד תורה כנגד כולם (B. Shabbat 127a).

19 M. Avot 3:18.

20 Deut. 24:10-11; M. Ketubbot 13:3; S.A. *Yoreh De'ah* 251:8; *Even Ha-Ezer* 112:11.; B. Ketubbot 43a; S.A. *Even Ha-Ezer* 112:16; 93:4.

21 M. Bava Kamma 8:1.

22 B. Bava Kamma 86a.

23 B. Bava Kamma 119a; B. Gittin 7b; M.T. *Laws of Gifts to the Poor* 7:5; S.A., *Yoreh De'ah* 248:1; 251:12.

24 B. Bava Batra 9a; S.A. *Yoreh De'ah* 250:3-4.

25 Hos. 2:4-22 and Jer. 2:2 are two famous examples that link the metaphor of marriage to the relationship between God and Israel. Deut. 6:4-8; 7:6-11; 11:1, 22; etc. all speak of obedience out of love.

26 B. Sanhedrin 26b; B. Bava Batra 10b; M.T. *Laws of Gifts to the Poor* 8:9; S.A. *Yoreh De'ah* 254:1. If a non-Jewish king gives Jews money for charity, Jews may take it "for the sake of peace" (i.e., so as not to offend the ruler), but they are to give it discreetly to non-Jewish poor people such that the king does not hear of it. M.T. *Laws of Kings* 10:10; S.A. *Yoreh De'ah* 254:2; 259:4. Moses Isserles, at 254:2, notes that this applies only to money, where the transmission to non-Jewish poor can be kept secret, but not to objects the king donates to the synagogue. Those must be accepted and retained.

27 God will not forget the poor: Ps. 9:12; 10:12; etc. God pities and comforts the poor: Ps. 34:6; Isa. 49:13; etc. God cares for the poor: Jer. 20:13; Ps. 107:41; 132:15; Job 5:15; etc.

28 God seeks social justice for the poor: Deut. 10:17-18; II Sam. 22:28; Isa. 25:4; Amos 2:6; 4:1; etc. God forbids oppressing the poor: Ex. 23:3; Lev. 19:15; Isa. 1:23; Ezek. 22:7; Micah 2:2; Mal. 3:5; etc.

29 B. Sotah 14a.

30 Cf. Mordecai Katz, *Protection of the Weak in the Talmud* (New York: Columbia University Press, 1925), p. 80. Cf. also B. Rosh Hashanah 12b and Rashi thereon.

31 Most of these laws appear in the passages cited at the beginning of this paragraph. Third-year tithes are also mentioned in Deut. 14:28-29 (in addition to 26:12-13). That Sabbatical produce should be given to the poor is in Ex. 23:11 (although in Lev. 25:6-7 it is the owner of the land together with his slaves and hired workers who are entitled to it), and the Jubilee laws appear in Lev. 25:8ff.

32 Deut. 24:14-15.

33 Ex. 22:24; Lev. 25:36-37; Deut. 23:20.

34 Deut. 15:1-2, 7-11.

35 Ex. 22:25-26; Deut. 24:10-15.

36 Ex. 23:6-9; cf. Deut. 16:18-20; 23:17-18; cf. Ps. 82:3, etc. The poor, though, were not to be preferred in their cases just because they were poor any more than the rich were to be given special consideration; rather, fairness to all litigants was to be the rule: Lev. 19:15; Deut. 1:17.

37 The closest we have to anything like that is not in a law code but rather in The Instruction of Amen-Em-Opet, a letter from some time between the tenth and the sixth centuries B.C.E. similar in tone to the biblical Book of Proverbs. The *advice* given there is to permit the widow to glean unhindered and to give gifts of oil to the poor as conduct approved by the gods, but *not* required by them—and certainly not by human governing authorities. See *Ancient Near Eastern Texts Relating to the Old Testament*, James B. Pritchard, ed. (Princeton: Princeton University Press, 1955), p. 424.

38 For a brief account, see "Debt" in *The New Illustrated Columbia Encyclopedia* (New York: Columbia University Press, 1979), 6:1850.

39 M. Pe'ah 8:7. Cf. T. Pe'ah 4:8, 10; J. Eruvin 3:1 (20d); B. Shabbat 118a; B. Bava Metzia 8b-9a; B. Sanhedrin 17b.

40 Israel Abrahams, *Jewish Life in the Middle Ages* (New York: Atheneum, 1969), p. 311.

41 B. Ta'anit 21b. Cf. Goitein, *A Mediterranean Society*, Vol. II, p. 133.

42 Rabbi Eleazar Fleckeles, *Teshuvah Meahavah*, III, *Yoreh De'ah* 336.

43 S.A. *Yoreh De'ah* 249:16; 255:2.

44 T. Pe'ah 4:9.

45 M. Pe'ah 8:8.

46 Cf. the gloss of Moses Isserles on S.A. *Hoshen Mishpat* 163:1; *Arukh Hashulhan*, *Hoshen Mishpat* 163:1.

47 B. Bava Batra 9a; S.A. *Yoreh De'ah* 251:7.

48 B. Ketubbot 67a; S.A. *Yoreh De'ah* 251:8.

49 *Sifre* on Deuteronomy 15:7; M.T. *Laws of Gifts to the Poor* 7:13; S.A. *Yoreh De'ah* 251:3.

50 S.A. *Yoreh De'ah* 249:16.

51 S.A. *Yoreh De'ah* 251:7-8.

52 S.A. *Yoreh De'ah* 252:1.

53 S.A. *Yoreh De'ah* 252:3.

54 B. Gittin 61a; M.T. *Laws of Gifts to the Poor* 7:7. According to B. Gittin 59b, obligations that are for the sake of peace have Pentateuchal authority.

55 T. Pe'ah 4:10-11.

56 B. Ketubbot 67b. M.T. *Laws of Gifts to the Poor* 7:3, 4; S.A. *Yoreh De'ah* 250:1.

57 M.T. *Laws of Gifts to the Poor* 7:3, 4; S.A. *Yoreh De'ah* 250:1.

58 B. Shabbat 118a.

59 Goitein, *A Mediterranean Society*, Vol. II, p. 129.

60 Lancelot Addison, *The Present State of the Jews* (London, 1675), ch. 25, quoted in Abrahams, *Jewish Life in the Middle Ages*, p. 307.

61 Claude G. Montefiore, "Hebrew Charity," *London Jewish Chronicle*, May, 1884, cited in Abrahams, *Jewish Life in the Middle Ages*, p. 325.

62 Cf. Goitein, *A Mediterranean Society*, Vol. II, p. 191.

63 B. Kiddushin 29a.

64 M. Ketubbot 6:5; cf. B. Ketubbot 67a-67b; B. Megillah 3b; B. Makkot 24a; S.A. *Yoreh De'ah* 250:2; 251:8.

65 B. Bava Batra 90a; Falk, Zev, S:A. *Hoshen Mishpat* 231, note 36; cf. Aaron Levine, *Free Enterprise and Jewish Law* (New York: KTAV and Yeshiva, 1980), pp. 91-95. Falk seems to include clothing and rent as well as food in this rule.

66 B. Sanhedrin 3a.

67 Arcadius Kahan, "The Early Modern Period," in Salo W. Baron, et. al., *Economic History of the Jews* (New York: Schocken, 1975), p. 68.

68 M.T. *Laws of Gifts to the Poor*, 10:7-14. Cf. S.A. *Yoreh De'ah* 249:6. Goitein, however, notes that jobs, loans, and investments were generally given first to relatives or those who had not yet taken alms; cf. Goitein, *A Mediterranean Society*, Vol. II, p. 142.

69 Rubenstein, *The Age of Triage* (Boston: Beacon Press, 1983), esp. chs. 1, 9, and 10.

70 The Rabbinical Assembly Convention in 1997 passed a resolution calling for "reforms that would help humankind live within the regenerative, absorptive, and carrying capacities of the earth" and that at the same time "would meet the needs of the poor and of future generations."

71 Based on God's words to Adam, "By the sweat of your brow shall you get bread to eat" (Genesis 3:19), the Rabbis asserted that people have a moral right to eat only if they earn it by their own effort. B. Bava Batra 110a; *Genesis Rabbah* 14:10.

72 M. Peah 8:8; B. Ketubbot 68a; M.T. *Laws of Gifts to the Poor* 9:14-17.

73 M. Avot 1:10. Cf. Rav's "pearl" in B. Berakhot 17a.

74 Tanhuma, "Vayetze," Section 13.

75 M. Avot 2:2.

76 *Leviticus Rabbah* 25:5.

77 B. Nedarim 49b.

78 J. Pe'ah 15c.

79 S.A. *Yoreh De'ah* 252:6.

80 Deut. 24:10-11.

81 *Leviticus Rabbah* 34:9.

82 M. Avot 1:5.

83 B. Bava Batra 9b; M.T. *Laws of Gifts to the Poor* 10:5.

84 I am indebted to Jacob Neusner for the idea for this section and some of its substance. Cf. Neusner, *Tzedakah*, pp. 45-52.

85 *New York Times*, Dec. 29, 1996, pp. 1 and 22.

86 *Asbury Park Press*, Sept. 11, 1996, pp. A1 and A10. A new study by Columbia University's National Center for Children in Poverty, based on the 1990 U.S. Census, shows that nearly half of all children under age six have slipped into poverty as a result of the job instability of the 1990s. Former middle-class suburbanites are thus joining the ranks of the poor at a rapid pace. Growth of poverty in urban areas in the same period was 33.6%; in rural areas—45.4%.

87 See note 94 below for fuller documentation.

88 *New York Times*, Dec. 29, 1996, pp. 1, 22, "Though Upbeat on the Economy, People Still Fear for their Jobs."

89 S.D. Goitein, *A Mediterranean Society*, Vol. 2, beginning at p. 121, and especially from p. 128, and also Appendix B at the back of the book.

90 For more on this, see Elliot Dorff, "Jewish Tradition and National Policy," in *Commandment and Community: New Essays in Jewish Legal and Political Philosophy*, Daniel H. Frank, ed. (Albany: State University of New York Press, 1995), pp. 85-109.

91 See note 83 above and the text there.

92 "Births Among Unwed Blacks Hits Record Low," *Los Angeles Times*, July 1, 1998, p. A13. "The percentage of unmarried black women giving birth dropped to a record low in 1996 after seven years of steady decline, the government reported Tuesday. Blacks were significantly more likely to have a child out of wedlock than whites, though less likely than Latinas. But the rate among blacks was the lowest since the government began keeping the statistic in 1969." The report of the Centers for Disease Control and Prevention put the rate of giving birth among unmarried white women of childbearing age at 2.8%, of black women at 7.6% (after a high of 9.1% in 1989), and of Latinas at 9.3%—also a modest decline.

93 This analysis is based on *The New, Ruthless Economy* by Simon Head, which appeared in the *New York Review of Books*, Feb. 29, 1996, pp. 47-52.

94 According to the Dept. of Health and Human Services 1996 listing, first published in the *Federal Register* March 4, 1996, pp. 8286-8288. The table there was prepared by the U.S. Administration on Aging. The following are Poverty Guidelines per number of people in a family: for 1, \$7,740; for 2, \$10,360 (which is just under one person's wages for a forty-hour week at minimum wage); for 3, \$12,980 (which is already more than \$2,000 over a minimum-wage earner's annual income). For a family of four this number rises to \$15,600.

95 Clifford J. Levy, "Welfare and the Working Poor," *New York Times*, Nov. 17, 1996, *The Week in Review*, p. 5: "The reality is that this (New York State's restructuring) is going to create intense competition for jobs that don't exist, especially at the low-wage level. . . . There simply aren't the jobs for them now. What this is is an impetus toward a sub-minimum wage," William F. Henning Jr, a Vice-President at Local 1180 of the Communications Workers of America.

96 Simon Head, *op. cit.* at n. 93.

97 *New York Times*, Sept. 1, 1996, p. 18.

98 *Ocean County's Observer*, Dec. 12, 1996, "Cities Get Harsher Toward Homeless." Maria Foscarinis, Executive Director of the National Law Center on Homeless and Poverty, said of the Center's analysis: "About 75% of the cities have laws against panhandling, up from 62% . . . in 1994." The article reports that "virtually every city has more homeless people than emergency shelter and transitional housing spaces."

99 According to Kathy Krepcio, Director of New Jersey's Department of Human Services Office of Policy and Planning, the "challenge (is) not creating jobs, but transporting people to where the employment is—generally in the suburbs or highway corridors, and away from public transportation." *Asbury Park Press*, Sept. 15, 1996.

100 Bea Scanlon, Director of Monmouth County (New Jersey) social service programs for Easter Seals put it this way: "What stops them all is transportation, child care and housing...If you want them to work, housing has to be affordable, too." *Asbury Park Press* Sept. 15, 1996.

101 *New York Times*, Nov. 17, 1996 article by Clifford Levy (cf. n. 95).

102 *Ocean County's Observer*, Dec. 12, 1996, according to Robert Fersh, President of the Food and Research Action Center, in a recently-released state-by-state study of the potential effects of the new legislation. Fersh also points out that states with a high percentage of legal immigrants, residents in urban areas with poor job prospects and seasonal workers will feel reductions in food stamps and child nutrition programs especially sharply.

103 *New York Times*, Sept. 1, 1996, p. 18.

104 *New York Times*, Aug. 25, 1996, p. 1, "Welfare Clients Outnumber Jobs They Might Fill." This article documents the shortfall in jobs for the number of welfare recipients, due to the slow growth of the economy in New York City and State. It goes on to note the mismatch between the jobs currently available and the skills possessed or realistically obtainable by the people now on welfare.

105 Based on the example of workers in New Jersey, according to *New Jersey Economic Indicators*, 12/95. By far the largest numbers of workers are in categories such as cashiers (85,000), retail salespersons (113,700), waiters & waitresses (52,900), janitors & cleaners (74,500) as opposed to marketing & sales supervisors (78,100) and general managers & top executives (70,400).

106 *Asbury Park Press*, Aug. 23, 1996, *World & Nation*.

107 *New York Times*, Sept. 1, 1996, p. 18.

108 Cf. n. 68 above and the text there.

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