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CHANGING VIEWS OF HEALTH CARE DELIVERY

The Individual versus the Community

Walter Jacob

Every person is entitled to adequate food, shelter, education, and personal security is a common present day assertion. The recent American debate demanded that we add medical care to this list. It was framed in terms of government responsibility versus that of the individual, a question that could not have been posed in a simpler, poorer society, nor before our era of continual medical progress. The legislation of universal health care has settled this question with considerable acrimony. It has, however, not ended the debate over individual responsibility versus communal obligation that remains very much with us.

Decades of debate preceded even incremental steps from total individualism to social obligation. We began with charitable efforts and humanitarian concerns prompted by the danger of disease to the broader community. As this did not solve the problem, we provided limited medical care for the poor through Medicaid. The aged represented another concern, their care was served through Medicare. Universal health care represents a further step again taken only over vigorous opposition.

The division of opinions over the responsibility of the individual and the community remains. This paper is written on the premise that a comparable efforts to solve a major community wide problem may not only be found in contemporary European health care models, but also in the Jewish past. The Jewish tradition has dealt with a similar issue through the centuries not in the area of health care, but with poverty. The slow evolution from appeals to individual conscience to communal legislation provides a good model from the past.

Why did the Jewish tradition not follow the path so

successful in the struggle against poverty with health care? Health care in earlier times was simple and limited. The complex procedures which have been developed in the last decades did not exist. A physician could help, but within clearly defined limits and such care was given to rich and poor alike. The great philosopher physician Moses Maimonides set an example along with hundreds of others before and after him. Medical expenses were limited, therefore individual *tzedakah* could take care of poor patients. The Jewish communities sometimes also became involved through paying for the education of a young man who would return and serve his home town as its physician. No complex system of dealing with the problem of health care was necessary. By the time it was needed Jewish self-government had dissolved as Jews became part of the modern state. Most larger Jewish communities established Jewish hospitals in the nineteenth and twentieth centuries which cared for the indigent and also provided a setting where Jewish physicians could practice as they were excluded from other hospitals. These Jewish hospitals were abandoned or became part of national systems when health care was nationalized in much of Europe and for other reasons in North America. Had the open society in which Jews are full and equal citizens not developed, the Jewish community would probably have followed the path used for dealing with poverty and moved from individual responsibility to communal concerns. We will trace the slow development of this path through the ages as it may influence our current thinking.

The Jewish premise of the supreme value of every human life provided the basis upon which concern for poverty and now health care rests. The Bible sees human life as a divine gift (Job 33:4), and Judaism equates each life to the divine initial act of creation. Each human being is to be viewed as similar to Adam and Eve, the first indispensable human beings, so no human life

may be damaged, destroyed, or hastened toward death in any way (Shab 151b; A.Z. 18a). Saving a single life, therefore has been understood as akin to saving the entire world (B.B. 10a). This primary obligation is listed among the positive commandments assembled in the Talmud and later writings.

As such supreme value has been placed on human life, the physician's work of healing has always been understood as a *mitzvah* and as assistance to God's initial act. It has never been seen as interference with God's intentions (B.K. 85a; *Bet Yosef to Tur Yore Deah* 336). No ritual obligation was permitted to stand in the way of the healing process, not the holiness of the Sabbath or anything else.

Parallel to this is the view that life be lived fully; life and love were celebrated in the biblical *Song of Songs*. Life should be thoroughly enjoyed. The broad implications were clearly stated in biblical times through the regulations governing military service stipulated in Deuteronomy. As such service always endangered life, individuals were excused from military service if they had not yet fully enjoyed some of the basics of human life, including a new wife, a new house, and even a new vineyard. Any of these eliminated the obligation of military service with its inherent danger of death or injury (Deut 20:5 ff. and commentaries; *Tur* and *Shulhan Arukh*) Maimonides further elaborated on these conditions and broadened their application (*Hilkhot Melakhim* 5:1 ff).¹

Discussions in post-biblical Judaism indicate that the command to save human life is understood in a very broad context; every human life was included, no matter what the cost or the difficulty. This applied to all human beings irrespective of religion, race, or any other consideration. Saving a human life overrides virtually all other commandments. This became clearest

in the well developed discussions of the *Shabbat* regulations and their prohibition of every conceivable form of labor. Any act connected with saving a human life, or rescuing someone from a life-threatening danger was excluded (Yoma 85b; *Tur* and *Shulhan Arukh*, *Orah Hayyim* 329.3).² All such actions were obligatory. These and other parallel statements are equally applicable to modern universal medical care.

MEDICAL INTERVENTION

The effort to preserve and improve human life has always included medical care. As life is a divine gift, it must be helped in every way possible. The best medical care available was always seen as a personal obligation. Such efforts were praised through the millennia, included in every compendium of the *halakhah* from early times onward and rarely questioned, so the apocryphal Book of Ben Sirach devotes the entire chapter thirty-eight to this theme. When the tradition discussed experimental treatments, it weighed the potential benefit of the treatment against the *sakanah* (danger). Whichever was more likely to save a life was not only permitted, but encouraged (Ber 3a; Shab 32a; Hul 10a; *Yad Hil. Hovel Umazik* 5:1). These discussions continued through the centuries and have set the pattern for contemporary Jewish physicians.

The value of human life is paramount, and the demand was that everything that could be done to sustain it, should be undertaken. The ability to heal may have been considered a divine gift, but its exercise was in human hands. It was also a human task to define its limits and to guarantee that the fruits of such efforts were widely available and that was relatively easy with the simple health care which existed in earlier times.

Health care remained an individual matter with some help

from the medical profession and that took care of the problem. When the focus was on poverty, the Jewish tradition also turned to the individual.

INDIVIDUAL RESPONSIBILITY AND POVERTY

Helping the poor was a *mitzvah* incumbent on every. It was the task of every individual to help the poor. We need to see how the Bible thought it could motivate people in this direction. It began with the individual conscience. Help for the poor is a constant theme through which the biblical texts prompt the individual. We see it in the specific demand in Leviticus not to harden our hearts against our poor brother (Ex. 23:6; Deut. 15:7). Such statements led to prophetic reminders (Is. 3:14; 10:2; 41:17; Jer. 22:16, which linked impending doom of the land to social injustice (Hos. 4:1f; 5:10f; Amos 2:6 ff; 5:11 f; ; 8:4 f; Micah 2:1; 6:8 ff; Zeph. 1:9 f; Zech. 11:4f; Mal. 3:8f; Is. 1:23f; 3:14; 5:8; 58:2 ff; Jer. 5:25ff; 6:7 ff.; 7: 6ff.; 34:13ff; Ez. 18:5 ff; 22:12 f, 29 f), a major factor second only to idolatry. This is balanced by a vision of social justice (Is. 11:4ff; 41:17ff There are sharp statements in Proverbs and Psalms (12:6 14:4; 35:10ff.; 37:9ff.; 82:3f; 94:3 ff; 113:7 ff.).

All these statements were directed at the individual and emphasized personal religious obligation. Conscience was to be educated and stirred and when that did not succeed, it was linked to the threat of Divine punishment. God would hear their cries (Ps. 113:7; Prov 31:9; Job 5:15); however it was a human duty to hear them also and to help. We should note that the poor were not blamed for their plight; it was not laziness or personal faults that led to their plight. Help to the poor was provided, but never enough to solve the problem.

As individual efforts were insufficient, the Bible turned to a more realistic approach through the practical legislation that demanded that the corner of the fields and the gleanings be left for the poor and the stranger (Lev. 19:9–10; 23:22; Deut. 24:19–21; amplified in Jud. 8.2; Is. 17:5–6; 24:13; Jer. 49:9; Mic. 7:1; Ruth 2:3, where we see that this legislation was indeed followed). This simple system helped the poor and was psychologically effective because it was not a dole: the crops were harvested by the poor and the stranger. These laws represented an entitlement, forced each farmer take the appropriate action and were far reaching. The system seems to have been effective in a simple agricultural setting and solved the problem for the rural poor. It depended, of course, upon the vagaries of the weather and the problems of grain storage. The success of this system along with the need to deal with numerous details can be seen in the legislation of the *Mishnah* and the two *Talmuds*. Much of what has been spelled out there must already have existed as law or custom earlier, as the simple biblical statements provide few details.³

Another way of solving a portion of the problem was the tithe; it was initially intended as a gift to God, as exemplified by the young patriarch Jacob who promised one tenth to God (Gen.28:18–22). The later legislation specified that “seed from the ground and fruit from the tree” along with herd and flock were to be tithed (Lev. 27:30 ff). There is some confusion about the use of the tithe, but a portion was designated for the poor.⁴

The tithe was clearly part of Israelite life until the destruction of the Temple. Rabbinic literature, both early and late, especially the *midrashim*, sought to devote it entirely to alleviate poverty. The ideal of providing ten percent of one’s income for the poor remained and was important in Judaism as well as later in Christianity. There was considerable talmudic discussion about

how such funds were to be used and that was continued in the Middle Ages. Efforts were made in later centuries to continue tithing.⁵ The tithe along with other gifts were to be distributed so that the poor were not shamed.

COMMUNAL EFFORTS OF THE BIBLE

This appeal to the individual conscience was accompanied by broader communal efforts that consisted of the Sabbatical Year, and the Jubilee Year. In the seventh year the land was to lie fallow and rest – the crops of the field, vineyards and olive groves, whatever grew, were open to use by everyone, the owner of the field, the poor, and wild animals (Ex 23.10; Lev. 25.2–7). All debts were to be canceled (Deut 15:1–3) and all male Hebrew slaves released (Ex 21:2–6); Deuteronomy extended this to females (Deut. 15:12–18). Jeremiah's protest (34:8–12) showed that when the people were reminded of these laws by King Zedekiah, they briefly observed them. Otherwise we hear nothing of them until the time of the Maccabees (1 Mac. 6:49, 53; 16:14; Josephus, *Antiquities* xii, 9, 5; 8,1). The Biblical social legislation was designed to provide a series of second chances for the poor. The Sabbatical Year would cancel all debts and so provide fairly quick aid.

As the Sabbatical Year carried enormous societal and economic implications, it was human nature to negate it. One effort interpreted the Levitical legislation narrowly, and so voided them in the Diaspora; after all Leviticus spoke of "your land," which was interpreted as restricting this legislation to the Land of Israel. Even there, competitive economic forces made the laws concerning the cancellation of debts counterproductive, as no one would lend close to the Sabbatical Year. Their effect was curtailed by the *prosbol* ascribed to Hillel; it transferred debts to the court

and prevented the drying up of all sources of credit (M. Shev. 10:4). In this legal transaction one or both parties were required to possess real estate. The *prosbul* was used through a portion of the talmudic period but then the entire idea of the Sabbatical Year fell into disuse, as the *Babylonian Talmud* indicated.

The fact that this was observed at all in a poor peasant society is amazing and demonstrates the power of the goal of social equality. At least one scholar felt that they continued to be observed by some until the 11th century. The best evidence for their observance in the first and second centuries is the detailed discussions of the Mishnah and for a slightly later period in the Jerusalem Talmud. However, some Medieval scholars tried to revive the Sabbatical Year as also, in a modified form, some Orthodox Israeli farmers.⁶

A much more idealistic and original way of dealing with the long-term effects of poverty was the Jubilee Year, a great social leveling mechanism (Lev. 25:10ff). After fifty years, all rural property was to be returned to its original owner, and all those that sold themselves into bondage and their descendants were freed (Lev. 25.10). Urban property was excluded; there is no discussion of the reason for this in the text or later commentaries. This verse proclaims these famous words: "Proclaim liberty throughout the land, unto all the peoples thereof," which we in the United States quote but forget the next section. The fundamental principle undergirding this concept is that the land is inalienable – it belongs to God. This is highly idealistic and was probably never observed. Though the *Book of Jubilees* tried to reawaken this ideal.⁷

The Jubilee would, after a period of fifty years, restore complete equality throughout the society. Everyone would be

given a chance to start again. This was a wonderful appealing ideal, but remained as an ideal.

In any case neither the Sabbatical Year nor the Jubilee provided any immediate relief from poverty, however, they may have given long-term hope. Other methods were necessary.

LATER COMMUNAL CONTROLS

We do not know when the ancient Jewish communities decided to intervene in a revolutionary way and assume communal responsibility for the problem of the poor.⁸ A quick review of the legislation indicates that it was worked out early in sufficient detail to take care of the problem and to deal with any objections which members of the community might make. The legislation specified minimal support of the poor, which had to consist of enough, so that if sold it would have the value of two meals. This was followed by statements establishing a system that separated the itinerant and local poor but provided for two collections, *tamhui* and *kupah*, along with specifics for their distribution. *Kupah* took care of the longer term needs of the poor on a weekly basis and so dealt with the local poor. The sums were generally distributed on Friday by three officials and were intended to provide fourteen meals, two per day, for an entire week. The necessary funds were collected by two communal officials from anyone who had been in residence for three months. *Gabbai* or *parnas* were the titles used to designate these collectors, so they were leaders of the community. The task was an honor but involved much work and responsibility.

Tamhui consisted of daily collections, which also involved the entire community. This was immediately distributed and largely intended for the itinerant poor; it was a kind of soup

kitchen. Collection for it – in kind or money –, was mandatory and was gathered by two communal officials and distributed by three; in other words, the equivalent of a *bet din*. The distribution was considered more difficult than the collection (B. Shab. 118a). These individuals received absolute trust and were not required to present an audit (B.B.B. 9a). Those that did not contribute were subject to fines, whipping, or the ban.

This *Mishnah* in this legislation defined poverty as possessing less than 200 *zuzim* in money or property. The discussions indicated that the details of eligibility had been well worked out. If these funds were pledged to a creditor, for example, or represented a wife's marriage contract, the man was eligible. The poor person was not compelled to sell his house or his clothing; if he received an expensive gift of pottery after he had been accepted as poor, he remained eligible. He was also not considered poor if he had 50 *zuzim* in working capital (Peah 8:8 and 9). These sums dealt with a single individual, not a family unit. This legislation had no foundation of any kind in the Bible although it was followed by a number of general moral injunctions from Scripture.

This section of the *Mishnah* defined poverty and set broad standards for welfare that were to endure through the centuries. It dealt with itinerants and local poor. This revolutionary system was presented as if it had always existed and became the foundation of all future poor relief. We may speculate about dating this revolutionary approach, but the texts provide no hints. The talmudic discussion provide further detail, but never question the basic premise, the need for communal action, an appropriate model for governmental efforts in our time.

As food shortages were common, these decisions were

enforced through communal *takanot* that went into great detail including the confiscation of food stock, punishment for hoarding, etc.⁹ The medieval Jewish community accepted this mandate to alleviate poverty. Although some efforts were undertaken on an individual basis, most of it was on a communal mandatory level. We see this in the *Sefer Hassidim* with its broad popular appeal and can readily follow it in the influential codifications of Jewish law along with many others. Jacob ben Asher's (d. 1340) *Turim* devoted a section to *tzedakah* and dealt with many details. There were other influential work in the Middle Ages as well and they too treated the details necessary to be effective.

The vast response literature along with communal *takanot*, which dealt with these communal problems through the millenia, constantly return to the issue of wide spread poverty and provide communal solutions which obligated everyone's participation. Communal legislation also dealt with these problems.

MARKET SUPERVISION; PRICE CONTROL, AND RATIONING

This legislation was, of course, not confined to one issue, but regulated many other financial dealings of those that lived in the community as well as new settlers as it was concerned with the broader welfare of the community. Such legislation always demonstrates a keen awareness of the broader implications from excessive or unfair competition or its restriction. It began with the demands of the Torah and the prophetic books for market supervision of weights and measures as well as some price controls. Price controls were established in talmudic times.¹⁰

The legislation extended further to the storage of necessities which were collected and distributed by three individuals who were above suspicion (*Jer. Peah* 8:7). Contributions could be compelled

(*Tur* and *Shulhan Arukh* Yoreh Deah 248:1; *Sefer Hassidim* 911, 914, 195).

We must remember that Jewish communities functioned as semi-independent units within the broader community in which they existed, whether Christian or Muslim. The Gentile state always considered this as the simplest way to deal with this minority. There were no objections to such legislation or to the prohibition of hoarding export in times of need, (*Shulhan Arukh Hoshen Mishpat* 231:20;(B.B. 90b; *Yad Hil. Mekhirah* 14:5, 8; *Shulhan Arukh Hoshen Mishpat* 231.24, 26) or cornering the market. The distribution of essentials could be mandated in times of need (B.M. 11:27). The legislation took many economic factors into consideration, always with an eye toward ensuring the basic needs of the community.¹¹

Towns and larger jurisdictions also regulated associations of merchants or crafts and their pricing agreements as they could affect the living expenses of the general population. This system depended on a well organized Jewish community and often on the permission of the non-Jewish ruler to establish it along with its personnel (*Pinkas Medinat Lit # 741* (1629) dealt with such a system.¹²

When price controls were ineffective or could not be enforced, other methods were used by communal leaders to curtail later abuses, though recognized as second best.

CONCLUSIONS

As long as the Jewish communities formed a self-governing enclave within the broader Gentile state, communal rules for the broader welfare of the community were enforced. The power of the community and its officials was recognized within the community

and by the non-Jewish state. The good will and tzedakah efforts of the individuals was recognized and encouraged, but the community did not rely on it.

The underlying philosophy of this well established system dealt with both the individual and the broader society. Ideally, individuals should be motivated to care for everyone in the community – certainly the basics such as food, shelter, health, and security. The call for justice is clear from the biblical period onward. The weakness of human nature was recognized early, however, and responsibility was shifted to the broader community. The system developed and became more complex as needed and in accordance with the ability of the community. The debate over individual responsibility ceased when suffering demonstrated new needs as our concern with universal medical care.

Although the problems of hunger and decent shelter have not been completely solved even in our wealthy western societies, we are closer than any generation before us. For a vast segment of the population, the primary issue now is a reasonable level of health care – delivered in a way that is not degrading and that is provided to everyone. This is certainly possible, but will not occur if left to individual or corporate conscience. What we have described in this paper dealt with the idealistic efforts from biblical times through the centuries; some appealed to individual conscience while others sought communal concurrence. All failed, but practical communal ordinances, rigorously enforced through police powers succeeded. Poverty may not have been eliminated, but a basic standard of living existed. The wealthy grumbled as always, but they managed well nevertheless.

The same model can be applied to universal medical care. If the Jewish community were self-governing and had the status of a

'state within a state' as was the case for almost two thousand years, it would certainly have followed the model which worked so well with the problem of poverty.

For us as part of the larger community and committed to it, the changing Jewish efforts through the centuries provide a good test of how to reach goals which are necessary, but sometimes appear impossible. Individual efforts cannot provide solutions for some problems, but the community together may succeed.

Notes

1. Such requirements represented an ideal that no state easily tolerated, as we see in the case of King Asa (I K. 15:22), who permitted no exemptions; something probably done by other Jewish rulers as well. This historical record, however, indicated that the biblical injunction was widely known and had to be taken seriously, even if not followed.
2. The question of priority, that is which life shall be saved, naturally arose and was put vividly through an anecdote of a stitutation in which it was not possible to save two lives. This well-known talmudic tale described the dilemma faced by two traveling merchants lost in the desert with sufficient water for the survival of only one. In the discussion one of the scholars, Ben Petura, stated that they should share the water and face common death. R. Akivah, however, rejected that conclusion and stated that each party was obligated to struggle to survive (B.M. 62a). Although no decision was reached in this discussion, it became clear that one death was preferable to two.
3. The tractate, *Peah*, which was concerned with the problem of poverty began with ethical encouragement, then continued in a practical vein with specifics. The farmer was liable for at least 1/60 of his crop, although there was no limit and all depended on the size of the field, the number of the poor, and his generosity (Peah 1.2). "Everything which is food, stored, and grows from the ground (excluding mushrooms, for example) and gathered at the same time (so that figs and olives which were harvested at various times were excluded), and placed into storage (greens are exempt) and grains as well as pulse (beans and peas) were subject to these laws" (Peah 1:4). The law included trees and enumerated "carob, nuts, almonds, vines, pomegranates, olives, date palms" (Peah 1:5). What could be

gleaned as well as definitions of "forgotten sheaves" were provided (Peah 7) along with "droppings" (Peah 4.10). What constituted a field was specified, as were fields with mixed crops, partnerships, undivided estates, and so on. The farmer could not hide gleanings under a bundle of grain; when winds blew the gleanings away, an estimate of what should have been left was mandated (Peah 5:1). Such details and others demonstrated an effort to be fair and not to permit the natural inclination to minimize this tax to prevail.

The law took into account the peculiarities of the vine and date palm harvest and permitted the farmer to harvest and distribute the fruit rather than let it be gathered by the poor; if poor person, wished to harvest it themselves, however, permission had to be given (Peah 4.1, 2).

The farmer was protected against excessive crowding of the fields by limiting gleaning to three times per day. The gleaners were protected by an ordinance that forbade anything that could be used as a weapon from being taken into the field (Peah 4.4, 5). The farmer could not favor one poor person over another; the gleanings were on a "first come" basis (Peah 4:9), nor could he set it aside for his relatives (Peah 4:3). Special provisions were made for the elderly and weak among the poor (Peah 8.1). If there was doubt whether a gleaner was actually poor, he was initially believed and questioned later (Peah 8.2). The itinerant poor were permitted to glean (Peah 5.4) with a division of opinion of whether they should make restitution upon returning home (Peah 5.4) *Mishnah* Peah concluded, as it had begun, with a set of moral injunctions as at the beginning.

4. One text indicated that it was to be "consumed in the presence of God," in other words used for pilgrimage to Jerusalem (Deut. 14:22ff), but every third year it was to be given to the Levites (Deut. 14:27ff.). Another verse specified that it was for the poor and the Levite in the third year (Deut 26:12). A different text indicated that the tithe was simply for the Levites (Nu. 18:21), as the priests received first fruit along with other gifts that could be used to maintain the sanctuary.

A second tithe provided occasional funds to the poor, but it was primarily used for pilgrimages to Jerusalem. Only in the second and sixth year of a seven-year cycle was it given to the poor.

Tithes were mentioned in 2 Chronicles. (31:2-12) but in none of the other later books. Details of the system of tithing were provided by two tractates of the *Mishnah* and in the *Jerusalem Talmud*, but as these laws applied only to the Land of Israel, they were academic, for a high percentage of the world Jewish population

by that time lived in the Diaspora. The prophets sought to extend the obligation to Babylonia and the early rabbis to Egypt and the neighboring lands (Demai 6:11), but we do not know with how much success.

5. The scholarly family of Asher ben Yehiel (1250–1327) set a fine example in Toledo where they resided after moving from Germany. They signed a statement through which they accepted their father's ordinance, which obligated them and their children to provide a tithe of all their profits to the poor and agreed to pay it within eight days of the due date. The example of this leading family and others led to the tithe becoming fairly universal. Israel Abrahams, *Jewish Life in the Middle Ages* (London, Edward Goldstone: 1932), pp. 344 f.

6. Asher ben Yehiel in 12th-century Spain tried to revive the practice, but with little success. A small group of farmers in modern Israel follow the segment of the law that demands that the land lie fallow; some use hydroponics to circumvent the letter of the law but voiding its spirit.

7. The *Book of Jubilees* (200 B.C.E.–100 C.E.) attempted to recreate the history of the patriarchal period by reorganizing it in fifty-year periods. *Jubilees* was not included in the canon and remained forgotten until the nineteenth century, when one complete manuscript along with some fragments were discovered.

8. The legislation appeared in the mishnaic section, Peah, chapter 8, which dealt with 'gleaning' and without any connection to that earlier system. No Scriptural source was given.

9. Louis Finkelstein, *Jewish Self-Government in the Middle Ages*, New York, 1964 is the most accessible source.

10. Market officers who looked after fair weights and measures also dealt with prices (B.B. 89a). As in our times, the recorded discussion indicates some opposition to any controls (B.B. 99a). It depended ultimately on the Exilarch for enforcement (J. *Talmud*, B.B.5.5;15a). Price controls usually occurred on the local level in the talmudic period (B.M. Tosefta 11.23); the townspeople had the authority to set prices as well as workers' wages. They were also authorized to compel the local citizenry to build a synagogue, furnish it and obtain a Torah. Those who objected would be fined. Price controls applied to necessities – oil and flour; luxury items were not affected.

The later codes show that a profit level for essential goods was generally

accepted, so Maimonides (1135–1204), (*Yad, Hil. Mekhirah* 14.1), and Karo (1488–1575); *S.A. Hoshen Mishpat* 231.20) limited the profits to 1/6th as we have previously stated. All also prohibited hoarding which was already done by R. Samuel (B.B. 90a).

11. Profit margins, which had been set in the 4th century as by R. Samuel with a markup of 1/6th; this remained enforced through the centuries (B.B. 90a; Ahai Gaon, *Sheiltot* 32; *Yad Hilhot Mekhirah* 14:1; *Shulhan Arukh Hoshen Mishpat* 231:20)). The effect of lowering the price was taken into consideration before such action was taken – would it help the consumer or destroy the market place? (B.B. 91a). When price fixing occurred it needed the approval of communal officials (Tosefta B.M. 11:23).

Some legislation was local, but in other areas national synods passed legislation that dealt with profit margins, tax rates, and appointed officers to supervise and deal with problems (Louis Finkelstein, *The Synod of Frankfort*, 1603, 257 ff. - as an example). Some *takkanot* as those of Italy (1416–1418) dealt with copyright (*ibid.*, 304 ff.), and others placed limits on monopolies

12. The *Shulhan Arukh* stipulated (*Hoshen Mishpat* 231.28) that crafts and merchants could reach such an agreement; however, if it affected a large community the communal leader had to approve it. This continued to be followed later, and there were numerous prohibitions against selling at exorbitant prices. Such agreements were restricted (Meir, *Bet Habehirah* to B.B. 9a) and had to be approved by a "distinguished person" (Ramban, *Hidushei Ritbah* to B.B. 9a).

When the entire community was affected, such legislation was permitted. (Isaac B. Jacob Alfasi (Algeria 1013–1103) *Responsa* 13 (ed. Leiter), Solomon Adret (Spain 1235–1310) vol 2 #279; Vol. 5 # 126, 270, 242). Levine p. 99). Such legislation with citations from the traditional literature has been passed by the State of Israel through the years including a "Consumer Protection Law" in 1980–1981.

