# Poverty Programs in Jewish Law

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*. . . the tractate on Jewish ethics . . . (all of Israel are responsible for one another) is recognized as an obligation of the Jewish nation, community and individual towards the underprivileged classes.*

*This paper outlines those laws within the structure of Judaism which promote programs geared towards social welfare. A working concept of* Torah *provides the source for policy and poverty programs. The actual legal aspects of these programs as well as their implementation both historically and in present day will offer a clear picture of how they operate within Judaism.*

## Torah As Policy

In Jewish scholarship and society the word Torah has come to have many definitions and shades of meaning. It is therefore necessary to provide some useful understanding of what Torah is. Literally, the Torah is the Five Books of Moses. The word itself, however, stems from the Hebrew, *Horaah*—a teaching—and has come to include the entire complex of Jewish tradition incorporating the Oral Law as well as the Bible. This Oral Law is a fabulous wealth of detailed information which has been traditionally handed down verbally from its inception at Mount Sinai until finally committed to writing around the year 200 C.E. These instructional details associated with the commandments of the Old Testament devolved into sixty tomes of Talmudic literature dealing with fine legal distinctions which are further elucidated by later commentaries. This body of rabbinic literature is what we shall call Torah.[1]

There seem to be two goals underlying the commandments decreed by the Torah. One of these is the betterment of the individual's personality and attitude. The aim is "to create in man moral values and spiritual qualities such as kindness, sincerity, and confidence in the ultimate good in man."[2] Not only is this Torah ideology but it is in itself one of the commandments: "Ye shall be holy; for I the L-rd your G-d am holy."[3] This is explained by our Sages as the behest to emulate G-d's qualities: "Just as He is gracious and compassionate so be thou gracious and compassionate."[4] Ideally, a society composed of kind and generous individuals will certainly seek to benefit its underprivileged and vulnerable classes. Unfortunately, reality attests to the fact that society does not operate exclusively by the graciousness of its individuals.

The second aim of Torah ideology is the unification of its adherents into a collective character, a Jewish community. Many of the commandments not only promote common purpose and belief but are also directed specifically towards unifying the Jewish nation. This fundamental is taught in the tractate on Jewish ethics which states, "All of Israel are responsible for one another."[5] This is recognized as an obliga-

[1] For a thorough analysis of the definition of Torah see Zecharia Fendel, *Anvil of Sinai.* New York: Hashkofo Pub., 1977.

[2] Yehuda Loew, *Netivot Olam,* Prague. (circa 1560) p. 3.

[3] *Lev.* XIX:2

[4] *Shabbos* 133b

[5] *Sanhedrin* 27b

tion of the Jewish nation, community, and individual towards the underprivileged classes. Although unity is basic to all of the precepts, this paper will examine only those laws which are national in scope and which seek directly to improve the lot of society's lower classes.

In contrast to modern national welfare policies which are flexible and sensitive to changing needs, "Torah policy" is immutable. Although this may seem unrealistic, it is predicated on the belief that Torah law was preordained and transmitted by G-d, Whose omniscience created a legal structure so all-encompassing that it could be beneficial regardless of changes in society and government. The final portion of this paper is devoted to the relevance of these ancient programs in present society.

### Nationally Oriented Jewish Poverty Programs

In order to evaluate Jewish poverty programs one must first understand the Jewish social norm or societal attitude towards its poor as prescribed by the Torah.

> To the end of eliminating poverty, Judaism as in all other faiths extolls the virtues of giving. The uniqueness of Judaism's poverty program, however, is that its success does not depend on mere exhortation to give generously. Rather, the religion prescribes certain mandatory levels of giving and objective criteria of receiving above a certain minimum level. This makes the program somewhat analagous to our modern poverty programs based on taxation and minimum relief. This approach is reflected by the Hebrew term for poor aid, *zedakah,* which is best defined etymologically as "justice" and implies a compulsory giving rather than a "charity" or a free will offering. In other words it is only "just" that the poor share in the wealth of the more fortunate.[6]

Real programs to alleviate the base poverty level existed in ancient Jewish society. These were under surveillance of the governing bodies and infractions of the law could even invite corporal punishment by the courts.[7]

The Torah's major effort to alleviate poverty as applied to agricultural society in biblical times, was harvest allocations to the needy. The first of the three harvest gifts is called *leket*—gleanings. In the legal and technical sense the word is used for the ears of corn or other grain which were inadvertently dropped by the owner of the field or his employee during the reaping. These must now be left to be gathered by the poor.[8] It is forbidden to deprive the poor of their portion of the crop by contriving special devices which would prevent them from picking up the gleanings. It was also forbidden to permit the children of the employees to pick up the gleanings.[9] The law of *leket* also includes trees and vines where the indigent may collect all the single fallen grapes and the underdeveloped clusters.

The second agricultural commandment is named *shikchah*—forgotten sheaves. If a sheaf was left during the harvest, the owner of the field may not return to collect it. The sheaf now belongs to the poor.[10] Maimonides considers it obligatory upon the owner to leave the "forgotten" sheaf for the poor.[11] Two forgotten sheaves are considered as *shikchah* but not three. Similarly, if one forgets to pluck the fruit of one or two trees it becomes the property of the poor.[12]

The third in this set is called *pe'ah*—the uncut corner of the field.[13] The bible sets no

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[6] A. Shapiro, "The Poverty Program of Judaism." *Review of Social Economy,* (Sept.) Vol. 29, 1971. pp. 100-205.

[7] *Mishna Pe'ah* 1:2. Also Maimonides, "Mishne Torah," *Matanot Anyim* Chp. 1.

[8] *Lev.* XIX, 9. *Mishna Pe'ah* 4:10. Maimonides, *Matanot Anyim* Chapt. 4.

[9] *Mishna Pe'ah* 5:6.

[10] *Deut.* XXIV 19.

[11] Maimonides, "Sefer Hamitsvot" Positive Commandment #122.

[12] *Mishna Pe'ah* 6:7 and 7:1.

[13] *Lev.* XIX 9, XXIII 23.

minimum quantity to be left as the unreaped crop but the Sages ordained at least one sixtieth of the crop of a particular field. In consideration for the embarrassment of the poor, that amount should be left at the very end of the field in an inconspicuous corner.[14] Although the minimum amount for *pe'ah* fixed by the Sages is one-sixtieth, it should always be proportioned to the size of the field, the number of poor and the yield of the harvest.[15] A farmer who has illegally harvested his entire field must make reparation to the poor, even if his grain has already been processed into bread.[16] *Pe'ah* too applies to trees. Thus all farm produce is included in these three agricultural programs.

Another form of benefit to the poor is based on an agricultural allotment called *ma'aser ani*—the poorman's tithe. The biblical source[17] requires a tenth of all produce to be set aside for the priestly class and this, a second tenth, be alloted every third and sixth year for the poor and needy. If one is unable to distribute the poorman's tithe oneself, it has to be deposited in an official storehouse for the poor.[18] Although the priestly tithe denotes care for the spiritual side of life, this poorman's tithe is concerned with life's social aspects. The poorman's tithe developed later into an all-encompassing program of income redistribution which will be treated below.

There is one final national effort which may be viewed as a poverty program. The Jewish holiday of Purim, with historically nationalistic connotations, requires each individual to give a meaningful sum of money to at least two needy persons. Monies which were designated for this purpose may not be diverted to any other worthy cause. In addition, any mendicant requesting on this day may not be turned away emptyhanded.[19] In this way, at least once a year an entire nation was mobilized into social concern for its lower classes. In order to appreciate these Jewish regulations in the context of national programs it is necessary to study their implementation historically and their acceptance today.

**Employment of these Programs**

The Jewish nation began as a theocracy. The king was initially chosen for his saintliness as well as his lineage, and his actions were checked by the Sanhedrin, or Supreme Court of Sages.[20] The king and all of his offices were bound by Torah law. All government policies and resulting programs were predetermined by the Torah's precepts. Thus it was the national government's responsibility to oversee the fulfillment of these agricultural obligations. For the first 600 years of Israel's nationhood in the Holy Land these commandments of *leket, shikchah* and *pe'ah* were carried out nationally, in varying degrees of intensity depending upon the spiritual orientation of the monarch. During the Babylonian exile (586 B.C.E.) the Jewish self-government was headed by the rabbis[21] who proclaimed that these agricultural poverty programs must be maintained even in Babylonia.[22] Although later forms of Jewish autonomy were very limited, rabbinic authority was accepted as final. Therefore, while the Jews lived in self-contained communities, they continued to disburse produce allocations on a national scale. The Jewish community in Babylonia lasted over 1000 years and during this flourishing "Talmudic era" the people

[14] *Shabbos* 23. Maimonides, *Matanot Anyim* 2:12.

[15] *Mishna Pe'ah* 1:2. Maimonides, *Matanot Anyim* 1:15.

[16] *Makos* 15 Maimonides, *Matanot Anyim* 1:3.

[17] *Deut.* XIV 28 & XXVI 12.

[18] *Sifri* (circ 200). Midrash on Deut.

[19] Maimonides, *Megilla* 2:15.

[20] H. Gratz, *History of the Jews.* Philadelphia: Jewish Pub. Society, 1891. Vol. 1, p. 394.

[21] A. Miller, *Torah Nation.* New York: Balshon, 1971, p. 71.

[22] *Hullin* 137b.

rigidly maintained their support programs for the poor, never veering from these rabbinic ordinances.

Only after Jewish dispersal amongst the nations, at the end of the tenth century, did adherence to these precepts weaken. The *Code of Jewish Law* states, "If there are no Jewish poor to be found, there is no need to leave *leket, shikchah,* and *pe'ah* in the fields."[23] One of the glosses on the above statement adds, "Nowadays, the laws concerning the harvest gifts are no longer observed as the majority of the population are non-Jews and if one leaves the gifts in the fields, they will come and take them."[24]

In modern Israel where the majority of the community is Jewish, it would seem that the obligation is once more effective. However, the government does not follow Torah law and does not require that harvest allotments be set aside. It is known to this author, however, that at least two religious settlements do set aside these agricultural allocations as well as the *ma'aser ani* tenth of the total produce.

It is interesting to note the later historical developments in the poorman's tithe—*ma'aser ani.* R. David b. Samuel in a gloss on the *Code of Jewish Law* explains that the agricultural requirements of the poorman's tithe have been transferred to a monetary obligation which requires all wage earners to give a minimum of one-tenth of all yearly income to charity.[25] The *Code of Jewish Law* further elucidates that this obligation applies nationally without exception and even the beggar must give one-tenth of his collections.[26] Generous persons may donate up to one-fifth but never more for fear that their generosity might cause their own poverty. Moreover, rabbinic authorities of each city are permitted to enforce this 10% tax making it a clearly compulsory program of income redistribution. In Orthodox circles today, this practice is kept though there are no authorities to enforce it.

In reality these programs do not exist today on a national level. This might be due to two factors. Firstly, as already mentioned, dispersion amongst non-Jews as well as global departure from agricultural society have made these farmers' obligations non-binding. Secondly, Conservative and Reform movements within Judaism constitute the majority of Jews who no longer accept Torah authority and its poverty programs. Thus only the Orthodox continue on a small scale to adhere to these obligations.

[23] Joseph Caro, Shulchan Aruch (circa 1500) *Yoreh Deah* 332.

[24] Moses Isserles, *op. cit.*

[25] Turey Zahav, gloss on *Yoreh Deah* 331:1.

[26] Shulchan Aruch *Yoreh Deah* 249:1.