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Poverty and tzedakah in Jewish law

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SELECTED REFORM RESPONSA

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SELECTED REFORM RESPONSA

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The responsa on the following pages represent a selection taken from a century of American Reform responsa that have answered questions from members of the Reform community and its rabbis. We are grateful to the Central Conference of American Rabbis Press and the Hebrew Union College Press for permission to republish these responsa. They have been presented as previously published with no effort to change the Hebrew transliteration or their style.

to its original owner (Ex. 25:5-6). These legislative provisions of the Torah were constantly reinforced by the message of the prophets. A similar emphasis on charitable acts was continued in the Mishnah and Talmud reflecting the period of the second Temple and the Babylonian exile. Perhaps the grandest statement about charitable acts is to be found in Maimonides' *Seder Hachinukh*, which lists eight degrees of philanthropy with emphasis upon helping the poor toward independence (*Seder Hachinukh* 10:7 B). "The highest degree is attained by those who give him a gift or a loan, or go into partnership with him, or find work for him to strengthen his hands so that he need no longer appeal for help." A discussion of some other aspects of charity and charitable gifts will be found in the responsa "Priorities for an Adoption Agency" and "Priorities in Charitable Distribution."

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SELECTED REFORM RESPONSES

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HISTORICAL BASIS FOR JEWISH SOCIAL SERVICES

1974

QUESTION: What is the historical basis for social services as we now know them? (Dr. S. Busis, Pittsburgh, PA)

ANSWER: If we turn to the Biblical period, we find most emphasis placed upon alleviation of poverty either through outright charity (Deut. 15. 10 ff., etc.), tithing for the benefit of the poor (Deut. 14.28 f), participating in the harvest and the produce of the sabbatical year (Lev. 19.9 f., 23.22, etc.). In addition to this, there was an attempt to bring about economic equality every fifty years through the Jubilee Year when all Hebrew slaves were set free and all land was returned to its original owner (Lev. 25.8 ff.). Those legislative statements of the *Torah* were constantly reenforced by the message of the prophets. A similar emphasis on charitable acts was continued in the Mishnah and *Talmud* reflecting the period of the second Temple and the Babylonian exile. Perhaps the grandest statement about charitable acts is to be found in Maimonides' *Yad Hazaqah*, which listed eight degrees of philanthropy with emphasis upon helping the poor toward independence (*Yad. Hil. Matnat Aniyim* 10.7 ff.). "The highest degree is attained by those who give him a gift or a loan, or go into partnership with him, or find work for him to strengthen his hands so that he need no longer appeal for help." A discussion of some other aspects of charity and charitable gifts will be found in the responsa "Priorities for an Adoption Agency" and "Priorities in Charitable Distribution."

All such charitable directives were addressed to the individual and were more concerned with the physical needs of the poor than with their psychic and emotional needs. As the former matters are now

part of the services of the secular government, the emphasis of Jewish social services is on the latter. This, too, has a long tradition in our history.

Sick-care societies on a communal basis did not appear until the Spanish-Jewish period. They may have begun as early as the thirteenth century in Spain (A. A. Neuman, *Jews in Spain*, 11, 161 ff.). Such societies were responsible for the physical and spiritual welfare of all who were ill, burial of the dead, and counseling of the bereaved.

Similar societies were founded in Germany in the seventeenth century, probably under the influence of Spanish-Jewish immigrants (J. R. Marcus, *Communal Sick-Care*, p. 64). At the same time, we find such societies beginning in Italy. Throughout Central Europe they patterned themselves somewhat after Christian groups which also cared for the sick, but two major differences continued to exist between the Jewish organizations and their Christian counterpart. The Christian organizations were also social clubs and tended to look only after their own sick members. The Jewish Brotherhood had few social overtones and worked for the benefit of the entire community. These societies, often called "Holy Brotherhood" or "Brotherhood of Lovingkindness," were motivated by strong religious forces. Their constitutions often quote Psalm 41 or the *Ethics of the Fathers* - "by three things is the world upheld, by *Torah*, service, and by deeds of lovingkindness," or "you shall love your neighbor as yourself" (Lev. 19.18).

The Brotherhoods were tightly organized and funded through the community. All the members of the Brotherhood were duty-bound to serve in whatever capacity they could. There were rigid schedules of visiting the sick and caring for the bereaved. As much attention was given to the religious and emotional needs as to the physical needs of the sick. The basic feeling of these groups has been best stated by Dr.

Abraham Wallich, a seventeenth century university trained physician, who in his *Sefer Dimyan Harefuot* felt that the sickness must be cured not only by physical but also by spiritual means. Manuals were written for the guidance of those who counseled the sick and the bereaved. Many of them, like *Sefer Hahayim* or *Maaneh Lashon*, were very popular and went through many editions.

We also find Jewish hospitals as specific Jewish institutions beginning in Germany in the thirteenth century. Through communal pressure, they became modernized in the eighteenth century. Often they were guided by a Brotherhood as well as the general community. It was felt necessary to have Jewish hospitals as their counterparts were specifically Christian rather than secular. Both the Brotherhoods and the Jewish hospitals could also be found in the Eastern European Jewish communities. Brotherhoods were present in communities both large and small in the last two centuries, while hospitals existed only in the large Jewish centers.

We may then see that there is a long history of continuous Jewish social service through well organized groups which looked after the physical, spiritual and emotional needs of the members of the community during times of personal stress and crisis.

Walter Jacob

Walter Jacob, *Contemporary American Reform Responsa* (New York: Central Conference of American Rabbis, 1987), # 187.

PRIORITIES IN CHARITABLE DISTRIBUTION

1986

QUESTION: Does tradition set priorities in the distribution of charitable funds which have been collected? In this community there are day schools, afternoon schools, Jewish community center programs, senior adult housing, nursing homes and many other groups which claim priority from the charitable funds. What kind of priorities does the *halakhah* set? (Rabbi B. Greenspan, Pembroke Pines, FL)

ANSWER: Charity has been emphasized in Judaism since Biblical times. The Torah suggested that one tenth be collected for the poor, and that corners of the field and the gleanings of the harvest be left for them so that they could participate in the harvest. This was a way of providing for individuals who needed food and basic sustenance (Lev. 19, 27.30 ff; Nu. 18.26; Deut. 12.17; 2 Ch. 31.5 f; Neh. 13.12).

Many biblical books continue this emphasis and frequently chastise those who neglect the poor while amassing fortunes themselves (Deut. 15.7 f.; Amos 2.6 ff.; Isaiah 1.17; Jeremiah 7.6; Mal. 3.5; Prov. 31.10; Job 29.16; etc.). Categories of poor, such as widows, orphans and the sick were mentioned, but no priorities were established.

These thoughts were reinterpreted by the later mishnaic and talmudic literature. By that time, portions of the Jewish population lived in urban settings, so the earlier manner of distribution through gleanings and abandoned corners of the field were no longer appropriate. The Mishnah provided for the poor through the continuation of the tithe as well the placement of gifts in a special area of the Temple from which individuals could help themselves according to their need without shame.

There are a variety of rules in the Talmud which deal with the poor and define those eligible for gifts. So, for example, those who still have enough provisions for two meals may participate in public food distribution in a soup kitchen, while those who still possess enough for twenty-four meals may not participate in distributions from a charitable box. Furthermore, those whose possessions consist of two *zuzim* could not glean in the fields (*M. Peah* 8.7, 8; *J. Peah* 29b). There were, of course, other rules, too, about the sale of possessions and family responsibility for those relatives who were poor (*Ket.* 68a; *Shulhan Arukh Yoreh Deah* 253.1; 257.8).

Local poor individuals were always given priority over those at a distance, and members of the family over outsiders (*B. B. M.* 71a; *M. B. K.* 11.9; *Shulhan Arukh Yoreh Deah* 251.3).

The Jewish community took care of its own poor and except under special circumstances charity from non-Jews was not accepted. On the other hand, non-Jews could be beneficiaries of Jewish charity (*M. Git.* 5.8; 61a f; *Shulhan Arukh Yoreh Deah* 254.2).

Charity in the form of food or clothing was arranged by loans to the poor (*B. Yeb.* 62b f); items were sold below cost when the prices had risen excessively (*Sefer Hassidim* #1049).

Every effort was made to adopt orphans (*B. San.* 19b; *B. Ket.* 50a) or to arrange for orphanages although the latter is a development of modern times. The first Jewish orphanage was opened in London in 1831.

Different forms of giving were listed but unsystematically and few priorities on distribution were provided; among the noblest was the anonymous gift through which the recipient and the donor were unknown to each other. A large number of sayings which encourage

charity are scattered through the Talmud and the *midrashic* literature (*M. Avot* 1. 2; *B. B. B.* 9a, b, 109b; *B. Ber.* 55a; *B. Ket.* 67b; *B. Shab.* 156b; *Taan* 20b, etc.). Even the poor are to be charitable (*B. Git.* 7b).

A system for the collection of charitable funds was established in every community and one or two treasurers took care of this task. In fact, no community was to be without such individuals who looked after the poor (*Yad Hil. Matnat Aniyim*, 9.1-3). Efforts to organize patterns for the distribution of charity were undertaken by the twelfth century *Sefer Hassidim*, and Maimonides (1135-1204) in his *Yad (Hil. Matnat Aniyim)*, as well as Caro (*Shulhan Arukh Yoreh Deah* 250 f) and subsequently by Elijah ben Avraham of Smyrna (*Meil Tzedaqah*). Each of these works listed various gradations of giving and distribution independently without much reference to any earlier effort. The loftiest goal was the procurement of employment for the poor or the provision of a dowry for an orphaned girl; both would remove the recipients from the rolls of the poor and would eliminate a drain on the community (*Shab.* 63a.; *Mak.* 24a; *Yad Hil. Matnat Aniyim* 10. 7 f). No distinction was made between Jew and non-Jew (*Git.* 61a) nor of rank within the Jewish community (*Ket.* 6, 7a; *Yad Hil. Matnat Aniyim* 8; *Shulhan Arukh Yoreh Deah* 251).

Much effort was expended on ransom for captives, or if that was not possible, at least proper provisioning for those who were held captive (Rieger, *Geschichte der Juden in Rom*, 11, p. 316; *Shulhan Arukh Yoreh Deah* 252. 1). This could extend to selling items from the synagogue in order to help captives (Israel Abraham, *Jewish Life in the Middle Ages*, pp. 337 ff). Funds were made available for Israel and they were collected by *Sheluhim* who regularly visited communities (Abraham Yaari, *Shiluheh Eretz Yisrael*).

In the medieval period, vigorous charitable organizations looked after the feeding, housing, educational and dowry needs of the poor (M. Guedemann, *Geschichte des Erziehungswesens und Kultur*, I, 50 ff; A. Cronbach, "Me'il Tzedakah," *Hebrew Union College Annual*, Vols. 9-14). This was necessary as poverty was endemic in a sizable portion of the Jewish community during many centuries.

Hospitals are mentioned early in the literature, however, they were actually hostels for traders and poor travelers. The first reference to such a Jewish "hospital" is in 1210. A leper hospital existed in Heidelberg, in 1349, but this seems to have been an exception (Abraham Cronbach, *Religion and Its Social Setting*, p. 131). Few financial provisions were made for sick care, unless the sick were indigent. Every effort was made to assure that they were regularly visited (*Or Zarua* 2.51). In some cases, individuals unwilling to make such visits were fined (Abraham Cronbach, *op. cit.* p. 137).

Educational institutions were not recipients of charity, although wealthy individuals endowed them. In the talmudic and later medieval periods, it was the duty of each community to establish and support such institutions. Elementary schools were always provided for in conjunction with synagogues; parents of the children paid tuition according to their ability, while poor students were fed and housed by the community (Cronbach, *op. cit.*, p. 128). Considerable sums were expended on direct support for educational institutions but this was not considered charity. It was an obligation supported by taxes and tuition. Scholarships for poor students were provided in the form of food, lodging or books as a charitable contribution (*Turei Zahav* to *Shulhan Arukh* Yoreh Deah 249.2; S. Dubnow, *Pinkas Hamedinah*, #528 and #588). Institutions of higher learning were established and supported by patrons. Their future depended on this help, and when the economic conditions changed, they closed or moved to a new location.

None of these sources dealt with institutions which are now the major recipients of charitable funds such as vocational institutions, special education units, social service agencies, hospitals, etc. In other words, the earlier Jewish communities faced so many basic needs that other matters could not be considered.

We may conclude from this that tradition provides little guidance for our age, especially as we have been fortunate enough to overcome the basic problems of previous ages. All sources agree that communities need primary education, sick care, and centers of higher learning. They do not deal with their funding in detail.

Walter Jacob

Walter Jacob, *Contemporary American Reform Responsa* (New York: Central Conference of American Rabbis, 1987), # 187.

As Judaism developed, numerous institutions became part of each Jewish community. These included a system of schools, both for the education of the young and advanced scholars; hospitals, as well as homes for the aged and destitute (J. Marcus, *Communal Sick-Care in Medieval Germany*; A. Guedemann, *Geschichte der Erziehungsweisen*; U. J. Levy, *Die Lebensaber*; Israel Abrahams, *Jewish Life in the Middle Ages*). These institutions served the entire Jewish community despite differences of opinion about interpretations of Jewish law.

When major disagreements appeared on the Jewish communal scene in various periods of Jewish history, such communal ventures ceased. We can see this clearly in the century long bitter struggle

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GIFTS TO ORGANIZATIONS INIMICAL TO REFORM JUDAISM

1986

QUESTION: Should Reform Jews contribute to organizations which advocate changes in the Law of Return in Israel? (Rabbi D. Taylor, Highland Park, IL)

ANSWER: If we begin by asking the broader question, "Who has the right to expect some help from us or any other fellow Jew, " we must turn to the Biblical demands which deal with the maintenance of the sanctuary as well as charity toward the poor. The temple in Jerusalem, and the earlier Tent of Meeting, were maintained through a gift of the half-*sheqel* by, every adult male. In addition a tithe, as well as portions of all the sacrifices, were provided for the priests and the Levites. The other gifts mandated by the Bible, and later literature are intended to deal with the- poor; the widow, the orphan, etc. (Lev. 19, 27.30 ff.; Nu. 18.26; Deut.12.17; 2 Ch..31.5 f.; Neh. 13.12; see "Priorities in Charitable Distribution").

As Judaism developed, numerous institutions became part of each Jewish community. These included a system of schools, both for the education of the young and advanced scholars, hospitals, as well as homes for the aged and destitute (J. Marcus, *Communal Sick-Care in Medieval Germany*; M. Guedemann *Geschichte des Erziehungswesens*; L. Loew, *Die Lebensalter*; Israel Abrahams, *Jewish Life in the Middle Ages*). These institutions served the entire Jewish community despite differences of opinion about interpretations of Jewish law.

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between *Hassidim* and *Mitnagdim*. They not only refused to support each other's institutions, but fought with every weapon at their command including the intervention of the hostile Czarist government (S. Dubnow, *Geschichte des Chassidismus*, Vol. 2, p. 149 ff.). We find a similar situation when we look at the vigorous rising Reform Movement in Germany and Hungary during the last century. In Germany, for example, the Orthodox community fought hard to withhold financial support and to keep the liberal community from obtaining government funds to which all religious communities were entitled. These struggles also led to the secular courts in encounters like the Geiger-Tiktin Affair in which a segment of the community sought to keep the great liberal Jewish scholar, Ludwig Geiger, from the position of rabbi in Breslau (D. Philipson, *The Reform Movement in Judaism*, pp. 51 ff.) When the battle was lost by the Orthodox, they successfully sought legislation in Prussia which would permit a segment of the community to withdraw from the general community and still receive government support. This effort was led by Samson Raphael Hirsch (Ismar Ellbogen, *A Century of Jewish Life*, p. 99 ff.; W. G. Plaut, *The Rise of Reform Judaism*, Vol. 1, pp. 63ff.; N. H. Rosenbloom, *Tradition in an Age of Reform*).

We see similar hostility when we review the history of the Zionist Movement in Europe and America. Certainly anti-Zionists strongly opposed all financial support for Zionism. The ultra-Orthodox *neturei karta*, as well as various Hassidic anti-Zionist groups, still deny support and do their best to lobby against it both within the Jewish community and with the United States Congress. We as Reform Jews should *not* contribute to organizations which advocate a change in the "Law of Return" and should do everything within our power to see to it that others do not contribute to them either. This not only represents enlightened self-interest, but also will help maintain some semblance of unity within the broader Jewish community. We must remember that it is militant Orthodoxy which

threatens to divide, and thereby, weaken the modern Jewish community. This threat should not be taken lightly, but must be fought with all the vigor and power at our command.

Walter Jacob, *Contemporary American Reform Responsa* (New York: Central Conference of American Rabbis), 1987, # 187.

ANSWER: The law as presently constituted tends to view the state as the care provider of last resort. Although this was the intention of the Congress, the rising cost of care for the elderly and the inability of private individuals to provide adequate care has led to the unfortunate mentioned above. It is, of course, wrong to shift the government especially a friendly government or helpful institutions to avoid fiscal responsibility (B. B. K. 117 a, b; *Or Zarua* 117; Solomon ben Adret *Responsa* 3, 165; 4, 35, 111). This should be considered as *gemul chatit* or possibly outright theft (B. Hul. 94a; *Tal H'it Gervin* 18 b; *Tur* and *Shulhan Arukh* *Hoshen Mishpat* 225 G). We must see this matter in the light of various aspects of justice as well as other factors which may ameliorate this initial judgment.

Let us begin by reviewing some economic considerations presented by our tradition. We should recall that the Talmud set a poverty level for those eligible to receive the second tithe. The net worth had to be below 200 bar or 50 bar if the funds were invested as capital (M. Peah 8 3b; *Tal H'it Mamei Anyan* 9, 14; *Tur* and *Shulhan*

liberal Jewish community and the Orthodox Jewish community, including the institution of the *kehillah* (S. Dubnow, *Geschichte der Chassidim*, Vol. 2, p. 149 ff.). We find similar hostility towards the Reform Movement in Germany and elsewhere in Europe. In Germany, for example, the Orthodox community fought hard to withhold financial support and to keep the liberal community from obtaining government funds to which all religious communities were entitled. These struggles also led to the secular courts in encounters like the Geiger-Tiktin Affair in which a segment of the community sought to keep the great liberal Jewish scholar, Ludwig Geiger, from the position of rabbi in Breslau (D. Philipson, *The Reform Movement in Judaism*, pp. 51 ff.). When the battle was lost by the Orthodox, they successfully sought legislation in Prussia which would permit a segment of the community to withdraw from the general community and still receive government support. This effort was led by Samuel Raphael Hirsch (Herrn Ehrlicher, *A Century of Jewish Life*, p. 99 ff.; W. G. Plaut, *The Rise of Reform Judaism*, Vol. 1, pp. 63 ff.; N. H. Rosenblum, *Tradition in an Age of Reform*).

We see similar hostility when we review the history of the Zionist Movement in Europe and America. Certainly anti-Zionist groups opposed all financial support for Zionism. The *Agudat HaChochmei Lublin*, as well as various Hassidic anti-Zionist groups, did their best to lobby against it both within the Jewish community and with the United States Congress. We as Reform Jews should not contribute to organizations which advocate a change in the "Law of Return" and should do everything within our power to see to it that others do not contribute to them either. This is not only a matter of enlightened self-interest, but also we may remember some semblance of unity within the broader Jewish community. We must remember that it is militant Orthodoxy which

**FINANCIAL RESPONSIBILITY TOWARD JEWISH
HOMES FOR THE AGED**

1989

QUESTION: Many Jewish institutions for the elderly require that all assets be placed into the custody of the institution before placement can take place. This has resulted in a large number of elderly individuals either refusing to use the institutions, or giving their assets to their children before placement. The latter is often used as a way of evading financial responsibility. The individuals then either become wards of the state or place an undue burden upon the Jewish community which supports the institution. What is the Jewish attitude toward this kind of subterfuge? (Howard Fagin, Temple Sinai, Atlanta GA).

ANSWER: The law as presently constituted intends to view the state as the care provider of last resort. Although this was the intention of the Congress, the rising cost of care for the elderly and the inability of private institutions to provide adequate care has led to the subterfuge mentioned above. It is, of course, wrong to cheat the government especially a friendly government or helpful institutions to avoid fiscal responsibility (B. B. K. 113 a, b; *Or Zarua* 110; Solomon ben Aderet *Responsa* 3:165; 4: 35, 111). This should be considered as *genevat daat* or possibly outright theft (B. Hul. 94a; *Yad Hil. Genevah* 18.3; *Tur* and *Shulhan Arukh Hoshen Mishpat* 228.6). We must see this matter in the light of various aspects of tradition as well as other factors which may ameliorate this initial judgement.

Let us begin by reviewing some economic considerations presented by our tradition. We should recall that the Talmud set a poverty level for those eligible to receive the second tithe. The net worth had to be below 200 *zuz* or 50 *zuz* if the funds were invested as capital (M. Peah 8.8f, *Yad Hil. Matnat Aniyim* 9.14; *Tur* and *Shulhan*

Arukh Yoreh Deah 253.1 ff). The party may retain his home, essential household goods and clothing. However, if the household goods are made of gold or silver, they are to be sold and replaced with ordinary ones. The assets must be accessible so a person with property in another place (as for example frozen bank accounts in another land) may qualify for assistance as he/she has no assets in his current domicile (See *Bet Yosef* to above quoting Isaac of Vienna).

This approach of the Talmud and codes is appropriate when sufficient public assistance is available; it demands the depletion of assets and guarantees a safety net. We should note that the tradition indicated that we are not obliged to provide luxuriously for the poor (M. Ket. 6:8; 67b; *Yad Hil. Matnat Aniyim* 7.3); yet if the individual was once wealthy, we should provide some luxuries as this will make poverty more bearable (*Yad Hil. Matnat Aniyim* 7:3; *Shulhan Arukh* and *Tur Yoreh Deah* 25).1). We must remember this legislation deal with poverty in general and not with our specific problem of the aged who have not been poor, but who may have been thrust into poverty because of the inadequacy of the pension/welfare system due to the high cost of providing elderly nursing care.

We must also be concerned about the psychological implications. The expectation of exhausting ones resources entirely provide a devastating psychological blow to the aged individual. The aged individual, independent and middle class to this point will now become destitute and helpless. This person sees himself/herself as a ward of the state and completely dependent upon children even for the most minor luxuries. This may lead to depression and even early death. Furthermore the children see the institution which will care for their parents robbing them of the hard earned savings of their parents in a short period of time. They feel that a disproportionate burden has been placed on their shoulders in the semi-socialist society in which we live.

The subterfuge is wrong; as the law is not functioning as intended, it needs to be changed. This is especially necessary in this case as the old system has broken down and has led to a general disrespect for the law. However, until that change occurs, we must deal with the morality of the present situation and reality as we find it.

We should discourage aged parents from committing *genevat daat*. If they nevertheless leave all assets to their children before placement, an increased financial responsibility falls upon the children especially when major assets were involved. Although no secular law may demand sizable contributions toward the care of their parents Jewish law does make such demands.

Rabbi Meir of Rothenburg indicated that charity must begin with close relatives; parents are first, then brothers and sisters; other relatives follow, and the total stranger comes last (*Responsa* Vol II pp. 118 f; *Yad Hil.* Matnat Aniyim 7.13; *Seder Elijahu* Chap 27 p. 135; *Tur* and *Shulhan Arukh* Yoreh Deah 251). It was normal in medieval Europe to support family members from the tithe allocated to the poor (Meir of Rothenburg *Responsa* (ed) Bloch #75 p 10b; Isaac of Vienna *Or Zarua* Tzedakah Sec 26). The community could go to considerable length to force a son in this direction.

Solomon ben Aderet, for example, suggested that the synagogue be closed to such a son and he be publicly shamed until he supported his father, yet he should not be placed under a ban (*Responsa* Vol. 4 #56). In this case there was some doubt about the economic deprivation of the father. Somewhat similarly, David ben Zimri felt that children could be compelled to support their parents in a manner appropriate to the financial status of the children (*Responsa* Vol. 2 p 664). A decision akin to this was rendered much later by Moses Sofer (*Hatam Sofer* Yoreh Deah #229). It further indicated that anything which the son possessed must be placed at the disposal

of the parents. These situations dealt with a society in which no social services existed and individuals might be left completely helpless. Our situation is somewhat different yet our communities may make reasonable demands of the children. We do not expect them to support their aged parents alone, but we can also not permit financial abandonment.

The community may exert both moral and social pressure in order to bring about appropriate support according to the means of the children. This will bring enhanced support for the homes for the aged within our Jewish community and be in the spirit of our tradition.

Walter Jacob

Walter Jacob, *Questions and Reform Jewish Answers - New American Reform Responsa* (New York: Central Conference of American Rabbis), 1992, # 91.

ASBESTOS VERSUS REFUGEES

1990

QUESTION: The congregation has found some asbestos in the Religious School and discovered that it can be contained at a modest cost, but some parents have demanded its removal which cost several hundred thousand dollars. At the same time members of the congregation have petitioned vigorously to use funds for the rescue and resettlement of Soviet Jews. would tradition see as more important - the health of our children or the rescue of the Russian Jewish immigrants? (Nora A. Ellenson, Philadelphia PA)

ANSWER. Let us begin by looking at the *mitzvah of pidyon shivuyim* (the redemption of captives). Tradition has considered this a major *mitzvah* (B B 8a) and Maimonides for example cited a long f Biblical verses to prove how significant the *mitzvah* was (*Yad, Hil. Matnot Aniyin* 8.10; *Shulhan Arukh Yoreh Deah* 352). In talmuudic citation the rabbi permitted funds to be removed from a designated charity to this purpose as it was so important. Even if the funds had been specified only for the rebuilding of the Temple they could be diverted for the sake of redeeming captives. The literature then sadly enough felt it necessary to deal with the order of priority among the captives. Obviously there often were insufficient funds to rescue everyone. The primary importance this task has been very clearly established by tradition.

Now let us look at the matter of health. It is a duty for Jews to look after their health and for that matter the heal their fellow human beings (Deut 4.9, 15; 22.8; B K 91b; *Yad. Hil. Rotzeah* 11.4 ff, *Shuthan Arukh Hoshen Mishpat* 427; *Yoreh Deah* 116.5 and Isserles). This means that no product which can harm should be used in any way. These citations would certainly apply to the danger of asbestos and , of course, we need to protect both children and adults

from problems which may be caused by it. In this instance, however, two solutions are available. Both will assure the safety of the children; one is much more expensive than the other. It would, therefore, be preferable to encapsulate the asbestos and have it checked from time to time rather than spend a very large sum of money on its total removal especially as those funds can be used to rescue Jews from the Soviet Union. This must be done first and the smaller sum of money utilized for the safety of the children.

Walter Jacob

Walter Jacob, *Questions and Reform Jewish Answers - New American Reform Responsa* (New York: Central Conference of American Rabbis), 1992, # 90.

THE HOSTAGES

1987

QUESTION: What guidance does Jewish legal tradition give us in handling situations like the recent one in which an airplane containing American citizens was hijacked and the travelers were held as hostages by their Shiite Moslem captors? (Asked by Rabbi Daniel Syme, New York.)

ANSWER: The many-sided effort made by the United States government to free these hostages has its analogy in Jewish experience and Jewish law. Actually, the Jewish experience is far more extensive than that of any modern government whose citizens have been held hostage. In the Jewish past, especially in the Middle Ages, large numbers of Jews (numbered into the thousands) were captured and held hostage. A description of the extent of this bitter Jewish experience may be found in Abraham's *Jewish Life in the Middle Ages*, pp. 96 and 336.

Since the taking of hostages was so widespread an experience, it is obvious that the Jewish legal literature had considerable material on this subject. Since the taking of Jews as hostages was so widespread an experience, it is obvious that the Jewish legal literature had considerable material on the subject.

The first statement was by Rabbi Jochanan in the Talmud (B.B.B. 8b). He comments on the following verse in Jeremiah 15:2: "Those who are for death will have death; those for the sword will have the sword; and those for captivity will have captivity." Rabbi Jochanan says that these three tragedies are given in the order of ascending severity; that is to say, that captivity (being held hostage) is a greater tragedy even than war and death itself.

The relationship of the Jewish community to this constant tragedy expressed itself in the fact that there arose in various periods all over the Jewish world, special societies organized devoted to the mitzvah of rescuing hostages (*Pidyan Shevuyim*). The law involved in this social spiritual effort is codified in the *Shulhan Arukh*. It occupies all of section *Yoreh Deah* 252. Among the statements there which reveal the depth of the tragedy involved is that any money collected for any other charitable purpose (except the building of the synagogue) may be converted from its original purpose and used for the redemption of captives.

However, a sharp distinction must be made between the Jewish experience in the past and the modern situation. The earlier taking of captives was almost entirely the work of pirates for gain. Therefore, all that was needed was money to ransom the hostages. But the modern hijacking generally has a different purpose, not financial but political, i.e., to force a hated nation to suffer. Therefore the mere paying of money is no solution to the modern problem.

Unfortunately, modern nations when thus assaulted, have not yet found a method of dealing with the captors. The whole subject is at its very beginning and undoubtedly will be studied carefully. But so far at least, one conclusion that is tentatively arrived at in dealing with these hijackers is not to bargain with them, and certainly not to give in to their demands when that is possible, because so doing would encourage them and hijacking would increase. Some such caution in dealing with the captors is found in Jewish law. In the *Shulhan Arukh*, *Yoreh Deah* 232:2, the community is cautioned not to give too much to the captors, lest they be encouraged to increase their crimes. And also, in #336, the community is warned against trying to rescue the captives by force lest the captors will become increasingly cruel to those captives in their hands.

To sum up: Although the modern situation is chiefly political, and the older situation pecuniary, the long and bitter Jewish experience with hostages gives us, as we see above, various methods that may be deemed analogous and helpful. One thing, perhaps, may also be mentioned as a final analogy: Special societies devoted to the redemption of hostages became a method of widespread social dedication in Jewish life. So nowadays with modern methods of broadcasting communications, the communities can not only be kept informed of the latest news, but can be morally aroused as the Jewish communities were, and thus will ultimately be led to the solution of this tragic modern problem.

Solomon B. Freehof

Solomon B. Freehof, *Today's Reform Responsa* (Cincinnati: Hebrew Union College Press, 1990), # 44.

... Although the world is full of nations and peoples, the Jewish people are unique in their history and in their religious and moral values. We must not lose sight of this uniqueness in our approach to the modern world. The Jewish people have a duty to stand up for their rights and to demand justice for all people. We must not be intimidated by the might of the modern nations. We must not be afraid to speak the truth and to stand up for our principles. We must not be silent in the face of injustice and oppression. We must not be afraid to challenge the status quo and to demand change. We must not be afraid to stand up for the rights of the oppressed and the weak. We must not be afraid to stand up for the rights of the Jewish people. We must not be afraid to stand up for the rights of all people. We must not be afraid to stand up for the rights of the Jewish people. We must not be afraid to stand up for the rights of all people.

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... Unfortunately, modern nations when thus assaulted, have not yet found a method of dealing with the captives. The whole subject is still in the air and will be studied carefully. But as the ancient sages would say, we must not be afraid to speak the truth and to stand up for our principles. We must not be afraid to challenge the status quo and to demand change. We must not be afraid to stand up for the rights of the oppressed and the weak. We must not be afraid to stand up for the rights of the Jewish people. We must not be afraid to stand up for the rights of all people.

A POVERTY PROJECT AND SHABBAT

1986

QUESTION: Members of the congregation are involved in a social action program which seeks to rebuild homes in various deprived areas of the city. Plans are made for this throughout the year; the building material is gathered; hundreds of volunteers both in the Christian and Jewish community are involved in the process. The actual rebuilding takes place twice a year each time on a *shabbat*. Should members of the Jewish community be involved in this activity which violates the spirit of *shabbat*, but on the other hand helps the poor? (Rabbi J. Zabarenko, Houston, TX)

ANSWER: The commitment of Judaism to help those who are poor has been very clear from biblical times onward. The legislation of the Torah, and the constant exhortation of the prophets, have moved us in this direction. The statements about charity by the legal literature from the Mishnah onward have been very specific, and makes this one of the highest priorities of Judaism. *Tzedakah* in all forms has always been important to us. Maimonides' eight steps of charity have systematized our efforts. The last of his steps is akin to the project undertaken by your community, as it enables the poor to provide for themselves with dignity, and in this case, proper homes in which their families can live.

Reform Jews have placed special emphasis on social action programs, and the eighth point of the Pittsburgh Platform of 1885 stressed this:

In full accordance with the spirit of Mosaic legislation which strives to regulate the relation between rich and poor, we deem it our duty to participate in the great task of modern times, to solve on the basis of justice and righteousness the problem presented by the contrasts and evils of the present organization of

society. (*The Changing World of Reform Judaism: The Pittsburgh Platform in Retrospect*, Walter Jacob, ed. p. 109).

The efforts of the Reform Movement in this regard are clear. The resolutions of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, as well as the action of hundreds of congregations, have led us in this direction for more than a century. The Social Action Center, which was established in Washington, DC, some two decades ago, has provided additional national leadership.

We must, however, ask how we can balance this goal of Reform Judaism with the equally significant tasks of honoring the *shabbat* and observing the spirit of this day of rest.

The Reform Movement has considered the *shabbat* very important and has tried to strengthen it. When the immigrant generation found it difficult to attend *shabbat* morning services, Isaac M. Wise created the late Friday evening service. The effort by some early Reform leaders to emphasize a Sunday weekday service over the *shabbat* service was vigorously rejected as an infringement on the sanctity of the *shabbat* (W. Jacob, *Pittsburgh Platform in Retrospect*; pp. 115, ff). During last decades we have placed greater emphasis on *shabbat* observance. The C.C.A.R. has done so through resolutions and publications (W. Gunther Plaut, *Shabbat Manual*; Peter Knobel, *Gates of the Seasons*). Reform Judaism has emphasized rest, worship, study and family activity rather than the details of the thirty-nine major categories of prohibited work (*M. Shab. 7.2; Mishnah Torah*; also see *Shulhan Arukh*).

Although rebuilding a home for the poor is a religious activity, we can not consider it restful. Furthermore, we are not dealing with

an emergency situation, but with a well planned activity for which preparations have been made over a long period of time. Some Reform Jews may not live up to the ideals of *shabbat* observance, but we must, nevertheless, encourage them and discourage activities which clearly lead in other directions.

We would, therefore, encourage the Jewish community to participate in other aspects of this charitable venture. They may plan, collect the necessary materials as well as fund the project, but they should not participate on *shabbat* itself.

As the project is carried out twice during the year, one of those occasions can be a day other than *shabbat*. If Sunday seems inappropriate, then one of the national holidays can be selected. We should participate in the project but not on *shabbat*.

Walter Jacob

Walter Jacob, *Contemporary American Reform Responsa* (New York: Central Conference of American Rabbis, 1987), # 187.

an emergent shabbat that will plan and organize for which preparatory work has already been done. Some Reform Jews may not live up to the ideals of shabbat observance, but we must nevertheless encourage them and discourage activities which simply lead to other commitments and to shabbat.

The Reform Union of American Hebrew Congregations has not only a large membership but a strong leadership. Its responsibility is to encourage the Jewish community to participate in shabbat as an essential part of its religious life. We must therefore encourage shabbat participation as a religious obligation. We must also encourage shabbat participation as a religious obligation.

As the project is carried out twice during the year, one or two sessions should be held each year. It is hoped that shabbat observance will be more widespread and that shabbat will be a more meaningful part of the religious life of the Jewish community.

The Reform Union has been successful in its efforts to bring shabbat back to the Jewish community. It is hoped that shabbat will be a more meaningful part of the religious life of the Jewish community. The Reform Union has been successful in its efforts to bring shabbat back to the Jewish community. It is hoped that shabbat will be a more meaningful part of the religious life of the Jewish community. The Reform Union has been successful in its efforts to bring shabbat back to the Jewish community. It is hoped that shabbat will be a more meaningful part of the religious life of the Jewish community.

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Although shabbat is not a religious activity, it can be a religious activity. Further, we are not dealing with

A HOLIDAY GIFT WRAPPING PROJECT AND SHABBAT

QUESTION: For six years Congregation Beth El, in Traverse City, has cooperated in a fund-raising effort by operating a Christmas gift wrap service at the local shopping mall. This activity has provided funds both for the congregation and the local United Way campaign. Is it appropriate for the congregation to sponsor such an activity during *shabbat*? (C. Carnick, Traverse City, MI)

ANSWER: Reform Judaism has continually emphasized the general mood of *shabbat*. It is a day of rest, worship, study and family activity (S. Maslin, *Gates of the Season*, pp. 18 ff). In the matter of specific prohibitions, traditional Judaism has been guided by the thirty-nine major categories of work listed in the Mishnah (Shab. 7.2; 49b) and their later development in the Codes (*Yad, Tur, Shulhan Arukh*, etc.) We, too, have emphasized the need to refrain from the normal routine of work.

It is clear from both the Biblical commandments and the subsequent development of Judaism that all kinds of business activities are prohibited, and it is the task of the congregation to encourage its members to live in the spirit of *shabbat* without involvement in any business activity. The fact that the activity helps to provide funds for the congregation and the United Way Campaign would make no difference. The holiday gift wrapping activity is carried out in a business setting with all the bustle and activity of the normal working week. It necessitates the involvement of individuals in a working routine, and so, in every way is a business activity. It should not be

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conducted by Jews, either on Friday night or on *shabbat*. After *shabbat* is over on Saturday night, there would be no objection to Jewish involvement.

Walter Jacob

Walter Jacob, *Contemporary American Reform Responsa* (New York: Central Conference of American Rabbis, 1987), # 177.