

*Toward a Renewed
Ethic of Jewish
Philanthropy*

EDITED BY
Yossi Prager

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Jewish Philanthropy in Early Modern and Modern Europe: Theory and Practice in Historical Perspective

Jay R. Berkovitz

No subject more than philanthropy has given fuller expression to the ethical and religious ideals of the Torah while also illuminating the full range of social and religious tensions that have plagued Jewish communal life over the course of its history. In this article I examine the broad topic of Jewish poor relief during the transition from the late medieval into the early modern period and from there to the nineteenth century. Several crucial developments transformed the practice of philanthropy during these three centuries.

First, relief efforts in early modern communities were most often undertaken at the initiative of groups or individuals who were not members of the community's governing elite. Although they may well have been eligible for communal leadership positions and may even have held them at various points, they were not acting as such when they performed their philanthropic activities individually or as confraternity heads. Their efforts tended to remain resistant to formal consolidation at the communal level. Second, the notion of entitlement to relief was narrowly redefined so that the "deserving" poor were targeted as the principal beneficiaries, whereas the "undeserving" poor were marginalized. Third, philanthropy moved from a system of charitable giving that aimed to meet basic human needs to an enterprise that was designed to realize public policy goals. As a result, the theory and practice of philanthropy became progressively secular. The idea of giving *pro anima* ("for the sake of the soul"), which was standard among testators in the Middle Ages, receded noticeably in the modern era when it was no longer the main motivation. It was replaced, in part, by a different vision that focused principally on social engineering. In the pages that follow, two types of philanthropy will be examined closely: the aid awarded directly to the economically downtrodden, and broader forms of assistance given to immigrants and refugees.

Each of the foregoing elements of modern Jewish philanthropy mirrored strikingly similar developments within Catholic and Protestant communities. The fact that Catholics, Protestants, and Jews all shared comparable views of charity despite their pronounced doctrinal differences calls attention to the degree of cultural interaction that occurred in this period, and raises important questions about the religious motivations and theological underpinnings of philanthropy.

HALAKHIC FOUNDATIONS IN THE MIDDLE AGES

The medieval practice of *tzedakah* was rooted in two types of charitable institutions enumerated in the Babylonian Talmud, Bava Batra 8a: the *kuppah* (community chest) and the *tamḥui* (poor kitchen). *Kuppah* funds were reserved for the local poor and provided them with ongoing support; the *tamḥui* served the more immediate needs of

all poor and was unrestricted. A fund for clothing (*kesut*) was added by some Spanish communities, and a burial society is mentioned by Maimonides.¹ Weekly distributions and allocations for special occasions, such as Jewish holidays, became part of the regular staple of services provided by medieval and early modern communities.²

Among the various halakhic aspects of almsgiving that were debated by *rishonim*, several critically important issues stand out in terms of their impact on later discussions. First was the matter of calculating the level of obligation to the poor. In a highly influential responsum, R. Solomon b. Aderet (Rashba) addressed the question of whether the poor ought to be supported by individual alms, as desired by the wealthy, or by public charities that assessed members according to their wealth, as the middle class proposed. He answered that charity ought to be distributed in proportion to the wealth of each householder, and he supported his position by citing the case of Nakdimon ben Gurion (Ketubot 66b–67a), who gave charity but witnessed the dissipation of his money because he did not give it appropriately, that is, he did not give a sufficient amount.³ Rashba opposed the method of distribution of individual alms proposed by the wealthy. “Although this generation is impoverished,” he stated, “. . . we sustain the poor from the *kuppah* and in accordance with personal wealth, and if afterward the poor [want to supplement it by] begging from door to door, let them do so, and everyone gives according to his good judgment and his volition.”⁴ Despite his clear preference for a collective approach to poor relief, Rashba nevertheless stressed the importance of making voluntary gifts beyond what is required by the charity fund and also underlined the importance of *hesed*.

While endorsing the argument that the amount of alms that one is expected to give ought to correspond to personal wealth (*ki ikkar hiyyuv ha-tzedakkah lefi ha-mamon*), R. Moses Isserles (Rema) conceded, on the basis of another responsum of Rashba, that there is no clear consensus on the matter: in certain communities it is customary to contribute a gift voluntarily, whereas in other communities charity is calculated according to the tax assessment. In this second responsum, which was also cited approvingly by R. Joseph Caro in the *Beit Yosef*, Rashba stated that despite differences over the preferred method of

giving, one is legally obligated to contribute in accordance to what one has, “and one who gives according to his blessing, i.e., his ability, is even more deserving of blessing.”⁵

Related to this was a second halakhic debate on the question of compelling individuals to fulfill their *tzedakah* obligations. In Bava Batra 8b it is stated that a lien is placed on property, even on *erev Shabbat*, in order to force compliance. However, it is also asserted, based on Jeremiah 30:20, that charity collectors will be punished for overzealousness. To resolve this inconsistency, the Talmudic discussion concludes that it is necessary to draw a distinction between the wealthy and the nonwealthy: coercion may be used to compel the wealthy to contribute to *tzedakah*, as in the case of Rava, who forced Rav Natan bar Ami to give charity by taking from him 400 *zuzim*. In the opinion of Tosafot,⁶ however, this would contradict the principle that coercion is not authorized in those instances where the Torah explicitly records the reward for the fulfillment of a positive commandment, as per Hullin 110b. Tosafot answered that only verbal coercion was intended, and although *tzedakah* is obligatory, the confiscation of funds is not enforceable in court. In other words, a *tzedakah* obligation can be collected only through moral suasion and social sanction.⁷ Against this view, Maimonides called for the placement of a lien and the seizure of property when necessary. Rashba took a middle position: he generally rejected the idea of coercion in order to secure funds for charity, except in the case of wealthy individuals.⁸ Following Maimonides, the *Tur* and the *Shulḥan Arukh* took the position that the *beit din* has the authority to compel an individual to give *tzedakah* in accordance with what was assessed, either through the placement of a lien on his property (*Tur*) or through the use of force (*Shulḥan Arukh*). Furthermore, in his argument that one who fails to fulfill his charitable obligation is like one who refuses to come before the *beit din*, R. Joseph Colon cited the practice “that prevailed in all communities” to resort to the gentile authorities to force the recalcitrant individual to pay his debt.⁹ Rema was equally adamant about coercion: “But concerning *tzedakah* to which the poor of that city are entitled, individuals are certainly compelled to make their contribution and a lien is placed on their property; [charitable funds] are considered as having claimants, for

these claimants are the *gabba'im* of the city, who serve as agents of the poor."¹⁰

For the purpose of clarifying these opposing views, it is important to draw attention to the fact that historically and halakhically there has been a distinction between the *mitzvah* of *tzedakah* that is incumbent upon the individual and the *mitzvah* of *tzedakah* that is incumbent upon the community. On the individual level, the *mitzvah* of *tzedakah* is fulfilled through voluntary contribution; it cannot be coerced, as per the view of Tosafot. On the communal level, however, the *mitzvah* of *tzedakah* is rooted in the mutual agreement of the *benei ha'ir* (townspeople) and is therefore subject to coercion, as in any matter of public legislation. As such, the community has the freedom to legislate its own rules in conformity with public goals and the collective agenda, as defined by the community.¹¹

A third halakhic concern was the redirection of funds earmarked for poor relief. Basing himself on the view of Rabbenu Tam, the *Tur* (Y.D. 256) ruled that the townspeople may exchange the *kuppah* and *tamhui*, and vice versa, and may substitute either of these for communal needs (*tzorkhei tzibbur*) if the *tamhui* will not suffice. This was the view of Maimonides and of Rosh, though Rosh stipulated that in order for the *kuppah* and *tamhui* to have priority, they must be permanent (*kavua*), so that when they are diminished, they can be replenished by additional fundraising. But in situations where it was necessary to raise money for the needy, no substitutions would be permitted, even for the needy in another locale. If there is in the city a *haver ir*—a person whose opinion is consulted regarding fundraising and whose judgment is solicited when distribution to the needy is done—then he is permitted to redefine communal needs. R. Mordechai Jaffe (*Levush*, Y.D. 256:4) extended the authority of the *haver ir* to the *gabbai* appointed by the townspeople. Once an individual had transferred the funds to the *gabbai*, he has irrevocably separated himself from those funds and thereby empowered the *gabbai* to do with them as with the *tzedakah* of the townspeople. But if the donor appoints a *gabbai* himself, the townspeople cannot make changes, and if the donor stipulates that the money is for a particular poor person or group of people, the money cannot be changed under any circumstances, even

for Talmud Torah.¹² R. Joel Sirkes went a step beyond the *Levush* by extending the authority of the *haver ir* to the seven *tuvei ha'ir*, but he did not extend it to the *gabba'im* because they had not been appointed to enjoy that prerogative, unless this had been the custom from before, as evidenced by their *takkanot*.¹³ According to the formulation of the *Tur* and *Shulḥan Arukh* (Y.D. 259), the donor may exchange funds that have been set aside for charity for others, as long as they have not been placed in the hands of the *gabbai*. But once the transfer has been made, no changes are possible unless they are intended for another mitzvah, in which case it is not necessary to replace the funds with others. If charitable funds are donated for the upkeep of the synagogue or of the cemetery, members of the town can redirect them to the needs of the *beit midrash* or for children's education, even if the donors protest. However, the converse is prohibited, i.e., to take funds donated for education and redirect them to the synagogue.

With respect to each of the three aforementioned areas, the consensus of Jewish legal opinion eventually granted communities freedom to regulate public behavior in conformity with publicly defined goals. This was particularly true in light of the highly developed corporate nature of early modern communities. As a result, early modern communities enjoyed greater authority to determine suitable levels of giving, to demand individuals' compliance with philanthropic obligations, and to exercise flexibility in deciding for which purposes charitable funds ought to be allocated.¹⁴

THE TRANSITION TO EARLY MODERN EUROPE

The delivery of philanthropic services by Jewish communities in Europe underwent major changes in the early modern period. One of the first innovations, i.e., supplying the itinerant poor with billets (known in Yiddish as *pletten*), concretized Rashba's premise that the level of giving is contingent on the economic capacity of the donor. Household members were instructed to deposit billets (tickets) in a chest, in proportion to their wealth; the poor would draw tickets from the chest in order to secure meals at no cost, offered at the homes of community members. This method, which originated in the fifteenth-century community of Treviso (Italy), was approved by R. Judah Mintz (Padua, d. 1506)

precisely because it enabled the poor to receive hospitality without being shamed. Jewish communities throughout much of Central and Western Europe subsequently adopted the practice, allowing for local variations. In Hamburg, for example, a 1726 *takkanah* required every householder to subscribe to a minimum of two tickets and one additional ticket for each 1,000 marks of property. With a ticket one could receive food for one day.¹⁵

Beginning in the seventeenth century, a large migration of Jews from Poland-Lithuania to Western and Central Europe utterly transformed the demographic, social, and cultural life of communities in Germanic lands, France, England, and Holland. The reasons for the large-scale immigration were many, including the economic decline of Poland, the heightened persecution of the Jews, and the concomitant rise of the West as a center of economic opportunity. Among the new arrivals were large numbers of poor Jews, known as *Betteljuden* or *Schnorrjuden*, many of whom had become homeless. In light of increasing geographic dispersal and communal segregation, begging became an acute problem in European society in the early modern era. The issue of how to relieve the condition of beggars was divisive, especially in light of the growing anti-alien bias that came in response to the increased immigration of foreigners.¹⁶

Early-modern historians have identified the sixteenth century as a critical era of change in the practice of philanthropy generally, but they are divided as to whether this ought to be attributed to the rise of Protestantism and its efforts to undermine the Catholic penitential system. Many stress the commonality in the approach of Catholics and Protestants to charity, as was evident in Holland. There, the trend toward consolidation of poor relief under a municipal agency, the laicization of charitable institutions, and the establishment of rigorous criteria to determine the definition of the “deserving” poor, appears to have been unrelated to religious affiliation.¹⁷ Others emphasize the differences in the attitudes of Catholics and Protestants, particularly in terms of their social vision. Among Catholics, mercy and pious deeds played a crucial role in leading to salvation, whereas Protestants saw poor relief as a means to create an orderly and God-fearing society. Catholics aimed to save souls by giving alms, and for the donor charity

always carried the promise of spiritual reward. Protestants, on the other hand, were not motivated, in theory at least, by the expectation of spiritual recompense, but were driven by a desire to strengthen their communal bonds.¹⁸ Catholics gave charity to members of religious communities who renounced all worldly goods and to pilgrims traveling to holy places, whereas Protestants limited their contributions to the involuntary poor. Most communities held to the belief that charity ought to flow from personal choice rather than legal coercion, though some, such as Martin Luther, insisted that if voluntary charity were inadequate then authorities ought to levy compulsory contributions from prosperous members of the community. But with the exception of England, where parish authorities repeatedly levied special taxes for poor relief, it was moral pressure, not coercion, which produced a “charitable imperative.”¹⁹ It appears that the importance of denominational divergences diminished in the face of overarching social and political forces. The result was the gradual desacralization of charity, the undermining of support for begging, and the aversion to fragmented ecclesiastical relief efforts.

In its decidedly negative attitude toward begging, Jewish communal legislation in the early modern period reflected the growing disapproval of idleness and vagrancy in European society. In the Florence ghetto, which was established in 1571, an elaborate system of charitable contributions was designed to prevent begging in the street. This was unquestionably related to the community’s desire to comply with governmental efforts to control the size and quality of the Jewish population in the ghetto. The state required the community to report all foreign Jews who came and remained without permission for more than three days. Householders were not permitted to receive foreign Jews into their homes without permission from the superintendents of the *Nove Conservatori del Dominio*, and communal leaders had the authority to expel Jews from the ghetto with the approval of state authorities.²⁰ *Takkanot* issued by the Cracow community in 1595 prohibited the poor, upon pain of imprisonment, from collecting contributions from house to house or to collect alms while sitting in the street. Instead, they had to be satisfied with the weekly distribution by the *shamash* of the community. Severe limitations were placed on

housing the poor in *tzedakah* houses unless special authorization had been obtained. In 1623 the Lithuanian Council limited the stay of beggars to twenty-four hours, and several years later it added the requirement that communities along the Polish border must immediately deport beggars at the Council's expense. The community of Posen enacted a *takkanah* in 1672 that prohibited all begging by outsiders and denied them transportation out of the city. More than a half-century later, the community of Eisenstadt enacted a *takkanah* (in 1736) that denied communal support to beggars who were not *hagunim* (upright).²¹ Individual payment of funds to the poor was flexible, but charitable contributions imposed by the community could be disbursed only by the communal authorities.²²

Should the foregoing examples concerning the treatment of beggars be viewed as isolated phenomena or as part of an historical pattern? According to Elliott Horowitz, the body of historical evidence is illustrative of a broader claim, namely, that the halakhic sources display a fundamental ambivalence toward the poor.²³ In a study of Jewish charity and hospitality in early modern Europe, he cites a responsum issued by R. Judah Mintz as an indication that some members of the Treviso community insisted on requiring the poor themselves to remove the billet from the chest in order to humiliate them and thereby discourage them from returning a second time to their hosts.²⁴ To further substantiate this claim, Horowitz asserted that the general tendency of R. Moses Isserles to rule leniently in matters of *issur ve-heter* when honor is owed to guests, and R. Hayyim ben Bezalel's insistence that such leniencies are unwarranted since most guests are not deserving of honor nor are hosts generally happy about their presence, represent opposite extremes in the way that Halakhah conceives of the mitzvah of hospitality. Taking this one step further, Horowitz concluded from the *Sefer Minhagei Maharil* that communal and halakhic norms differentiated between hospitality, which was intended for the rich and honorable, and *tzedakah*, which was to be limited to the poor.²⁵

Halakhic sources certainly contain no dearth of negative attitudes toward the poor. Comparing the practice of *tzedakah* in Brody, R. Ezekiel Landau found the evasion of charitable obligations

in Prague nothing short of scandalous: "Many rich men turn back the poor despite his possession of a *plet*. The poor man is sent here and there, while the supervisors have no power to enforce their will."²⁶ But this source and virtually all others adduced by Horowitz reflect human failings rather than a negative attitude that is characteristic of the Halakhah itself. Moreover, the historical sources are not nearly as one-sided as Horowitz claims. New provisions to assist the poor were added time and again.²⁷ The Jewish poor were exempted by their communities from state taxation and other communal contributions, with the exception of *Schutzgeld*, i.e., "protection money" (though in some communities this fee was paid by more prosperous members). Some communities, such as Ancona, authorized an unlimited number of poor guests at celebrations, while the Lithuanian Council in 1667 demanded the inclusion of a minimum of two poor persons among every ten guests. Lending societies offering loans at low or no interest were established in numerous communities.²⁸ The care provided to the sick was a regular feature of philanthropy, as was the support given to their families. *Bikkur ḥolim* societies were formed, and many Jewish communities maintained hospitals, which were originally hospices for strangers. Hospice-hospitals came to be known by the term *hekdesh*, which had normally been reserved for sacrificial offerings at the Temple. Widows and orphans were given special care. In the case of orphans, communities assumed responsibility for the appointment of a guardian, recorded the value of the estate of the deceased, and oversaw the investment of the minors' funds. Special orphans asylums, modeled after non-Jewish establishments, date from 1648, when the first such institution was founded by the Spanish-Portuguese community in Amsterdam. To assist poor girls, including orphans, communities regularly raised money to dower poor brides, as in the case of the Lithuanian Council in 1623.²⁹

In the seventeenth century, philanthropy was more carefully regulated than at any time before and was subject to increasingly clear and carefully articulated public policy considerations. These developments were related to a continuing transformation in the governance and organization of modern communities, most important of which was the growing influence of the laity in communal affairs. The

emergence of the absolutist state in the seventeenth century permitted lay authorities to exercise influence in all spheres of public and private life. Lay control over public morality proved more significant and, in fact, predated the dissemination of the Enlightenment ideas that were once credited with setting the process of modernization in motion.³⁰ As a rule, lay initiatives in communal affairs corresponded to a growing concern in the early modern era for social order. Anxiety about public disorder, which included social unrest, disease, and economic instability, was an especially powerful motive underlying attempts to alleviate poverty. In late sixteenth-century England, to cite one example, poor relief came to be closely linked to public works projects, such as the repair of bridges, highways, and churches.³¹

The formation of Jewish confraternities in Amsterdam offers substantial evidence of relief efforts launched by the laity. *Dotar*, which was founded in 1615 for fatherless girls, was modeled after a similar confraternity created in Venice two years earlier. Initially, the goal was to marry orphans and poor maidens of the Portuguese and Castilian nation. Dowries were limited to girls and women originally from Spanish and Portuguese families who had settled in France, the southern Netherlands, the Dutch Republic, England, or Germany, and to those who had rejected Catholicism and were attracted to Judaism. Converso immigrants in southern France were a particular target of such efforts. The goal, clearly, was to draw people to Judaism and to redress the gender imbalance among immigrants in Amsterdam. To qualify for a dowry, a prospective bride would need to marry a circumcised Jew, in a Jewish wedding ceremony. *Dotar* was to remain independent of the various *kehillot* of the city, but it placed itself directly under the protection of the *parnassim*. Perhaps not surprisingly, competition among the confraternities was unexceptional. The establishment of *Dotar* evoked protests from the Bet Jacob *Bikur Holim Society*, which feared encroachment on its philanthropic monopoly. In 1616 the two organizations reached an agreement and formed a single society for charitable and educational activities, called “Talmud Tora”.³²

Alongside the confraternities, the Amsterdam *Ma'amad* collected taxes and allocated funds for services it provided to the community. Revenue came from a range of obligatory taxes (the *finta* and *imposta*,

sales tax on kosher meat); voluntary contributions pledged on special Sabbaths, for clothing for poor students, sick care, and the ransoming of captives); pledges made on the *shalosh regalim*; *promessas*, pledged on the occasion of personal celebration or religious honor, and fines were in the category of unrestricted funds and were placed in the general charity chest, the *Sedaca*; and *ma'ot Purim*. Finally, it was stipulated that no individual could make a private solicitation on behalf of another individual.³³

The wide range of charities administered by the *Sedaca* (the general charity fund) involved semi-permanent aid, as in cases of widowhood, and temporary assistance that included rent subsidies and fuel for heating. Smalls loans to the poor were made available at a pawn shop administered by the *Ma'amad* and at another created by *Honen Dalim*, an independent association founded in 1625. To assist the sick, the *Ma'amad* also engaged the services of a physician, while the *Bikkur Ḥolim* handled other aspects of sick care. A brotherhood (*irmandade*) was founded in 1637 to provide monthly provisions to students who would otherwise have needed to leave school in order to earn a livelihood. The work of providing aid for orphans was divided between the *Sedaca* and private independent associations, *Dotar* and *Aby Yetomim*, which gave orphaned boys an opportunity either to learn a trade or to pursue education. The *gemilut ḥasadim* society, which provided proper burial for the poor and assistance for mourners, was controlled by the *Ma'amad*.³⁴

Philanthropic activity under the direction of the *Ma'amad* also extended to German and Polish Jews living in Amsterdam and to Jewish communities and individuals abroad. From approximately 1635, the number of German and Polish Jewish immigrants (known as *Tudescos*) increased dramatically, so that by the end of the century their number exceeded that of Portuguese Jews. Many of the new immigrants were refugees of the Thirty Years War and the Chmielnicki massacres. The rapid growth in the numbers of Ashkenazi poor was evident in an increase in door-to-door begging, to which the *Ma'amad* responded by issuing and reissuing prohibitions against giving alms to *Tudesco* beggars on four separate occasions (1639–1664). Driven by the fear that communal support would only encourage large-scale

immigration, the *Ma'amad* tried a different strategy by establishing a special association, *Abodat Hessed* (1642), which was charged with administering a workhouse in which the poor could learn a trade and earn a modest living. Heads of the community decided that poor immigrants could henceforth earn their living by working, and toward this end the association was set up so that the Ashkenazic poor would learn a trade and eventually be able to support themselves honorably. The association aimed to educate the poor not only for a useful occupation but also for the appropriation of good virtues.³⁵ Funds were collected through membership fees, voluntary contributions, and a loan from the *Sedaca*. *Abodat Hessed* also provided orphans with a place to sleep, medicine for the sick, and clothes for the needy. In 1670 the workhouse was abolished and the association dismantled. This was evidently because the German-Polish community was now large enough that it could be expected to take care of its own.³⁶ It was at this point, according to Yosef Kaplan, that the *Abodat Hessed* society began to provide support and welfare for the local Spanish and Portuguese. By so doing, *Abodat Hessed* abandoned its former goals of education and productivization that had rested on the view that their Ashkenazic coreligionists were culturally deprived and corrupt and therefore needed to be educated in proper behavior through vocational training.³⁷ It should also be noted that the *Kahal Kados de Talmud Tora* lent assistance to communities and individuals abroad. It maintained a special fund for ransoming captives, and it also maintained a special fund (*Terra Santa*) to assist the communities in Jerusalem, Hebron, Safed, and Tiberias. Its efforts were almost always limited, however, to Portuguese and Spanish Jews.³⁸

Tensions between “natives” and immigrants, rich and poor, and Sephardim and Ashkenazim abounded in the seventeenth and eighteenth centuries. Out of concern that the poor would become an economic burden on the community, strict rules limiting the help given to the poor of Spanish-Portuguese descent were enacted in 1622, and financial incentives were extended to immigrants in order to persuade them to move on to lands where they could live openly as Jews. But the attitude toward Ashkenazic immigrants was much stricter. Their numbers began to increase at the beginning of the 1630s. Roughly half

of the 1,000 refugees in the period of the Thirty Years War and during the Swedish invasion in the late 1630s stayed in Amsterdam, while the other half returned to Poland, where they turned to begging.

Following the Chmielnicki massacres, the Amsterdam community raised funds that were sent to assist Jews who suffered persecution in Russia, Poland, and nearby Cracow, and were to be used for the redemption of captives. In 1656–57 significant funding was allocated for survivors in Lithuania and Poland at a time when the Amsterdam community itself was absorbing hundreds of Jewish refugees from the same region.³⁹ Tensions arose once again in 1658, when recriminations against idleness and begging were recorded in the communal register, accompanied by the threat that assistance for East European refugees would be discontinued. The intent was, clearly, to dissuade the poor from remaining in Amsterdam. As before, the Spanish-Portuguese *kehillah* allotted funds for the transport of poor Ashkenazim and Poles out of Holland.⁴⁰ Approximately 400 refugees, mostly Polish, left Amsterdam in 1658–60 and in 1664–65. The situation improved once the Ashkenazic *kehillah* freed itself from the patronage of the *Ma'amad* in 1670, but not enough to counter the pressure that was exerted on an additional 1,000 refugees to leave the city. Some went to Hamburg and Frankfurt, Italy, or London, and a few to Eretz Israel, in addition to those who returned to Poland and Lithuania. In addition to the 500 Polish Jews who resided in Amsterdam in 1671 after having immigrated there between 1648 and 1660, there were also more than 2,000 Ashkenazic Jews of German origin who settled in Amsterdam.⁴¹

Owing to the severe economic plight of Jewish immigrants and conversos who sought a new beginning in southern France, the Jewish communities of Bordeaux, Bayonne, and Avignon displayed uneasiness about supporting the poor. In the case of Bordeaux, this attitude manifested itself in rather severe resistance to the settlement of any additional Jews in the early seventeenth century and even in the expulsion of some who had lived in the community for as long as twenty years. The sad reality was that most of the Jews who had arrived in Bordeaux after the Spanish expulsion were impoverished, and even as late as 1718, roughly forty percent of Sephardic families in the

community had no formal source of income. With one of two families dependent on charity in the eighteenth century, the community leadership felt compelled to expel residents, including both Sephardic and non-Sephardic families. In 1648, ninety-three poor Sephardic families were expelled from Bordeaux, Bayonne, Dax, and Bidache. In 1735, the Bordeaux *kehillah* decided that only the Sephardic poor were eligible to receive charity; in 1744 it undertook to expel Ashkenazic and Italian Jews, and also prohibited the Sephardic poor from trading in used goods. In 1753 a large number of Sephardim were again expelled from Bordeaux, as were poor immigrant conversos. In St. Esprit and Avignon, communal leaders followed a similar policy of expulsion of vagabonds in order to reduce competition in trade while also imposing limits on the number of poor entitled to receive charity.⁴²

In northeastern France, the pressures posed by the immigration of refugees from the east exacerbated the precarious economic circumstances in which Jews were living in the eighteenth century. In order to combat the erosion of religious traditionalism in general and the challenges of poverty in particular, leaders of Jewish communities throughout Alsace convened in the 1760s and 1770s in order to formulate a centralized policy. It was resolved that the decisions taken at these meetings were to be binding upon all communities in the entire province. Of the numerous issues discussed at the regional meetings, poor relief was among the most important. A comprehensive list of the poor throughout the province was drawn up in order to facilitate the distribution of aid, contributors for the *maḥazit ha-shekel* (sent annually to Jerusalem) were solicited, and a proposed tax on dowries was considered.⁴³ One important decision was the creation of a central *beit midrash* for the entire province, while efforts to fund the regional *yeshivot* of Sierentz and Ettendorf also continued unabated. Community leaders of Upper and Lower Alsace believed that it was necessary to establish institutions—beyond the existing *yeshivot* and *batei midrash*—where young men could continue to study without interruption for up to three years. Half the funding was to be provided by fines, two-ninths from the tithe on dowries, and the balance from voluntary contributions. The general *parnassim* were instructed to appoint two men from the upper and lower regions of Alsace to raise

money; the two *yeshivot* were designated as beneficiaries of a tax of one-half of one percent on every inheritance, and on the occasion of every marriage, at least *ma'aser* (ten percent) from each the dowry was to be paid to the Ettendorf *yeshivah* if the groom was a native of Upper Alsace, or to the Sierentz *yeshivah* if he was from Lower Alsace. Those honored as *sandak* were required to make a contribution to the central *beit midrash*, assuming that they had at least 600 *zhevumim*. To ensure that these obligations were carried out, *mohalim* were instructed to provide the *gabba'im* with lists of persons who performed these functions.⁴⁴ It is important to note that what would otherwise have been considered charitable contributions were viewed as sources for the funding of communal institutions.

Not infrequently in the eighteenth century, wealthy individuals established charitable foundations to support education, to assist the indigent, and to aid poor brides. In 1761, for example, Moïse Belin, a wealthy army purveyor, contributed 25,000 livres to fund the higher education of twenty-four poor children from Metz, with three places reserved for children who had studied in the academies of Alsace (in Ettendorf and Mutzig). Similarly, David Terquem, a wealthy Metz businessman, donated 12,000 livres to the local community in order to support two students with the annual interest.⁴⁵ A much more ambitious effort was the establishment in 1786 of a foundation to support “Talmud Torah, Hakhnassat Kallah, and Tzedakah” in Alsace. The document announcing this undertaking sheds light on the details and larger goals of charitable giving in the late eighteenth century. Created with an endowment of 175,000 livres by the wealthy army purveyor Herz Cerf Berr, the foundation established a *beit midrash* in Bischheim with three full-time Talmud scholars, it established a fund to dower and marry young women from families lacking sufficient means, and it provided assistance to needy individuals.⁴⁶

The Cerf Berr foundation represents, in my view, an intermediate form of charitable giving that diverged from the medieval model but did not go quite as far as the nineteenth-century paradigm of charity, as we shall see below. The foundation was to remain under the complete control of the benefactor, his three sons-in-law and three sons, and its explicit purpose was to support members of the

extended Cerf Berr family. Only individuals who were related to Cerf Berr or his wives were considered eligible for an appointment as *beit midrash* scholars, for the award of a dowry, or for charitable assistance. Nonrelatives could be selected on condition that there were no eligible family members available; in the case of *hakhnassat kallah*, preference was given to orphans, daughters of scholars, and residents of Alsace.⁴⁷ It is important to take note of precisely how the foundation defined entitlement to charitable assistance. Clear preference was given to the “deserving” poor. Accordingly, in order to qualify for a dowry award, a young woman needed to be a *bat tovim*—that is, from a reputable family—and she herself must have an unblemished reputation and a record of good conduct. Charitable assistance, including gifts of clothing, was to be disbursed only to *aniyim hagunim*, that is, the “decent” poor.

Although the foundation was set up primarily to assist members of the Cerf Berr family, it nonetheless functioned as a public institution. Its records were deposited on file with the royal notary and any procedural dispute or disagreement about eligibility was to be brought before the provincial rabbi or the *parnassim*. The founding document also stipulated that if, in the future, the number of family members in France diminished to less than five, the administration of the foundation would pass to the *parnassim u-manhigei ha-medinah* and to one of the regional chief rabbis of Alsace. Ultimately, the *rav ha-medinah*, along with the *parnassim u-manhigim*, was expected to oversee the practices and procedures of the foundation. We may assume, then, that the established criteria for selecting beneficiaries who were either relatives or of “decent” families were acceptable in some measure to the communal leadership.

It is clear that the ultimate aim of Cerf Berr was the advancement of the material and spiritual condition of members of his family and, secondarily, of his community. His proposal was a concrete effort to tackle a problem that demanded resolution in some form, and having recently reached the age of sixty, he is likely to have considered the establishment of the foundation the last major undertaking of his life. Should this be viewed, then, as a nonredemptive goal? While the idea of *to'elet ha-nishamah* is not mentioned either directly or indirectly

in the document, Cerf Berr's efforts to support his relatives, like the demand that a certain *Yehi Ratzon* prayer be recited on his behalf at the *beit midrash* each day, might well be viewed as proof that he wished to achieve a measure of immortality. Nevertheless, this aspiration could be realized in this world, not in the next, by acquiring a "passport to heaven," as Jacques Le Goff labeled the hope of medieval testators.⁴⁸ Here, the emphasis was on posterity and expressed itself in the proviso that the first issue of a marriage of an orphan must be given the name Dov Ber or Gelche, the parents of the benefactor.⁴⁹ In any case, the foundation did not endure for long. The immense fortune left to Cerf Berr's heirs was ultimately destroyed by the Revolution and by the moratorium ordered by Napoleon on the repayment of debts owed to Jews.⁵⁰

THE ERA OF EMANCIPATION

It was in the period when Jews engaged in the struggle for civic equality that the theory and practice of philanthropy underwent their most thorough transformation. The rise of the modern nation-state brought an end to the corporate, semi-autonomous Jewish community; Jews were recognized as private citizens of their country of residence, and the Jewish community came to be organized, increasingly, as a voluntaristic association. In contrast to the medieval *kehillah*, the modern community frequently lost the right to tax its members for the support of social welfare and other needs. Accordingly, it was necessary to employ modes of fundraising for the support of charitable and civic projects at a time when the corporate-legal structure of the medieval Jewish world had been dismantled. As shown above, even before the collapse of communal autonomy, philanthropy had emerged as an instrument of social control, informed by what Marcel Mauss termed "reciprocal exchange" and the attendant enhancement of social status. Priority was given to the "deserving poor" and to self-help.⁵¹

Modern philanthropy was fully enmeshed with *régénération*, the term used in France to signify the goal of socioeconomic transformation. "Regeneration" was an essential requirement of emancipation and was one of the tasks assigned to the new consistory system by the Napoleonic regime. Napoleon's grand vision of a revamped Jewish

communal organization rested on the principles of thoroughgoing centralization and control. In his estimation, the modernization of the Jews required aggressive government intervention in internal Jewish affairs, and the structure of Jewish communal organization was designed anew in order to redefine the relationship of Jews to French society. Jewish communities of the empire were organized in consistories that closely resembled the model already in place for the Protestant population. Initially, seven departmental consistories were formed in France, and at the administrative helm sat the Central Consistory in Paris. Dominated by the lay leaders, the consistories applied pressure to comply with the goals of *régénération*. For example, in 1829 the Paris Consistory decided to withhold charity from poor parents who neither sent their children to the consistorial primary school nor had them learn a trade. This threat was repeated in 1832, 1834, and 1841. The Strasbourg Consistory had similar concerns in 1858.⁵²

In sharp contrast to the medieval *kehillah*, the consistory worked to promote the modernization of Jewish life in accordance with prevailing notions of civic morality, industrialization, and civility. The realization of this goal depended upon the assertion of consistorial authority in virtually every area of public life and over the entire French-Jewish population. Because this objective was not easily accomplished in the provinces, emphasis on a centralized approach came to be regarded as strategically essential. Their programs echoed governmental efforts to impose centralization on the general populace. To the extent that unity was successfully realized, the achievement represented a significant departure from the mentality of the pre-emancipation era when local and regional forces were paramount.⁵³

The most immediate and pressing problem facing the Jewish community concerned begging.⁵⁴ From the beginning, the Central Consistory proscribed care for itinerant beggars, especially those from abroad. In 1822 the Upper Rhine Consistory limited the number entitled to support to 100, while it denied assistance to foreign beggars. The poor were to receive meals through the billet system. Similar measures were adopted the following year by the Consistory of the Lower Rhine. The poor who came to visit their more affluent relatives were permitted to do so twice a year only, on condition that

they possessed a certificate of good conduct. The persistence of the problem prompted the Jewish community of Strasbourg to establish in 1839 a Society to Eradicate Begging. No aid was permitted either to young people capable of working or to illegal immigrant beggars. New regulations in 1847 limited the aid awarded to beggars living in the Lower Rhine to two francs per trimester; one franc to beggars from other departments; and fifty centimes to those either without fixed domicile or to foreigners with papers. As in other localities, beggars needed to show a certificate of indigence and good conduct in order to qualify for assistance. In other words, as in the early modern period, entitlement depended on worthiness.⁵⁵

Alongside these efforts to regulate and eradicate begging, proponents of regeneration proposed a more ambitious approach. They demanded that beggars and peddlers undergo vocational training in order to be integrated into the French economy, and that they make compromises with Jewish religious practice when necessary. Owing to the difficulties encountered by Jewish laborers who were expected by their employers to work on the Sabbath and holidays, religious reform was viewed by many among the urban elite as a necessary component in the economic regeneration and integration of their coreligionists. Committees to eliminate begging were established mainly in the northeast, especially in the areas of Strasbourg and Colmar.

Empowered to collect and disburse funds, the consistories assumed control over communal institutions, including synagogues, cemeteries, schools, vocational societies, and charitable organizations. The battle against private prayer meetings was unrelenting, lasting for a half-century. Mutual aid societies, which preserved the structure of the traditional confraternities (*hevrot*) and staunchly resisted submission to the consistorial monopoly, endeavored to maintain private *minyanim* as emblematic of their independence. The consistories waged a constant battle against private *minyanim*, but did not succeed completely. The persistence of these confraternities, and the refusal to respect the consistorial monopoly in other areas, such as *shehitah*, reflects a deep-seated dissatisfaction with consistorial authority.⁵⁶ For their part, the consistories went to considerable lengths to control the solicitation of funds in local communities, and they underscored the duty to support

communal and regional institutions (such as the *école de travail* of Strasbourg). Consistory-appointed delegates to the local community presided over the election of rabbis, cantors, and other community functionaries, and also bore responsibility for tax collection and for issuing annual reports, thus enabling the consistory to control the local budgets. Communities, for their part, demanded the freedom to make budgetary and fund-raising decisions without consistorial interference.⁵⁷

In most Western and Central European communities there emerged an impressive array of voluntary associations, some of which were taken over from the medieval *kehillah*. The full range of services available to the unfortunate, including provision of food, clothing, and medical care to the needy and the sick, the dowering of poor brides, relief for orphans and widows, and burial of the dead, was financed by some combination of community and private funds. One nineteenth-century innovation was the emergence of women's charitable societies and of societies that supported the training of Jewish apprentices and farmers.⁵⁸ It is worth noting that although it was not unusual for women's associations to be called by the name *Hakhnassat Kallah*, these bore virtually no resemblance to the pre-emancipation confraternities of the same name. In the case of the Paris association that was founded in 1843, efforts focused exclusively on placing young girls in apprenticeships.⁵⁹

By fulfilling the objectives and needs of religious piety, study, and philanthropy, confraternities represented an alternative framework to the consistory. Many proponents of *régénération* questioned the consistory's ability to lead the educational and vocational transformation, and thus most efforts in these areas resulted from private, not consistorial, initiatives.⁶⁰ Nevertheless, even when initiatives were undertaken independently, the consistories eventually provided the necessary organizational framework and support. The encouragement of vocational training eventually came under the aegis of the local consistories. In some communities, such as Bordeaux and Metz, efforts were made to introduce industrial arts instruction and apprenticeship into the new Jewish primary school system. The most significant efforts to promote Jewish vocational training were initiated by societies founded for the purpose of encouraging children of the

poor to undertake apprenticeships. These *sociétés de patronage* were created by wealthy individuals in 1820s, and by mid-century there were similar *sociétés* in all major Jewish communities. In 1825 a local group in Strasbourg established an *école de travail* where apprentices could board and receive training in shops, and in 1842 a similar institution opened in Mulhouse.⁶¹

It is especially important to emphasize the impact of the larger context of French philanthropic activity on the drafting of programs for the Jewish poor. Inspired by the efforts of the *Frères des écoles chrétiennes*, a dozen *écoles des arts et métiers* opened in French cities in the early nineteenth century. As a leading sponsor of apprenticeships, the Christian teaching order offered manual arts training to children of the poor. These programs became a model for Jewish trade schools, much as Jewish *sociétés de patronage* were patterned after Catholic and Protestant associations. It should also be pointed out that Christian and Jewish leaders shared the view that vocational education and moral and social reform went hand in hand. The Jewish communal leadership viewed *régénération* not only in terms of occupational restructuring but more broadly as moral reform. Vocational training was designed to inculcate a positive attitude toward labor, self-discipline, virtue, respect for others, and patriotic loyalty. This was part of the promotion and representation of a positive self-image of the Jewish underclass to members of the larger society.⁶²

Another element of their shared vision was the social conservatism that informed their philanthropic efforts. Those who devoted themselves to the work of *patronage* did not envision a society based on social and economic equality. Toward the goal of attaining economic stability, their hope was that young apprentices would accept their place in the social order and acknowledge their debt to those who assisted them. Of even greater significance was the distrust displayed by the elite in the ability of impoverished families to raise their own children because of the poor examples they set for them. Accordingly, *patronage* activists made special efforts to counteract what was viewed as the “corrupting” ethos of poverty by exposing children to wider cultural opportunities that included art, music, literature, and nature. The similarity of the goals pursued by Jewish and Christian advocates

of philanthropy also found expression in certain shared activities, such as the enrollment of Jewish children in evening design courses sponsored by the Paris municipality, and in the participation of Jewish benefactors in funding the society for the apprenticeship of orphans and abandoned children.⁶³ So central was the goal of elevating the Jewish poor through vocational training that the lay consistorial leadership was willing to overlook violations of ritual observance as well as the overstepping of traditional boundaries relating to social interaction with gentiles.

For the Jewish elite, the transformation of the poor represented a powerful counterclaim to the commonly held assertion that Jews were unable or unwilling to engage in manual labor, and it offered solid evidence of Jewish contributions to the public welfare. Much of the discourse of Jewish emancipation in nineteenth-century France revolved around the eagerness of communal leaders to publicize successes in these areas and also to take cognizance of the support, recognition, and praise that their efforts gained among government officials, clerics, and intellectuals. It is certainly a mark of the modern era that these philanthropic efforts, which originated in the goals of self-care and self-reform, came to be measured, ultimately, by the extent to which they were integrated within the larger social and political narrative of *l'utilité publique*.

* * * * *

It is generally assumed that the modern emphasis on social control and social engineering, which were both accompanied by considerable ambivalence toward the poor, reflects a weakening of the role of religion in public life.⁶⁴ However, the claim that philanthropy was motivated by purely social concerns of a largely secular nature has been challenged by a number of recent historical studies that stress the continued importance of religion in shaping modern society. In a recent article focusing on the international activities of Sir Moses Montefiore, British historian Abigail Green rejected the purely functional approach to philanthropy. In her view, philanthropic efforts that boost one's own standing in the world or that advance a political objective (such as the

emancipation of the Jews) ultimately fall short of the mark because they are not inspired by the requisite sentiments of compassion and generosity. The functionalist approach to philanthropy, argues Green, is therefore incompatible with what she considers “traditional forms of Jewish charity.” Montefiore’s public mission is offered as a counter-example of an intricate amalgam of particularism and universalism, which “tended to be motivated at some level by religious concerns.”⁶⁵ While I certainly do not disagree with this last formulation, I think that Green’s insistence that Jewish philanthropy remain unsullied by self-interest rests on a false dichotomy between the religious and secular realms and also on the assumption that an act of charity cannot be at once personally beneficial and altruistic.⁶⁶ It hardly needs to be argued that the arena of the mundane is well within the purview of Jewish religious activity, and therefore, to further the goal of social control is not necessarily to diminish or abandon the religiously meaningful act. Nor can the resultant social and religious tensions be ignored. Jewish philanthropy in the early modern and modern periods emerged as a strategy that no longer limited itself to improving the lot of the needy but also served to advance the goals of the Jewish community at large.

In this last regard Jews shared concepts and values with their non-Jewish neighbors. There is little doubt that the religious imagination of ordinary Jews was occasionally colored by the religious images of the dominant Catholic and Protestant faiths. The Jews of Italy, for example, living in a pervasively Catholic environment, were hardly impervious to the religious influences around them. Is it possible that under these circumstances they were more likely to espouse the salvational conception of charity than the more neutral, this-worldly conception that was dominant among Protestants?⁶⁷ Although the thorny questions of cultural influence and interaction cannot be addressed at this juncture, they offer fertile ground for future inquiry.

NOTES

1. See Salo W. Baron, *The Jewish Community: Its History and Structure to the American Revolution* (Philadelphia: Jewish Publication Society, 1942), vol. 2, pp. 320–321. Concerning the burial society, see Maimonides, *Hilkhot Matenot Aniyim* 9:12.

2. For example, in 1558 the Avignon community specified the amount of money per family for pre-festival distribution, cited in Baron *Jewish Community*, vol. 2, pp. 320–321.
3. B.T. Ketubot 66b–67a. An alternative interpretation is that the money dissipated because he made the gift in order to attain self-glorification.
4. Solomon ben Aderet, *Resp. Rashba*, (Jerusalem: Makhon Yerushalayim, 1996), pt. 3, nos. 380 and 414. See discussion in Baron, *Jewish Community*, vol. 2, p. 321, and Jonathan Cohen, “Communal Welfare Organizations According to Rashba,” *Hebrew Union College Annual* 72 (2001): 85–100.
5. Solomon ben Aderet, *Resp. Rashba*, New Responsa, no. 126. See *Shulḥan Arukh*, Yoreh De’ah 250:5, and Joseph Caro, *Beit Yosef*, ad. loc.
6. B.T. Bava Batra 8b and Ketubot 49b, s.v. *akafiya*.
7. See Isadore Twersky, “Some Aspects of the Jewish Attitude Toward the Welfare State,” *Tradition* 5 (1963): 156.
8. Maimonides, *Matenot Aniyim* 7:10. Cf. Aryeh Leib HaCohen Heller, *Ketzot ha-Hoshen* (Jerusalem: Me’orei Or, 1999), Yoreh De’ah 290, sec. 3. Cf. Bava Kama 36b: The poor are viewed as owners of the funds deposited in the charity fund, and the *gabba'im* are viewed as their agents. Accordingly, once the funds are placed in the hands of the *gabba'i*, no changes can be made. For the view of Rashba, see *Resp. Rashba*, pt. 5, no. 56.
9. *Tur* and *Shulḥan Arukh* Y.D. 248:1: “עני המתפרנס מן הצדקה אפי' עני האדם חייב ליתן צדקה אפי' עני האדם חייב ליתן ממה שיתנו לו ומי שאינו רוצה ליתן או נותן פחות משראי לו ליתן היו ב"ד כופין אותו עד שיתן מה שאמדהו ליתן ויורדין לנכסיו ולוקחין ממנו מה שראוי וממשכנין עליו אפי' בערבי . . . הרי דבר פשוט הוא שכבר נהגו: *Resp. Maharik* 17:5: “Also see Joseph Colon, *Resp. Maharik* 17:5: “... הרי דבר פשוט הוא שכבר נהגו: “כל קהילות הקדש לכפות על ידי גרים בענין מסים וארנוניו' . . . כי על פי התורה נקבע מנהג זה דמאחר הדיחיד מסרב לפרוע הטלתו כאשר ישיתו עליו ראשי הקהל החשובים הלא הוא כמסרב לדון . . . וכן כתב נמי הרשב"א כשהיחיד מסרב וממרא את פיהם בדליכא חבר עיר וכ"ש כשישנו Cf. *Tur* Y.D. 256:5. ונתמנה עמהם.”
10. Moses Isserles, *Resp. Rema* (Jerusalem, 1970), Asher Ziv ed., no. 31, and cf. no. 47.
11. The exception to the rule concerning the noncompulsion of individuals to give *tzedakah* is within the family framework. Evidence from the records of the Metz *beit din* in the 1780s indicates that the court supported the claim that relatives could be coerced to give *tzedakah* in order to furnish a dowry for a needy family member when the father was not able to assemble the funds himself. See Records of the Metz Beit Din, YIVO Archives, Group 128, Rabbinical and Historical Manuscripts, vol. 1, pt. 2, p. 13b [Adar 12, 5536]; vol. 1, p. 54a [Tammuz 17, 5537]; vol. 2, p. 53a [Elul 5, 5541]; vol. 2, p. 68a [Nissan 26, 5541]; vol. 2, p. 93a [Nissan 26, 5542]; vol. 2, pp. 101b–102a [Heshvan 13, 5545]. On the matter of communal goals as defined by the lay leadership, see Ya'ir Hayyim Bacharach, *Resp. Havvot Yair*, nos. 81 and 57, and the discussion in Jay R. Berkovitz, *Rites and Passages: The Beginnings of Modern Jewish Culture in France, 1650–1860* (Philadelphia: University of Pennsylvania Press, 2004), p. 58.
12. Rosh, Bava Batra, chap. 1, no. 29; Levush, Y.D. 256:4: “והוא הדין לגבאי הממונה מבני”

העיר שיכול לעשות הצדקה לפי ראות עיניו. וכן יחיד שהתנדב צדקה ונתנה לגבאי העיר, ודאי סילק עצמו מאותן המעות ונתן הכח ליד הגבאי לעשות בה כמי שעושים בצדקת בני העיר, אבל אם היחיד מינה גבאי לעצמו אין בני העיר יכולין לשנותה דלא על דעתן התנדב, וכן אם פירש הנותן ואמר שיתנו לעניי העיר או לעני פלוני, אין לשנותה אפילו לתלמוד תורה.”

- 13.. *Bayit Hadash*, 256:4. In 256:1, Sirkes cited the view of Rosh that according to Rabbenu Tam the townspeople can change *kuppah* and *tamhui* for anything they want, even for communal needs (as recorded in *Tur* 256). Prisha (256:9) adds: אפילו לדבר הרשות. This is the prerogative of the *tzibbur*, but not of the *gabbai*. BaH explains that in his view this is because an individual, even if he is a *gabbai*, could have financial problems and could use funds for his own needs—borrow it, or pay off debt. He cites *Nimukei Yosef*, Bava Batra 6a, that according to J.T. Shekalmim 2:5 and Tosefta Megillah 2:9, the prerogative is not limited to *benei ha'ir* but even *parnassim* can do as they wish.
14. It cannot be denied that later authorities are divided on the question of coercion. For examples of the position that endorses coercion, which I take as the more representative view, see Ya'ir Hayyim Bacharach, *Resp. Havvot Ya'ir* (Frankfurt, 1699), no. 157, and Ezekiel Landau, *Resp. Noda B'Yehudah* (Prague, 1776), Y.D. 158. For two views that opposed coercion, see Joel Sirkes, *Resp. Bayit Hadash (Yeshanot)*, no. 37 and Moses Sofer, *Resp. Hatam Sofer* (Pressburg, 1855), no. 157.
15. *Resp. Mahari Mintz*, no. 7, cited in Baron, *Jewish Community*, vol. 2, p. 322. In Alsace young couples were free from the obligation of purchasing *pletten* during the first year of marriage. See Isidore Loeb, “Les Juifs à Strasbourg depuis 1349 jusqu'à la Révolution,” *Annuaire de la société des études juives* 2 (1883): 185, art. 11.
16. See Moses Shulvass, *From East to West* (Detroit: Wayne State University Press, 1971), and S. Posener, “The Social Life of the Jewish Communities in France in the 18th Century,” *Jewish Social Studies* 7 (1945): 221–223.
17. Charles H. Parker, “Poor Relief and Community in the Early Dutch Republic,” in *With Us Always: A History of Private Charity and Public Welfare*, ed. Donald T. Critchlow and Charles H. Parker (Lanham, Md.: Rowman & Littlefield, 1998), pp. 13–33.
18. See Kathryn Norberg, “Religious Charity and Cultural Norms in Counter-Reformation France,” in *With Us Always: A History of Private Charity and Public Welfare*, ed. Donald T. Critchlow and Charles H. Parker (Lanham, Md.: Rowman & Littlefield, 1998), pp. 35–54.
19. Brian Pullan, “Charity and Poor Relief: The Early Modern Period,” *Encyclopedia of European Social History* (New York: Charles Scribner's Sons, 2001), vol. 3, pp. 447–452.
20. Stefanie Siegmund, *The Medici State and the Ghetto of Florence: The Construction of an Early Modern Jewish Community* (Stanford, Calif.: Stanford University Press, 2006), pp. 387 ff.
21. See Elliott Horowitz, “‘Let the Poor Be Members of Your Household’: Charity, Poor and Social Control in European Jewish Communities Between the Middle

- Ages and the Beginning of the Modern Era,” in *Religion and Economy: Connections and Interactions*, ed. Menahem Ben-Sasson (Jerusalem: Mercas Zalman Shazar, 1995), p. 231. Horowitz suggests that the term *hagun* related solely to the conduct of life; a person who was not deemed *hagun* was shunted to margins of Ashkenazic society in terms of his eligibility to receive *tzedakah* (p. 226).
22. Baron, *Jewish Community*, vol. 2, pp. 321–325.
 23. Horowitz, “Let the Poor Be Members of Your Household,” p. 210.
 24. Judah Mintz, *Resp. Mahari Mintz* (Venice, 1552), no. 7.
 25. See *Sefer Minhagei Maharil*, no. 60, excerpted in Horowitz, “Let the Poor Be Members of Your Household,” p. 216: Horowitz argues further that the negative view of the poor was already found in *Sefer Hasidim* (pp. 217–218).
 26. *Derushei ha-Zelah* 9ab, 26d, cited in Baron, *Jewish Community*, vol. 3, p. 209, n. 35.
 27. See Baron, *Jewish Community*, vol. 2, pp. 325–333.
 28. The Venetian *banchi del ghetto* was set up exclusively for needy Christians. See Baron, *Jewish Community*, vol. 2, p. 327.
 29. The Lithuanian Council supported twelve poor brides annually at 30 florins. See Baron, *Jewish Community*, vol. 2, pp. 323–324. On the appointment of guardians by the *beit din* of Metz to manage the estates of orphans, see Jay R. Berkovitz, “Civil Law and Justice in the Rabbinic Tribunals of 18th Century Metz,” *Iggud: Selected Essays in Jewish Studies* (2008): 87–99.
 30. See Marc Raeff, “The Well-Ordered Police State and the Development of Modernity in Seventeenth- and Eighteenth-Century Europe: An Attempt at a Comparative Approach,” *American Historical Review* 80 (1975): 1221–1243.
 31. See Brian Pullan, “Charity and Poor Relief: The Early Modern Period,” *Encyclopedia of European Social History* (New York: Charles Scribner’s Sons, 2001), vol. 3, pp. 447–452. In Metz, lay leaders had clearly gained the upper hand over the rabbinate, whose political power and communal authority had already begun to diminish by the late seventeenth century. The *kahal* set conspicuous limits on the judicial independence of the communal rabbi, empowering itself to issue legislation to correct a moral problem or to prevent a religious infraction—areas formerly under the exclusive authority of the rabbis. Also see Berkovitz, *Rites and Passages*, chap. 2. Concerning the struggle in seventeenth-century Poland-Lithuania, leaders of the Council of the Four Lands enacted *takkanot* and issued the *herem* without the express approval of halakhic authorities, a tendency that was strongly contested by the foremost rabbinic figure of the day, R. Joel Sirkes. See Sirkes, *Resp. Bayit Hadash* (Additional), (Korzec, 1785), no. 43, and for a dissenting view, see Bacharach, *Resp. Havvot Yair*, no. 81.
 32. Daniel Swetchinski, *Reluctant Cosmopolitans: The Portuguese Jews of Seventeenth-Century Amsterdam* (Oxford: Littman Library of Jewish Civilization, 2000), pp. 178–181, 186–187.
 33. *Ibid.*, pp. 196–203.
 34. *Ibid.*, p. 201.

35. Yosef Kaplan, "The Attitude of the Spanish and Portuguese Jews to the Ashkenazi Jews in Seventeenth Century Amsterdam" [Hebrew], in *Transition and Change in Modern Jewish History* (Jerusalem: Mercaz Zalman Shazar, 1988), pp. 389–412.
36. Swetchinski, *Reluctant Cosmopolitans*, pp. 202–203.
37. Kaplan, "Attitude of the Spanish and Portuguese Jews," pp. 410–412.
38. Swetchinski, *Reluctant Cosmopolitans*, p. 203.
39. One refugee, R. Moshe Rivkes, described the reception in the introduction to *Be'er ha-Golah*, his commentary on the *Shulhan Arukh*: "Upon our arrival there was an outpouring of mercy from Sephardic sages and affluent individuals, and they aided us in *tzedakah* and *hesed* and distributed much money to each individual for lodging, food, and clothing. Each person was given a good deal of money, and so too the other boats that arrived afterward." Cited in Kaplan, "Attitude of the Spanish and Portuguese Jews," p. 407.
40. Kaplan, "Attitude of the Spanish and Portuguese Jews," pp. 407–410.
41. Yosef Kaplan, "Jewish Refugees from Germany and Poland-Lithuania in Amsterdam during the Thirty Years War" [Hebrew], in *Culture and Society in Medieval Jewry: Studies Dedicated to the Memory of Haim Hillel Ben-Sasson*, ed. Menahem Ben-Sasson, Robert Bonfil, and Joseph Hacker (Jerusalem: Mercaz Zalman Shazar, 1989), pp. 587–619.
42. Zosa Szajkowski, "Sephardim, Ashkenazim and Avignonese Jews," in *Jews in the French Revolutions of 1789, 1830 and 1848* (New York: Ktav, 1970), pp. 254–257. Avignonese leaders enacted *takkanot* in 1760 that gave them the right to expel vagabonds. On the attitude toward foreign Jews in Bordeaux, and on sick care in the community, see *Le Registre des délibérations de la Nation Juive Portugaise de Bordeaux (1711–1787)*, ed. Simon Schwarzfuchs (Paris: Centre National de la Recherche Scientifique, 1981), pars. 173, 182, 382–383, and 417.
43. See Loeb, "Les Juifs de Strasbourg," pp. 178–179 and 193–198. For a fuller account, see Berkovitz, *Rites and Passages*, chap. 3.
44. Loeb, "Les Juifs de Strasbourg," pp. 178–179 and 193–198. See Berkovitz, *Rites and Passages*, p. 57 and p. 258, n. 108. See "Protocol of the Medinah" (28 May 1777), arts. 3, 12, 14, 15, 23, 27–29, 34.
45. See Arthur Hertzberg, *The French Enlightenment and the Jews* (New York: Columbia University Press, 1968), pp. 168–169. The Metz *kehillah* supported 20 *yeshivah* students for instruction by the *av beit din*. In article 22 of the rabbinic contract issued to R. Aryeh Loeb Gunzberg, author of the *Sha'agat Aryeh*, the community obligated itself to support five additional students. See Simon Schwarzfuchs, "The Rabbinic Contract of the Sha'agat Aryeh in Metz," *Moriah* 15 (1986): 81–90. Also see Samuel Kerner, "Acte de fondation d'un college hébraïque a Metz, 1751," *Archives juives* 7 (1970–71): 45–50; idem, "La Vie quotidienne de la communauté juive de Metz au dix-huitième siècle" (thèse de doctorat de 3^{ème} cycle, Université de Paris, 1977–79), pp. 170–172, 174–175; and Raphael Blum, "Le fondateur du grand Beth Hamidrash de Bouxwiller," *Univers israélite* 35 (1879): 85–88, 112–114. On the institution of the *hekdesh* in Metz, see S. Kerner,

Vie quotidienne de la communauté juive de Metz, pp. 112–123, 149–168. For a full description of charity in an Alsatian village, see Samuel Kerner, *La Communauté juive d'Odratzheim* (Paris, 1983).

46. The document establishing the Cerf Berr foundation was published by Simon Schwarzfuchs, "Three Documents from the Lives of the Jewish Communities in Alsace-Lorraine" [Hebrew], *Michael* 4 (1976): 12–25.
47. For nonrelatives, priority was to be given to the daughter of a *talmid hakham* without means, but in such circumstances an orphan of a *talmid hakham* was to be given priority. Among nonrelatives, the daughter of one of the scholars of the *beit midrash* was preferred.
48. Jacques Le Goff, *Medieval Civilization* (Oxford: Blackwell, 1988), p. 187. In the **records of the Metz *beit din***, there are 15 cases of charitable bequests that were intended for the redemption of the soul. Testators left instructions either to distribute alms on the *yahrzeit* or to pay individuals to learn in their memory. For examples, see Records of the Metz Beit Din, vol. 2, pp. 16b, 41b, and 141a.
49. It was stipulated in Article 17 that if a young woman who had been dowered by the Foundation died within the first year of marriage and did not give birth to a child, then her husband would be obligated to repay the dowry to the Administrative Commission after deducting the expenses of marriage. If she died in the second year without leaving a child, her husband was required to repay half the dowry. See Schwarzfuchs, "Three Documents from Alsace Lorraine," p. 21.
50. See Zosa Szajkowski, *Poverty and Social Welfare Among French Jews* (New York, 1954).
51. Mauss's major work, *The Gift*, was published in 1954 (in French). For a current edition in English, see Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies* (New York: Routledge, 2002).
- 52.. Phyllis Cohen Albert, *The Modernization of French Jewry: Consistory and Community in the Nineteenth Century* (Hanover: University of New England Press, 1977), pp. 50–61, 124–128.
53. Jay R. Berkovitz, *Shaping of Jewish Identity in Nineteenth-century France* (Detroit: Wayne State University Press, 1989), pp. 148–149.
54. *Ibid.*, pp. 76, 86–90. Cf. the view of R. Joseph Lévy, rabbi of Saar-Union, who protested the unsympathetic treatment of beggars and drew upon traditional sources to justify the claims of wandering beggars. See *Lien d'Israel* (1858).
55. Paula Hyman, *The Emancipation of the Jews of Alsace: Acculturation and Tradition in the Nineteenth Century* (New Haven: Yale University Press, 1991), pp. 45–49.
56. Albert, *Modernization of French Jewry*, pp. 197–204, 223–229, 232–233.
57. In the aftermath of the 1848 revolution the consistorial monopoly became weaker. On efforts of the Strasbourg consistory to appoint its own delegates to sit on the board of the *société d'encouragement au travail en faveur d'israélites indigents*, see "Extrait des Registres des deliberations du Consistoire israélite du Bas-Rhin," in *Archives israélites de France* 4 (1843): 50–52; Albert, *Modernization of French Jewry*, pp. 182–187; and Hyman, *Emancipation of the Jews of Alsace*, pp. 77–78.

58. Michael A. Meyer, "Jewish Communities in Transition," in *German-Jewish History in Modern Times*, ed. Michael A. Meyer and Michael Brenner (New York: Columbia University Press, 1989), vol. 2, pp. 105–111.
59. *Archives israélites de France* 6 (1845): 384; 7 (1846): 372–373. See Christine Adams, "In the Public Interest: Charitable Association, the State, and the Status of *utilité publique* in Nineteenth-Century France," *Law and History Review* 25 (Summer 2007): 283–321.
60. See Hyman, *Emancipation of the Jews of Alsace*, pp. 75–77. On criticism of the consistory, see Berkovitz, *Shaping of Jewish Identity*, p. 101.
61. Berkovitz, *Shaping of Jewish Identity*, pp. 104–110.
62. Lee Shai Weissbach, "The Jewish Elite and the Children of the Poor: Jewish Apprenticeships Programs in Nineteenth-Century France," *Association for Jewish Studies Review* 12 (1987): 123–142.
63. Ibid.
64. The relationship between social control, on the one hand, and ambivalence toward charity and the poor, on the other, has been studied in depth by scholars of early modern Europe. See, for example, Brian Pullan, "Catholics and Poor in Early Modern Europe," *Transactions of the Royal Historical Society*, 5th series, 26 (1976): 15–34; idem, "Support and Redeem: Charity and Poor Relief in Italian Cities from the Fourteenth to the Seventeenth Century," *Continuity and Change* 3 (1988): 177–208.
65. Abigail Green, "Rethinking Sir Moses Montefiore: Religion, Nationhood, and International Philanthropy in the Nineteenth Century," *American Historical Review* 110 (2005): 631–658. Also see David H. Kaiser, "Testamentary Charity in Early Modern Russia: Trends and Motivations," *Journal of Modern History* 76 (March 2004): 1–28.
66. See the efforts of Tosafot to explain that a person who declares "I will give this coin to charity so that my son will live" is rightfully considered a *tzaddik gamur* (Pesahim 8a–b) because the charitable act is not diminished by having been motivated by some form of self-interest.
67. This is an intriguing question that relates to the broader issue of language and culture. In the words of Edward Sapir, "Language is a guide to 'social reality' . . . The fact of the matter is that the 'real world' is to a large extent unconsciously built upon the language habits of the group." It is generally assumed that shared language implies, if not engenders, shared ideas. As one recent formulation has it: "Discourse is language used relative to social, political and cultural formations. It is language reflecting social order but also language shaping social order, and shaping individuals' interaction with society." Also see Edward Sapir, "The Status of Linguistics as a Science," *Language* 5 (1929): 207–214. I acknowledge with thanks Lewis Glinert for directing me to these references.