

The substance of this paper was delivered at the Annual Conference on the Relationship of the Rabbi to the Jewish Social Worker, sponsored by the Commission on Synagogue Relations, Federation of Jewish Philanthropies of New York on December 4, 1962 under the chairmanship of Rabbi David I. Golovensky. The author of this penetrating study, which examines the very foundations of the Jewish approach to philanthropy, teaches Hebrew and Jewish history at Harvard University and has made extensive contributions to scholarly journals. Professor Twersky's recently published major work, *Rabad of Posquieres, a Twelfth-Century Talmudist*, is scheduled for review in the next issue of TRADITION.

SOME ASPECTS OF THE JEWISH ATTITUDE TOWARD THE WELFARE STATE

I must confess that although I found the proposed subject interesting and imaginative and although I knew that this conference was important and distinguished, my acceptance of the invitation was accompanied by sustained apprehensiveness. First of all, my professional ineptitude was a serious deterrent: I am not a social worker and have never been initiated either into the pragmatic or conceptual aspects of social work. Secondly, the treatment of such a theme is beset with "occupational" or topical hazards; it can imperceptibly pass from the carefully lined notebook of the historian or analyst to the supple and suggestive text of the preacher or partisan. Welfare, social justice, acts of loving-kindness, humanitarianism are not neutral terms that can be handled with frosty detachment. T. S. Eliot already observed that "social justice" is a much abused phrase; its rational content is often replaced by an emotional charge.¹

This could be especially applicable in our case, for the Jewish tradition of social welfare contains much vitality, virtuosity, and relevance and can easily beget impassioned rhetoric. If, as Whitehead aphorized, all of western thought is a footnote to Plato, one might suggest that western *humanitas* is a footnote to the Bible — and then proceed indolently to luxuriate in this flattering fact.

In planning this paper (and in an attempt to avoid generalities which could intensify the kind of abusiveness just mentioned), I undertook to answer three questions which presumably provide a matrix for comprehensive analysis of the issue under consideration. I should like to emphasize that I have tried only to fulfill the function of a cartographer and plot the conceptual-historical terrain. The general scheme, worked out in terms of halakhic categories and in light of historic experiences, needs thoughtful elaboration and patient application to the many details of the problem.

The three questions may be formulated as follows:

(1) What is the metaphysical foundation or ideological root of charity? Into what conceptual-axiological framework does the practice of philanthropy fit? And let me hasten to add that this is not a purely speculative matter, for, as is always the case, the Halakhah consistently translates metaphysical postulates into practical conclusions.

(2) Is charity, as conceived and motivated in halakhic thought, an integrated-unified act on the part of the individual or is it polaric and tense? Is it a simple, one-dimensional deed or a complex, dialectical performance? In other words, just how much — in quantity and quality, objectively and subjectively — does philanthropy demand from the individual?

(3) Is charity a particularistic performance of the Jew — like Sabbath observance — or is it a universal expression of the basic dignity of man and the concomitant sense of reciprocal helpfulness? On the practical level, this question revolves around the historic position of Judaism vis-à-vis non-Jewish philanthropic enterprises. It eventually asks how activities of a welfare state fit into this framework.

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Let us eliminate the third question for the time being — because of limitations of time and endurance — and concentrate on the remaining two.

I

The Jewish theory of philanthropy (*tzeddakah*; *chesed*) — or humanity, i.e., helping those who need help² — has often been discussed, sometimes analyzed.³ Its centrality in Jewish life and its concomitant importance in Jewish literature,⁴ starting in the Biblical period and continuing through talmudic times into the modern era, is copiously documented.⁵ Many rabbinic statements which stress, with much verve and persuasiveness, the axial role of *chesed* are frequently quoted⁶; for example, the dictum that “charity is equivalent to all the other religious precepts combined” (*Bava Batra* 9a) or that “He who is merciful to others, mercy is shown to him by Heaven, while he who is not merciful to others, mercy is not shown to him by Heaven” (*Shabbat* 151b). I have no intention of reviewing all. My aim is simply to describe the metaphysical foundation of charity and underscore a few basic concepts, whose implications for Jewish social justice and welfare are as profound as they are pervasive, by interpreting one striking talmudic passage.⁷ This is presented as a dialogue between the second century sage R. Akiba and the Roman general Turnus Rufus who was governor of the Judean province. This historical fragment embodies the quintessence of a Judaic social ethic: (a) the special role of man (in the world) resulting from his practice of philanthropy and (b) the relation of men to each other.

It has been taught: R. Meir used to say: The critic [of Judaism] may bring against you the argument, ‘If your God loves the poor, why does he not support them?’ If so, answer him, ‘So that through them we may be saved from the punishment of Gehinnom.’ This question was actually put by Turnus Rufus to R. Akiba: ‘If your God loves the poor, why does He not support them?’ He replied, ‘So that we may be saved through them from the punishment of Gehinnom.’ ‘On the contrary,’ said the other, ‘it is this which condemns you to Gehinnom. I will illustrate by a parable. Suppose an earthly king was angry with his servant and put him in prison and ordered

that he should be given no food or drink, and a man went and gave him food and drink. If the king heard, would he not be angry with him? And you are called "servants," as it is written, *For unto me the children of Israel are servants.*' R. Akiba answered him: 'I will illustrate by another parable. Suppose an earthly king was angry with his son, and put him in prison and ordered that no food or drink should be given to him, and someone went and gave him food and drink. If the king heard of it, would he not send him a present? And we are called "sons," as it is written, *Sons are ye to the Lord your God.*' He said to him: 'You are called both sons and servants. When you carry out the desires of the Omnipresent, you are called "servants." At the present time you are not carrying out the desires of the Omnipresent.' R. Akiba replied: 'The Scripture says, *Is it not to deal thy bread to the hungry and bring the poor that are cast out to thy house.* When "dost thou bring the poor who are cast out to thy house?" Now; and it says [at the same time], *Is it not to deal thy bread to the hungry?*'

(1) The first premise to emerge from this dialogue is that *chesed* is that distinctive function which legitimatizes our worldly existence and adds a new dimension of purposiveness to life. It constitutes a special challenge and unique prerogative⁸ for man by establishing him as a very powerful agent and delicate instrument in the conduct of human affairs. God has abdicated part of a function of His in order to enable man to continue and extend creation.⁹ It is our practice of kindness which enables us to continue of God's creative plan, elevates our life from brutishness to sensitivity, and extricates us from chaotic, vacuous biological existence. Indeed, man was created only on the assumption that he would passionately pursue *chesed*¹⁰ and this, in turn, saves him from damnation and perdition.

This axial role of *chesed* is underscored in many other ways, among which the following is probably the most notable. While all religious-ethical actions are based on the principle of "imitation of God" (*imitatio dei* or *mimesis theou*), of walking in His ways and assimilating His characteristics,¹¹ this is especially true of *chesed* in its broadest sense. *Chesed* is the most emphatic of God's attributes (*rav chesed*); the world came into existence because of *chesed*; the majority of God's actions toward man are characterized by *chesed*.¹² The Torah begins and ends with loving-kindness as a divine act.¹³ The practice of

chesed thereby becomes man's "most God-like act."¹⁴

However, this is not the complete picture. Aiding the needy in all forms is not only a fulfillment of *imitatio dei* but it is comparable to aiding God Himself (!). The same R. Akiba, whose dialogue with Rufus we are trying to interpret, dramatically deepens the social ethos of Judaism by equating charity to the poor with a loan to God!¹⁵ We are accustomed, on the basis of halakhic terminology and conceptualization, to thinking of God as the ultimate "recipient" or "beneficiary" of all things "consecrated" for the Temple or other religious causes, all priestly gifts (tithe, heave-offering, etc. . .). God (usually designated as גבוה) is the juridical personality that is the "owner," agent, or trustee and all legal procedures are based on this fact. Now, in R. Akiba's homily, God appears also as the ultimate "beneficiary" of gifts to the poor.¹⁶ This involvement of God is certainly the noblest endorsement of that loving-kindness practiced between men.

(2) Now, let us return to the second feature of the dialogue. At issue between the two discussants is the point of departure for determining human relationships. For R. Akiba, we are all brothers, because we are all children and, therefore, completely equal before God.¹⁷ The brotherhood of man and fatherhood of God are inseparable. Any system which denies the common origin of man in God eviscerates the idea of brotherhood. Any system which affirms it, must logically and inevitably sustain its corollary. The coordinates of the human system, in this view, are both horizontal and vertical and together create a relationship which results in mutual responsibility and overlapping concern for each other. Even in a period of disgrace, disenchantment, or repudiation (such as exile or impoverishment), this relationship is not nullified and its demands not relaxed. Our identity as children and brothers is never obscured.¹⁸ It is notable that the author of this statement, the great martyr who witnessed and experienced persecution and bestiality, was the one who articulated: "Beloved is man who was created in the image of God." His ethical objectivity was unaffected by oppression, his view of man and hierarchy of values was firm. Man was a unique figure.

For Rufus, on the other hand, only one aspect of the *vertical* relationship between man and God is determinative: that of submission and slavery. And did not Aristotle already proclaim that "slaves are like animals"? And had not Plato defined the slave as a "species of tame animal"?¹⁹ If, then, the world — in this case the Jewish community — is a large household inhabited by a mass of unrelated individuals, mere biological atoms, there can be no community of interests and responsibilities, no compassion and cooperation.

(3) Implicit in R. Akiba's exchange with the Roman governor of Palestine is also a realistic-pragmatic view of the human situation, a view which is sensitively attuned to suffering and privation and earnestly questing for improvement and fulfillment. The discussion here is not oriented to metaphysics; it is geared to ethics, to concrete social problems — something which is characteristic of Talmudic discussion generally. It implies that one cannot conveniently fall back upon religious assumptions in order to justify passivity and resignation when confronted with social and ethical indignities. We must not look upon trouble impassively, whether the motivation be determinism (this is God's decree) or condescension (some people are irretrievably singled out for subjection) or contemptuousness (physical-carnal matters are insignificant).²⁰ Poverty and inequality are pervasive — and will perhaps endure forever²¹ — but they must be incessantly condemned and combatted. Judaism insists that man is obligated to mitigate injustice and alleviate suffering. There is, if you like, something antithetical in this situation. Poverty or sickness may be viewed as divine punishment or a form of retribution just as wealth and health may be construed as signs of divine favor or reward.²² Indeed, given a theocentric-teleological view of life, every episode or situation — exile, death — is divinely purposive.²³ Man, however, must not sit in judgment from such a theistic perspective; it is not for him to approach poverty or sickness as predetermined criminal or punitive situations. A providential view of history is no excuse for quietism or pretext for withdrawal.

(4) Similarly, it seems to follow that one cannot dismiss a destitute person with a counterfeit expression of faith: "Rely

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on God, your father and king! He will help you." The cherished virtue of *bitachon*, trust, is something with which to comfort yourself in a time of depression, but it is not a pain-killing drug to be callously prescribed for others. If Reuben is starving, Simeon must provide food — not sanctimony. It is true that Reuben must live with hope and courage, but Simeon must act with dispatch and compassion. God's inscrutable benevolence is not a substitute for man's tangible benevolence. As R. Bachya ibn Pakuda observes,²⁴ *bitachon* has a multiplicity of implications: to the impoverished person it conveys the need of tranquility, patience, and contentment with one's portion, while to the man of means, it suggests the obligation of sustained and gracious liberality.

Our cursory analysis of these concepts enables us, in conclusion, to pinpoint the unique feature of *chesed*, in contradistinction to other philanthropic systems. It would be gratuitous — and chauvinistic — to give Judaism an exclusive monopoly over the practice of charity; the rabbis, as a matter of fact, never denied that other nations were charitable.²⁵ Judaism's contribution is a new *motive* for philanthropy: the religious-humane motive, which means acting for the sake of humanity because of religious conviction and obligation. Humanity is an expression of piety ("Everyman who is endowed with loving-kindness is without doubt a God-fearing man," *Sukkah* 49b); the two are absolutely inseparable. Commitment to God is inconceivable in Judaism without compassion for man. "Whoever turns his eyes away from [one who appeals for] charity is considered as if he were serving idols."²⁶ Philo describes philanthropy as "the virtue closest akin to piety, its sister and its twin," for "the nature which is pious is also humane, and the same person will exhibit both qualities of holiness to God and justice to man."²⁷ One cannot claim to be God-intoxicated without having an unquenchable thirst for social justice. Indeed, theological postulates sundered from their practical consequences are powerless, and — perhaps — purposeless. They are mutually supplementary and independently fragmentary.²⁸

This motive should be the propelling force of federation activities and should determine its welfare program.

II

Halakhah is a tense, vibrant, dialectical system, identifiable by its beautiful blend of romanticism and classicism. This is both cause and consequence of the halakhic insistence upon normativeness in action and inwardness in feeling and thought. The historic achievement of Halakhah was to move beyond theoretical principles of faith to a minutely regulated code of religio-ethical behavior — to give concrete and continuous expression to theological ideals, ethical norms, and historical concepts. It is based upon the conviction that abstract belief, even an intensely personal or charismatic one, will be evanescent and that religious insight which is not firmly anchored down by practice is unreal. Its goal is spirituality together with conformity — “the saturation and transfusion of everyday life with the thought of God” (the felicitous phrase of a 19th century theologian, Bousset). This insistence upon the “coincidence of opposites” (call it law and prophecy, if you like, or institution and charisma, everyday life and the thought of God) creates the “dialectical pull” or tension which is characteristic of so many root principles and fundamental beliefs of Judaism.

A favorite example of this creative tension is the institution of prayer, which attempts to balance inward experience with routinized performance, to avoid an anarchic liturgy and at the same time not to produce a spiritless stereotype. In other words, the Halakhah takes a thesis — spontaneity of prayer, manifest in a genuinely dialogic relationship between man and God — superimposes upon it an antithesis — standardization and uniformity of prayer — and strives to maintain a synthesis: a devotional routine.

I would like to suggest that the institution of *tzedakah* — charity — provides an equally attractive illustration of this dialectical structure. The Halakhah undertook to convert an initially amorphous, possibly even capricious act into a rigidly defined and totally regulated performance. It made charitable contributions, usually voluntary in nature, obligatory, subject to compulsory assessment and collection. However, while objectifying and concretizing a subjective, fluid state of mind, it in-

sisted relentlessly upon the proper attitude, feeling, and manner of action. It hoped to combine the thesis of free, spontaneous giving with the antithesis of soulless, obligatory contribution and produce a composite act which is subjective though quantified, inspired and regular, intimate yet formal. As is the case with prayer and other products of such dialectical synthesis, the tension is very great, for the breakdown of the synthesis is always an imminent and immanent possibility. The pattern of behavior may become atrophied and de-spiritualized or else the standardized practice may be overthrown. Here the tension is even reflected semantically in the term *tzedakah* which is both righteousness and charity, an act based on one's moral conscience as well as an appropriate course of action spelled out in detail by the law.²⁹

Within the practical-halakhic framework of philanthropy, this polarity comes to the surface in two main areas. First of all, there is the constant interplay between the individual and the community with regard to the responsibility for and awareness of philanthropic needs. A study of the laws of charity yields paradoxical conclusions. On the one hand, it seems that the central figure is the individual: to him are the commandments addressed, he is enjoined to engage unstintingly in charity work, and assiduously to help his fellow man. He is the hero of philanthropy, seeking exposure to needy people and responding effusively to their requests. On the other hand, it is surprising to find that the Halakhah has assigned an indispensable, all-inclusive role to the community. The community acts not only as a supervisory, enforcing agency but occupies the center of the stage as an entity possessed of initiative and charged with responsibility. One may persuasively argue that the Halakhah makes of philanthropy a collective project; philanthropic endeavor, long-term aid (*kupah*) as well as immediate, emergency relief (*tamchuy*), is thoroughly institutionalized. Responsibility for the care of the needy — sick, poor, aged, disturbed, — is communal. The individual makes his contribution to the community chest and with this he apparently discharges his obligations. He acts mechanically, almost anonymously, by responding to the peremptory demand of the collectors "who got about among

the people every Friday soliciting from each whatever is assessed upon him" (*Mishneh Torah, Hilkhoh Matenot Aniyim*). *Tzedakah* thus emerges as an individual obligation which is fulfilled corporately. And it should be noted that this is a pre-meditated arrangement. The community does not step in and assume responsibility *ex post facto*, after individuals have shirked their duty or failed to manage matters properly. The community initially appears as a modified welfare city-state, with its special functionaries who collect the compulsory levy and act as trustees for the poor and needy.

This is the first expression of polarity between the individual and community.

Whoever continues to acquaint himself with *Hilkhoh Tzedakah* in the *Shulchan Arukh* or *Matenot Aniyim* in the *Mishneh Torah* comes across another basic antithesis inherent in the very concept of charity. On the one hand, the Halakhah is interested only in the objective act, the amount given, meeting the challenge, and relieving the needs of the destitute. This is a complete, self-contained, determinate act. On the other hand, we are confronted by an exquisitely sensitive Halakhah, very much concerned not only with *what* but *how* the act of charity is implemented. Not only the outward act is important but the experiential component is significant. One need not rely upon the preacher's eloquence or the moralist's fervor to underscore the importance of motivation and attitude in the halakhic act of charity.

This correlation of the objective and subjective components within the individual act is the second area of tension and polarity.

Let us take up these two points briefly and concretize them somewhat. We may illustrate the polarity of the community-individual partnership by introducing a few specific laws.

For example, the Mishnah states that twelve months' residence is required before a man is counted as one of the townsmen and is obliged to support communal projects. The Talmud, however, goes on to cite another passage which differentiates between various levies. "A man must reside in a town thirty days to become liable for contributing to the soup kitchen, three months for the charity box, . . . and twelve months for

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contributing to the repair of the town walls.”³⁰ The reason for the distinction between charity and communal enterprises is clear. Only after a man has become a full-fledged resident and has submitted to communal jurisdiction does he become liable to abide by communal ordinances (*takkanot bene ha-ir*) and share communal expenses. Charity, though, is an individual obligation and one need not come under communal jurisdiction to be liable. The community, however, serves as the executive branch which organizes and implements and distributes.

The sense of communal involvement is projected even more in the following laws. “If the inhabitants of a city impose a charitable levy upon a visiting merchant, the contribution belongs to the poor of the city visited. If, however, the levy be imposed upon a visiting group of people, the contributing is done in the city visited, but the sum collected is conveyed, by the returning visitors, to the city of their origin that the poor of the latter city may be aided with that money.”³¹ Again, the reason for the differentiation between a wayfaring individual and an itinerant company is apparent. The individual relates to his immediate communal framework and his charitable contribution is absorbed and disbursed there. A group of people are considered to have affiliations with both communities. They contribute immediately to demonstrate their solidarity with the new group and remove suspicion that they are tax dodgers, but return the money for distribution to their original community. What is significant is the permeative involvement with the community on all levels — the strong, ineradicable sense of community action.

So far the enterprising community is in the center and the timid individual is on the periphery. It would almost appear as if a man’s obligation is terminated when he weighs the gold pieces or signs a check — and then, losing his identity, just fades away into the shadows of the community. Now let us see how the relationship shifts gear and hear the Halakhah insist that there are aspects of the commandment concerning charity which transcend the basic levy exacted by the community. The institution of *kupah* relieves only one’s minimal, quanti-

fied duties but other individual, contingent obligations are not superseded.

For example, the obligation of charity is based on both positive and negative commandments: "open thy hand unto him"; "thou shalt not harden thy heart nor shut thy hand" (cf. Leviticus 25:35; Deuteronomy 15:7-8). The nature of the relationship between such mutually reinforcing formulations — a *mitzvah 'aseh* and a *mitzvat lo ta'aseh* — presents an halakhic problem. Some interpretations submit that the two are completely commensurate and the negative one has no intrinsic significance; it relates only to the omission of the positive — the failure to contribute. According to many Talmudic authorities, however, the negative commandment not to harden one's heart relates exclusively to one's mental-emotional attitude when confronted with distress. It is addressed only to the individual and stipulates that the individual should not be insensitive and non-responsive to the plea of an indigent person — "a poor person in search of help." The positive commandment is in no way contingent upon the plea or request of the poor, while the negative commandment relates not only to the omission of the positive but is also an act of commission: of callously refusing the poor, of consciously hardening one's heart and thwarting one's inclination to kindness.³²

What is more, if one has already given charity, even over-subscribed his quota, there is an additional law which states: "It is forbidden to turn away a suppliant poor person empty handed, though one grant no more than a single berry." This is based on Psalm 74:21: "Let not the oppressed turn back in confusion."³³

The emphasis upon the individual responsibility is thus unequivocal. However, if you are not convinced, we might go further and submit that according to the social ethos of Judaism, the individual can never really isolate himself from the needy, *especially* in times of euphoria, pleasure and indulgence. The very nature of rejoicing and festivity includes sharing with others. This axiom of kindness was formulated by Maimonides as follows. "While one eats and drinks by himself, it is his duty to feed the stranger, the orphan, the widow, and other

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poor and unfortunate people, for he who locks the doors to his courtyard and eats and drinks with his wife and family, without giving anything to eat and drink to the poor and the bitter in soul — his meal is not a rejoicing in a divine commandment, but a rejoicing in his own stomach . . . Rejoicing of this kind is a disgrace to those who indulge in it.”³⁴

It is noteworthy that in many cities — one of the earliest records is from Hamburg — a communal ordinance required every townsman to have two guests for the Sabbath.³⁵ Personal contact with and exposure to the needy was of the essence. “There was a certain pious man with whom Elijah used to converse until he made a porter’s lodge (gatehouse) after which he did not converse with him any more” (because the poor men were shut out from the courtyard).³⁶ Sharing the companionship of the poor and making them socially equal is a highly sensitive performance which merits special blessing. “He who lets poor people and orphans partake of food and drink at his table shall call upon the Lord and find, to his delight, that the Lord will answer (Is. 58:9).”³⁷

So, although the balance may be delicate and tense, corporate responsibility does not eclipse individual awareness and should not dull individual sensitiveness. This would remain true even if communal funds were somehow to become inexhaustible; individual obligations never cease.³⁸

Let us return to the second expression of polarity — the objective act vis-à-vis the inner experience and accompanying attitude. As a general principle we may study the assertion that “the reward of charity depends entirely upon the extent of the kindness in it.”³⁹ The cold, formal, objective act does not suffice; it must be fused with warmth and loving-kindness. From an objective point of view, the giving of charity is not subject to qualifications; if you give, that’s that and the amount is the only thing that counts. From a subjective point of view, the same act may well be shoddy and meretricious. There can be such a thing as “defective charity.” The difference is, if you like, whether there is a heart of flesh or a heart of stone behind it. Allow me to suggest perhaps that the difference expresses itself in the two expressions we have for this act: “giving

charity" and "doing charity." "Doing" relates to the method and quality of "giving." "Giving" is concrete and limited; you give ten dollars or one hundred dollars. *Doing* is how you go about it.

A late source gives this apt illustration.⁴⁰ "The giving is *tzedakah*. The doing is the *trouble* to bring it to the poor man's house, or the *thoughtfulness* on the part of the giver that it should be most useful . . . in short, being *preoccupied* with the good of the poor recipient." The key terms here are *tirchah* and *tirdah* which denote constant concern and abiding interest — continuous commitment rather than fleeting attention. The same idea of mental and emotional preoccupation is underscored by the recurrent idiom *osek be-Torah u'vigemilut chasadim*. *Osek* suggests a resilient, incompressible quality of attention and dedication; it negates the idea of a perfunctory, quantified act.⁴¹

III

There are a number of specific *subjective* features which may be collated under this general principle — that "the reward of charity depends entirely upon the extent of the kindness in it." Many of these features are embodied in Maimonides' original, well-known classification of the "eight degrees of benevolence, one above the other." Instead of reproducing this classification here, it might be more useful to abstract from it and related source material a few characteristics and tendencies, which identify the experiential component of charity.

(1) Most important is to approach the needy prudently and tactfully and graciously. "Happy is he that considereth the poor" (Psalm 41:2). The ultimate aim of this approach is to get the poor one to take a loan or else think that he is taking a loan, to accept him into business partnership or help him find employment. This completely eliminates or deftly camouflages humiliation and degradation. It rehabilitates rather than aids and avoids the most objectionable influences of pauperism.⁴² In other words, it is not only ethically correct but is also economically sound. Is not this the ideal of all philanthropic federations?

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(2) If the humiliation attendant on receiving charity cannot be eliminated, it should be reduced as much as possible. This expresses itself above all in the secrecy and privacy of giving. "He who gives alms in secret is greater than Moses" (*Bava Batra* 9a).

(3) Another basic principle, which may be most relevant to our experiences is the insistence upon individual consideration of the needy rather than indiscriminate handling of them as so many "faces in the crowd." The indigent remains a dignified individual, with his own needs and drives, his own sensibilities and rights, strengths and weaknesses. The essence of the religious commandment is "to assist a poor person according to his needs" — in other words, selectively not uniformly. Regimentation or massive institutionalization are not in keeping with this spirit. You might find here an inferential endorsement of the case-method of social work, being careful not to de-personalize the individual client or blur his identity by mechanically bracketing him. If you like, we have here the social-philanthropic repercussions of the metaphysical idea of the dignity, worth, and uniqueness of each individual.

(4) Also imperative is prompt, courteous attention, with little or no "red tape," bureaucratic inefficiency or personal procrastination. Delay in responding to a request may blemish the entire act or even tragically obviate its need. You know the "confession" of the sorely afflicted Nachum ish Gamzu, who was "blind in both his eyes, his two hands and legs were amputated, and his whole body was covered with boils." He had wished this state upon himself after, in his own words, "a poor man stopped me on the road and said, Master give me something to eat. I replied: Wait until I have unloaded something from the ass. I had hardly managed to unload something when the man died."⁴⁴

(5) The benevolent act should be gracious from beginning to end and should not display half-heartedness or impatience. It is in this light that we understand one of the commandments subsumed under the precept "Love thy neighbor as thyself," namely the obligation to "escort the strangers and departing guests." "Hospitality to wayfarers is greater than receiving

the Divine Presence . . . but escorting guests is even greater than according them hospitality . . . Whoever does not accompany guests is as though he would shed blood."⁴⁵ It would appear that hospitality without escorting is like throwing a bone to a dog — a begrudging concession of kindness, an intrinsically benevolent act which is vitiated by its rudeness.

(6) Most striking because it is most intangible and "supra-legal" is the stipulation that actual giving be accompanied by sympathy, sharing the recipient's troubles, talking with him, relieving him psychologically. It calls for a genuine sense of commiseration. "He who gives a small coin to a poor man obtains six blessings, and he who addresses to him words of comfort obtains eleven blessings."⁴⁶ Maimonides sharpens this sentiment even more: "Though one were to give a thousand pieces of gold, one forfeits, yea, one destroys the merit of one's giving if one gives grudgingly and with countenance cast down." On the contrary, "one should give cheerfully and eagerly. One should grieve with the poor person over his misfortune (Job 30:25) and should address to him words of solace and of comfort" (Job 29:13).⁴⁷

The receiver must feel that there is a living human voice behind the grant, not a hollow, impersonal one. The donor should never lose sight of the fact that *tzedakah* is as much a "duty of the heart" as it is a "duty of the limb."

Without these subjective elements, the objective act is deficient and sometimes even worthless.

Even though we have expanded its scope and insisted upon the place of subjectivity in it, we have been examining *tzedakah* almost exclusively. However, we should not fail to note that there is within the scope of *chesed* an entire area of acts of kindness where the personal subjective attitude is not only relevant but is of exclusive significance. This may be designated as "mental hygiene" (as distinct from physical aid and rehabilitation). Of the several categories of kindness referred to in the Talmud, two belong to this area: visiting the sick, comforting the bereaved. These acts could also conceivably be regulated — e.g., stipulating by communal ordinance that the sick should be visited right after the Sabbath morning service⁴⁸ — but clear-

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ly the physical act of entering the sick room, unlike the physical act of signing a check, is worthless. For these are "the deeds of loving-kindness performed in person and for which no fixed measure is prescribed." (*Hilkhot Avel* 14:1). The subjective moment is paramount.

Old-age care and consideration is another area in the realm of kindness and social welfare where the attitude outweighs or at least conditions the act.

This is true with regard to parents as well as aged people generally. We are obliged "to rise up before the gray-haired and honor the face of the old man." (Leviticus 20:32) There is nothing material in this. Financial assistance to poor old people is to be viewed from the general vantage point of charity. The specific obligation is the reverential attitude: to stand, to make respectful gestures. With regard to one's parents, the material assistance, when required, is probably also to be viewed from the vantage point of charity.⁴⁹ Indeed, the Halakhah states that honoring one's parents means providing them with food and drink, clothing and covering, but the expense is to be borne by the parents. What counts, on the part of the son, is the zeal and quality of service. In other words, the fulfillment of "honoring thy father and mother" and "ye shall fear, every man, his mother and father" is not contingent upon finance. Indeed, since it was emphatically maintained that the honoring of parents was on a level with the honoring of God,⁵⁰ this could not be, in essence, a materially-conditioned act. In socially ideal situations, where the parents have independent resources, the duty of honor and reverence is unimpaired and their scope unrestricted. The religious-social obligations toward an old person are the same regardless whether he is independently wealthy, sustained by social security and old-age assistance, or indigent.

In this sense, welfare activities which tend to mitigate financial difficulties, cannot be looked upon as corrosive of traditional values and obligations because they do not impinge upon the core of philanthropic actions: the motif of personal service and attitude. Welfare activities are no more "dangerous" in theory than the activities of high-powered, mechanized philanthropy: both challenge the subjective element, tend to neutralize or

obliterate it. The response to this challenge will have to reaffirm that if Halakhah, generally, was intended to be an ongoing education in holiness and spiritual dedication, *tzedakah* in particular was intended to be an education in kindness and all-consuming *humanitas*.

NOTES

1. T. S. Eliot, *Notes Toward the Definition of Culture* (New York, 1949), p. 89.

2. These two terms are used interchangeably by Philo; see Wolfson, *Philo* (Cambridge: Harvard University Press, 1947), II, 219.

3. The following references are representative of the treatment of our theme in modern scholarly literature; they are not intended to provide a complete bibliography. I. Abrahams, *Jewish Life in the Middle Ages* (New York: Meridian Press, 1958), chs. 17-18; S. Baron, *The Jewish Community* (Philadelphia: Jewish Publication Society, 1942), vol. II, ch. XVI; J. Bergman, *Ha-Zedakah Be-Yisrael* (Jerusalem, 1944; Hebrew); Israel Chipkin, "Judaism and Social Welfare," *The Jews*, ed. L. Finkelstein, (3rd ed., Jewish Publication Society, 1960), vol. II, pp. 1043-1075; A. Cronbach, *Religion and its Social Setting* (Cincinnati, 1933), pp. 99-157; Ephraim Frisch, *An Historical Survey of Jewish Philanthropy* (New York, 1924); K. Kohler, "The Historical Development of Jewish Charity," *Hebrew Union College and other Addresses* (Cincinnati, 1916), pp. 229-253; S. Schechter, "Notes of Lectures on Jewish Philanthropy," *Studies in Judaism*, 3rd series (Philadelphia: Jewish Publication Society, 1934), pp. 238-277.

4. The following sources are most relevant: Mishnah, *Pe'ah*, 8:3-8 and Tosefta, *Pe'ah*, 4:9-11; Tosefta, *Megillah*, 3:4; *Bava Batra*, 8a-11a; *Ketuvot*, 67b-68a; *Kiddushin*, 30b-33a; *Bava Kamma* 36b (and especially *Sefer ha-Ma'or* and *Milhamot*, *ad. loc.*); *Shir ha-Shirim Zuta*, ed. S. Buber (Vilna, 1925), pp. 17 ff. Among the post-Talmudic codes: *Sefer ha-Eshkol*, ed. Albeck, I, pp. 164 ff; *Mishneh Torah*, *Hilkhhot Matenot Aniyim*, chs. 7-10; *Hilkhhot Mamrim*, ch. 6; *Hilkhhot Melakim*, ch. 10; *Or Zaru'a*, I, *Hilkhhot Zedakah*, pp. 13-18; *Yoreh De'ah*, 247 ff. For more popular discussions or compendia of sayings, see *Sefer Hasidim* (Frankfurt, 1924), n. 857 ff. (pp. 215 ff.); n. 1713 ff. (pp. 404 ff.); *Ma'alot ha-Midot* of R. Yehiel b. Yekutiel ha-Rofe, chs. 5 and 6; *Menorat ha-Ma'or* of R. Isaac Abuhav, *Ner III*, *Kelal VIII*; *Menorat ha-Ma'or* of R. Israel ibn al-Nakawa, ed. G. Enelow (New York, 1929), I, pp. 23-90; *Netivot Olam* (Maharal of Prague), *Netib Zedakah* and *Netib Gemilut Chesed*; R. Isaac Lampronti, *Pahad Yitzhak*, s.v. *tzedakah*. Of special interest is the *Me'il Tzedakah*, by R. Elijah ha-Kohen of Izmir.

Many of the talmudic sources have been discussed by Prof. E. E. Urbach

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in a very valuable article in *Zion*, XVI (1951), pp. 1-27. Mention should also be made of Prof. A. Cronbach's series of articles which appeared in the *HUCA* since 1925.

5. The latest is Harry Lurie, *A Heritage Affirmed* (Philadelphia: Jewish Publication Society, 1961).

6. Nachmanides observed: והצדקה גם כן חמורה מאד ובאו בה אזהרות רבות והתעוררות גדול בתורה בנביאים ובדברי רבותינו . . . ובדברי רבותינו אין אני צריך להזכיר המקומות שדברו בענין הצדקה כי כל התלמוד וכל ספרי ההגדות מלאים מזה . . . See *Derashot ha-Ramban le-Kohélet*, ed. Z. Schwatz (Frankfurt, . . . 1913), pp. 26, 28.

7. *Bava Batra* 10a.

8. See *Midrash Rabbah, Va-Yikra*, 34:8 (ed. M. Margaliyot, p. 791); *Tanhuma, Mishpatim*, 9; *Shir ha-Shirim Zuta*, p. 18.

9. See the other dialogue between R. Akiba and Rufus, *Tanchuma Tazri'a*, 9 (ed. Buber, p. 18a).

10. *Bereshit Rabbah*, 8:5.

11. *Sotah* 14a; *Shabbat* 133b.

12. See Maimonides, *Guide for the Perplexed*, III, 53 and *Mishneh Torah, Hilkhot Megillah*, 2:17. Also Nachmanides, *op. cit.*, p. 26.

13. *Sotah* 14a.

14. The phrase is that of S. R. Hirsch, *Horeb*, vol. II.

15. *Bava Batra* 10a (in the name of R. Johanan); *Shir ha-Shirim Zuta*, p. 15.

16. This homiletical motif can even be substantiated by halakhic norms. According to many Talmudic authorities, obligating oneself for charitable contributions conforms to the same procedure as consecrating objects to God. See Maimonides, *Hilkhot Mekhirah*, 22:15-16; Nachmanides, Commentary on Numbers, 30:3 (second explanation); and *Sefer ha-Ma'or* and *Milchamot* to *Bava Kamma* 36a. When speaking of "things which are for the sake of God," Maimonides mentions, all in the same breath, consecrating objects, constructing synagogues, and feeding the hungry; *Issurei Mizbeach*, 7:11.

17. See also *Avot*, 3:18.

18. This is the thrust of the end of the passage, emphasizing help to the poor when "they are cast out." It is also the theme of פרנסנו ככלב וכעורב (*Bava Batra* 8). See also the view of R. Akiba in the Mishnah, *Bava Kamma* 8:6 ("Even the poorest in Israel are looked upon as freemen who have lost their possessions"); the concluding paragraph of Maimonides, *Hilkhot Avadim*, 9:8 (וכן במדותיו של הקב"ה שצונו להדמות בהם הוא אומר ורחמיו על כל מעשיו . . .) It is noteworthy that the Bible invariably uses the word "brother" when speaking of *zedakah*.

Incidentally, Rufus' rejoinder probably mirrors the Christian polemic that exile is punishment, symbolizing the complete rejection of Israel. Note *Chagigah* 5b: והוא אפיקורסא . . . עמא דאחדרינהו מריה לאפיה מיניה.

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19. Aristotle, *Politics*, 1254; Plato, *Politics*, 289b, d. See, e.g. Glenn Morrow, *Plato's Law of Slavery in its Relation to Greek Law* (Urbana, 1939).

20. Judaism, for the most part, realistically negated asceticism, monasticism or any other contemptuous rejection of worldly matters. (See E. Urbach, "Ascesis and Suffering in Talmudic and Midrashic Sources" *Baer Jubilee Volume* [Jerusalem, 1960], 48-68). There is in Judaism no exaltation or idealization of poverty, such as we find in many Christian systems of thought (see Troeltsch, *Social Teachings of the Christian Churches*, vol. I). Poverty is not adored as a blessed state; it is an ugly, demeaning situation. One is duty-bound — as far as is humanly possible — to avoid falling into such a state; he who brings it upon himself by dissipating his resources is a fool (Maimonides, *Arakhin wa-Charamin*, VIII:13). Diminution of wealth is not per se an act of piety or self-transcending religiosity (see *Kuzari*, II, 50). "Holy voluntary poverty" (a basic concept of canon law) was neither an attraction or a goal for the Halakhah. It should be stressed, of course, that this emphatic point has its counterpoint: there is in Judaism no glorification of wealth as an end in itself. As a matter of fact, the unbridled pursuit of money is most objectionable. Wealth is a trust over which man is the executor; it should be used imaginatively and wisely to uproot poverty. (See *Guide for the Perplexed*, III, 35, and 39; *Yoreh De'ah*, 247:3. The "stewardship theory" of wealth as well as the cyclical view of human resources are commonplaces.)

21. *Shabbat* 151b.

22. See *Sukkah* 29a.

23. *Chullin* 7b: אין אדם נוקף מצבע למשה אלא אם כן מכריזין עליו למעלה.

24. *Chovot Ha-levavot, Sha'ar ha-Bitachon* (Warsaw, 1875, p. 202 f.). It is noteworthy that the Karaites promulgated an inflexibly passive, quietistic interpretation of *bitachon*; see now M. Zucker, על תרגום רמ"ג לתורה pp. 205-207.

25. The famous symposium between R. Johanan b. Zakkai and his disciples *Bava Batra* 10a — focuses on this. See also S. Lieberman, *JQR*, 36 (1945-46), pp. 357-359; E. Urbach, *Zion*, p. 4, n. 23.

26. *Bava Batra* 10a; *Koheleth Rabbah*, 7:1.

27. See Wolfson, *Philo*, II, p. 219.

28. See especially *Kiddushin* 31a, passage starting דרש עולא . . . מאי דכתיב יודך ה' כל מלכי ארץ כי שמעו אמרי פיך.

29. Perhaps it is this built-in tension which explains the view of those *rishonim* (see *Tosafot, Ketuvot* 49b) who maintain that although charity is obligatory, it is not enforceable in court, but can be collected only with the help of moral suasion and social sanction. This preserves a "subjective" element. Even more striking is an apparent incongruity in the view of Maimonides. In common with most halakhists he assumes that charity is subject to compulsory assessment and collection. (See *Matenot Aniyim*, 7:10 and *Ketzot ha-Choshen, Yoreh De'ah*, 290). Yet, in the *Moreh Nebukhim* (III, 53) he differentiates between *tzedek* and *tzedakah*; *tzedek* is legally prescribed and regulated while *tzedakah* stems from one's moral conscience. There is an

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ethical increment, something more than and different from the formalized, purely legal act. The same problem is reflected in Jonah ibn Ganah's dichotomous definition of *zedakah*: ומאלה השמות מה שענינו דין וזכות וזכות ומהם (ספר השרשים, עמ' 423). See also *Tosafot, Shabat* 10b, 'hanosen matanah,' where *zedakah* is referred to as a present.

30. *Bava Batra* 7b, 8a.

31. *Matenot Aniyim*, 7:14; see *Or Zaru'a*, I, p. 15.

32. See *Tosafot, Bava Batra* 8b (the views of R. Tam and Ri); *Matenot Aniyim*, 7:2 (עני מבקש); *Sefer Yere'im, amud* 5, n. 202 (p. 182).

33. *Matenot Aniyim*, 7:7.

34. *Yom Tov* 6:18; see also *Megillah* 2:17.

35. See *Yoreh De'ah*, 256:1 and commentaries; *Menorat Ha-Ma'or, Ner* III, *Kelal* VII; Bergmann, *Ha-Tzedakah be-Yisrael*, p.

36. *Bava Batra* 7b.

37. *Mutenot Aniyim*, 10:16.

38. It is important for welfare workers to remember that distribution of funds is a more exacting task than collection — no matter how important the latter may be substantively and sociologically (as a cohesive force). Allocation of funds, requiring serious deliberation and penetrating evaluation, is halakhically and ethically the most responsible task; allocation committees are in the most delicate, or vulnerable, position. See the Halakhot concerning:

. . . קופה של צדקה נגבית בשנים ומתחלקת בשלשה . . .

39. *Sukkah* 49b.

40. *Pachad Yitzhak*, s.v. *zedakah*.

41. The beautiful passage (*Abot de R. Natan*, 7) which contrasts the benevolence of Abraham with that of Job points up, in its own homiletical idiom and cadence, the qualitative difference between bland "giving" and inspired "doing."

Now when that great calamity came upon Job, he said unto the Holy One, blessed be He: "Master of the Universe, did I not feed the hungry and give the thirsty to drink; as it is said, *Or have I eaten my morsel myself alone and the fatherless hath not eaten thereof* (Job 31:17)? And did I not clothe the naked, as it is said, *And if he were not warmed with the fleece of my sheep*" (Job 31:20)?

Nevertheless the Holy One, blessed be He, said to Job: "Job, thou hast not yet reached half the measure of Abraham. Thou sittest and tarriest within thy house and the wayfarers come in to thee. To him who is accustomed to eat wheat bread, thou givest wheat bread to eat; to him who is accustomed to eat meat, thou givest meat to eat; to him who is accustomed to drink wine, thou givest wine to drink. But Abraham did not act in this way. Instead he would go forth and make the rounds everywhere, and when he found wayfarers he brought them in to his house. To him who was unaccustomed to eat wheat bread, he gave wheat bread to eat; to him who was unaccustomed to eat meat, he gave meat to eat; to him who was unaccustomed to drink wine, he

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gave wine to drink. Moreover he arose and built stately mansions on the highways and left there food and drink, and every passerby ate and drank and blessed Heaven. That is why delight of spirit was vouchsafed to him. And whatever one might ask for was to be found in Abraham's house, as it is said, *And Abraham planted a tamarisk tree in Beer-Sheba*" (Gen. 21:33). Tr. by J. Goldin, (Yale University Press, 1959), p. 47.

See also *Sotah* 10b; *Shabbat* 104a.

42. This was noticed by perceptive observers. For example, Beatrice Webb concludes her description of the Jewish Board of Guardians in England as follows: "While all groundwork for the charges of pauperization is absent, we have conclusive evidence that either from the character of those who take, or from the method of those who give, Jewish charity does not tend to the demoralization of individual recipients."

43. Very beautiful is the midrashic explanation, adopted by Rashi and other commentators, of the last verse in Ecclesiastes. Whereas the standard translation reads: "For God shall bring every work into the judgment concerning every hidden thing, whether it be good or whether it be evil," the midrashic translation would read: "... concerning every hidden thing which is both good and evil." And what constitutes a "thing which is both good and evil" — giving charity publicly! See also *Chagigah* 5a.

44. *Ta'nit* 21a.

45. Maimonides, *Hilkhhot Avel*, 14:2. See also Rashi, *Sotah* 10a, explanation of של.

46. *Bava Batra* 9b.

47. *Matenot Aniyim*, 10:4. See *Sefer Mitzvot Gadol*. n. (לא ירע לבבך בהתך לו); *Guide for the Perplexed*, II, 39.

48. See *Or Zaru'a*, II, 51.

49. This is a moot point halakhically. We may discern three basic views: see *Tosafot*, *Kiddushin*, 31a (ד'ה כבד) and 32a (ד'ה אוורו לה'); R. Samson (Rash of Sens), *Pe'ah* I:1; Maimonides, *Hilkhhot Mamrim*, 6:3 (כפי מה שהוא יכול).

50. *Sifra*, *Kedoshim*, 86d; *Kiddushin* 30b.