The Development of Charity: Anti-Poverty Measures of Ancient Jewish Law & Jurisprudence

William H Byrnes, IV, Thomas Jefferson School of Law

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“To love God truly, one must first love man. And if anyone tells you that he loves God and does not love his fellow man, you will know that he is lying.” Hassidic saying

SUMMARY

This article describes the ancient Jewish practices, codified in Biblical law and later legal commentary, to protect the needy. The ancient Hebrews were the first civilization to establish a charitable framework for the caretaking of the populace. The Hebrews developed a complex and comprehensive system of charity to protect the needy and vulnerable. The Jews’ anti-poverty measures - including regulation of agriculture, loans, working conditions, and customs for sharing at feasts - were a significant development in the jurisprudence of charity.

The first half begins with a brief history of ancient Jewish civilization, providing context for the development of charity by exploring the living conditions of the poor. The second half concludes with a description of the Jewish laws, Mishnah and Talmudic commentary, as well as the practice and codification of Rabbi teachings that establish a jurisprudence of charity. The author concludes that this ancient jurisprudence is the root of the American modern philanthropic idea by identifying modern equivalent practices to those of the Hebrews.

I. INTRODUCTION

Modern charitable and philanthropic ideas were not inevitable. Caring for the poor seems to have been a concern for as long as there has been written history. However, the motivations behind charity have changed over time. The general attitude towards helping the poor in ancient societies was not one that could be called “enlightened” or altruistic in any modern sense. For example, the Greeks tended to help others to secure benefits desirable to the giver, such as reputation or repayment. Plato had no love for beggars and marks them for expulsion from the city in his Laws. Indeed, in the classical worldview a person’s worth was grounded in his economic, familial, political, or filial ties. The modern notion of the individual having dignity and irreducible worth simply by virtue of his being a human being is derived from the ancient Jews, who articulated their belief that mankind was cast in God’s image.

The ancient Hebrews developed “covenantal” doctrines and laws to reflect this belief. While all societies in the Near East had policies protecting the widow, the orphan, and the poor, only the Jews, amongst all the ancient peoples – as far as written history allows – had anything resembling a system or law encouraging and regulating charitable

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1 See F. Charles Fensham, Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature, 21 JOURNAL OF NEAR EASTERN STUDIES 129-139 (1962) and also SCOTT DAVIS Philanthropy as a Virtue in Late Antiquity and the Middle Ages in GIVING 1 (J.B. Schneewind, ed. 1996).
2 DAVIS, id. at 9.
3 LAWS, 936c
4 See GENESIS 1:26-27.
5 See Fensham, supra note 1.
giving to all the poor. Modern giving has its roots in the practices of the ancient Hebrews, whose ideas about the worth of the individual were adopted by the followers of Jesus, later Mohammed, and spread throughout the Mediterranean world and trade routes.

This article describes and analyzes the laws and practices relating to the poor among the ancient Jews. It begins with a thumbnail sketch of Jewish history and a description of Jewish material culture in Biblical times. The article then explains the theological underpinnings of Jewish charity, the laws the Jews used to guide their charity, and later rabbinical commentary about the laws. To demonstrate the laws in context, examples of charity in the Book of Ruth are examined. The author concludes that modern ideas about charitable giving derived from this ancient Jewish jurisprudence.

II. BRIEF SKETCH OF JEWISH HISTORY AND THE DEVELOPMENT OF THE LAW

The ancient Hebrews were a Semitic tribe that wandered the desert regions of Palestine and followed a cult centered on the deity Yahweh. Hebrew prophets claimed to repeat Yahweh’s very words, and the Jews are known today for their unique literary commentary focusing on Him. As Jews developed their relationship with Yahweh, He revealed many prescriptions for conduct and worship, culminating in the *magnum opus* of legal precepts, the Decalogue – or Ten Commandments, which seems to have appeared around 1025 B.C.E. This was just one part of a sublimely articulated moral code, which, along with a unique combination of rituals, formed the basis of Jewish ethos, the Hebrews’ greatest contribution to Western Civilization.

The Jews of ancient Palestine were constantly fighting for survival. With the help of their God, though, they went from being a tribe living a semi-nomadic existence to a unified group occupying the land of Yahweh – Israel.

They knew periods of both conquest and subjugation. The Jews established their own kingdom(s) in the Davidic and Solomonic periods, during which the Temple of Jerusalem was built. They also waxed during an Augustan phase, when they were militarily and economically strong. But there were also defeats, as in the Old Testament period -- the seventy-year Babylonian captivity -- and the Roman occupation established by the time of Christ.

The Hebrews were unable to suppress their dynastic impulses for any long period of time and rebelled against the Romans in 70 C.E. The occupiers mercilessly put down the uprising, resulting most sensitiously in the siege and group suicide of the Jewish zealots in the Dead Sea mountain fortress of Masada. The conquerors put an

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6 See FRANK M. LOEWENBERG, FROM CHARITY TO SOCIAL JUSTICE 17 (2001).  
7 See WALTER BRUEGEMANN, THEOLOGY OF THE OLD TESTAMENT 413 (1997).  
8 See THE INTERPRETER’S ONE-VOLUME COMMENTARY ON THE BIBLE 994-98 (1982) [hereinafter COMMENTARY ON THE BIBLE].  
9 See Deuteronomy 5, passim. See also id. at 53.  
11 See JOHN L. MCKENZIE DICTIONARY OF THE BIBLE 403-05 (1965)  
12 See id. at 332.  
13 See id.  
14 See W.O.E. OESTERLEY, A HISTORY OF ISRAEL, VOLUME II 42 (1932).  
15 See id. at 332.  
16 See FRANK M. LOEWENBERG, FROM CHARITY TO SOCIAL JUSTICE 17 (2001).
exclamation point on their campaign by destroying the Jerusalem Temple and driving the Jews out of Jerusalem, an unmitigated disaster from which the Hebrews never recovered. From then on Romans forbid the Jews from residing in the holy city of Jerusalem, dashing their hopes of rebuilding the Temple. This began the permanent Jewish Diaspora that persisted until the Zionist movement of the early twentieth century which culminated in the establishment of the modern state of Israel in 1948 C.E.19

The Bible is the record of the ancient Jews. It is a historical document to be sure, but first and foremost it is a religious treatise, rife with miracles and commandments to the faithful. Scholars have grouped the many laws found in the Old Testament into four codes related to their origin in time.20 The earliest laws are found in Exodus, chapters 20-24 and 34. These reflect the laws Hebrews used to about 800 B.C.E. They are called the Primitive Codes. In 621 B.C.E., a great reformation of Hebrew society resulted in new laws found in the Book of Deuteronomy, chapters 5-26 and 28. These are referred to as the Deuteronomic Code and reflect developments from about 800 – 600 B.C.E. The Holiness Code refers to laws from the early days of the Babylonian exile; they are found in Leviticus chapters 17-26 and date from as early as 500 B.C.E. The Priestly Code, from about 400 B.C.E., refers to the other laws of the Old Testament. It is often noted that the Priestly Code does not add to the humanitarian policies already established. Thus the laws of most concern in the search for the roots of modern philanthropy are found mainly in the Primitive, Deuteronomic and Holy Codes.

Before beginning the analysis of charity among this “oddball tribe…this race of wanderers who are the progenitors of the Western World,”21 it will be helpful to understand the living conditions of the Hebrews. What did it mean to be poor in ancient Palestine?

III. MATERIAL POVERTY IN PALESTINE

This article focuses on the ancient Hebrews’ charitable giving and their obligations to the poorest among them, but “poor” is a relative term that can only be understood in the context of a certain time and place. In order to understand the Hebrews’ obligations to the poor in ancient times, one must examine their material culture. This section of the paper focuses on the food and clothing of Palestinians of this time period and demonstrates that the charitable institutions of the Hebrews were aimed at saving lives. Among the ancient Jews, the helpless and destitute were truly at the mercy of others, for starvation was a constant threat.

Palestine, as part of the Fertile Crescent, sits in the cradle of civilization. Because of its importance to world history, a great deal is known about early farming and crop domestication there.22 Researchers estimate that the region made the transition from

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17 See id. at 140.
19 See COMMENTARY ON THE BIBLE, supra note 8, at 1.
20 For a full explanation see Charles Foster Kent, The Humanitarian Element in the Old Testament Legislation, 18 THE BIBLICAL WORLD 273-274 (1901).
22 “[T]he Fertile Crescent is by far the most intensively studied and best understood part of the globe as regards to the rise of agriculture.” JARED DIAMOND, GUNS, GERMS, AND STEEL, 135 (1997).
hunter-gatherer to food production early and quickly, between 9,000 and 6,000 B.C.E., and they believe that the shift was made possible by the wide variety of native plants and animals suitable for domestication.  

It seems that the climate has remained consistent in Palestine for the last 2,000 years. Rainfall is sparse, falling mainly in the winter, with three-quarters of the approximately 21-inch annual average falling from October to February. Such a winter rain pattern favors cultivation of cereals.

Growing was always a challenge, only more or less so; even in a good rain year, nice soil was scarce. Different crops were planted at diverse times, and this variation helped keep the soil fresh and made sure a catastrophe in one crop did not mean a catastrophic year overall. Irrigation was always used, and was sometimes very elaborate in the desert regions. Farmers sowed heavily, and with great variety. This was done to make up for poor composting, fertilizing, and inefficient plowing. But it must be remembered that the rule was low yields, and this affected everything else in the economy, including political, religious, and charitable activities.

A general weakness in the economy of ancient Palestine exacerbated any potential famine conditions. Part of this was due to inefficient, pre-scientific uses of the land and agriculture. Fields were under-manured, not generally fertilized or even usually well composted. The farm animals central to the economy were invariably underfed and malnourished, meaning they could not work to their capacity. Even in a good year yields were relatively low. A low yielding year would create a vicious cycle. If the yield was very low, say 1:3, it would mean that one-third of that year’s crop would have to be set aside for the next year’s sowing.

Most people ate twice a day, once in the morning, around 10 a.m., and again in the early evening. Wealthy people ate three or more times a day. The rich, predictably, ate not only more often, but also better. They enjoyed sumptuous and delicate breads, cakes, and cookies, a variety of meats, a lush array of vegetables, and wines. Conversely, the typical inhabitant of Roman Palestine subsisted on bread, porridge made of wheat and barley, and some vegetables and fish.

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23 Id. at 141-42.
24 See GILDAS HAMEL, POVERTY AND CHARITY IN ROMAN PALESTINE, FIRST THREE CENTURIES C.E. 121-122 (1990).
25 See id. at 102-03.
26 See id. at 104-05.
27 See id. at 108.
28 See id. at 109.
29 See id. at 117.
30 See id. at 135.
31 See id. at 136.
32 See id. at 121
33 See id. at 58
34 See id. at 129.
35 See id. at 34.
36 See id. at 31.
37 Id.
38 See id. at 32-33.
39 See id. at 22.
For a fieldworker, food was usually either a large part of his pay or his only pay, and he was typically undernourished. Thankfully, it was a normal part of harvest for the worker to eat his fill whilst picking. Barley bread was the true staple of soldiers, the poor, and slaves, usually served in the form of a humble pancake. Shepherds had it hardest, subsisting on the lowliest fare, usually consuming only rough loaves known as “bread of affliction.”

Legumes and olive oil were usually present, and whatever fruit was in season. The most desired additions to the dinner table were white bread, meat, and wine. Vegetables, while not highly esteemed, were nonetheless consumed because they were easy to grow, and were better than an empty stomach, yet were still regarded as only fit for the weak. Nuts and fruit were highly esteemed, and it was believed their consumption made “the eyes shine.” Another craze was for “parched” ears of wheat, roasted to perfection.

Meat was a rare guest on the dinner table, and much loved. Fish was slightly more common. Only the wealthy regularly dined upon these. Eating meat was usually connected to a religious festival. The “fatted calf” mentioned in the story of the prodigal son would have been shared with the entire village, no doubt a memorable occasion that would have helped wipe out much animosity from the community over the young rogue’s dissipations. The prodigal son verses (Luke 15:11-27) hit upon the high point of a Jew’s culinary desires — to eat an animal young enough to be quite tender, and oozing with juicy, tasty fat. Locusts could usually be purchased from a street-vendor, to take the place of meat, but this could hardly have been cause for celebration.

In assessing the eating of meat, some things should be noted. First, meat was highly craved, yet seldom had. Second, chances were if meat was a regular staple upon a particular table, that family was either rich, or politically well connected, the latter including priests. Third, eating meat was a theologically ambiguous issue, as mankind did not eat animals till after Yahweh had purged the earth with a flood. Thus animal consumption, as popular as it may have been, was also acknowledged to be the result of man’s sin which destroyed paradise. The bottom line was that the diet of Roman Palestine was always in flux and often in danger of being disrupted by famine. Animals were simply too important to normal farming to risk eating too many.

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40 See id. at 37-38.
41 See id. at 34-35.
42 See id at 22, 39.
43 See id. at 22.
44 See id. at 24.
45 Id.
46 See id. at 25.
47 Id.
48 Id.
49 Id.
50 See id. at 25.
51 See id. at 25-26.
52 See id. at 36-37.
53 See id. at 28.
54 See id. at 29.
55 See id. at 28-30.
56 See id. at 29.
Some ancient sources provide an idea of what was considered a minimum necessary caloric intake. A poor person on tithe support was supposed to receive at least two loaves of bread a day, or enough for two meals.\textsuperscript{57} There was a basic level of support that a husband was to give to his wife: two \textit{kabs} of wheat or four \textit{kabs} of barley a week. This would translate to approximately seven loaves of wheat bread a week, or twice that many of barley bread, with one loaf weighing around 550 grams.\textsuperscript{58} She was also to receive a minimum of other items. By weight in grams, she should get also 100 of dried legumes, 40 of oil, and 200-330 of dried figs per day.\textsuperscript{59} Such an amount of food would provide adequate nutrition if it were fortified with vegetables for their vitamin and calcium content.\textsuperscript{60}

From what is known of the conditions, it seems clear that the normal Israelite, or resident of ancient Roman Palestine, regularly lived on the cusp of starvation. Sometimes a food crisis would be precipitated by simple inflation, making it harder to buy a day’s food at the normal price.\textsuperscript{61} Famine was not unheard of and always a concern, as it could be precipitated by many different phenomena, including abnormal weather, such a heat wave, or an invasion of locusts.\textsuperscript{62} A war, political instability, or disruption in transportation could also cause scarcity of food. All these dangers threatened to endanger the food supply, but one occurrence was feared above all others: drought, the main reason for famine in the ancient world.\textsuperscript{63} In Antiquities, for example, Josephus describes a terrible drought during the reign of Herod, and speculates it may have resulted from the Lord’s fierce anger.\textsuperscript{64}

Josephus’s description is significant not only for its portrayal of the drought’s devastation but also for showing the Hebrews’ belief that Yahweh spoke through historical events.\textsuperscript{65} Ancient Jews believed that obeying (or disobeying) Yahweh’s commandments would determine the community’s ultimate destiny. Therefore, concerns about scrupulously caring for the poor were not so much legal as they were religious, historic, and practical, for the tribe’s fate was tied to its relationship with Yahweh the law giver. He was, they believed, not above harshly disciplining them by manifesting, among other catastrophes, a drought.

A winter drought hit especially hard, because it stopped the summer harvests, disrupting the crop cycles.\textsuperscript{66} If a drought hit at an especially inopportune time, say for instance when plants were young and very vulnerable, then it would not matter how much it rained later, because much of the crop would have already expired.

The worst aspects of drought were long-term. Trees could only live so long without a little water, and when they died, this not only stopped that year’s crop, it cancelled all future harvests from that tree. Farm animals might die, and those that lived

\begin{footnotes}
\item[57] \textit{Id.} at 39.
\item[58] See \textit{id.} at 41.
\item[59] See \textit{id.}
\item[60] See \textit{id.}
\item[61] See \textit{id.} at 44.
\item[62] See \textit{id.}
\item[63] See \textit{id.}
\item[66] See HAMEL, supra note 24, at 46.
\end{footnotes}
would become progressively weakened by lack of feed and water. Wild dogs and wolves roamed menacingly, searching for the smallest scraps of food.  

For a short famine, many householders would have put away some grain for a rainy day. But poor people would have very little leeway for any disruption in the harvest cycle.  

Food was then needed in the very worst way, and would come from willing wealthy individuals, or from the king. To cope, rations of food and water would be decreased, and public fasts might even be called. There are stories of people having become so famished and malnourished that they boiled straw. Needless to say, many would die if such a scenario went on long enough, with the poor, elderly, young, and sick going first.

A long-term drought could have the most disastrous impact upon society, creating anarchy and chaos, and even dissolving the sacred bonds that form a community. A husband might divorce his wife so that he could go in search of food. A person in search of food during a drought would head towards a society that regularly stored grain, such as Israel, or one of the fortified cities in the areas of Palestine.

Some people bought or held grain in speculation of a famine. This is exactly what happened to Joseph when he became the assistant to Pharaoh (Genesis 41:40). The country stored grain during seven years of plenty and then sold it back to the people during seven famine years, enriching the king and making virtual slaves of the general population, who had to sell everything just to survive (Genesis 47: 20-22).

The story demonstrates the pervasive threat of famine in the ancient world and emphasizes the life-or-death consequences of obeying Yahweh’s commandments to care for the poor.

IV. SOURCES OF JEWISH LAW AND THE LAW OF CHARITY

The Jews’ concern for the needy was rooted in their historical experience as slaves in Egypt and also in their religious beliefs, though the two were not necessarily separate concepts. Historic memory, religious duty, and civic life were inseparable in the Hebrew worldview. “The Jews were the first people to develop an integrated view of life and its obligations,” explains Thomas Cahill. According to scholar Richard Elliott Friedman, “Religion was not a separate, identifiable category of beliefs and activities” for the Hebrews. In fact, he points out, they did not even have a word for “religion.” “It was an inseparable, pervasive part of life.” This integrated perspective, with attention to the needy, resulted in a moral code rooted in the Jews’ covenant with their God.

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67 See id.
68 Id. Please pardon the mixed metaphor.
69 See id. at 46-47.
70 Id. at 47. One story repulsively reports that barley was picked from animal dung, too, to avoid starvation.
71 See id. at 48.
72 See id.
73 See id. at 48-49.
74 CAHILL, supra note 21, at 156.
75 Supra note 65, at 38.
76 Id. at 37.
77 Id.
entire Bible vibrates and tingles with a quick and burning sympathy for the poor,” concludes Behraim Frisch in his article on Jewish philanthropy.  

Judaic law originally existed both as written and oral legal pronouncements. The written part of the Bible begins with the Pentateuch, known simply as The Law, or Torah. The Pentateuch means literally “the five,” namely Genesis, Exodus, Leviticus, Numbers, and Deuteronomy, the first five books of the Old Testament, all of which, according to legend, were written by Moses. The heart of the law was given to Moses on top of Mount Sinai, in the form of Ten Commandments. 

According to subsequent Jewish history, this was only half the Hebrew law. The other half was the oral Torah, or Torah she-be-al-peh. In the aftermath of the Jewish expulsion from Jerusalem, which began the permanent Diaspora, the Jews felt increasingly pessimistic about their community’s survival and decided to write their oral history. This resulted in the impressive work known as the Mishnah, which was composed in approximately 200 C.E. From the Mishnah was eventually drawn the Talmud, “the single most influential document in the history of Judaism.” This was done in both Israel and Babylon, resulting in the document known as the Babylonian Talmud, written from the first to the seventh centuries C.E.

Throughout the canon of Jewish revelation, from Genesis to Malachi, the themes of the worth of the poor and the desperate plight of the classless people – widows, orphans, elderly, and disabled – are stressed. The Old Testament writers continually emphasize that Yahweh was mindful of the powerless and that His people ought to be so too.

There were several reasons for this attention to the needy. First, the poor and helpless were obvious and reasonable subjects of pity. Second, the covenantal aspect of Yahweh’s agreement with His people meant that the poor were supposed to be provided for by wealthier Jews on a contractual basis. Third, it was an aspect of the covenant,
first mentioned by Yahweh to Noah: if the Jews did not care for their poor, they would be punished for their errancy.  

V. WHO ARE THE POOR?

To conceptualize the Jews’ understanding of their obligations to “the poor,” start by defining what was meant by “the poor.” While there is no single definition of “poor” in the Bible, an inference can be made. Deuteronomy implies “the poor” includes “[t]he sojourner, the fatherless, and the widow, who are within your towns …” It is not reasonable, however, to limit the term “the poor” to these categories. Other groups could have starved or been in dire straits, and the Hebrews would not have ignored them. Therefore, it seems inevitable that this definition is used: those who have a difficult time competing for food within the agrarian and often subsistence level economy. These would be people who most definitely did not have their own land for raising food.

One may safely add to the three poor types identified in Deuteronomy the most obvious representatives of the underclass, such as the crippled, blind, mentally incompetent and insane, sickly, old, the alien, and generally destitute (for whatever other reasons), whom Jesus, as a great respecter of the transcendent themes of the Old Testament, served in His ministry. Some of these underclass Jews may have been given it to the Levite, the sojourner, the fatherless, and the widow, according to all thy commandment which thou hast commanded me.

89 Genesis 9: 8-17. Amos quotes God as saying:

“For three transgressions of Israel, and for four, I will not revoke the punishment; because they sell the righteous for silver, and the needy for a pair of shoes -- they that trample the head of the poor into the dust of the earth, and turn aside the way of the afflicted; a man and his father go in to the same maiden, so that my holy name is profaned…”

90 Deuteronomy 14: 29.

91 See 2 Samuel 4:4. King David honored his old friend Jonathan (son of King Saul) by taking in his son, Mephibosheth, who had been crippled in his feet by a fall, as a permanent guest at his table.

92 See Deuteronomy 27:18. This says, “Cursed is he who misleads a blind person on the road.”

93 See Mark 5:1-20. In the New Testament, Jesus revealed an Old Covenant understanding of Mercy, when He healed the madman among the tombs, who turned out to have been possessed with evil spirits. Undoubtedly this man, who broke free from chains and cried out constantly, and was gashing himself with stones, would have been classified by modern psychiatry as a deranged schizophrenic, or some other non-spiritual condition.

94 See Ezekiel 34:16. Yahweh says here, “I will seek the lost, bring back the scattered, bind up the broken, and strengthen the sick…”

95 See Exodus 21:15-17, Leviticus 19:32, Leviticus 20:9. These passages condemn those who curse their parents and exhort the faithful to “rise before gray hair” and “defer to the old.”

96 See generally Deuteronomy 27, which provides, “Cursed is he who distorts the justice due an alien, orphan, and widow.”

97 See Psalm 10:17-18. David says here, as to Yahweh’s general relief of those in humble circumstances, “O Lord, Thou hast heard the desire of the humble; Thou wilt strengthen their heart, Thou wilt incline Thine ear, To vindicate the orphan and the oppressed, That man who is of the earth may cause terror no more.”

98 See Luke 4:18. Jesus here speaks of his own ministry by quoting Isaiah 48:8-9: The Spirit of the Lord is upon Me, Because He has anointed Me To preach the gospel to the poor: He has sent Me to heal the brokenhearted, To proclaim liberty to the captives And recovery.
cared for by their family; those living outside the family unit would have been in greatest need.

According to the Mishnah, calculating “poor” for any individual could have been done through measuring material wealth alone, as opposed to simple membership in a whole class or category.\(^{99}\) It is possible, in the interest of fairness to the community’s finite resources, that there was a longstanding objective measure of poverty, such that anyone who could not muster the funds for an entire year of food, at any one time, could be categorized as “poor.”\(^{100}\)

VI. THE COVENANT

To the poor, however defined, the Jews were encouraged to show kindness. As a summation of the “tender mercies”\(^{101}\) Yahweh urged for the Jewish indigent, David says:

Blessed is he who considers the poor! The LORD delivers him in the day of trouble; the LORD protects him and keeps him alive; he is called blessed in the land; thou dost not give him up to the will of his enemies. The LORD sustains him on his sickbed; in his illness thou healest all his infirmities.\(^{102}\)

In other words, Yahweh is committed to those who give charity.

In his article on Biblical social-welfare legislation, Richard Hiers summarizes the assumptions behind the Bible’s anti-poverty provisions. Biblical law, he says, is centered on the belief that “all existence was good” and came from the creator of all things, Yahweh, who “intended that His people…for whom He cared especially, should order their interpersonal and societal relationships according to his own pattern of justice and mercy in dealing with them and others.”\(^{103}\) This is the basis from which all rights and duties in the Bible derive.\(^{104}\)

This Jewish notion of charity is remarkable for the impact it had upon subsequent notions of charity in the New Testament, Roman law, and indeed the rise of modern charitable doctrines worldwide, but there is no exact Hebrew translation for the English word “charity.”\(^{105}\) The texts use the term tzedahah, or roughly “righteousness,” to communicate the idea.\(^{106}\) It was a doctrine within the theology of “Covenant,” the sui
A “covenant” can be understood as an agreement or contract, yet more complex than these terms, having religious aspects, also. The definition for “Covenant” is based upon the Hebrew word berith, derived from “a cutting,” coming from the custom of cutting or dividing animals in two parts and then giving them to the parties of an agreement to ratify this agreement as a “covenant.”\footnote{SMITH’S BIBLE DICTIONARY, at http://www.studylight.org/dic/sbd/view.cgi?number=T1086 (last accessed September 12, 2011). See also Genesis 15; Jeremiah 34:18-19.} A covenant between man and God is a relationship between un-equals, the greater imposing His will upon the lesser, but, in doing so, bestowing “an act of grace and liberality.”\footnote{Id.}

The covenant between Yahweh and the Jews was designed to cover and protect every member of society in Yahweh’s Israel, top to bottom.\footnote{Genesis 9: 8-13.} Yahweh’s view of the poor is expressed in Deuteronomy 15:7-8, “If there is among you a poor man, one of your brethren, in any of your towns within your land which the LORD your God gives you, you shall not harden your heart or shut your hand against your poor brother, but you shall open your hand to him, and lend him sufficient for his need, whatever it may be.”

The first covenant mentioned in the Bible is that expressed between Noah and Yahweh after the flood, known as the “Noahide Covenant.” In this story, Yahweh expresses dismay and anger at the exceeding wickedness of the people, and wiped out the entire inhabitants of earth in a massive deluge, except for a remnant few upon the Ark, and representatives from all the animal groups. According to Genesis 9:8-13, “Then God said to Noah…’Behold, I establish my covenant with you and your descendants after you, and with every living creature that is with you’…” and, “‘I set my bow [rainbow] in the cloud, and it shall be a sign of the covenant between me and the earth.’”\footnote{PAUL R. WILLIAMSON, ABRAHAM, ISRAEL, AND THE NATIONS, THE PATRIARCHAL PROMISE AND ITS COVENANTAL DEVELOPMENT IN GENESIS 26-77 (2000). The general disagreement over whether, between Genesis 15 and 17, Yahweh made one or two covenants with Abraham, need not concern us here. Church Father Justin Martyr, Reformer John Calvin and eminent Puritans like John Flavel thought there was one covenant. They believed it was initially introduced to Abraham, and then strengthened later. More modern “Form Criticism” suggests two covenants, but this does not alter the basic reality of the covenant idea, or understanding of the structure.}

Another covenant is made between Yahweh and Abraham in Genesis 17:4-7, where Yahweh declares, “Behold, my covenant is with you,” and promises the patriarch, “you shall be the father of a multitude of nations” and “exceedingly fruitful.” Yahweh then explains the extent of the commitment: “And I will establish my covenant between me and you and your descendants after you throughout their generations for an everlasting covenant, to be God to you and to your descendants after you.”\footnote{Id.}

Genesis records a third covenant between Jacob and Yahweh. This one initiated by the lesser party. In Genesis 28:20-22, Jacob vows that if God will protect, feed, and clothe him until he returns to his father’s house in peace, “then the LORD shall be my God, and this stone, which I have set up for a pillar, shall be God’s house.” Jacob then promised to give Him a tenth of all he receives.
Yet a fourth reference to a covenant between the Jews and God is found in Joshua 24: 22-27. Joshua asks the people whether they have chosen to serve Yahweh. When they affirm their commitment to Him, he chides “Then put away the foreign gods which are among you, and incline your heart to the LORD, the God of Israel.” To which the faithful reply, “The LORD our God we will serve, and His voice we will obey.” The Bible explains that Joshua makes a covenant with the people that day, followed by statutes and ordinances outlining the law. Joshua then takes a large stone which he set in plain view and says to all the people, “Behold, this stone shall be a witness against us; for it has heard all the words of the LORD which he spoke to us; therefore it shall be a witness against you, lest you deal falsely with your God.”

To these, other promises of God can be added, as in Genesis 15:18-21, “On that day the LORD made a covenant with Abram, saying, ‘To your descendants I give this land’…” and Deuteronomy 15:4, “But there will be no poor among you (for the LORD will bless you in the land which the LORD your God gives you for an inheritance,” and Leviticus 26:9, “And I will have regard for you and make you fruitful and multiply you, and will confirm my covenant with you.”

While Yahweh promises prosperity to those who were dutiful, there were also negative implications for those who violated the terms of the agreement, as expressed in Leviticus 26:14-25. There, Yahweh warns those who spurn his statutes, abhor His ordinances, or break His covenant: “I will do this to you: I will appoint over you sudden terror, consumption, and fever that waste the eyes and cause life to pine away.”

These statements, and others like them in the Bible, form the Hebrews’ covenantal theory, which is based upon fealty to Yahweh. This entails following His statutes in a life located on His land. In return He promises to give sustenance to the Jews, even to the point of obliterating poverty. Should the Hebrews fail to follow His teachings and ways, the exact opposite of blessings – blights, plagues and economic wretchedness – will befall them. This places a great deal of responsibility with each individual for the well-being of community. Follow Yahweh’s commandments and the Jews will prosper. Disobey Him, and the tribes will be punished.

VII. Charity Laws Summarized

The specific means Yahweh outlined for providing for the poor and helpless were ingenious. First, the poor were allowed to gather a part of the Jewish harvest that was reserved only for them. The back corner rows of the planted fields were to be left for the poor and not touched by the harvesters. Second, the gleanings were also to be left for the

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112 Joshua 24:14-28 says, in part:

So Joshua made a covenant with the people that day, and made statutes and ordinances for them at Shechem. And Joshua wrote these words in the book of the law of God; and he took a great stone, and set it up there under the oak in the sanctuary of the LORD.

113 Genesis 15:18-21

114 See also Deuteronomy 30:15-20. Here Yahweh gives the Hebrews an existential choice – follow me and be blessed and live, or follow another god and suffer chaos and death (right before he brings them across the river of Jordan to their land of Israel).
poor. These included whatever was dropped or left behind in the fields or on the fruit or grape rows, and what was left on the threshing room floor.

After this, the farmers and individual growers measured their harvest, and were to donate a tithe, or tenth of what they produced. The tithe was paid to the Temple in either actual crop or the equivalent in coin, and then stockpiled. This tithe also was to include the “first fruits” of the harvest, being the first birth opening the womb of any farm animal, and each Jew was also to offer an animal as a “first fruits” redemption sacrifice instead of his own firstborn.

The Temple was then responsible for helping the poor during the whole of the year, although individual Jews were suppose to help out also during the year. There were also commanded by Yahweh three festival times in Jerusalem, corresponding with harvests, and meant to symbolize and remember Yahweh’s rescuing of the Jews out of various straits. Finally, there were laws which regulated the loaning of money to the poor.

What follows is a detailed explanation of each type of charity.

 VIII: THE MISHNAH: HARVESTS AND THE POOR

The ancient Hebrews were an agricultural society composed primarily of tenant farmers. It was their religious duty to follow agricultural practices that supported the poor, as outlined in the Mishnah. As already explained, Mishnah is essentially a commentary on application of the Biblical, post-Christian law for Hebrews. After the Mishnah was composed, Judaic scholars drew on it to create the Talmud, the most widely employed and respected source for modern Jewish religion.

The Mishnah Peah is a particular chapter on Biblical charity laws. The Peah instructs farmers to reserve the peah – or a corner of the field -- for the poor.

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115 Leviticus 19: 9-10. This quotes God as saying:

When you reap the harvest of your land, you shall not reap your field to its very border, neither shall you gather the gleanings after your harvest. And you shall not strip your vineyard bare, neither shall you gather the fallen grapes of your vineyard; you shall leave them for the poor and for the sojourner...

116 See WIKIPEDIA, “Mishnah,” at http://www.wikipedia.org/wiki/Mishnah (last accessed September 12, 2011). The Mishnah (Hebrew for “Repetition”) is the oral part of the purported original complete Jewish scriptures. It is per the Pharisees, and was redacted by Rabbi Judah haNasi around 200 CE. As such, it is therefore the first work of Rabbinic Judaism. The central concern of the Mishnah is living a holy life after the destruction of the Jerusalem Temple. The Mishnah lists but does not cite scriptural laws. The Mishnah contains six “orders” (sederim). Each order features between 7 and 12 tractates, called masekhot. The masekhot are themselves divided into lesser parts called mishnayot. They are, in particular, as follows: First Order: Zeraim (“Seeds”), 11 tractates. It deals with agricultural laws and prayers. Second Order: Mo‘ed (“Festival Days”), 12 tractates. This pertains to the laws of the Sabbath and the Festivals. Third Order: Nashim (“Women”), 7 tractates. Concerns marriage and divorce. Fourth Order: Neziqin (“Damages”), 10 tractates. Deals with civil and criminal law. Fifth Order: Qodashim (“Holy things”), 11 tractates. This involves sacrificial rites, the Temple, and the dietary laws. Sixth order: Taharot (“Purity”), 12 tractates. This pertains to ritual and the laws of family purity.

117 It is important to note that the Tractate Peah was written in a New Testament world, and expresses the hopes of the Jewish community for holding onto their unique culture and claim to Yahweh. It should therefore be read not as a document from ancient Israel, but one from the early years of the first millennium, which undoubtedly reveals many similarities with how the ancient Hebrews saw and practiced charity.
of the Peah Corner-Offering can be seen in the Bible. Leviticus 19:9-10 includes these instructions from God to His people: “When you reap the harvest of your land, you shall not reap your field to its very border; neither shall you gather the gleanings after your harvest. And you shall not strip your vineyard bare, neither shall you gather the fallen grapes of your vineyard.” These, He commands, are to be left for the poor and the traveler.

“Gleaning” was another agriculture practice to provide for the poor, defined as “gather(ing) (grain) left behind by reapers.” Through gleaning, the poor could gather subsistence food. This custom was probably less burdensome to the farmers than peah, since gleaned produce would often not have been a viable commodity.

God commands the Jews to provide for gleaning in the wheat fields in Deuteronomy 24:19-22: “When you reap your harvest in your field, and have forgotten a sheaf in the field, you shall not go back to get it; it shall be for the sojourner, the fatherless, and the widow.” As usual, there are blessings for the obedient. Follow the custom of gleaning and “the LORD your God may bless you in all the work of your hands.”

The law is not limited to grain. The passage in Deuteronomy continues to describe what is sometimes called the “forgotten fruit doctrine”: “When you beat your olive trees, you shall not go over the boughs again; it shall be for the sojourner, the fatherless, and the widow. When you gather the grapes of your vineyard, you shall not glean it afterward; it shall be for the sojourner, the fatherless, and the widow.” And should the Jews question His authority or judgment on such matters, Yahweh reminds them, “remember that you were a slave in the land of Egypt; therefore I command you to do this.”

This opportunity for the poor to gather is given three times a day. According to the tractate peah, the householder cannot interfere with the gathering. Neither does he own the peah, nor can he choose the particular poor person he wants to have it. Therefore, it is very important for the poor to harvest and glean themselves. This undoubtedly helped cut down on farmer favoritism, or temptations to keep some themselves. The poor have obligations, too. No poor person may hoard the peah; he can take only what he can carry on his person.

The difference between gleanings and peah is that the latter is indicated beforehand as being a certain part of the field, and so is to an extent set in amount. Conversely, the former is an amount left entirely up to chance, under the guidance of Yahweh’s merciful bounty. The lost portion was seen as directly from Yahweh’s hand and was therefore unbounded. In theory, Yahweh owned all the land of Israel which he allowed the Hebrews to use for their enjoyment and prosperity; the tithe was a kind of “sacred tax.”

In addition to the corner-offering and gleaning, there appear to have been certain foods or crops that only the poor were supposed to receive and rules that were particular to certain crops.

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119 See BROOKS, supra note 99, at 73.
120 See id. at 71-72.
121 See id. at 18.
One example of a law developed for certain crops pertains to olive trees, which present a special problem for the “forgotten fruit” doctrine. If the farmer takes some olives, and leaves others, he has done so purposefully, and therefore they are not “forgotten” and up for grabs. A general notion used was that a small number of olive trees, one or two, partially picked over would be “chance” waste, whereas a larger number would not. An amount of olives considered too large to forget would be more than two seahs. A very unique or special olive tree might avoid this rule.

The law pertaining to vineyards also needs careful elucidation. The law of the separated grape in Leviticus 19:10 maintains that any individual grapes falling during the harvest are ipso facto property of the poor. It says, “You shall not gather the fallen grapes of your vineyard; you shall leave them for the poor and for the sojourners.” But, importantly, it is only those grapes that fall apropos of nothing that are belong to the poor. For instance, if a grape cluster gets entangled during the harvest and falls, then it may be regained with impunity.

Deuteronomy 24:21 states that defective clusters also are property of the poor. The well-formed grape cluster has a conical shape, and therefore attains either a shoulder or pendant. Any clusters without either of these two features were defective and therefore property of the poor. It was Yahweh who gave them this shape, so defective clusters were His bounty to the poor. It was generally agreed that whenever a cluster takes on a defective shape during the growing season its title is transferred to the poor. After that transfer of title, a farmer may not trim off these non-typical bunches, or he would be stealing and wasting the product.

The issue of whether a defective bunch could be preemptively pruned in order to enrich the rest of the normal grapes caused a spirited debate in the tracts. While there were differing opinions, it is easy to see that if this notion of preemptive pruning of defective bunches was carried to the extreme, the poor could be denied a great deal of Yahweh’s designated bounty.

What happens to food that is saved for the poor but which they never take? The Mishnah contains particular rules regarding how grain, grapes, and olives are to be distributed after being set aside for the poor, but are not collected. For instance, separated grapes and defective bunches are deemed “ownerless” only after the poor have been to the fields twice to collect their portion. Gleanings were available after the oldest and slowest poor had already trudged to the field and out. The olives were available after the second rain, because as Maimonides pointed out in his Commentary, a heavy rain tends to damage large olives. After the proscribed opportunities have been given, it

122 See id.
123 See id. at 123-25.
124 See id. at 124.
125 See id. at 121.
126 See id.
127 See id.
128 See id. at 121-22.
129 See id. at 128.
130 See id. at 139.
131 See id. at 137.
was “open season” and anyone, rich or poor, could claim the food. This was undoubtedly to help mitigate against losing precious resources for want of consumers.\(^\text{132}\)

IX. THE TITHE

The key manner of the ancient Jews’ gathering charitable support was the “tithe,” a concept familiar to most churchgoers today. A “tithe” is technically “a tenth of the produce of the earth consecrated and set apart for special purposes,” and is an Old Covenant term, representing a literal tenth of the income of a person to be given back to God.\(^\text{133}\) The tithe can be seen, from one perspective, as a religious tax, used to support the priests, the Levites, the Temple, and the poor.\(^\text{134}\) The tithe appears to have been interpreted by Hebrews as a morally enforced -- as opposed to a legally dictated -- law.\(^\text{135}\) As a law, it was part of the social system, but as there was no enforcement, it was also a personal choice.

It is not completely clear how the ancient tithe system worked in all its complexity, but there is enough information from Scripture and ancillary documents to have a broad picture of the doctrine and practice.\(^\text{136}\) As interpreted in Jewish Old Covenant law, the tithe was a “first-fruits”\(^\text{137}\) law, meaning that the first portion of any

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\(^{132}\) See id.

\(^{133}\) See EASTON’S BIBLE DICTIONARY, at http://www.ccel.org/ccel/easton/ebd2.html?term=Tithe (last accessed September 12, 2011). The full explanation there says:

  The dedication of a tenth to God was recognized as a duty before the time of Moses. Abraham paid tithes to Melchizedek (Genesis 14:20; Hebrews 7:6); and Jacob vowed unto the Lord and said, “Of all that thou shalt give me I will surely give the tenth unto thee.” The first Mosaic law on this subject is recorded in Leviticus 27:30-32. Subsequent legislation regulated the destination of the tithes (Numbers 18:21-24,26-28; Deuteronomy 12:5,6,11,17; 14:22,23). The paying of the tithes was an important part of the Jewish religious worship. In the days of Hezekiah one of the first results of the reformation of religion was the eagerness with which the people brought in their tithes (2 Chronicles 31:5,6). The neglect of this duty was sternly rebuked by the prophets (Amos 4:4; Malachi 3:8-10). It cannot be affirmed that the Old Testament law of tithes is binding on the Christian Church, nevertheless the principle of this law remains, and is incorporated in the gospel (1 Corinthians 9:13,14); and if, as is the case, the motive that ought to prompt to liberality in the cause of religion and of the service of God be greater now than in Old Testament times, then Christians ought to go beyond the ancient Hebrew in consecrating both themselves and their substance to God. Every Jew was required by the Levitical law to pay three tithes of his property (1) one tithe for the Levites; (2) one for the use of the temple and the great feasts; and (3) one for the poor of the land.

\(^{134}\) See McKENZIE, supra note 12, at 894.


\(^{137}\) See McKENZIE, supra note 12, at 894.
crop or money earned would go to God. In Exodus, 23:19, Yahweh says, “You shall bring the choice first fruits of your soil into the house of the Lord your God.”

The notion of giving to one’s god, or to the ruling elite, was commonplace in the ancient Near East, and the entire pagan world. In fact, to this day, sacrifices are still laid at the feet of pagan idols. The first mention in the Bible of the notion of a tithe specifically is in Genesis. Abraham has just been confronted in battle by the kings of the area where Sodom and Gomorrah are located. He fights to rescue his nephew Lot, who had been taken prisoner. In Genesis 14:18-20, Melchizedek, King of Salem as well as a priest, blessed Abraham and offered “tithes of all” in appreciation for his victory.

A surprising aspect of tithe theology and law is its complex meaning, encompassing broad notions of Yahweh’s ownership, and the land and people of Israel. The tithe included all bounty of the land. According to Leviticus 27:30-32, “All the tithe of the land, whether of the seed of the land or of the fruit of the trees, is the LORD’s; it is holy to the LORD”. The tithe also included “All the tithes of herds and flocks, every tenth animal of all that passes under the herdsman’s staff” (Lev. 26:32), as well as the “First of all the fruit of the ground” (to be presented in a basket Deuteronomy 26:2), the “tithe of your grain, or of your wine, or of your oil” (Deuteronomy 12: 17), and what was called a “wood offering,” assumedly for use in the building of pyres for the animal holocausts (burnt offerings) (Nehemiah 10:34).

The tithe belonged to God, but was distributed to the Jews. It was a first-fruits law, but also a last-fruits law, in that the poor were given not only the right to the

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138 Exodus 23:19.
139 See McKENZIE, supra note 12, at 894.
140 See Hong Kong Stages Annual Bun Festival (May 10, 1997), at http://www.cnn.com/WORLD/9705/10/world.briefs.II/hong.kong.bunfest/index.html (last accessed September 12, 2011). On Cheung Chau Island, off the coast of Hong Kong, there is a religious rite called the Bun Festival. Also known as the “Festival of the Bun Hills,” the celebration is marked with a colorful parade and enormous bamboo towers studded with buns and religious decorations. The buns will be distributed to residents on the tiny island on the day following the procession. Tradition has it that the more buns one collects, the better one’s fortune in the year ahead. According to believers, hungry and restless ghosts roam the tiny island of Cheung Chau around late April or early May each year. The Bun Festival, an ancient religious ritual not observed by any other Chinese community, helps to appease these ghosts.
141 See generally Genesis Chapter 14.
142 Genesis 14:4-24 (King James Version)
143 See EASTON’S BIBLE DICTIONARY, at http://www.ccel.org/e/easton/ebd/ebd/T0001300.html#T0001342 (last accessed September 12, 2011), which provides:

First-fruits - The first-fruits of the ground were offered unto God just as the first-born of man and animals. The law required, (1.) That on the morrow after the Passover Sabbath a sheaf of new corn should be waved by the priest before the altar (Lev. 23:5, 6, 10, 12; 2:12). (2.) That at the feast of Pentecost two loaves of leavened bread, made from the new flour, were to be waved in like manner (Lev. 23:15, 17; Num. 28:26). (3.) The feast of Tabernacles was an acknowledgement that the fruits of the harvest were from the Lord (Ex. 23:16; 34:22). (4.) Every individual, besides, was required to consecrate to God a portion of the first-fruits of the land (Ex. 22:29; 23:19; 34:26; Num. 15:20, 21). (5.) The law enjoined that no fruit was to be gathered from newly-planted fruit-trees for the first three years, and that the first-fruits of the fourth year were to be consecrated to the Lord (Lev. 19:23-25). Jeremiah (2:3) alludes to the ordinance of “first-fruits,” and hence he must have been
corners of the fields first but also the right of gleaning after everything else was taken. This reveals that from first to last, the harvest of Israel -- the holy land of the Jews -- was Yahweh’s own, to be distributed generally through his bounty to the farmers, and specifically via the tithes to Yahweh’s special people, namely the priests and the poor.

While it seems clear that the tithe was broad in scope, different texts mentioning tithes in the Old Covenant are not completely parallel. Thus, an interpretation of the teachings is necessary to develop a standard of behavior. A more legalistic view would result in more foodstuffs being given to the priestly caste and the poor, whereas a more lax interpretation, focusing on just a single Old Covenant book, could greatly decrease the burden.

A skeptic would point out that the incongruity might tend to disprove a deity behind the work, while the pious would not conceive of a genuine conflict within Yahweh’s sacred code. The later tended to interpret the incongruities as a test by Yahweh to see who was willing to go the extra mile in helping God’s priests and poor. Those who followed the more generous path would reap a greater spiritual reward for themselves.

A study of these many Old Testament references to tithes had led scholars to recognize three offerings of tithe: a first, second, and third. These are explained in more detail below.

X. THE FIRST TITHE: SUPPORT OF THE PRIESTS AND LEVITES

The first tithe was given to the Levites, who paid a tithe from that tithe to the priests, so that the priests ended up with one percent of the entire harvest of Israel. According to Numbers 18:26, “Moreover you shall say to the Levites, ‘When you take from the people of Israel the tithe which I have given you from them for an inheritance, then you shall present an offering from it to the Lord, a tithe from a tithe.’” In this sense, the tithe acted as a support for the theocracy.

The Levites were the tribe of Jews made by God into the priestly caste in Exodus. This happened when Moses came down from Mount Sinai after forty days with the Ten Commandments and saw the Hebrews in high celebration and drunken revelry, worshipping a golden calf they had created in the manner of the Philistine pagans.

acquainted with the books of Exodus, Leviticus, and Numbers, where the laws regarding it are recorded. This means it was comprised of the first part of the harvest but it was also a last-fruits law, too.

144 Rushdoony, supra note 135, at 12.
145 Brooks, supra 99, at 1.
146 E.P. Sanders, Jewish Law from Jesus to the Mishnah 43 (1990). [hereinafter Jewish Law]
147 Judaism Practice and Belief, supra note 136, at 146.
148 See Matthew 5:41, “and if any one forces you to go one mile, go with him two miles.”
149 Rushdoony, supra note 135, at 12.
150 Id.
151 The Interpreter’s One-Volume Commentary on the Bible 116-17 (Charles M. Laymon, ed. 1971). The “golden calf” represented the pagan cult of Baal (or bel), whose worship existed all throughout the ancient world. His time of triumph was set during the early winter rains. See also McKenzie, supra note 12, at 108. The moon god Sin was also called, “the bull” and bulls were connected to the cults of Marduk in Mesopotamia, and El, the chief god of Ugarit. See also Helmer Ringgren, Religions Of The
When a furious Moses asked the Jews who would be on his and God’s side, the Levites stepped over, sword-in-hand, and so were rewarded with the priesthood. The Levites afterwards generally cared for the Temple sanctuary and its music. Both the priests and Levites were hereditary, although it is reported that later, by the time of Christ, the priesthood had become corrupt and was often obtained through bribes or political influence.

The Levites who were not priests still had important duties in and around the Temple. They would often help the people shepherd their animals towards the Court of the Priests for sacrifice. The Levites carried the wood in for the priests to sort, and they were also in charge of manning the gates and singing the hymns. The hymnal consisted of the Psalms, and the books were heavy scrolls. The gates to the Temple had to be opened in the morning and closed in the evening. This was an important job. Because of their size and weight, it would have taken many men to do the job. Security for the Temple was crucial, and for a while there was a citadel with catapults and many men next to the Temple.

In return for their service to Yahweh, the Levites were rewarded by a perpetual tithe of support. Yahweh said in Numbers 18:21-24, “To the Levites I have given every tithe in Israel for an inheritance, in return for their service....” While it was possible that the Levites could have owned land, they would not have normally worked it. When the Levites did work their land, it was an anomaly, a sign that the Israelites were not supporting the sacred caste like Yahweh ordered them. When this happened in Nehemiah, the matter was quickly corrected.

ANCIENT NEAR EAST 80-85 (1973). These ancient Semitic cults had many practices that might strike the modern reader as pointless, or even bizarre. The gods in the pantheons had priests and worshippers. The Ishtar cult castrated its priests, but also had temple prostitution. In general, the gods were “served” several meals a day, consisting of the bounty of the land. A curtain was drawn while the god “ate.” It seems that at times the uneaten portions were then sent on to the king to consume, so that he may share a meal with his god. For the cult of Marduk, the temple was cleaned by the scapegoating of the sacrifice of a sheep that was thereafter carried around the temple to take away its sins, being tossed into the river afterwards so as to carry away the sins. After this the king went to the statue of Marduk where a temple priest removed his royal insignia, slapped his face, and then pulled his ears. Then the king bowed before Marduk and declared he done nothing to neglect his sacred duties. The king’s rote prayer here started, “I have not sinned, O lord of the lands, I have not been negligent in respect to your divinity; I have not destroyed Babylon…” The priest then responded, “Fear not…Bel will hear your prayer, he will uphold your kingship…”

Exodus 32: 15-29
Numbers 18: 25-28
See ALFRED EDERSHIEIM, THE TEMPLE, ITS MINISTRY AND SERVICES 65-89 (1994). [hereinafter THE TEMPLE] The Levites acted in different roles around the Temple, as “Temple-police, the guard of the gates, and the duty of keeping everything about the sanctuary clean and bright.” While the priests regulated the inner gates, it was the Levites who guarded the outer gates. One crucial issue the Levites were always zealously over was ritual cleanliness. For instance, “If a leper, or any other who was ‘defiled,’ had ventured into the sanctuary itself, or any priest officiated in a state of ‘uncleanness,’ he would…be dragged out and killed, without form of process, by ‘the rebels’ beating.”

See JUDAISM PRACTICE AND BELIEF, supra note 136, at 81.
See id. at 81-82.
See id. at 82.
Numbers 18: 21-24
See JUDAISM LAW AND PRACTICE, supra note 136, at 77.
See id.
See generally Nehemiah Chapter 13.
The priests themselves went through an extensive education and training before they were fit to serve, and then were made officially ready by investiture. Priests in the days of the Temple had a combination of roles that included both liturgical duties, and the physical slaughtering of animals, with the latter consuming the most time and energy. Priests would have recited parts of scripture, burned incense, prayed, heard confessions, accepted sacrifices, and offered up these in the name of Yahweh. It was said that the priests were known for doing their jobs “skillfully, efficiently, and silently.”

There were fourteen officers in the Temple, by rank. These had various

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162 See THE TEMPLE, supra note 154, at 64-65. Priests underwent extensive instruction and a final exam. Writes Edersheim, “The ordained ‘rulers’ of the synagogues, the teachers of the people, the leaders of their devotions, and all other officials were not necessarily ‘priests,’ but simply chosen for their learning and fitness.”

163 Id. at 66-67. The Jews had an elaborate ceremony of confirmation that was highlighted by use of investiture and anointing with sacred oil. The priesthood was originally inherited for life, but this was later changed because of great corruptions of the office.

164 See id. at 78.

165 Id. at 80.

166 Id. at 79.

167 Id. at 80. See also THE LETTER OF ARISTEAS, at http://www.comparativeligion.com/christianity/apocrypha/new-testament-apocrypha/8/4.php (last accessed September 9, 2011). Aristeas was an early Jewish historian. His famous letter, sections 92-95, which provides:

The ministration of the priests is in every way unsurpassed both for its physical endurance and for its orderly and silent service. For they all work spontaneously, though it entails much painful exertion, and each one has a special task allotted to him. The service is carried on without interruption -- some provide the wood, others the oil, others the fine wheat flour, others the spices; others again bring the pieces of flesh for the burnt offering, exhibiting a wonderful degree of strength. For they take up with both hands the limbs of a calf, each of them weighing more than two talents, and throw them with each hand in a wonderful way on to the high place of the altar and never miss placing them on the proper spot. In the same way the pieces of the sheep and also of the goats are wonderful both for their weight and their fatness. For those, whose business it is, always select the beasts which are without blemish and specially fat, and thus the sacrifice which I have described, is carried out. There is a special place set apart for them to rest in, where those who are relieved from duty sit. When this takes place, those who have already rested and are ready to assume their duties rise up spontaneously since there is no one to give orders with regard to the arrangement of the sacrifices. The most complete silence reigns so that one might imagine that there was not a single person present, though there are actually seven hundred men engaged in the work, besides the vast number of those who are occupied in bringing up the sacrifices. Everything is carried out with reverence and in a way worthy of the great God.

168 See THE TEMPLE, supra note 154, at 58. In the Temple there were “ordinary” priests and also various officials. In addition to the high-priest, there were the “‘Sagan,’ or suffragan priest;” and two “‘Katholikin,’ or chief treasurers and overseers;” and “seven ‘Ammarcalin,’ who were subordinate to the Katholikin.” The Katholikin were in charge of all the gates. Also there were three “‘Gizbarin,’ or under-treasurers.” Add to these the “fourteen officers, ranking in the order mentioned, formed the standing ‘council of the Temple,’ which regulated everything connected with the affairs and services of the sanctuary. Its members were also called ‘the elders of the priests,’ or ‘the counsellors.’”
duties,\textsuperscript{169} including menial tasks associated with the Temple, such as bringing in and sorting the wood, etc.

The Talmud lists 24 sources of priestly aid, yet only ten were available in the Temple, whereas four more were available in Jerusalem, and ten more were an option throughout the rest of the nation.\textsuperscript{170}

The sources from the Temple were the “priest’s part of the sin-offering; that of the trespass-offering for a known, and for a doubtful trespass; public peace-offerings, the leper’s log of oil; the two Pentecostal loaves; the shewbread; what was left of meat-offerings, and the \textit{omer} at Passover.”\textsuperscript{171}

Those four only available in Jerusalem were the “firstlings of beasts, the Biccurim, the portion from the thank-offering, (Leviticus 7:12; 22:29, 30) and from the Nazarite’s goat, and the skins of the holy sacrifices.”\textsuperscript{172}

Of the ten used throughout the land, five could be given to any priest, “the tithe of the tithe, the heave-offering of the dough, (Numbers 15:20; Romans 11:16), the first of the fleece and the priest’s due of meat (Deuteronomy 18:3).”\textsuperscript{173} The remaining five were only for those in the special course during the week, and were “the redemption-money for a first-born son, that for an ass, the ‘sanctified field of possession,’ what had been ‘devoted,’ and such possession of a ‘stranger’ or proselyte as, having been stolen, was restored to the priests after the death of the person robbed, with a fifth part additional.”

“Unlettered” priests could also get these: “things ‘devoted,’ the first-born of cattle, the redemption of a son, that of an ass, the priest’s due, (Deuteronomy 18:3), the first of the wool, the ‘oil of burning,’ the ten things which were to be used in the Temple itself, and the Biccurim.”\textsuperscript{174} But, “the high-priest had the right to take what portion of the offerings he chose, and one half of the shewbread every Sabbath also belonged to him.”\textsuperscript{175}

The Levitical, or first tithe, was taken yearly, and was in theory, composed of all crops produced, but at periods in ancient Jewish history it appears to have excluded livestock.\textsuperscript{176} This tithe is supported by many Scriptural citations, for example, Deuteronomy 18:4; Exodus 22:29; 23:19; 34:26; Leviticus 23:10-11; Numbers 15:29-21; 18:12-14; and Nehemiah 10:35-37. This tithe was given by the Israelites to the Levites and priests, who then brought it to Temple, divided it, and then distributed it.\textsuperscript{177}

There were obvious logistical reasons for letting the Levites and priests collect and deliver the tithe, since this way it would be an easier task to organize and keep track

\textsuperscript{169} See \textit{id.} at 71. The “Sagan” officiated when the high-priest was incapacitated; elsewise he acted as his assistant, and had oversight of the rest of the priests (he is called the “second priest.” 2 Kings 25:18; Jeremiah 52:24). The Katholikin assisted the Sagan when they acted as high-priest, and appear to have been Temple treasurers. The seven Ammarcalin helped the Katholikin, and their specific duty appears to have been care of the gates, the holy vessels, and the sacred vestments. The three “Gizbarin” were helpers to the Ammarcalin. It seems these were to care for consecrated things, such as the Temple tribute, for the redemption money, and such.

\textsuperscript{170} See \textit{id.} at 72-73.

\textsuperscript{171} \textit{Id.}

\textsuperscript{172} See \textit{id.} at 72-73.

\textsuperscript{173} \textit{Id.}

\textsuperscript{174} \textit{Id.}

\textsuperscript{175} \textit{Id.}

\textsuperscript{176} \textit{Jewish Law, supra} note 146, at 43.

\textsuperscript{177} \textit{Rushdoony, supra} note 135, at 12.
Yet, there were also repercussions of the most serious and severe, should anyone else attempt the delivery. Life and death hung in the balance, as Yahweh stated in Numbers 18: 6-7: “I have taken your brethren the Levites from among the people of Israel; they are a gift to you...to do the service of the tent of meeting. And you and your sons...shall attend to [them]...I give your priesthood as a gift, and any one else who comes near shall be put to death.” Others attempting to deliver tithes to the Temple were in danger of being struck dead for ignorant or willful impiety.

The first tithe was enforced by local pressure, especially by the Levites and priests, who obviously had an enormous stake in its collection. Many of the Levites lived outside of Jerusalem, in the villages and towns, and it was their efforts that helped collect much of the tithes in rural Israel. Their personal participation maximized the moral authority of tithe collection.\(^ {178}\)

It is doubtless that the Levites and priests were generally well-supported, from before the 5\(^{th}\) century B.C.E. while the Jews were still a theocracy, until the Romans took over. The Romans insisted the Temple still be provided for even after the Jews no longer held hegemony in Jerusalem.\(^ {179}\) Josephus claimed that in the first century C.E. there were probably 20,000 Levites and priests.\(^ {180}\) It has been estimated that during the high festival season, 750 priests would have been in the vicinity of the Temple. Certainly this is too large a number for all to fit within the inner areas; some would have been tending to matters outside, like preparing animals for propitiatory activities.\(^ {181}\)

Without the support the priests received from the community, they would not have been able to maintain the singular devotion to their religious duties that Hebrews valued. By comparison, many ancient pagan\(^ {182}\) priests living at the same time as the ancient Jews had to keep secular work to survive. This led to a natural, unobjectionable mixture of a private working life and public association with cultic duties that the Jews were able to avoid.\(^ {183}\)

The charity system also prevented any crossover between priestly positions and those of leadership of the state, which the Jews viewed as dangerous. In fact, the breach of this prohibition was exactly why Israel’s first king Saul was judged and expelled from kingship by Yahweh, when he insisted on entering the Temple and offering the priestly sacrifice, instead of waiting for the Prophet Samuel. (Saul tarried before coming to see Samuel in the face of an impending battle.)\(^ {184}\)

The idea that community members should contribute to the support of their religious establishment has been an enduring element of Western culture. The advancement of religion is identified as a societal good in the Statute of Elizabeth (1601), for example. Today, Section 170 of the U.S. Tax Code makes donations to charitable organizations, including religious entities, tax deductible. Americans, generally

\(^{178}\) See JUDAISM PRACTICE AND BELIEF, supra note 136, at 46.
\(^{179}\) See id. at 77.
\(^{180}\) See id. at 77.
\(^{181}\) See id. at 78-79.
\(^{182}\) KEN DOWDEN, EUROPEAN PAGANISM 3 (2000). “Pagan” comes from paganus, or “villager,” and has come to mean a religion that is both backwards and opposed to more enlightened “major” religions. In fact, its original meaning was more along the lines of beliefs that were “of the country,” connoting practices occurring outside the city centers.
\(^{183}\) See PAGAN PRIESTS, (ED. MARY BEARD & JOHN NORTH) 2 (1990).
\(^{184}\) 1 Samuel 13:8-15
acknowledged to be the most generous of all Westerners when it comes to charitable giving, made contributions of approximately $290.89 billion to their churches, synagogues, mosques, temples and other places of worship in 2010. In that year, religious organizations received more gifts than any other type of donee in the United States, accounting for 35 percent of all charitable contributions. Like the ancient Hebrews, modern Westerners tend to use social and moral pressure to encourage this giving, with carrots in the form of tax breaks to reward the generous.

XI. THE SECOND TITHE

The second tithe identified in the Old Testament writings is the Harvest tithe, a tithe given in celebration with one’s family and the Levites to thank the Lord for the season’s bounty. The Hebrew harvest festival is referred to as the “Feast of Weeks” also known as Pentecost. It was here that offerings were presented at the central sanctuary, to honor Yahweh as Kingly owner of the land. This was the second of the three yearly pilgrimages to the Temple that a pious Jew was supposed to make. (Deuteronomy 16:16 and Exodus 34:22-23)

The portions tithed were both “first fruits,” and also the normal tithe. What is likely, according to scholars, is that the normal tithe was a pre-determined amount, based upon the person’s harvest, whereas the “first fruits” portion was merely a symbolic offering, presented in a basket, as Deuteronomy 26:2 mentions a “basketful.” The presentation of the firstlings of the animals, which is a type of first fruits portion taken from the herds, is not clearly explained. In Deuteronomy 26:12 it says, “This was because it was up to the householder to separate and keep his tithe for the festival.”

It is not clear exactly how this Jerusalem celebration was conducted. It seems to have started in such a way as to have been made co-extensive with already established festivals, such as the Feast of Booths. Deuteronomy 14:22-23 describes the duties of the Jews at Harvest: Yahweh commands them to tithe “all the yield of your seed, which comes forth from the field year by year” and to eat the tithe of their grain, wine, oil and firstlings of the herd and flock before God “in the place which He will choose, to make His name dwell there” so that they may learn to fear Him always. The Festival started

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186 See Deuteronomy 14: 22-27. See also RUSHDOONY, supra note 135, at 12-13.
187 See Exodus 23:16. This says, “Also you shall observe the Feast of Harvest of the first fruits of your labors from what you sow in the field…” See also J.H. KURTZ, OFFERINGS, SACRIFICES AND WORSHIP IN THE OLD TESTAMENT 376-81 (Hendrickson Publishers 1998) (1863). The Feast of Pentecost was celebrated fifty days after the sheaf of first-fruits was culled, and was simply a feast to celebrate Yahweh’s faithfulness in providing the harvest for the year.
189 Id. See also Deuteronomy 26:1-4.
190 THE INTERPRETER’S BIBLE, supra note 188. Some scholars believe that the first fruits and firstlings offerings were the original offerings, and that as time went by, the offerings were increased to include the strict tithe.
with the statement, “A wandering Aramean was my father.” This affirmed one’s status as a member of Yahweh’s people, a people that had long been itinerant before being given their own land by divine intercession.

The idea of giving thanks for the harvest still has resonance today. In the modern industrialized nations of Canada and America the harvest is still celebrated in fall on a national holiday known as Thanksgiving. In fixing the date of that nation’s Thanksgiving holiday in 1957, Canada’s national parliament proclaimed the second Monday in October “A Day of General Thanksgiving to Almighty God for the bountiful harvest with which Canada has been blessed.” The custom in America is to enjoy a large meal, generally composed of turkey and fall vegetables, in celebration with one’s family, and to remember the pilgrims who came to North America in the 17th century, wanderers not unlike the early tribes of Israel.

XII. THE THIRD TITHE: THE POORMAN’S TITHE

The third tithe was given on the third and sixth years, and was specifically a “poor tithe.” In those years it replaced the second tithe. The offering was to be kept in the town of origin rather than exported back to Jerusalem for the Temple and festivals. Its aim was clearly the local Levites, the stranger, the fatherless, the widow, and the overall needy. It is not clear whether the Bible teaches that the third year would occur once, or twice in the seven year period, but the charitable interpretation obviously resided with the latter.

As to the details of the celebration festival tithe portion, the householder was to give an oath stating that he and his had both complied with the tithe fully, and were also ritualistically clean. Deuteronomy 26:13-14 instructs the householder to say to the Lord:

I have removed the sacred portion out of my house, and moreover I have given it to the Levite, the sojourner, the fatherless, and the widow, according to all thy commandment which thou hast commanded me; I have not transgressed any of thy commandments, neither have I forgotten them; I have not eaten of the

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192 Deuteronomy 26:5-9.
195 Id. See also Deuteronomy 14: 28-29 and Deuteronomy 14: 22-27, which provides: At the end of every three years you shall bring forth all the tithe of your produce in the same year, and lay it up within your towns; and the Levite, because he has no portion or inheritance with you, and the sojourner, the fatherless, and the widow, who are within your towns, shall come and eat and be filled; that the LORD your God may bless you in all the work of your hands that you do.
196 RUSHDOONY, supra note 135, at 12. See also Deuteronomy 26:12-25.
197 JEWISH LAW, supra note 146, at 42 (1990).
198 See THE INTERPRETER’S ONE-VOLUME COMMENTARY ON THE BIBLE, supra note 191, at 116-17.
tithe while I was mourning, or removed any of it while I was unclean, or offered any of it to the dead; I have obeyed the voice of the LORD my God, I have done according to all that thou hast commanded me. Look down from thy holy habitation, from heaven, and bless thy people Israel and the ground which thou hast given us, as thou didst swear to our fathers, a land flowing with milk and honey.

After this the farmers and individual growers measured their harvest, and were to donate a tithe, or tenth of what they produced to the Temple.

The Temple then stockpiled this, which was paid either in actual crop, or the equivalent in coin. This tithe also was to include the “first fruits” of the harvest, being the first birth opening the womb of any farm animal. Also, any firstborn son of a Jew was supposed to have sacrificed for him a “first fruits” redemption of an animal in his stead. The Temple was then responsible for helping the poor during the whole of the year, although individual Jews were supposed to help out also during the year.

The Peah details the two institutions that helped distribute the poor relief. The first was the “soup-kitchen” that helped with immediate needs, meaning those destitute individuals who had less than one full day’s amount of food. The second was the “community fund,” which provided longer-term support.

Those eligible for long-term support were individuals who had less than two weeks worth of food or assets. Further, they must be residents of the community, for which a thirty-day stay was needed, whereas a six-month residency was required for shelter.

To be fair, when assessing taxes, the community would wait a full year before asking that a new person or family contribute. The community fund was collected by two people, and distributed by three, as for the latter, the three were likened to the three judges deciding cases at law.

The entire community was responsible for support of the poor. The poor person passing through the community should be given a load of top-notch bread in furtherance of their journey. Those staying for a day or two would be supplied with an amount of food commensurate with the length of their stay.

There was a general principle at work here, that the community had a minimal responsibility for providing for strangers that came into contact with them, but more responsibility for poor people from among them. So, for the local poor, food was also collected. But the poor themselves were not allowed self-help for their needs, through begging or collection, since this would unfairly impoverish the rest of the poor.

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199 THE INTERPRETER’S BIBLE, Volume II, supra note 188, at fn. 486: Contact with the dead made one ritually unclean. Eating the tithe during the mourning period defiled it, too. See Numbers 19:11-16.
200 See BROOKS, supra note 99, at 137-38.
201 See id. at 147.
202 See id. at 148.
203 See id. at 147.
204 See id.
205 See id.
206 See id. at 147-48.
The amount of poor relief to give of each type is listed in the peah, although a rationale for the amounts is not given.207 A secondary document by Abbu Shaul states that the poor should be given produce to trade for a full day’s food, being a meal in the morning and one at night.208 The general rules regarding the poor portion follow two dictates. The first is that every poor person should receive the same amount, whether he be priest, Levite, or Israelite.209 The second is the poor farmer who wishes to give the entire charitable portion to his own family rather than to others. While understandable, this would result in robbing the other poor, so the tractators allowed him to keep at most half for his family, and distribute the rest.210

A householder who has become impoverished is allowed support commensurate to his former station.211 But the tractators also go on to say a householder should adjust to his new way of life and sell assets to provide for his needs. It also says that no person should be allowed to become so poor as to emigrate from the holy city of Jerusalem.212

XIII. TITHE COLLECTION, STORAGE AND DONATION

The Temple had a legendarily well-stocked treasury filled not just with mandatory gifts, but also by many acts of extra largesse. These are mentioned in the times of Moses, David, etc.,213 and came from vows and express gifts. If a donated item were suitable to be used by the Temple, it would be. If not, it would be sold and the money kept.214

It appears that there was heated competition within the better-established Hebrew families to be the most generous. Many items of necessity to ordinary Temple work were donated, such as wood for sacrifices, spices, oil, incense, and even gold and silver vessels.215 Money also came to the Temple from selling the meat used in the offerings.216 But the lion’s share of Temple funds came from the half-shekel Temple tribute, due from every Hebrew male of age, including proselytes and slaves.217

The entire yearly take for the Temple would have been very large, especially in a country where the wages of a single worker were so small.218 This may help explain the violent protests made against Jesus when he went into the Temple and overturned the money-changers tables. In doing so he attacked the heart of the Temple’s secular might, its ability to amass and use great sums, and it was directly after these episodes that his enemies began to plot against his life.219

Temple money was specifically devoted to the support of all public sacrifices. These, which included the morning, evening, and festival sacrifices, were wholly

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207 See, for example, M. Peah 8 and T. Peah 4.
208 See BROOKS, supra note 99, at 142-43.
209 See id. at 143.
210 See id.
211 See id. at 149.
212 See id. at 149-150.
213 See id.
214 See id.
215 See id.
216 See id. at 45.
217 See id.
218 See id. at 46.
inclusive, offered in the name of the entire congregation. Three different chests that held these funds. These chests were opened with certain formalities, and tradition says that each chest held three “seahs” (a seah equals 1 peck, or 1 pint) of coins. It became a matter of principle that all the areas of Israel be represented, and so it was decided that the funds would be split in three ways: one “for the land of Israel,” another “for the neighboring land,” and the last “for distant lands.”

In addition to this, Temple money was spent on Temple repairs, servicing the sanctuary, the salaries of the regular Temple workers (who engaged in such specialized tasks as preparing the incense stockpiles and showbread, making physical repairs to the Temple furnishings, making sure the copies of the Torah were highly acceptable, ensuring that the sacrificial materials were up to Levitical standards, and providing specialized instruction the other Temple workers as to the law; and not least in importance, the salary of the rabbis (teachers).

There were enough funds left over after these items to then fix infrastructure in Jerusalem, like public buildings and roads, and still have a lot of money left over. Certainly Temple money was always available, if need be, for regular acts of charity, or for bona fide Jewish emergencies.

Here gifts from the faithful are put to work for the good of the community in secular as well as religious matters. Repairs to infrastructure and money for “foreign lands” are typically governmental matters of state rather than religious affairs, but any attempt to distinguish between voluntary and mandatory giving, i.e., taxes and tithes, among the ancient Hebrews is troublesome to say the least. While separation of church and state is a fundamental assumption of most Westerners, it was a concept unknown to the early Jews.

XIV. EXTRA GIVING

In the Jewish Temple was a special receptacle for collecting offerings for orphans the children of the poor. The fund generated was paid for the private pious education of these unfortunate. To care for an orphan was considered the highest act of charity, and the parentless children of the congregation were not sent out to orphanages, but instead cared for in-house. (This is summed up well in the tractate Aboth, which advises, “Let they house be wide open, and let the poor be the children of thy house.”)

Consider the view the rabbinate had towards the stranger and the sick as perhaps the highest point of charity in the ancient world. No person was to count his house as merely his own. He was to welcome in not just the poor, but also the sick and the non-Jewish visitor. It was apparently the custom in Jerusalem, David’s Zion, to leave a curtain

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220 See THE TEMPLE, supra note 154, at 48.
221 See id. at 47-48.
222 See id. at 48.
223 See id.
224 See id.
225 See id. at 48-49.
226 See EDERSEHEIM, SKETCHES OF JEWISH SOCIAL LIFE 128 (Hendrickson Publishers 1994) (1876).
227 Id. at 46-47.
hanging at the door to alert those outside that there was still room inside for guests. The rabbis insisted that hospitality was a very high calling indeed.\textsuperscript{228}

Caring for orphans and poor children is a still considered a noble endeavor, one which society seeks to encourage through its fiscal policy, at least in the United States. That nation’s tax code, for example, has allowed for a federal adoption credit to cover the expenses of adoption since 1997.\textsuperscript{229} Though today it is most often used by families who adopt from foreign countries, the legislators who enacted it hoped to reward foster families that adopted.

Western nations also encourage the education of the poor either through free public education funded by tax revenue or scholarships at private institutions. One example of the latter is Harvard’s announcement that families with incomes of less than $40,000 will not be expected to contribute to financing their child’s education at that school.\textsuperscript{230} Like other successful universities, Harvard sits on a large endowment (valued at about $27.6 billion), largely garnered from alumni.\textsuperscript{231} France is another example of the West’s strong commitment to schooling the poor. There, higher education is a constitutional right.

While charity towards the foreigner may seem to have little resonance today, and little trace of it may be found in any nation’s financial policies, the tradition continues. In the 1980s, American Catholics formed the backbone of the sanctuary movement, a network of churches and volunteers that sheltered Central American refugees from deportation by the Immigration and Naturalization Service.\textsuperscript{232} All Western nations have some form of refugee or asylum protection for strangers who cannot return home for fear of death.

\section*{XV. SABBATICAL AND JUBILEE YEARS}

The Jewish Sabbatical Year and fiftieth year celebration of Jubilee were exceptionally important times for the Jews, being first the sum of seven years, and then the sum of seven sevens of years, seven being the number of completeness and perfection in the Bible. Seven was also symbolic of rest in the Old Testament, and so the fiftieth year was a time of rest and celebration of Yahweh’s goodness.\textsuperscript{233}

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\textsuperscript{228} See id. at 47.
\textsuperscript{229} Internal Revenue Code, Section 137.
\textsuperscript{232} The NEW SANCTUARY MOVEMENT at http://www.newsanctuarymovement.org/build-tradition.htm (last accessed September 12, 2011).
\textsuperscript{233} Leviticus 25:1-55. This covers the law, and says, in part:
The LORD said to Moses on Mount Sinai, “Say to the people of Israel, When you come into the land which I give you, the land shall keep a Sabbath to the LORD. Six years you shall sow your field, and six years you shall prune your vineyard, and gather in its fruits; but in the seventh year there shall be a Sabbath of solemn rest for the land, a Sabbath to the LORD; you shall not sow your field or prune your
\end{flushleft}
In ancient Palestine, there was a “Sabbath” release every seventh year. This release was an exceptionally important part of Jewish life and charity and had special significance for the poor.\textsuperscript{234} It was configured to Yahweh’s creative pattern in Genesis, where he makes the universe and mankind in the first six days, and on the seventh day rests.\textsuperscript{235} In the seventh year a “jubilee” was declared, and the Jews, their animals, and even the land were scheduled for a rest.\textsuperscript{236}

Why was such a rest period necessary? According to Jewish theology, it was necessary simply because Yahweh called for it.\textsuperscript{237} That was enough, but certainly there would have been benefits to such a habit. For instance, such a rest for the land would have been very beneficial to a primitive style of farming in that the soil would be given a chance to recuperate from having all its nutrients and elements used for six straight years for growing food. Also, the animals would have had an opportunity to rest, build strength back, and devote time to their young. Perhaps most powerful would have been the psychological impact this period would have had upon a mostly agrarian people who had an entire year to rest and focus upon their God.

Such a year’s focus was punctuated by festivals and celebrations. This highlighted an important fact: the God of the Hebrews was in control of the harvests and seasons and therefore could assure His followers that if they trusted Him they could rest and He would provide for them. In providing for them He also provided for their poor.

Conversely, to ignore the year of Jubilee was to invite disaster. In fact, during the Babylonian exile,\textsuperscript{238} the Jews apparently believed Yahweh was punishing them for ignoring the Jubilee Year.\textsuperscript{239} The Jubilee law extended only to the land of Palestine itself, including select surrounding areas.\textsuperscript{240} Some rabbis reported that produce spontaneously

\begin{quote}
What grows of itself in your harvest you shall not reap, and the grapes of your undressed vine you shall not gather; it shall be a year of solemn rest for the land. The Sabbath of the land shall provide food for you, for yourself and for your male and female slaves and for your hired servant and the sojourner who lives with you; for your cattle also and for the beasts that are in your land all its yield shall be for food. And you shall count seven weeks of years, seven times seven years, so that the time of the seven weeks of years shall be to you forty-nine years. Then you shall send abroad the loud trumpet on the tenth day of the seventh month; on the day of atonement you shall send abroad the trumpet throughout all your land. And you shall hallow the fiftieth year, and proclaim liberty throughout the land to all its inhabitants; it shall be a jubilee for you, when each of you shall return to his property and each of you shall return to his family. A jubilee shall that fiftieth year be to you; in it you shall neither sow, nor reap what grows of itself, nor gather the grapes from the undressed vines. For it is a jubilee; it shall be holy to you; you shall eat what it yields out of the field. “In this year of jubilee each of you shall return to his property.”
\end{quote}

\textsuperscript{234} Ex. 23:10-11.
\textsuperscript{235} See generally Genesis, chapter 1-3. See also The Temple, supra note 154, at 146.
\textsuperscript{236} Id. Edersheim writes, “As Divinely enjoined, the soil was to be left uncultivated at the end of every period of six years, beginning after…Passover for the barley, after Pentecost for the wheat, and after the Feast of Tabernacles for all fruit-trees.” Id.
\textsuperscript{237} Id.
\textsuperscript{238} Id.
\textsuperscript{239} See 1 Kings 21:3; Isa. 5:8, 37:30, 61:1-3; Ezek. 1:1, 7:12; Mic. 2:2.
\textsuperscript{240} The Temple, supra note 154, at 146.
thrown up by the land could be used, although not sold or stored, but generally all land went fallow and was not farmed. Edersheim writes the Sabbath Year began “After the Passover for the barley, after Pentecost for the wheat, and after the Feast of Tabernacles for all fruit-trees. The Sabbatical year itself commenced, as most of them hold, on New Year’s Day, which fell on the new moon of the tenth month, or Tishri.”

Whatever grew on its own during the Sabbatical year belonged to the poor. Also, no debt was to be collected during this period. The relevant passage is Deuteronomy 15:1-3:

At the end of every seven years you shall grant a remission of debts. And this is the manner of remission: every creditor shall release what he has loaned to his neighbor; he shall not exact it of his neighbor and his brother, because the Lord’s remission has been proclaimed. From a foreigner you may exact it, but your hand shall release whatever of yours is with your brother.

Also, there was an extraordinary limitation upon slavery that certainly would have affected the poor who had sold themselves into slavery for debt, and others who were simply poor as a result of being slaves. Deuteronomy 15:12 says:

If your kinsman, a Hebrew man or woman is sold to you, then he shall serve six years, but in the seventh year you shall set him free. And when you set him free you shall not send him away empty-handed. You shall furnish him liberally from your flock and from your threshing floor and from your wine vat; you shall give him as the Lord your God has blessed you.

The LORD said to Moses on Mount Sinai, “Say to the people of Israel, When you come into the land which I give you, the land shall keep a sabbath to the LORD. Six years you shall sow your field, and six years you shall prune your vineyard, and gather in its fruits; but in the seventh year there shall be a sabbath of solemn rest for the land, a sabbath to the LORD; you shall not sow your field or prune your vineyard. What grows of itself in your harvest you shall not reap, and the grapes of your undressed vine you shall not gather; it shall be a year of solemn rest for the land. The sabbath of the land shall provide food for you, for yourself and for your male and female slaves and for your hired servant and the sojourner who lives with you; for your cattle also and for the beasts that are in your land all its yield shall be for food.

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241 Id.
242 Id.
243 Id.
244 See also Deuteronomy 25:1-7.
The year of Jubilee was celebrated every fifty years, and must have been an extraordinary celebration. The year began with the sounding of the shofar, or ram’s horn trumpet. A “release” was granted to all inhabitants of the land and they were instructed to go back to their ancestral home for a visit. There was to be no sowing or reaping, but just eating whatever crops spontaneously sprang from the fields.

The Jubilee law also legislated against the permanent selling of the land, since Yahweh owned it. Instead, the original owner was to set aside funds to purchase it back. If a person became too impoverished to do this, his nearest relative was to be the “kinsman redeemer” and buy the land back to keep it in the family. This became very important as a way to keep family capital intact and prevent entire families from going below the poverty line. This is well illustrated in Ruth (see below).

The Levites were also given a permanent right of redemption. The passage also insists that if a Jew becomes impoverished, that he be sustained in the house of another Jew, and not charged interest for anything he eats or uses. Jews bought as slaves were not to be used as such, but instead treated as hired hands. If a Jew becomes so impoverished that he sells himself to a foreigner, a relative is to buy him back if at all possible.

Obviously this Jubilee Year would be not only a time of great celebrations, but also a chance for Jew in hard circumstances to reverse his family’s or his own sinking fortunes.

The idea of debt forgiveness still maintains a powerful hold on the Western imagination. As the twenty-first century drew near, a number of organizations and famous individuals called for a jubilee in 2000 for Third World debt, pressuring Western

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245 Deuteronomy 25: 8-55 which provides:
And you shall count seven weeks of years, seven times seven years, so that the time of the seven weeks of years shall be to you forty-nine years. Then you shall send abroad the loud trumpet on the tenth day of the seventh month; on the day of atonement you shall send abroad the trumpet throughout all your land. And you shall hallow the fiftieth year, and proclaim liberty throughout the land to all its inhabitants; it shall be a jubilee for you, when each of you shall return to his property and each of you shall return to his family. A jubilee shall that fiftieth year be to you; in it you shall neither sow, nor reap what grows of itself, nor gather the grapes from the undressed vines. For it is a jubilee; it shall be holy to you; you shall eat what it yields out of the field. “In this year of jubilee each of you shall return to his property.”

248 Deuteronomy 25:11.
250 Deuteronomy 25:25.
251 Ruth, passim.
nations to cancel billions of dollars of debt owed by countries in Africa, Asia, Latin America and the Caribbean.\textsuperscript{256}

\section*{XVI. The Cycle of Feasts}

Feasts were extraordinarily important in the life and history of Israel,\textsuperscript{257} especially regarding the relationship to Yahweh and His people, including the poor. Any time there was a feast the poor would have been fed. Set feasts were melded into the Jews’ “natural, social, and religious life.”\textsuperscript{258}

There is a strong numerological connection between the number seven and the pattern of feasts the Hebrews enjoyed, as being a prima facie connection between Yahweh’s covenantal pattern and its jubilatory expressions.\textsuperscript{259} The major feasts are as follows: the Feast of Booths (also known as Sukkot,\textsuperscript{260} or the Feast of Ingathering, or Feast of Tabernacles) (Leviticus 23:24 and Deuteronomy 16:16, 2); the Feast of Dedication\textsuperscript{261} (John 10:22); the Feast of Harvest (also known as the Feast of Weeks or Pentecost) (Exodus 23:16); the Feast of Passover\textsuperscript{262} (Exodus 23:15, Luke 2:41); the Feast of Unleavened Bread (Exodus 23:15, Luke 22:1); the Feast of Trumpets, or Rosh Hashanah (Leviticus 23:24);\textsuperscript{263} and Yom Kippur, or Day of Atonement.\textsuperscript{264}

Every male Hebrew in Israel had a duty to go to Jerusalem thrice a year, with the exception of the unclean.\textsuperscript{265} The prescription for three pilgrimages a year to David’s Holy City is declared in Exodus 23:14-17, where, after enjoining the Israelites to keep the Sabbath holy, even during harvest and plowing time, Yahweh says:

\begin{quote}
Three times a year you shall celebrate a feast to me. You shall observe the Feast of Unleavened Bread; for seven days you are to eat unleavened bread, as I commanded you, at the appointed time in the month of Abib, for in it you came out of Egypt, And none shall appear before me empty-handed. Also, you shall observe the Feast of the Harvest of the first fruits of your labors from what you sow
\end{quote}

\begin{footnotes}
\item[257] Arnold S. Rosenberg, Jewish Liturgy as a Spiritual System: A Prayer-By-Prayer Explanation of the Nature and Meaning of Jewish Worship 178-179 (Jason Aronson Inc. 1997). A good harvest and abundant rain were the source of life in ancient Israel.
\item[258] Kurtz, supra note 187, at 341-342.
\item[259] See id. at 342.
\item[261] McKenzie, supra note 12, at 188. This feast, unknown in ancient Israel, apparently celebrated the recovery and purification of the temple from the Syrians by Judas in 165 BCE. This is mentioned in 1 Maccabees 4:52-59 and 2 Maccabees 10:6-2.
\item[262] Id. at 558. The Passover is combined in Exodus 23:15 with Mazzoth as a celebration.
\item[263] See generally Glazer, supra note 259. The three themes of Rosh Hashanah are “kingship, remembrance, and the sound of the shofar (ram’s horn trumpet).”
\item[264] Id. at 77. The four elements of Yom Kippur are: hold a convocation, humble your souls, present an offering, and do not work.
\item[265] The Temple, supra note 154, at 153.
\end{footnotes}
in the field; also the Feast of Ingathering at the end of the year when you gather in the fruit of your labors from the field. Three times a year all your males shall appear before God.

The duty to appear thrice yearly in Israel was deemed very important. 266

There were also commanded by Yahweh three festival times in Jerusalem, corresponding with the harvests, and meant to symbolize and remember Yahweh’s rescuing of the Jews out of various straits.

There exists only circumstantial evidence to support the idea, but many are convinced that the American pilgrims modeled their first Thanksgiving on the holiday of Sukkot. Proponents, like Rabbi Howard Berman, propose that the pilgrims, prior to leaving for the New World, were exposed to Jews in Holland, a community thriving under Dutch tolerance. Given their predicament, he proposes that the pilgrims naturally identified with the story of exodus and sought to use the Old Testament as a precedent for their new life. 267 Thus, when the time came to celebrate the bounty of the harvest, the Feast of the Tabernacles could have been their inspiration.

XVII. LAWS OF CREDIT AND LABOR

Laws addressing interest on loans can be found in the Covenant and in the Holiness and Deuteronomic Codes. 268 The laws command the faithful to lend money to the poor and forbid them from charging interest of a Jew. 269 In his article on Biblical laws against interest, Hillel Gamoran explains the thinking behind the prohibitions meant to protect the poor:

The Bible’s logic may be understood as follows: (1) a person borrows because of economic hardship; (2) a loan is a righteous act performed to help relieve poverty; (3) to charge interest on a loan would be to take advantage of such poverty; (4) the law is written to ban this unfair practice. 270

Interest on loans was common in the ancient world. 271 The Code of Hammurabi and the Egyptian laws proscribed a limit on annual interest, but the Bible proscribed any

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266 *Id*. at 154.
268 For more on how these laws continue to affect modern morality, see Paul B. Rasor, *Biblical Roots of Modern Consumer Credit Law*, 10 JOURNAL OF LAW AND RELIGION 157-192 (1993-94).
269 Deuteronomy 15:7-8:
   If there be among you a poor man of one of thy brethren within any of thy gates in thy land which the LORD thy God giveth thee, thou shalt not harden thine heart, nor shut thine hand from thy poor brother: But thou shalt open thine hand wide unto him, and shalt surely lend him sufficient for his need, in that which he wanteth.
   Psalm 15: “Lord, who shall abide in thy tabernacle? who shall dwell in thy holy hill? …He that putteth not out his money to usury, nor taketh reward against the innocent.”
271 LOWENBERG, supra note 6, at 111.
interest on any loan to a Jew for any purpose. The prophets Ezekiel and Nehemiah and later Jesus and Luke all railed against the practice of usury, leading scholars to deduce that the laws were often disregarded. Collateral for a loan was not to be taken until the loan had become past due. The lender had to get permission from a court to obtain the property. If the court granted that permission, a bailiff was sent to the debtor’s house and had to wait at the door for the debtor to produce the desired item(s). If the debtor was poor, any essential items had to be returned to him as needed. These included clothing, bedding, and tools used for a livelihood.

A form of labor legislation also protected the working poor. Deuteronomy 24:15 provides that a workman should be paid his wages at the end of the day. The Levitical Law reinforces this commandment. This rule applied to both Hebrew and foreigner alike. Further, he was to have a rest on the Sabbath. In his article “Biblical Teaching Concerning the Hireling and the Pauper,” Orlo J. Price concludes that the lot of the workman “was far less desirable than that of a slave,” “oppression of the hired workers was common,” and “hired servants find their [only] advocates in the prophets of Israel.”

As the Jews were the one ancient civilization to forbid the charging of interest, it is ironic they developed the reputation as moneylenders in medieval times. Like Muslims after them, Christians were strictly forbidden from charging interest. Dante places usurers with blasphemers and sodomites in the seventh circle of hell. Jews, on the other hand, were permitted the practice when lending to non-Jews. This, and the limited professional options for Jews in much of Europe during the Dark Ages, seems to have created a proliferation of Jewish money lenders. The anti-Semitic stereotype associated with the phenomenon is perhaps most familiar to modern readers through Shakespeare’s Merchant of Venice.

By the late 18th century prohibitions on usury began to relax as industrialized economies dependent on capital investment were on the rise. The prevailing view among economists today seems to be that “ceilings on interest rates are relics of ancient and medieval thought.” Still, there are some protections for consumers. In America, each state has a law or sets of laws that govern the amount of interest which can be charged for loans. The United Kingdom is one of the few nations that currently have no law limiting interest charged on loans, while most nations of the European Union have a

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272 Id.
274 LOWENBERG, supra note 6, at 113.
275 Id. and Deuteronomy 24:10-11.
276 Id.
277 Deuteronomy 24:12.
281 Price, supra note 277, at 272.
283 Id.
284 For links to the usury laws of each state see www.usurylaw.com (last accessed September 12, 2011).
ceiling regulated either by administration or case law.\textsuperscript{285} With the recent news coverage of the sub-prime lending practices and pay-day loans, it is possible that stricter laws may be coming to the United States. Likewise, pressure mounts on Great Britain to conform to the credit laws of the European Union.

Though they may vary from nation to nation, Western countries have all moved toward some form of minimum wage and overtime standard. For a time, the West seemed to move away from the regulation of society seen in the Bible, yet today, share many of the same concerns and employ many of the same methods for protecting the poor.

**XVIII. THE BOOK OF RUTH: CHARITY IN ACTION**

It is well and good to read the laws of a society. However, laws are not always followed. Literature provides an opportunity to see a society as it probably operated. To understand how the laws of charity functioned in ancient Israel, it is important to examine the Book of Ruth, which presents the classic example of Jewish Old Testament charity, par excellence.

The Old Testament book of Ruth is an excellent study on how poor help was approached in the times before Jesus and before the Temple was destroyed. It is certainly a favorite among scholars and writers. It has been called “the most charming and attractive story of the whole of extant ancient Hebrew literature.”\textsuperscript{286} Goethe said that the story of Ruth was the greatest short tale in the Old Testament.\textsuperscript{287} Keats mentions Ruth prominently in his masterpiece *Ode to a Nightingale*,\textsuperscript{288} and Ruth is read every year by observing Jews during *Shabuoth*.\textsuperscript{289}

In reading this story, one can sense, from the narrator, the experience of being poor in Jewish society, and what a large impact charity would have made upon these people. A remarkable aspect of this tale is how Ruth, being a genuine alien to the Hebrews, was allowed into Jewish society and given material support. Even more fascinating is how she, being both a non-Jew and poor, was woven by marriage into the lineage of the Messiah.\textsuperscript{290} This tale has been compared favorably to the story of Joseph in terms of style, theme, and theology.\textsuperscript{291} This should cement the importance of charity within the Jewish and Christian traditions and worldviews.

The story of Ruth is told in spare fashion, allowing the reader to fill in much by implication. A Jewish couple, Elim’elech and Naomi, leave Israel looking for relief

\textsuperscript{285} *Memorandum by Debt on Our Doorstep a Network for Fair Finance, PARLIAMENT.UK* at http://www.publications.parliament.uk/pa/ld200506/ldselect/ldeucom/37/37we05.htm (last accessed September 12, 2011).

\textsuperscript{286} Louis B. Wolfenson, *The Character, Contents, and Date of Ruth*, 27 *THE AMERICAN JOURNAL OF SEMITIC LANGUAGES AND LITERATURES* 285 (1911).

\textsuperscript{287} RUTH, THE ANCHOR BIBLE SERIES, A NEW TRANSLATION WITH INTRODUCTION, NOTES, AND COMMENTARY 3 (Edward F. Campbell, Jr., trans. 1975) [hereinafter RUTH].

\textsuperscript{288} John Keats, *Ode To a Nightingale*, at http://www.online-literature.com/keats/479/ (last visited Dec. 5, 2007). “…Through the sad heart of Ruth, when, sick for home, She stood in tears amid the alien corn…”

\textsuperscript{289} McKENZIE, supra note 12, at 749-50. Jews read this as part of their celebration of Pentecost, or Harvest Festival.

\textsuperscript{290} Matthew 1:1-5.

\textsuperscript{291} See RUTH, supra note 286, at 4.
during a severe famine. They enter Moab\(^{292}\) territory, and thereafter the couple’s sons married two local Moabite women Ruth and Orpah. The family patriarch dies, as do both sons. The women are bereft of the support or protection of any men.

Afterwards, Naomi hears the Jews were having a bountiful harvest season back in Israel. She assesses the situation in Moab and decides her best chance for survival is back in Israel. She informs her daughters-in-law of her decision to leave. She told them they had no duty to her, but that they might as well stay, for as young women, they have a good chance to remarry and thrive in Moabite culture. Naomi says, “Go, return each of you to her mother’s house. May the LORD deal kindly with you, as you have dealt with the dead and with me. The LORD grant that you may find a home, each of you in the house of her husband!” Then she kisses them, and they lift up their voices and wept.” (Ruth 1:8-9)

To Naomi’s surprise, Ruth insists on staying with her mother-in-law, saying, “Entreat me not to leave you or to return from following you; for where you go I will go, and where you lodge I will lodge; your people shall be my people, and your God my God; where you die I will die, and there will I be buried. May the LORD do so to me and more also if even death parts me from you.” (Ruth 1:16-17)

The women return and create a stir in Bethlehem. The townspeople ask if the older woman was Naomi, and she asked them to call her not Naomi, but “Mara,”\(^{293}\) because God has punctuated her time away with bitter experiences.\(^{294}\)

The women arrive at the beginning of barley harvest. After returning, Naomi relates that she a wealthy kinsman named Boaz, a blood relative of her late husband. Ruth asks Naomi if they might go get food from his fields, saying, “Let me go to the field, and glean among the ears of grain after him in whose sight I shall find favor.” And she (Naomi) says to her, “Go, my daughter.”\(^{295}\)

Ruth then goes and gleans in Boaz’s field, after the reapers have finished their arduous labor.\(^{296}\) This is a classic example of Biblical gleaning, enthusiastically supported by the Lord of the manor, Boaz. When Boaz comes he blesses the men, saying, “‘The LORD be with you!’ And they answer, ‘The LORD bless you.’”\(^{297}\)

Boaz asks who is the young maiden was who was gleaning, and he is told that it was his relative, Ruth. Boaz then tells Ruth to stick close to his women as they glean and that he has told the young men not to bother her. She bows low before him, and he responds by extolling her praises. Ruth 2:10-12 says, “Then she (Ruth) fell on her face, bowing to the ground, and said to him, ‘Why have I found favor in your eyes, that you should take notice of me, when I am a foreigner?’” But Bo’az answers, “All that you have done for your mother-in-law since the death of your husband has been fully told me, and how you left your father and mother and your native land and came to a people that you did not know before.” He assures her, “The LORD recompense you for what you have done, and a full reward be given you by the LORD, the God of Israel, under whose

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\(^{292}\) McKENZIE, supra note 12, at 581-83. Moab is an area East of the Dead Sea, and South of the River Arnon, and Israelite folklore described the Moabites as pagans who were descended from Lot of Sodom.

\(^{293}\) Meaning ‘bitter.’

\(^{294}\) Ruth 2:1.

\(^{295}\) Ruth 2:2.

\(^{296}\) Ruth 2:3.

\(^{297}\) Ruth 2:4.

\(^{298}\) Ruth 2:5-7.
wings you have come to take refuge!” Here the text makes a strong claim as to the
tender care the Hebrews saw Yahweh giving the underclass.

After this propitious introduction, Boaz turns his attention to helping Ruth in her
plight as a foreign woman, unsupported by any males. Boaz allows Ruth to stay after
gleaning, and he offered her some of his bread and wine. He then gives her “parched
grain,”299 which would be barley that was roasted to make it edible. She eats her fill and
has some left over to take home.

When they finish eating, Boaz instructs the gleaners to “accidentally” leave some
extra sheaves behind so as to increase Ruth’s haul. This was done per the Biblical
standard that insisted that a sheaf left behind was not to be grabbed later by the farmer,
but must be left as Yahweh’s gift to the poor.300

Ruth then takes her harvest and beats it out on the threshing floor. When she
leaves she is in possession of an “ephah of barley.” Naomi inquires about Ruth’s day at
gleaning, and when told all the details, is impressed and pleased.301 Undoubtedly Naomi
feels some bitterness removed by Yahweh blessing Ruth.

Ruth then spends extended time after that gleaning on Boaz’s property. When
Naomi and Ruth discuss Ruth’s future, Naomi advises Ruth to follow up Boaz’s
kindesses, appear at the threshing floor dressed in a becoming manner, anointed with
oil, and then lie down near his feet. Naomi said that Boaz would then tell her what to do.

Ruth does exactly what Naomi suggests. After Boaz has harvested and eaten, and
become merry on wine, he lies down at the side of the grain pile and fell asleep. Ruth
came and lifted his blanket from his feet and lies down. Boaz awakes. Ruth 3:8-11 says:

At midnight the man was startled, and turned over, and
behold, a woman lay at his feet! He said, “Who are you?”
And she answered, “I am Ruth, your maidservant; spread
your skirt over your maidservant, for you are next of kin.”
And he said, “May you be blessed by the LORD, my
daughter; you have made this last kindness greater than the
first, in that you have not gone after young men, whether
poor or rich. And now, my daughter, do not fear, I will do
for you all that you ask, for all my fellow townsmen know
that you are a woman of worth.”

At this point two things have occurred. Ruth has shown her interest in Boaz, and
he has reciprocated. But a dilemma remains. According to Old Testament law, the nearest
relative to the wife of a man who has died has the right and duty to pursue her if he is
able. Boaz was not the closest relative to Ruth, and if man nearer was interested in her
hand in marriage, the love of Ruth and Boaz would remain unrequited.

The kinsman redeemer is one of the great concepts for charity arising from the
Old Testament. The kinsman-redeemer was essentially the duty that Jewish law found for
the nearest of kin of someone who was on the verge of losing, or who had lost land, to
have it redeemed so that the family would not lose it and thereby become impoverished.

299 Ruth 2:14.
300 Exodus 24:19.
301 Ruth 2:22.
Leviticus provides a basis for the idea, where in Leviticus 25:25 it says, “If your brother becomes poor, and sells part of his property, then his next of kin shall come and redeem what his brother has sold.” This was yet another way that Yahweh looked out for his people, by making sure that those closest to a landowner who had lost his property would be first to redeem it.\footnote{Matthew Henry, *Commentary on the Whole Bible* (1708), at http://www.ccel.org/h/henry/mhc2/MHC08004.HTM (last visited December 5, 2007).}

Boaz goes to the city gates and announced his intention to redeem the land of his relative Naomi.\footnote{Ruth 4:1-12.} Boaz plays his role in the official manner prescribed, yet casually so as to not attract unnecessary notice.\footnote{Leviticus 25:23-28.} When Boaz asks if anyone of nearer sanguinity was interested, the more closely related man demurs, saying he could not do so without endangering his own economic viability. Boaz then says he will, and mentions as an aside that he will also marry Ruth, to help keep her family line from disappearing.\footnote{Leviticus 25:23-28.}

After the marriage Ruth gives birth to a child named Obed. Obed is in turn the father of Jesse, who then sires David, the great king of Israel.

In his book, *The Gift of the Jews*, Thomas Cahill explains the significance of the story of Ruth.\footnote{Supra note 21, at 236-237.} According to Cahill the story of Ruth and Naomi’s suffering has had a purpose. Look back “to the obscure beginnings of the Israelites…see their gradual transformation into a people who can understand that what is what important is invisible.”\footnote{Id at 237.} The main theme of Ruth, according to rabbinic tradition, is steadfast love. In the midst of violence and destruction, the unseen hand of God is at work, but it is only through others that He can act to help Ruth.

The Book of Ruth contains the laws of Hebrew charity in action, as well as a lesson about the motives behind Jewish philanthropy. “[T]he emphasis,” in the Book of Ruth, says commentator W.S. Prinsloo, “is laid upon man as collaborator of God and even on human initiative.”\footnote{W.S. Prinsloo, *The Theology of the Book of Ruth*, 30 VITUS TESTAMENTUM 341 (1980).} The reader learns that one should not give in order to enhance one’s status or because the recipient will be indebted, but rather because God has commanded that each Jew look out for his brother. By showing kindness to the widow, the orphan, the poor, and all the less fortunate, Jews are taught they will advance God’s plan on earth and show respect for the divine nature of human beings.

XIX. CONCLUSION

The impact of the Jews on Western civilization cannot be overstated. “They gave us the Outside and the Inside – our outlook and our inner life,” says Cahill,\footnote{Supra note 21, at 240.} adding, “We are the undeserving recipients of …[their]…history…without which our ideas of equality and personalism are unlikely ever to have come into being and surely would never have matured in the way they have.”\footnote{Id at 250.} Because of their beliefs about their
special relationship with God, and their memory of their suffering as Egyptian slaves, the Hebrews embraced a reverence for the value of the individual that was not dependent on social standing, class, or wealth.

This revolutionary concept led the Jews to develop laws commanding that those with means share their wealth with the less fortunate among them. A duty that was orally taught to them by Rabbis from generation to generation. The oral traditions later became recorded in the assembly of the Torah drafted by Ezra and other Temple priests around 450 BCE. The Torah narrated the revelation of God to Moses at Mount Sinai. The Torah is composed of the Five Books of Moses and encompasses the Scriptures of the Prophets.  

As the time passed and the Torah was taught, issues arose and were addressed by the Rabbinic judges. The case law was decided with the Torah as their guide and was compiled into the Mishnah (200 CE). The Mishnah amplified the laws of Scripture and set forth laws that were not addressed in the Scriptures. Commentaries to the Mishnah were recorded during 400 CE (Talmud of the Land of Israel) and 600 CE (Talmud of Babylonia). Within the Talmud, there described the laws of the duty to the poor (Tsedakah). Based on the Talmud, Jewish law controlled all relationships between Jew and Jew as well as his religious behavior and continues to guide authorities for later questions of law.  

The Talmudic exegesis of the Bible is rife with policies aimed at alleviating the suffering of the poor in general and to identifiable groups who would otherwise not be able to support themselves, including the priestly class, widows, orphans, and other landless persons such as foreigners. These include laws regarding the harvest, the cycle of feasts, the sabbatical and jubilee years, as well as credit and work laws.

While society today may fall short of the extensive and complicated commitment the Hebrews had to their fellow men, society is still infused with the spirit of caring. Donations to places of worship remain vital, adoption and education of the less fortunate is encouraged, the bounty of the harvest is celebrated, the poor are sheltered – at least to a degree- from those who would prey on their vulnerable position, and the political refugee may find protection. Modern Westerners, like the Israelites before them, rely on a mixture of voluntary giving, social pressure and custom, charitable institutions, and redistribution of wealth through taxation to weave this safety net.

Such a humane system is only possible because of the belief in the dignity and worth of every human life, a belief that is deeply rooted in the Jews’ relationship to Yahweh. It was the Hebrews who first proposed the idea, as seen in the Book of Ruth, that by caring for one’s fellow man, one actually shows one’s love and respect for the source of life. It is this idea that infuses modern philanthropy in all its forms.

312 Id.
313 Law and Morals in Jewish Jurisprudence, Moshe Silberg. The Talmud is the source from which codifiers of Jewish law drew, and continues to be relied upon by Rabbinic Judges,