

THE AGRICULTURAL WORKER'S RIGHT IN
RELATION TO THE PRODUCE ON WHICH
HE LABOURS

אכילת פועל ממלאכתו

*When thou comest into thy neighbour's vineyard,
Then thou mayest eat grapes thy fill at thine own pleasure;
But thou shalt not put any in thy vessel.*

*When thou comest into the standing corn of thy neighbour,
Then thou mayest pluck the ears with thy hand;
But thou shalt not move a sickle
Unto thy neighbour's standing corn. DEUT. XXIII, 25-26.*

- 569 According to the תורה שבעל פה (Oral Law) this law speaks of the worker who has been hired to work in the vineyard or the cornfield, and it imposes upon the landowner the duty to give free permission to the workers who are either separating the standing fruit from the soil or gathering fruit already separated into man's full ownership, to eat of that fruit to their heart's content during working hours. But they are not allowed to take it after their work, or share with their family that which they took during their work, or take it home. Thus, at the first stage of gathering what the earth yields, as well as at the very moment when it effectively passes into your ownership, you shall acknowledge that the yield has come to you from God and that you have received it not only on behalf of yourself but also for your brethren. (Or is this perhaps a duty to render justice to the natural and instinctive desire of the brother that serves you, just as the law [cf. para. 417] stipulates a duty towards the instinct of the working animal?) For the rest see Ch. M. 337.

TZEDAKAH AND GEMILUTH CHASADIM,
ALMS AND CHARITY

צדקה וגמילות חסדים

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 thy heart, nor shut thy hand from thy poor brother; but thou shalt surely open thy hand wide unto him, and shalt surely lend him sufficient for his need in that which he wanteth.

Beware that there be not a base thought in thy heart, saying: 'The seventh year, the year of release, is at hand'; and thine eye be evil against thy poor brother, and thou givest him nought; and he cry unto the Lord against thee, and it be a sin unto thee.

Thou shalt surely give him, and thy heart shall not be grieved when thou givest unto him; because that for this thing the Lord thy God will bless thee in all thy work, and in all that thou puttest thy hand unto.

For the poor shall never cease out of the land; therefore I command thee, saying: 'Thou shalt surely open thy hand wide unto thy brother, to thy poor, and to thy needy in thy land.'

DEUT. XV, 7-II.

'Thou shalt open thy hand unto thy brother, to thy needy'; with these words God calls you to your loveliest, holiest, most God-like task, calls upon you to become a blessing with all He gives you, a blessing to those around you. Look around you in the great house of your Father: all are called to share this blessing. Everything sustains and is sustained, everything takes and gives and receives a thousandfold in giving—for it receives life instead of mere existence. And do you alone wish only to take and not to give? And shall the great flow of blessing cease with you? Would you be as a stream which dries up in the arid sand and fails to give back to the sea that which it has received? Once you have pondered upon the thought—that you are nothing so long as you exist only for yourself, that you only become something when you mean something to others—that you have nothing so long as you have it only for yourself, that you only possess something when you share it with others—that even the penny in your pocket is not yours but only becomes so when you spend it for a blessed purpose; and when you have experienced the supreme happiness of giving, the bliss of the knowledge that you have fed the hungry, clothed the naked, comforted the sick, cheered the unhappy, provided for the needy, then will you rejoice in the great task to which God has called you—to be

a blessing with all that you possess; then will you willingly give your all to purchase a moment of such knowledge.

But as soon as you perceive that what you are doing is only your duty, your vocation, your task as a human being and as a Jew, you will struggle against this feeling of bliss in order to remain a pure servant of God in your good work, to think of nothing else, and to act with no other purpose than to fulfil the will of your Father in heaven, and to give light and warmth and nourishment and comfort just as a ray of sunlight gives light in the service of God. Why should God give you more than you need unless He intended to make you the administrator of this blessing for the benefit of others, the treasurer of His treasures? Every penny you can spare is not yours, but should become a tool for bringing blessings to others—and would you close your hand on something that is not yours? That is why our Sages prefer to give the beautiful name of *tzedakah* (צדקה) to this act of charity by means of material goods. For *tzedakah* is the justice which gives to every creature that which God allots to it; and if *tzedakah*, as practised by God, means His tender justice which metes out to each human being not what he deserves but what he is capable of bearing, then for the human being it is that tender justice, God's love, and not another man's right against you, which entitles him to his claim on you.

571 A poor man comes to you, and in him God sends you His child that you shall clothe and feed, look after and care for, and that it shall bring you greater blessings than you give. But when pity, or rather the voice of duty, opens your hand to give or to lend, do not let the cold, unreasonable voice of what you believe is clever calculation close it once more in the act of charity, while you ponder whether you will ever get back your loan, or reflect that the gift will make you poorer. For is what you hold then really yours? Has not God, then, a right to your all? And when He makes demands on you for His child, will you lock up, will you close, your hand? The poor man is not forsaken! God is his Protector; but yours is the sin before the Father, that you did not help the child with the Father's riches, and claimed as 'Mine!' that which is God's and which He has promised not to you alone but also to all in need.

The law says that *tzedakah* is a high duty, and the repudiation of this duty can bring heavy consequences, even death. Nobody becomes poor through *tzedakah*, and God has proclaimed, 'Never will *tzedakah* become the cause of any grave suffering or misfortune.' To him who has compassion for the poor, the Lord also will show compassion—as you wish God to hearken to your prayers, so shall you hearken to the prayers of the poor. Give, and neither to your children nor to your grandchildren, not even to your remoter descendants, will help be

refused when they are in need; for riches and poverty come round in their circle, and there is never a whole succession of generations that entirely escapes poverty. It is your finest deed; as long as you practise it, misery and suffering, hunger and death will not come nigh you. Even the custom of vowing *tzedakah* in memory of the dead makes sense; if they have been charitable in heart and deed, and you feel yourself spurred on to good works by their memory, you are enabling them to do good even after their passing; and by continuing their good work which had come to an end you render them immortal. The surest way to get rich is to do good with that which is in your keeping; for then God is glad to make you the custodian of His gifts (Y.D. 247).

Everyone is liable to the duty of *tzedakah*. Even the poor man who is living on *tzedakah* shall give *tzedakah* from what he can spare from his upkeep. The child who eats at his father's table and the servant who eats at the table of his master may give a morsel of bread to the poor without question; for it is tacitly permitted. 572

Do you wish genuinely to fulfil the duty of *tzedakah*? Then let it be the best of your possessions that you sacrifice, the best food to the hungry, the best raiment to the naked; for it is a sacrifice laid upon God's altar—let it be a worthy sacrifice (Y.D. 248).

When you can, give according to the need of the poor; if your means do not allow it, give at least one-tenth, at most one-fifth, of your wealth as *tzedakah*. Do this the first year that you acquire wealth; thenceforward give one-tenth or one-fifth of your yearly income; no one shall give more than one-fifth, so that he himself shall not become needful of help. The tenth that has been put aside shall, for preference, be for the benefit of the poor, but it may also be employed for other sacred purposes which, without this money, you could not have aspired to; for instance, to buy books for your own as well as others' study of the Torah, which otherwise you would not have been able to afford, but then they will not be your exclusive property which you may sell again or otherwise so dispose of. You must not, however, repay out of this tenth any services which have been rendered you.

That which you give, give with a friendly mien, with a good and cheerful heart, with feeling and with kindly, consoling words. If you give in a surly manner, then is your face taking back what your hand has given. If you cannot accede to the requests of the needy, do not turn him angrily away, give him encouragement, show him your good will and that it grieves you not to be able to help him. Never turn a poor man empty away, even if it be only a scrap of bread that you give him.

If you can persuade others to do good, then you have the double reward of charity and the encouragement of charitable living.

There are eight degrees of charity, in the following order: (1) The highest is when you, through gifts, loans, or business partnerships, set the poverty-stricken once more to work so that they become independent and need no longer beg. (2) Giving to the poor so that the giver does not know to whom the charity goes, and the receiver does not know from whom it comes. Almost at this level is the money given to public charities, if their administrator is known to be reliable and prudent. (3) When the giver knows to whom he gives, but the receiver does not know from whom he receives. (4) When the poor man knows the giver, but the latter does not know him. (5) Giving to the poor without being asked. (6) Giving, when requested, only the bare needs. (7) Giving less than is requested but giving sympathetically. (8) Giving with ill grace.

A man must never boast of his charitable acts. Charity of which you boast loses its value and becomes sin. But it is permissible to show the name of the donor on something dedicated to the public weal.

It is good to give alms before each prayer.

It is great charity to provide a poor bride with a dowry; it is greater when you support that pillar of social life, Divine Service; and still greater when you spend on instructing the youth of Israel in the Torah, and on the care of the needy sick (Y.D. 249).

573 If you are on your own and your means are sufficient, you should satisfy fully the needs of the poor. In a community, give as much as you can and direct the charity of your fellow-members towards the poor. The poor man who begs from door to door has a lesser claim on you than the one who does not (Y.D. 250).

Everyone in need has a claim on your charity; those poor who are not Jewish, even those who practise idolatry, are cared for in like fashion, as all are parts of one all-embracing mankind. However, to the *ger toshav*—i.e., to a non-Jew who, not practising idolatry, has undertaken to fulfil the seven general duties, the law accords a claim on your charity fully equal to that of a Jew (see para. 503).

What is spent on sons and daughters grown beyond the age at which their maintenance is a legal obligation (see para. 550) is also called *tzedakah*. Such items include their upkeep, maintenance, care, the instruction of one's sons in the knowledge and observance of the Torah, the education of one's daughters in the good life. The same applies to parents in need. Indeed this, as well as the support of relatives in general, has precedence over support for others. The father's brothers and sisters have precedence over those of the mother, the poor in the house over those of the town, those of one's own town over those of another, even of a town situated in *Eretz Yisrael*, and even if the strangers have come to your own town. Everything else being

equal, the inhabitants of *Eretz Yisrael* have precedence over others. Care for yourself comes first, and as long as you have not enough for your own needs, you are not subject to any *tzedakah* duty; the next in line after yourself are father and mother; next your children; then your brothers and sisters, then your relatives, neighbours, your fellow-citizens, and strangers.

The duty of the relatives of a poor person to support him always precedes that of all the other citizens who can afford it.

If you can, take a poor person into your house and service.

Feeding the hungry is more important than clothing the naked. Women have a better claim to support than men.

Give food to him who asks for it, without investigating whether he needs it—clothing, after investigation; but if you know him, clothe him without ado (Y.D. 251).

The ransoming of slaves and prisoners,¹ however, has priority over everything else (Y.D. 252).

A person is entitled to collect alms until he has collected, as his free property, enough working capital to support himself and his family. 574 Even a person of means who finds himself temporarily out of money, for instance during a journey, is allowed to draw on charitable funds without being obliged to repay when he once again has money at his disposal. If a poor person is deserving but is too shy to accept alms, one should try to let him have them in the guise of a present or a loan. There is no need to bother about a miser who cannot bring himself to live on his own money. No creditor, according to Jewish law, has a claim on what is given by way of alms to a poor person for his subsistence (Y.D. 253).

Be chary of accepting alms. Limit yourself to what is strictly necessary and try not to become a burden on others. Let no honest work be too humble for you as long as it provides you with an independent livelihood. He who simulates poverty in order to obtain charity will fall into real poverty before he dies. But he who cannot live without alms because he is sick, or aged, or unfit to work, or because he has too large a family, and starves himself and lets his family starve because he is too proud to accept alms, commits a crime, and his suffering brings him only guilt and sin. But he who supports himself, however scantily and humbly, earns a livelihood for himself and his family without accepting alms, though having the right and the opportunity to do so, he will not die without having reached a position which enables him to help and support others (Y.D. 255).

¹ This refers to the arbitrary imprisonment of Jews by harsh rulers with a view to extracting money as ransom from Jewish congregations, which, alas, has been a frequent feature of our history.—Ed. Note.

575 But higher, incomparably higher, than *tzedakah*—financial and material charity—stands *gemiluth chasadim*—good works. In *tzedakah* you give away your worldly goods, your wealth; in *gemiluth chasadim* you place on God's sacred altar all the best and noblest you have—your judgment, your word, your strength, your deeds, your entire personality—for the good of your brethren. In *tzedakah* you offer only the means from which good may result. In *gemiluth chasadim* you grow the flowers of bliss themselves, become the creator of the health, the joy, the peace, the happiness, the welfare of your neighbour. If you want to see man as the true image of his Father in heaven, you must behold him as he, filled with pity, with love, with the Divine spirit, makes bread for the hungry, takes care, as a father, of the infant's well-being and education, nurses the sick, clothes the naked, comforts the suffering, buries the dead, advises the inexperienced, reconciles those who are at variance, and everywhere strives, by word and deed, to allay suffering, to heal the injured heart, and to dry the flowing tears. And, when roused by such a sublime vision, you feel that you are called to the same Divine task, then come forward, young man, come forward, young maiden, and, in the sight of God, dedicate yourself, with all that noble, beautiful strength with which He has endowed you, to such work of love for the salvation of His children.

576 *Visiting the Sick:* God is the healer of the sick; but human beings must do their part to lessen the suffering of the afflicted, give them support to bear their woe, and allay their anguish by their sympathy.

Pay your visit to any sick person, be he poor or rich; related to you or not; and if you are not on good terms with him, find out beforehand whether your visit is agreeable to him. You should visit relatives and friends as soon as they fall ill, more distant persons after three days; but if the illness is grave and a sudden one, visit the latter, too, immediately. Visit often, daily, even several times a day, but be careful not to disturb the invalid or become a nuisance. Do not visit the sick during the first three hours of the day nor during the last three hours. Your visit to the sick should have three purposes especially. First, to see whether everything is being done for his cure that one can reasonably expect. If this is not being done, ensure it. See that he is being adequately tended and, if he is not, help him, and procure proper nursing. And finally, pray for him to the God of mercy. Whosoever visits an invalid and does not pray to God for his recovery has not fulfilled the duty of love. המקום ירחם עליך בחך חולי ישראל said with heartfelt expression and brotherly love, is worth more than a more lengthy prayer which lacks heart and spirit. On the Sabbath say: שבת היא מלועזק ורפואה קרובה לבא ושבתו בשלום. Find out from the sick person if he has put all his affairs in order, persuade him to do so, and

Tzedakah and Gemiluth Chasadim, Alms and Charity

convince him that he need not fear that his end is near just because he does so. Do not call on those invalids who are wearied by visits and conversation, but inquire after them from their family, ask how they are getting on, whether they need anything, listen to their complaints, and pray for them. Visit also the non-Jewish sick, as above, para. 573 (Y.D. 335).

When a sick man is near to death, do not leave him, so that he be not alone at the moment of his death. Remind him to look back over his life and to confess his sins to God and to do *teshuvah*, so that if God allows him to recover he will avoid his sins. He shall say, 'I acknowledge Thee, HaShem, my God and God of my fathers, I know that my recovery and my death lie in Thy hands; let it be Thy will that I may be fully cured, and that if I die my death shall be atonement for all the errors, sins and crimes which I have committed before Thee; give me a share in Eden and grant to me the Hereafter that is promised to the just.' But tell him not to be frightened, and say: many have confessed their sins and have not died, many have not confessed and have died; as a reward for this confession you may live; whoever confesses his sins has a share in the Hereafter. If he cannot pronounce his confession, let him do it in his heart (see chap. 79).

You must not touch a person who is in the throes of death, nor do anything which might advance his death. Whosoever moves a dying man commits a murder. However, you may remove anything that is preventing him from dying peacefully, provided it is not in contact with his body. You may, for instance, stop a continuous knocking near by, or similar annoyances (Y.D. 338, 339).

Attending to the Dead: While there is a dead man in the city no member of the community shall go about his daily work until all the rites have been duly performed. It is the last duty of love that you can show to the mortal frame of your departed brother, and is the most pure, because for this he cannot thank you. 577

Let none refrain from rendering the last services to the dead. Only if, in your community, the care of the dead is entrusted to certain specified persons and it is not your turn, may you continue with your own affairs. The services to be rendered to the dead are: (1) Watching, (2) Removing, (3) Cleansing, (4) Dressing, (5) Accompanying, (6) Burying. Make yourself acquainted with the rules and customs which govern the carrying out of these duties. The fundamental attitudes for this occupation with the dead are: seriousness, calm, modesty and reverence. Even where there is a Burial Society it is the duty of all to attend the funeral (Y.D. 343–68; and see chap. 61).

Consoling the Bereaved: Be with him from whom God has taken a member of his family, and make him feel that though the individual 578

dies, the Jewish community never dies. Let his sorrow for the deceased be softened by the sympathy of the community. Stay by him and show him that he is not forsaken. Comfort him, remind him of the teachings of the Torah, show him how everything is only lent, and that we have to give thanks for its withdrawal even as we give thanks for its bestowal, that in both days of joy and of adversity there are opportunities of fulfilling tasks which God's wise love has imposed on us for our salvation. Console him, and melt the bitter sorrow into silent dedication to God's will. Do not say, however, 'What can one do, one must resign oneself,' for that is not consolation but blasphemy; it is the murmuring of the helpless against his helplessness, not the recognition of the blessed wisdom of God. Sit silently by until the mourner himself gives vent to his sorrow in words, and leave him as soon as your presence seems to be a disturbance and he shows that he wishes to be alone with his grief (Y.D. 376) (see para. 319).

- 579 'And giving hospitality, endowing brides, taking an interest in the newly-wed, making peace!' (cf. Mishnah, *Pe'ah*, I, 1). These are only a few words chosen at random as examples of the large, all-embracing circle of good works. Not only to you and yours shall your house be a place of well-being. Let your house be open to all in need of food and drink and shelter. Above all, there is the stranger, whose only recommendation to you is that he is a child of God. Welcome him with hospitality and, if necessary, provide him with safe conduct.

Not only shall your heart know how to shed tears of pity and to bring consolation to the distressed. Where you can contribute counsel and help to your brothers and sisters, above all to the orphaned, and be the founder of their domestic hearth and the promoter of their happiness, there give freely whatsoever fine and noble you have to give by counsel and deed, in strength and endeavour. And never hide in your heart joy at the prosperity of your brother. Rejoice truly and deeply over every success and, even as you shed tears with the weeping, above all rejoice with the fortunate and increase his joy by sharing it.

And make peace! Keep peace! Bring back peace to whence it had fled. If you will gain the finest laurels in good works, become an angel of peace among your fellow-men. Behold, there is nothing that brings blessings so much as peace, nothing that is the foundation and condition of all blessings as much as peace. For in vain does God pour down the abundance of His blessings, where strife reigns; for there, even the most beautiful blessing becomes a curse and an instrument of disaster. If you could but dedicate yourself as a shield against that carrier of the curse, dissension—be creator, guardian, champion of the father of all blessings, peace!—if you could but bring together souls which are hostile, hearts that hate each other, and teach them to live as brothers, restore the

peace that has fled from husband and wife, from parents and children, brothers and sisters, families, houses, cities, countries—then you could be sure that your Father in heaven looks down upon you as the builder of the happiness of His children . . .

Not the thousands which you have amassed, or wasted for the sake of 580 sensual pleasures and earthly ambitions, but the penny with which you have fed the hungry, clothed the naked and succoured the unfortunate in their need, that penny will support you in the Hereafter before God's Throne. Not the decades during which you have lived in levity and self-indulgence or in the pursuit of riches and pleasure, but the moments which will transform the bitterness of your last hour into the sweetness of blissful memories and hope will be those moments in which you dried somebody's tears, lessened his pain, comforted him in his distress, added a stone to the edifice of brotherly happiness and brought tranquillity to a soul which was at odds with itself and the world. And rejoice in your lot: for though the *tzedakah* duty, requiring as it does material possessions, cannot be exercised by all and sundry, yet the summit of *gemiluth chasadim* is accessible to all, for it requires but an honest mind, a loving heart, an eloquent tongue, a helping hand; its results are high above the vicissitudes of life, as also are the means which produce them. These are the riches you should strive for: to enrich your mind with experience, your heart with love, your tongue with eloquence, and with strength your arm so as to enable you to become a support and an inspiration and a comfort, a father and a helper in sickness, distress and danger, in despair and confusion; and acquire knowledge of human nature and the respect of your fellow-men so that you are able to influence them for the sake of their salvation.