
Rabbi Eleazar's *Peruṭah**

Eliezer Segal / *University of Calgary*

Roy Rappaport has argued for a functionalist definition of ritual that would set it apart from other dimensions of human (or even nonhuman) behavior, or from other aspects of religious actions. He has noted aptly that there are many forms of religious behavior that should not be defined as “ritual.” Specifically, “All manner of moral acts may be understood by those performing them and by the communities within which they occur to be innately religious, or at least to be informed by religious principles. There is little point, however, in attempting to force alms-giving or the avoidance of adultery, or all acts of respect for one’s father and mother into the definition’s mold.”¹

In his limited discussion of the interplay of ethics and ritual,² Rappaport dwells primarily on the ways in which rituals help to internalize the values of the community and allow the practitioners to express formal acceptance of the ethical norms.

In the present article, I wish to focus on an example of how an ethical category is given ritual expression, and how this ritualization impacts upon the quality and content of the ethical act.³

As my example, I have chosen certain aspects of the Jewish precept

* For Adeev, who loves dropping coins into the pushkah.

¹ Roy A. Rappaport, *Ritual and Religion in the Making of Humanity*, Cambridge Studies in Social and Cultural Anthropology (Cambridge and New York: Cambridge University Press, 1999), p. 25. For insightful characterizations of the relationship between morality and other domains of religious life, see Josephus Flavius, *Contra Apionem* 2:170–72, cited by E. P. Sanders, *Judaism: Practice and Belief, 63 B.C.E.–66 C.E.* (London and Philadelphia: SCM Press and Trinity Press International, 1992), p. 51.

² Rappaport, p. 205.

³ The precise usage of the term “ritualization” has been subjected to considerable disagreement in the methodological literature. See, e.g., *ibid.*, pp. 39–40 (citing M. Gluckman), 111 (citing E. Erikson); Catherine M. Bell, *Ritual Theory, Ritual Practice* (New York: Oxford University Press, 1992), pp. 88–93, and elsewhere (citing Gluckman, Huxley, M. Edelman, and others). For purposes of the present study, I will be using the term in a more pragmatic sense (one that is substantially similar to Bell’s usage), of transforming an otherwise nonritual act into a ritual, recognizable by standard characteristics like invariance, mandatory repetition, and incorporation into a formal liturgical framework.

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of charitable giving. The obligation to contribute toward the amelioration of the poor is commanded by the law of Moses in various ways, specifically in the form of portions of the agricultural produce that are to be assigned to the needy, but also in more general exhortations to act compassionately toward society's less fortunate members.⁴ In the hands of the Jewish sages of the talmudic era, these basic institutions were elaborated into a more sophisticated model of philanthropic practices and institutions that took into account not only the moral obligations of the donors, but also the eligibility of the recipients, the most effective means of improving their lot, avoidance of embarrassment, and additional factors.⁵ Sifting through the diverse sources relating to charity and welfare in talmudic Palestine, Ze'ev Safrai has observed that the dominant rabbinic trend was to encourage institutional philanthropy rather than private generosity, with a view to assuring a more equitable distribution of resources, reducing "welfare fraud," and minimizing awkward encounters between the donor and the recipient.⁶ Toward those ends, communal funds were established for daily and weekly distribution of food and other necessities, "soup kitchens," and the like.

TB Bava Batra 10a speaks of noninstitutional benevolence in the following passage:

Rabbi Doseithai son of Rabbi Yannai⁷ expounded:

Come and see that the standard of the Holy One is not like the standard of flesh and blood.

According to the standard of flesh and blood, if a man brings a large present to a king, it might be accepted or it might not be accepted. And even if you

⁴ See Lev. 19:9–10; 23:22; Deut. 14:28–9; 26:12; 24:19–22. I am aware that Jews frequently object to the English rendering of the Hebrew *Zedakah*, etymologically rooted in the concept of "justice," as "charity," which is equivalent to "grace" and has distinctive Christian connotations. See, e.g., Jonathan Sacks, *The Dignity of Difference: How to Avoid the Clash of Civilizations* (London and New York: Continuum, 2002), pp. 113–24. Nevertheless, "charity" is a convenient and understandable English equivalent for the phenomena to be discussed here.

⁵ Although passages related to charity are scattered throughout talmudic literature, the chief concentration of material may be found in the tractates *Pe'ah* in the Mishnah, Tosefta, and Jerusalem Talmud. See Günter Stemberger and Hermann Leberecht Strack, *Introduction to the Talmud and Midrash*, trans. Markus N. A. Bockmuehl, 2d ed. (Edinburgh: T. & T. Clark, 1996), p. 110; Ephraim E. Urbach, *The World of the Sages: Collected Studies* (Jerusalem: Magnes Press, 1988), pp. 97–123. A recent summary of the Jewish laws of charity, Hayim Halevy Donin, *To Be a Jew: A Guide to Jewish Observance in Contemporary Life* (New York: Basic, 1991), p. 51, notes that "There are also rules that devolve upon the potential recipient."

⁶ Ze'ev Safrai, *The Jewish Community in the Talmudic Period* (in Hebrew) (Jerusalem: Zalman Shazar Center for Jewish History, 1995), pp. 62–76.

⁷ A teacher from the early third century; see Ch. Albeck, *Introduction to the Mishna* (in Hebrew) (Jerusalem and Tel-Aviv: Bialik Institute and Dvir, 1967), p. 233. Ignaz Ziegler, *Die Königsgleichnisse Des Midrasch: Beleuchtet Durch Die Romische Kaiserzeit* (Breslau: S. Schottlaender, 1903), p. 219, describes him as "der Zeitgenosse des Commodus."

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should allow that it will be accepted, it is still doubtful whether he will be granted admission to behold the king's face or if he will not be granted admission to behold the king's face.

However the Holy One is not like that: If a man gives but a *peruṭah* [a small coin]⁸ to a poor person, he is deemed worthy to receive the Divine Presence, as it is written, "In righteousness [*zedakah*]⁹ shall I behold thy face, I shall be satisfied when I awake with thy likeness" (Psalms 17:15).

Rabbi Eleazar¹⁰ used to give a *peruṭah* to a poor person immediately before praying. He said: Because it is written, "In righteousness shall I behold thy face."

For all their similarities, it is not to be assumed that Rabbi Dosethai's exposition and Rabbi Eleazar's personal custom were governed by the same rationale; though, to be sure, some later Jewish interpreters equated them.¹¹ Taken on its own, Rabbi Eleazar's concern to perform a charitable act before communing with his Creator makes a profound statement about the inseparability of morality and spirituality.¹² The notion that it is futile to entreat God while one is tainted by injustices and moral blemishes is of course a mainstay of biblical religion and has many parallels in rabbinic thought.

Rabbi Dosethai's homily adds a significant new dimension to the idea when it compares the giving of charity to the poor to the paying of

⁸ The *peruṭah* was the smallest bronze coin denomination in use in ancient Palestine. For full details of its history and value, see Daniel Sperber, *Roman Palestine, 200–400: Money and Prices*, 2d ed., Bar-Ilan Studies in Near Eastern Languages and Culture (Ramat-Gan: Bar-Ilan University Press, 1991), pp. 28, 78–79.

⁹ The verbal identity of "charity" and "righteousness" in Hebrew underlies the homilies in the Talmud and in subsequent Jewish works.

¹⁰ That is, Rabbi Eleazar ben Pedat, the prominent third-generation Palestinian authority, of Babylonian origin. See Stemberger and Strack, p. 89; Ch. Albeck, *Introduction to the Talmud, Babli and Yerushalmi* (Tel-Aviv: Dvir, 1969), pp. 224–27.

¹¹ This equation is found in the influential commentary of Rabbi Samuel Edels (Maharsha). See Menachem Elon, *Jewish Law: History, Sources, Principles*, trans. Bernard Auerbach and Melvin J. Sykes, ed. Philip and Muriel Berman (Philadelphia: Jewish Publication Society, 1994), p. 1128.

¹² A sensitivity to the original purpose of Rabbi Eleazar's practice is discernible in the use that is made of it in Solomon ben Joseph Ganzfried, *Code of Jewish Law (Kitzur Shulchan Aruch): A Compilation of Jewish Laws and Customs*, trans. Hyman E. Goldin, rev. ed. (New York: Hebrew Publishing Company, 1927). Rabbi Ganzfried (Hungary, 1800–86) combines his paraphrase of the talmudic exemplum with additional exhortations to ponder the precept "Love thy neighbor as thyself" and the ideal of communal solidarity. Other insightful rationales are collected by Yitzchak Sender, *The Commentators' Siddur* (Jerusalem: Feldheim, 1995), pp. 185–88. See also Elon, pp. 1447–48. Rappaport (n. 1 above), p. 205: "If . . . the ethical conceptions established in the rituals of complex societies are to be more than honored in their breach, but are, rather, to be effective in shaping actual behavior, they may have to be reiterated with a sabbatarian or even daily frequency." On ritual as a means for internalizing social values, see also Emile Durkheim, *The Elementary Forms of Religious Life*, trans. Karen E. Fields (New York: Free Press, 1995), pp. 464–65; Bell, p. 20.

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tribute to a king.¹³ If we follow through the literal implications of the analogy, then the recipient of the money is not really the needy beneficiary, but God himself. In this formulation of philanthropic activity, we have effectively divorced it from its interpersonal context and transformed it into a human-divine transaction.

Both Rabbi Dosethai's homily and Rabbi Eleazar's exemplum are presented in the Talmud as aggadic elements; the latter is evidently to be understood as an instance of extraordinary personal piety, and not as a binding legal precedent.¹⁴

The sundry talmudic rulings related to charity were systematized by the authors of medieval codes of Jewish law. The most ambitious and influential codification of the laws of charity was the one incorporated by Moses Maimonides into his *Mishneh Torah*. Notwithstanding his frequent departures from talmudic conventions in favor of more logical principles of organization, Maimonides followed the precedent of the Mishnah in inserting his digest of Laws of Charity into "the Book of Seeds," the volume of his code that dealt with agricultural regulations.¹⁵ As noted by Isadore Twersky, this is not really a surprising approach, given that the bulk of the "agricultural" rulings included in the Mishnah order on agriculture are devoted to tithes and similar regulations intended for the upkeep of the priests, Levites, and the poor.¹⁶

Maimonides preserves the anecdotal character of Rabbi Eleazar's practice, while universalizing its scope by wording it in the plural: "The

¹³ In fact, it comes close to being a bribe. The Provençal scholar Rabbi Menahem Ha-Meiri (d. 1316) speaks figuratively of the precept of charity serving as an advocate before one's Father in Heaven (Abraham Schreiber, ed., *Beth Ha-Behirah on the Tractate Baba Bathra Composed by Rabbi Menahem Ben Solomon, Ha-Meiri* [New York: 1956], p. 64). The author of the *Sefer Ha-Ḥinnukh* (nos. 66–67) dwells at length on the fact that charity was commanded primarily as a means to earn merits for the giver, since God could have provided for the needs of the poor in other ways; see Charles Wengrov, ed., *Séfer Haḥinnukh: The Book of [Mitzvah] Education Ascribed to Rabbi Aaron Halévy of Barcelona*, vol. 1 (Jerusalem and New York: Feldheim, 5738/1978), 1:264–67. On the genre of king parables in rabbinic literature, see David Stern, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature* (Cambridge, Mass.: Harvard University Press, 1991), pp. 19–37. As is frequently the case with rabbinic king parables, the current one is well rooted in protocols and events from the courts of contemporary Roman emperors. See Ziegler, pp. 216–19.

¹⁴ It is common for instances of individual piety to be incorporated into the normative law of later generations. See S. Federbush, *Ha-Musar Veha-Mishpat Be-Yisra'el* (Jerusalem: Mossad Harav Kook, 1979), pp. 74–96; with special reference to charity on pp. 78–80.

¹⁵ Moses Maimonides, *The Code of Maimonides: Book 7, The Book of Agriculture*, ed. Leon Nemoj, trans. Isaac Klein, Yale Judaica Series (New Haven, Conn., and London: Yale University Press, 1979), pp. xxxiii, 91–93.

¹⁶ Isadore Twersky, ed., *A Maimonides Reader*, Library of Jewish Studies (New York: Behrman House, 1972), p. 134. The most likely alternatives would have been the following: as part of the moralistic teachings of the Book of Knowledge; the civil laws of the Book of Judgments; or the administrative structures in the Book of Judges. See Maimonides, pp. xxxiii–xxxviii.

great among the Sages used to hand a *peruṭah* to a poor man before praying, as it said . . .” It is possible that Maimonides intended thereby to underscore the distinction between the socially based welfare system that is the main concern of his law code and the individual spiritual improvement exemplified by Rabbi Eleazar.

Maimonides' code embraced the full scope of Jewish law, including areas that were not in force in his time and place, or that would not become practicable until messianic times. No subsequent code of Jewish law was as comprehensive as Maimonides' *Mishneh Torah* in treating the commandments and laws of the written and oral Torahs in their ideal completeness. The model adopted by later rabbinic compendia was to limit their contents to laws that could be observed by Jews outside the holy land, and without a Temple.

The most influential organizational structure for such codes was established by Rabbi Jacob ben Asher in his *Arba'ah Turim* (four columns).¹⁷ Rabbi Jacob's code assembles the pertinent areas of Jewish law under four main categories, dealing, respectively, with (1) the liturgical and festival cycle, (2) rituals and prohibitions, (3) family law, and (4) civil law.¹⁸

Rabbi Jacob located the rules of charity in *Yoreh De'ah*, the section devoted principally to ritual prohibitions. In paragraph 249, he follows up an almost verbatim enumeration of Maimonides' "eight degrees of charity" with the practice of "the great ones among the Sages" (i.e., Rabbi Eleazar) and its proof text from Psalms. It is interesting to ponder the rationales and implications of that editorial decision and the options that were implicitly rejected thereby.

We should note that Rabbi Jacob did not have the option of emulating Maimonides, since "Laws of Agriculture" were excluded from the scope of the *Arba'ah Turim* by virtue of the fact that most of them were considered obligatory only on the soil of the Land of Israel. At any rate, the most logical venue for laws of charity would appear to be in *Hoshen Mishpat*, the section dealing with civil and monetary matters. The choice to include them instead in a section devoted to dietary regulations, menstrual purity, circumcision, and the like suggests strongly that he regarded philanthropy more as a matter of ritual per-

¹⁷ The author (ca. 1270–1343), born in Germany, moved at an advanced age to Toledo, Spain (Elon, p. 1278). See also Alfred Freimann, "Die Ascheriden (1267–1391)," in *Jahrbuch der Jüdisch-Literarischen Gesellschaft*, vol. 13 (Frankfurt am Main: Droller, 1919). See Exodus 28: 17.

¹⁸ On the structure of the *Arba'ah Turim* see Ephraim Urbach, "Mi-Darkhei Ha-Qodifq-aṣiyah—'Al Sefer Ha-Turim Le-R' Ya'aqov Berabbi Asher," *Proceedings of the American Academy for Jewish Research* 46–47 (1979–80): 1–14.

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formance than as an issue of social welfare or interpersonal ethics. As we have noted above, such a perception is indeed suggested by Rabbi Dosethai ben Yannai's discourse in the Talmud.

However, it is questionable whether we are justified in expecting absolute consistency on this matter. The fact is that the *Yoreh De'ah* section of the *Arba'ah Turim* does not conform unwaveringly to its main purpose; and several of its chapters are devoted to moral topics that did not fit conveniently into the other volumes, such as usury or the obligation of children to honor and care for their parents.¹⁹ More significantly, our tendency to characterize religious prohibitions as "ritual" does not always correspond accurately with the traditional Jewish perspectives; evidently, Rabbi Jacob ben Asher himself did not distinguish between ritual and moral prohibitions.

We must attach especial importance to the fact that Rabbi Jacob repeated this passage in *Orah Hayyim* paragraph 92, in the context of physical preparations for prayer. At the very least, we have here a statement that handing the penny to the needy has been grasped as a liturgical requirement, juxtaposed with the procedures for avoiding distraction and insuring the cleanliness of the worshipper's body, garments, and surroundings.

Subtle differences in the wording of the two passages indicate that what is ostensibly the same act of philanthropy is perceived in crucially different ways in the two contexts.

Yoreh De'ah 249

The great ones among the Sages used to give a *peruṭah* to a poor person before each prayer service, as it says . . .

Orah Hayyim 92

And it is good to give charity before prayer, as "Rabbi Eleazar used to give a *peruṭah* to a poor person and subsequently pray, as it is written . . ."

In *Yoreh De'ah*, in the context of rules of charity, the author is careful to describe the process of giving the coin to the needy recipient. In *Orah Hayyim*, on the other hand, when outlining the order of daily prayer, the normative act has been schematized as "giving to charity." While Rabbi Eleazar in the Talmud performed this virtuous act by means of a direct donation to a particular recipient, the expectation from ordinary worshippers is worded in such a way that it focuses on the formal act of giving, and not on the more complex relationships between the donor, the recipient, and the community. Additional implications of this distinction will be discussed below.

The *Shulḥan Arukh*, the definitive codification of Jewish religious law compiled by Rabbi Joseph Karo in the sixteenth century,²⁰ was based

¹⁹ Elon (n. 11 above), pp. 1289–90.

²⁰ *Ibid.*, pp. 1309–27.

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on his encyclopedic commentary to the *Arba'ah Turim*, entitled *Beit Yosef*, and adhered closely to the structure of Rabbi Jacob ben Asher's compendium, with respect to both the division into four main topics and the sequential numbering of individual chapters within each volume.

It is nevertheless worthy of note that the *Shulḥan Arukh* preserves the basic distinctions between straightforward charity and ritualized almsgiving.

Yoreh De'ah 249

It is good to give a *peruṭah* to a poor person before every prayer service, as it says . . .

Orah Hayyim 92

It is good to give charity before praying.

What was implicit in the *Shulḥan Arukh's* wording was spelled out explicitly by one of its most authoritative commentators, the seventeenth-century Lithuanian scholar known as the "Shakh," an acronym for Rabbi Shabbethai Cohen.²¹ When discussing the *Yoreh De'ah* passage, he qualifies the author's ruling: "'To a poor person': And all the better if he places it in a charity box before praying, for this is actually preferable."²²

This laconic statement is quite extraordinary in its implications. It goes beyond the more modest suggestions of the previous codifiers that a ritualized version of charity-giving can be incorporated into the liturgical order, in order to symbolically express the connection between interpersonal ethics and prayer. According to the Shakh, the formalized dropping of a coin into the box has become the *primary* and preferred form of philanthropic activity, even outside the liturgical context.

To be sure, the preference for the charity box can be validated from the normative sources of Jewish law, since the second of Maimonides' eight degrees of giving speaks of an arrangement wherein the donor and recipient are not aware of each other's identities.²³ Nevertheless, it would appear that there are some additional factors that should be considered when explaining the Shakh's ruling (which gives the im-

²¹ Ibid., pp. 1425–26, 1431.

²² Some useful material about the history of charity boxes in Eastern European Jewish communities is assembled by A. Rubinstein, "The Booklet 'Katit Lamaor' by Joseph Perl" (in Hebrew), *Alai Sefer* 3 (1976):140–57, mostly with respect to the collections for the "Rabbi Meir Ba'al Ha-Nes" fund; Shaul Stampfer, "The 'Collection Box': The Social Role of Eretz Israel Charity Funds," *Cathedra for the History of Eretz Israel and Its Yishuv* 21 (1981): 89–102. On the practices of Yemenite Jews, see Joseph Kafih, *Jewish Life in San'a*, Studies and Texts (Jerusalem: Publications of the Ben-Zvi Institute, Hebrew University, 1982), pp. 100–101.

²³ The ruling is based on *TB Baba Batra* 10a–10b.

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pression of being a justification of a prevailing custom, rather than an attempt to introduce a new one), particularly when it is applied to the context of daily synagogue worship.

On a very practical level, it is all but impossible to *require* the giving of charity to a poor person on a specific occasion, simply because there is no way to guarantee that a deserving and suitable recipient will be present at the appropriate time.²⁴

At any rate, the removal of philanthropic activities from their social setting advances us one step farther in the process of ritualization of charity that is the topic this study.

None of the texts that we cited thus far specifies a precise moment in the prayers where the act of charity must be carried out. The original talmudic source offers us no clues as to whether Rabbi Eleazar performed his philanthropy prior to a particular prayer service (of the three daily services in the Jewish liturgy), in the synagogue, at home, or in the marketplace. This reticence reinforces our initial impression that the Talmud did not have in mind a mechanical act that was formally incorporated into the liturgical sequence. This situation changes as we approach the next milestone in the development of the custom.

The renowned Kabbalist Rabbi Isaiah Horowitz (ca. 1555–1630) served in various rabbinic posts in Germany, Poland, and Bohemia and spent his twilight years in the Holy Land, first in Jerusalem and later in the Kabbalistic center at Safed. His posthumous masterpiece *Shenei Luhot Ha-Berit* was a veritable encyclopedia of Jewish religious belief and practice that drew upon the author's extraordinary erudition in Kabbalistic literature to provide symbolic interpretations for many Jewish observances.²⁵

In connection with his discussion about the metaphysical significance of charity, Rabbi Horowitz includes the following discussion:

And so too in the Book of Chronicles [1:29:10–13] you may find, with respect to David's freewill donations to the Temple, that his contributions and those of his officers were offered generously and with joy. It was then that "David blessed the Lord before all the assembly, etc." [verse 10], as explained in Chronicles. For this reason, I support the practice that I have observed in the congregations of the Land of Israel, that the beadle goes to collect charitable

²⁴ A historical study of the social conventions regarding professional beggars in the synagogue would take us far beyond the scope of the present study, though it is my general impression that mendicants have been a familiar feature of Jewish communities in Eastern Europe, North Africa, and the Middle East. See Samuel C. Heilman, *Synagogue Life: A Study in Symbolic Interaction* (New Brunswick, N.J.: Transaction, 1998), pp. 113–20.

²⁵ See Eugene Newman, *Life and Teachings of Isaiah Horowitz* (London: E. Newman, 1972); Jacob Katz, "Halakhah Ve-Qabbalah Ke-Nos'ei Limmud Mit-ḥarim," *Da'at* 7 (1981): 70–73.

donations in the synagogue after the recitation of “and David blessed.” They claim that they have received this as a tradition from the ARI of blessed memory [i.e., Rabbi Isaac Luria]. . . .

This is therefore the appropriate occasion for collecting charity, and not—as is the practice in other lands—that the beadle makes his rounds during the reader's repetition of the *Tefillah*; for at that stage the people would be distracted from concentrating on the prayer and responding “amen” as they ought to be doing. For this reason, it is a good and proper custom.²⁶

From Rabbi Horowitz we learn of at least two different approaches to the scheduling of the charity collection during the prayer service. The one that was most familiar to him (“the practice in other lands”) involved the synagogue beadle circulating among the worshippers during the reader's repetition of the *Tefillah*, the “Eighteen Benedictions” prayer. The advantage of this timing is that the members of the congregation were at that stage in a passive situation: they had already fulfilled their personal obligations of reciting the prayer privately and ostensibly would not be unduly distracted by the beadle's solicitation. Precisely for that reason, because it is already so difficult to maintain the proper standard of congregational concentration on this ostensibly redundant portion of the service,²⁷ Rabbi Horowitz is less than enthusiastic about a custom that introduces additional distraction. It should be noted that the reader's repetition occurs in both the morning and afternoon services, and hence the collection could have taken place on both those occasions.

The practice that Rabbi Horowitz preferred was the one associated with the Kabbalistic circles of Safed and ascribed to their charismatic master Rabbi Isaac Luria.²⁸ According to this tradition, the charitable donation should be offered during the recitation of 1 Chron. 29: 10–13.²⁹ Rabbi Horowitz explains that the appropriateness of the cus-

²⁶ Rabbi Isaiah Horowitz, *Shenei Luhot Ha-Berit, Toledot Adam, Rimzei Otiyyot*, p. 18; Jacob Gliss, *Minhagei Eretz-Yisra'el*, 2d ed. (Jerusalem: Mossad Harav Kook, 1994), p. 37, par. 4 and notes. See Y. Sender (n. 12 above), p. 188.

²⁷ The reader's repetition of the *Tefillah* was instituted during talmudic times, before the advent of written prayer books, as a service to worshippers who were unable to memorize this rather lengthy prayer. Rabbis in subsequent eras were repeatedly confronted by the challenges of keeping the congregation's attention and decorum during its recitation. Maimonides even tried unsuccessfully to abolish the practice. See Ismar Elbogen and Joseph Heinemann, *Ha-Tefillah Be-Yisra'el Be-Hitpatteḥutah Ha-Hišorit*, trans. J. Amir, 2d ed. (Tel-Aviv: Dvir, 1972), pp. 21, 389, n. 3.

²⁸ Gershom Gerhard Scholem, *Major Trends in Jewish Mysticism*, 3d rev. ed. (New York: Schocken, 1961), pp. 244–86.

²⁹ The *Arba'ah Turim* (*Oraḥ Ḥayyim* 51) cites this recitation as an optional custom. It appears in the ninth-century Order of Prayer ascribed to Rav Amram Ga'on; see E. D. Goldschmidt, ed., *Seder Rav 'Amram Ga'on* (Jerusalem: Mossad Harav Kook, 1971), p. 9; A. Z. Idelsohn, *Jewish*

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tom is rooted in the theme of the biblical passage, which is related to King David's contribution for the construction of the Temple, and more generally to the perception that charity is one of the pillars upon which the Creation rests. He cannot state with certainty whether Luria had in mind the same rationale for the practice. On a more prosaic technical level (which, admittedly, is not what we usually look for from Kabbalistic interpreters), the passages in question occur toward the end of the preparatory section of the morning service, prior to commencing the strictly obligatory segments, and hence they provide a suitable opportunity to emulate Rabbi Eleazar's custom of giving charity "before praying."³⁰

The *Mishnah Berurah* by Rabbi Israel Meir Kagan of Radin (1838–1933) is a commentary on the *Orah Hayyim* section of the *Shulhan Arukh*. The *Mishnah Berurah*'s authority has been accepted by large segments of Orthodox Jewry. The very fact that an influential halakhic work could be confined to a single one of the four topics that composed the original *Shulhan Arukh* (which in turn, we may recall, covered a mere fraction of the scope of Maimonides' *Mishneh Torah*) can be regarded of itself as an important indication of the disproportionate importance that was being assigned to a relatively narrow range of liturgical and calendrical rituals.³¹

In Rabbi Kagan's commentary to *Orah Hayyim* 92, he describes the widespread custom of giving charity upon the recitation of 1 Chron. 29:12: "Both riches and honor come of you, and you rule over all; and in your hand is power and might; and in your hand it is to make great, and to give strength to all." Accordingly, the popular ArtScroll American edition of the traditional prayer book inserts a marginal instruction: "It is customary to set aside something for charity at this point."³²

Liturgy and Its Development (New York: Schocken, 1967), p. 83; Elbogen and Heinemann, pp. 67, 405, n. 11; B. S. Jacobson, *Netiv Binah* (Tel-Aviv: Sinai, 1973), 1:220. Compare Israel Davidson, Simha Assaf, and Issachar Joel, eds., *Siddur Rav Saadiah Gaon* (Jerusalem: Mekitse Nirdamim, 1970), p. 33. A different legend about its origin is related by Rabbi Solomon Luria in his Responsa (no. 29), cited by Sender, p. 182.

³⁰ Compare *Seder Rav 'Amram*, p. 11: "And when we declare that it is forbidden to converse between *Yishtabbah* [the concluding blessing of the preparatory service] and the recitation of the *Shema*, this applies only where it does not involve communal needs." Additional references may be found in B. Lewin, *Otzar Ha-Gaonim*, vol. 1, Tractate Berakhoth (Haifa: [Author], 1928), pp. 76–77.

³¹ On the general trend of restricting modern halakhic works to *Orah Hayyim*, see Elon (n. 11 above), pp. 1447–48. For a social and historical interpretation of Rabbi Kagan's achievement, see Simcha Fishbane, *The Method and Meaning of the Mishnah Berurah* (Hoboken, N.J.: Ktav, 1991).

³² See B. Barry Levy, "Artscroll: An Overview," in *Approaches to Modern Judaism*, ed. Marc Lee Raphael, Brown Judaic Studies (Chico, Calif.: Scholars Press, 1983), "Our Torah, Your Torah,

By now, the process that we have been tracking has effectively reached completion, as the Talmud's original example of linking ethical compassion with prayer has been fully transformed into a ritualized dropping of a coin into a charity box whose ultimate disbursement is, more likely than not, entirely unknown to the worshipper.³³

Several modern works on Jewish practice and synagogue life were careful to note that this type of giving must be distinguished from authentic charity. Rabbi Isaac Klein's compendium of Jewish observance states that "Many synagogues have a charity box in which every worshipper deposits a contribution. This is not a means of raising funds—though proceeds are used for a charitable cause—but rather an opportunity for us to show concern for our fellow man before we offer prayer for ourselves."³⁴

S. Heilman's anthropological description of an American Orthodox congregation expands on the phenomenon perceptively:

To give of one's wealth to another Jew in need is an imperative, commanded both by the laws and the traditions of Jewry, and no man may consider his religious obligations completely fulfilled without his having engaged in some charity-giving. The synagogue, an institution manifestly organized for the fulfillment of communal religious obligations, is thus an ideal place for the communally oriented act of charity. Accordingly, the custom of including some act of charity in the context of communal prayer became an institutionalized part of the daily services. When no mendicant to whom charity could be directly given was around, money—often only a token sum—was dropped into a pushke (charity box), where it would be held in reserve for the poor. Although in contemporary times the fulfillment of this imperative of charity has been largely relegated to collective giving by large Jewish formal organizations, face-to-face almsgiving still takes place in many of the relatively small Orthodox congregations. . . . The encounter between mendicant and donor is, however, not without strains and tensions.³⁵

and Their Torah: An Evaluation of the Artscroll Phenomenon," in *Truth and Compassion: Essays on Judaism and Religion in Memory of Rabbi Dr. Solomon Frank*, ed. Howard Joseph, Jack N. Lightstone, and Michael D. Oppenheim, SR Supplements (Waterloo: published for the Canadian Corporation for Studies in Religion by Wilfrid Laurier University Press, 1983). Nossou Scherman and Meir Zlotowitz, *The . . . Artscroll Siddur: A New Translation and Anthologized Commentary*, Artscroll Mesorah Series (New York: Mesorah Publications, [various dates]). The prayer book is published in an assortment of rites and versions.

³³ In my limited experience, I have noted that the most common beneficiaries of these synagogue charity boxes include the synagogue itself, or a flexible discretionary fund administered by the rabbi or a designated community official. These particulars are almost never stated on the box, and few worshippers have expressed any interest in obtaining those details.

³⁴ Isaac Klein, *A Guide to Jewish Religious Practice*, Moreshet Series (New York: Jewish Theological Seminary of America, 1979), p. 13. His reference to *Shulḥan Arukh Yoreh De'ah* should be emended to "249."

³⁵ Heilman (n. 25 above), p. 11.

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As an additional instance of how strongly this perception has taken hold, we may note how decorative charity boxes have come to be viewed as a standard genre of Jewish ritual art, examples of which may be found in virtually every Jewish museum collection or synagogue gift shop.³⁶

A noteworthy development in the transformed perception of charity was recently highlighted in the tragic story of Israeli astronaut Ilan Ramon, who perished in the February 1, 2003, crash of the Columbia space shuttle. Although not a traditionally religious Jew, Ramon, the child of Holocaust survivors, attached profound importance to his perceived role as a representative of the entire Jewish people. In the months leading up to the Columbia launch, considerable media attention (much of it rather sardonic) was focused on questions like his request for kosher food and how he would calculate the halakhic times of the Sabbath.³⁷

Three weeks before the mission takeoff, Ramon approached the Rabbi of Cape Canaveral, Rabbi Tzvi Konikov, asking for a dollar to take with him on his space flight.³⁸ The significance of this request may be appreciated when we bear in mind a custom widely observed among modern Jews, of giving money to a friend about to embark on a journey, with the request that it be delivered as a charitable contribution upon arriving at the destination. The custom is based on a talmudic statement to the effect that “agents of a mitzvah are immune from harm,” so that the appointment of the traveler as an agent to convey the donation serves at most as a prophylactic, and at the least as a symbolic expression of concern for the traveler’s welfare.

It should be made clear at the outset that the principle underlying the practice was understood very literally in the Talmud, to the extent that the ancient Jewish sages felt called upon to provide justifications for why individuals could come to harm, or even feel the need to take

³⁶ To cite some random catalogues currently in my possession: Isaiah Shachar, *Jewish Tradition in Art: The Feuchtwanger Collection of Judaica*, trans. R. Grafman (Jerusalem: Israel Museum, 1981), p. 78 (item 169); David A. Althuler, ed., *The Precious Legacy: Judaic Treasures from the Czechoslovak State Collections* (New York and Washington, D.C.: Summit Books and Smithsonian Institution Traveling Exhibition Service, 1983), pp. 146–47.

³⁷ For example, “Space Shuttle Columbia to Serve Kosher Food,” CBS Worldwide Inc., January 15, 2003, http://kyw.com/news/mideast_story_015144002.html; Irene Brown, “Torah in Heaven,” *Intermountain Jewish News*, January 24, 2003, <http://www.ijn.com/archive/2003%20arch/012403.htm#story2>; Baila Olidort, “Chabad Rabbi Guides Astronaut in Keeping Shabbat in Space,” Lubavitch World Headquarters, July 19, 2002, <http://www.lubavitch.com/article.asp?ID=17>.

³⁸ Avraham Shmuel Lewin, “He Represented the Entire Jewish People,” *The Jewish Press*, February 5, 2003, http://www.jewishpress.com/news_article.asp?article=2054.

precautions, while in the course of performing precepts.³⁹ Nevertheless, it is doubtful whether many modern Jews would place substantial trust in the protective powers of such a gesture. Sadly, too many people have direct or secondhand acquaintance of persons, like Col. Ramon, who came to unfortunate or fatal ends while presumably holding onto their charity coins.

In light of our previous discussions, it seems incongruous, to say the least, that a space-age figure like Ilan Ramon, in search of meaningful ways to give a Jewish coloring to his historic journey, should choose to do so by means of this marginal, quasi-superstitious practice. If nothing else, it demonstrates the degree to which the custom of giving charity to travelers has become identified as an authentic Jewish ritual.

In the present instance, however, there is an additional, crucial factor to be borne in mind: Rabbi Konikov is a member of the Chabad-Lubavitch Hasidic sect, who venerate their last leader, Rabbi Menachem Mendel Schneersohn (1902–94).⁴⁰ Among the many campaigns that Rabbi Schneersohn spearheaded in order to broaden the level of traditional observance in the Jewish community was a “mitzvah campaign” that focused on ten key precepts that would be given special emphasis in an intensive educational campaign.⁴¹ Charity, *Zedakah*, was one of those ten items, and in that context, it was his custom to hand out dollar bills to throngs of visitors on Sundays from his headquarters in Crown Heights, Brooklyn, in order to enable them to participate in the religious precept.⁴² Evidently, Ilan Ramon had asked for, and received, one of those dollars.

Considering that Rabbi Schneersohn had by that time been deceased for almost nine years, there are some obvious irregularities in the fact that money that was earmarked for charity had not yet been delivered to its designated target. According to Jewish law, the delay would place

³⁹ *TB Pesahim* 8a–b; *Yoma* 11a; *Qiddushin* 39b; *Hullin* 142a. The rule was also accepted with literal seriousness by medieval commentators; e.g., *Tosafot Pesahim* 4a; *Yoma* 28a.

⁴⁰ Baila Olidort, “An Astronaut’s Legacy,” Lubavitch World Headquarters, 2003, <http://www.lubavitch.com/article.asp?ID=130>. See David Berger, *The Rebbe, the Messiah, and the Scandal of Orthodox Indifference* (London and Portland, Oreg.: Littman Library of Jewish Civilization, 2001).

⁴¹ “The Chabad-Lubavitch Activism Exhibition: ‘Shlichus’ and the Mitzvah Campaigns,” Library of Agudas Chassidei Chabad Ohel Yosef Yitzchak Lubavitch; <http://www.chabadlibrary.org/exhibit/ex5/exeng5.htm>. On Rabbi Schneersohn’s educational philosophy and activities, see Aryeh Solomon, *The Educational Teachings of Rabbi Menachem M. Schneerson* (Northvale, N.J.: Jason Aronson, 2000).

⁴² Baila Olidort, “Jewish Astronaut Takes Mitzvah into Space,” Lubavitch World Headquarters, <http://www.lubavitch.com/print.asp?ID=116>: “‘Whenever someone told the Rebbe that they were traveling, the Rebbe blessed them with a safe, successful trip, and gave them a dollar to give to charity when they arrive at their destination,’ observed Rabbi Konikov.”

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the person in violation of the Torah prohibition “he shall not break his word” (Num. 30:2).⁴³ However, it is well known that the saintly Rabbi’s dollars were frequently treated as religious relics, and many of them ended up hanging in picture frames on people’s walls.⁴⁴

This twenty-first-century example completes the trajectory of Rabbi Eleazar’s donation, from a social act intended to serve as an ethical prerequisite to prayer, to a liturgical ritual whose social context has been all but eradicated. It is useful, at this point, to step back and review schematically the stages through which the practice has passed.

The original Talmud passage on *Bava Batra* 10a presented two analogous statements. Rabbi Dosethai’s homiletic parable portrayed the donation as a theurgic practice that assured the donor access to the supreme King. Rabbi Eleazar’s personal practice, though susceptible to a similar interpretation, is best understood as an intentional juxtaposition of ethics and worship, with a view to emphasizing their interdependence. Both talmudic traditions assume that the coin was being handed to an actual poor person.

The earlier medieval codifiers seem generally to have understood Rabbi Eleazar’s custom as an instance of real philanthropy, to the extent that this can be gauged from the placement of the custom in their law codes. However, the shift in emphasis from social act to liturgical ritual is unmistakable: Maimonides incorporated it into the laws of charity, and not into the laws of prayer, while Rabbi Jacob ben Asher (followed by the *Shulḥan Arukh*) included it under both headings. Correspondingly, the model of giving to a real person gave way progressively to a preference for the impersonal dropping of coins into a box.⁴⁵ Eventually, the donation came to be attached to specified words in the liturgy. In its most recent manifestations, it came to be viewed as a theurgic charm insuring divine protection—even where the gift was not actually delivered to its intended destination. All this can be understood as a reversion to the theological model originally implied by Rabbi Dosethai in the Talmud.

It should be made clear that the ritualized donations that are being discussed in this study did not in any way replace the elaborate structures of philanthropy and social welfare that have always existed in premodern Jewish communities. The average medieval Jewish town might have agencies to take care of the distribution of food, money,

⁴³ See Donin (n. 5 above), p. 51.

⁴⁴ This difficulty has been noted even by observers within the Chabad movement. See, e.g., Olidort, “Jewish Astronaut Takes Mitzvah into Space.”

⁴⁵ Rappaport (n. 1 above), p. 205, discusses the transition away from face-to-face social relations as a consequence of the general move from simple to complex societies.

or clothing to the poor, whether for normal use, for emergencies, or before festivals; free-loan societies; lodging for transients; attending to the sick (including hospitals); support for widows, orphans, and dowry-deprived brides; ransom for captives; and more. These institutions were maintained through combinations of mandatory taxation, organized fund-raising, and voluntary donations.⁴⁶

There are numerous factors that must be taken into consideration when we try to explain and evaluate the changing perceptions of Rabbi Eleazar's *peruṭah*. On a very basic level, we must recognize, that once the giving of charity had been embedded into the routine of daily worship, it is only natural to expect that it be treated like any other aspect of formal prayer, as a defined act that can be performed by the worshipper on designated occasions in the service. This way of looking at the matter would explain why the liturgical performance of almsgiving, irrespective of its original purpose, evolved a preference for a distinct manner of performance (namely, the charity box), precisely in order to differentiate its "ritualized" status.

As a rule, ritual is not an appropriate medium for dealing with religious precepts that are overly complex to execute, involve responding to unpredictable situations,⁴⁷ or are limitless in the degree of obedience that they demand. With respect to the latter issue, it is normal for Jewish law to define minimum measurements through which the individual can formally fulfill the obligation, after which further zeal becomes an optional measure of personal devotion or a choice between competing priorities.⁴⁸ Indeed, in the realm of charity, Jewish law not only established minimum standards but also set maximum limits, for fear that overgenerous people would irresponsibly bring about their own impoverishment and thereby become burdens on society.⁴⁹ The difficulties associated with proper implementation of charitable giving arise primarily from the need to deal with subtly unique psychological and social situations, and the degree to which philanthropy can depend on unpredictable encounters with persons or circumstances, forcing the potential donor to make problematic decisions about the worthiness of the cause, the weighing of the merits of rival claims, the size and quality of the donation, suitable modes of delivery,

⁴⁶ See Salo Wittmayer Baron, *The Jewish Community: Its History and Structure to the American Revolution*, 3 vols., Morris Loeb Series (Westport, Conn.: Greenwood, 1942), 2:319–50.

⁴⁷ The main biblical examples of charity involve the *accidental* forgetting or dropping of a sheaf, etc.

⁴⁸ For example, while the command to study Torah can never be fully completed, Jewish law established that one has fulfilled the minimum requirements of Torah study through the liturgical recitation of the *Shema' Yisra'el* portions from the Bible.

⁴⁹ See Urbach, *World of the Sages* (n. 5 above), p. 111.

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and so on. For many people, it was much easier to just drop a coin in a box.⁵⁰

Notwithstanding the usefulness of these anthropological and psychological insights, we cannot discount the importance of specific historical factors that must be taken into consideration. Clearly, the most recent stages in the attitudes toward charitable giving were affected by the realities of the Jewish Emancipation, as European Jewish communities ceased to conduct their civil affairs according to Jewish religious law and began to restrict their religious observances to those narrow ritual and theological domains that are recognized as “religious” by Western Christian society.⁵¹

With regard to the developments during the medieval era, it would appear that a decisive influence on changed perceptions of charity was exerted by the Kabbalah. The theology of Kabbalah links the various religious precepts with the ten *sefirot*, emanated powers of God, so that proper performance of the commandments can influence the divine realms in specified ways. “Instead of seeing [the commandments] as a way to acquire intellectual ideas, and to reform one’s moral conduct and social activity in the physical world, the kabbalists took the commandments out of the area of human, terrestrial existence, and by a process of symbolic interpretation saw them as a revelation of the hidden divine forces, and as a sacred means by which one might achieve contact with those forces.”⁵²

This approach had the effect of obliterating the conventional distinctions between ethical, rational, and ritual precepts, interpreting all of them alike according to the distinctive Kabbalistic symbolism. Kabbalistic theology attached ultimate importance to allegorical interpre-

⁵⁰ Some very useful insights may be found in several of Jacob Katz’s social-historical interpretations of diverse topics in the history of Jewish law. Thus, with respect to the permissiveness that many medieval Jewish communities demonstrated in allowing gentiles to perform actions for the benefit of Jews on the Sabbath, Katz observes that “The attitude of simple Jews seems to have been that as long as they were not involved physically in jobs performed on their farms or in their plants they were not considered Sabbath desecrators.” See Jacob Katz, *The “Shabbes Goy”: A Study in Halakhic Flexibility*, 1st ed. (Philadelphia: Jewish Publication Society, 1989), p. 30. This narrow, personalized perception of the Sabbath seems very comparable to the perception of charity described here. In his concluding comments, Katz speaks of this attitude as a “ritual instinct” (*Shabbes Goy*, p. 31).

⁵¹ This trend is illustrated in the extraordinary reversal of the range of topics dealt with in rabbinic responsa before and after the advent of the Emancipation. During the medieval era, the overwhelming majority of questions related to issues of civil law, with only a marginal concern for liturgical and ritual questions. After the Emancipation, the proportions were completely reversed. See Elon (n. 11 above), pp. 1461–62, 1585–87; Katz, *Shabbes Goy*, p. 239.

⁵² Yeruham Fishel Lachower and Isaiah Tishby, *The Wisdom of the Zohar: An Anthology of Texts*, trans. David Goldstein, 3 vols. (Oxford: Oxford University Press, 1989), 3:1157.

tations of the commandments, especially their power to influence the supernal *sefirot*.⁵³

In the *Zohar's* exposition,⁵⁴ charity, *zedakah*, is identified with the *sefirah* of *Tiferet* (divine glory) and the poor with the passive element of *Shekhinah* (the divine presence in the world, which is also associated with *zedek*, justice). In keeping with this symbolism, the giving of charity to the poor brings about the unification of the celestial Prince (*Tiferet*) and Princess (*Shekhinah*), thereby leading to a restoration of the cosmic harmony, which is the supreme eschatological goal of religious observance according to Kabbalistic metaphysics.⁵⁵

Isaiah Tishby summarizes the treatment of charity in the *Zohar* in a manner that dovetails remarkably with our own observations: "With regard to the commandment about charity, the *Zohar* deals with the ethical obligation to have compassion on the poor and to lighten their burdens. But this simple and obvious motive is not the principal one in the view of the *Zohar*. It transfers even the practice of charity from the realm of social morality to that of a symbolic structure, reflecting relationships among the *sefirot* and the way in which they can be actualized."⁵⁶

Jacob Katz noted how, from the latter part of the seventeenth century,⁵⁷ the significance of observing commandments shifted from being an expression of obedience to the divine will to a way of influencing the upper spheres.⁵⁸ This change of perspective contributed, if only in part, to a tendency to view religious observance exclusively from the perspective of the performer, and not as a constituent element in a comprehensive web of social relationships.⁵⁹

⁵³ *Ibid.*, p. 1166. A similar assessment is made by Jacob Katz, *Tradition and Crisis: Jewish Society at the End of the Middle Ages*, trans. Bernard Dov Cooperman (New York: New York University Press, 1993), p. 221, who notes as well how this led to a preoccupation with ritual minutiae; and singles out Rabbi Isaiah Horowitz as being a foremost example of this phenomenon.

⁵⁴ *Zohar*, vol. 3 113b.

⁵⁵ Lachower and Tishby, pp. 1190–92.

⁵⁶ *Ibid.*, pp. 1166–67.

⁵⁷ According to Israel M. Ta-Shma, *Ha-Nigle She-Banistar—the Halachic Residue in the Zohar: A Contribution to the Study of the Zohar* (in Hebrew), Helal Ben-Hayim Library (Tel-Aviv: Hak-kibutz Hameuchad, 1995), pp. 67–83, the Kabbalah did not begin to exert a powerful influence on most Jewish communities before the sixteenth century, some three centuries after the publication of the *Zohar*.

⁵⁸ Katz, *Tradition and Crisis: Jewish Society at the End of the Middle Ages*, pp. 220–21.

⁵⁹ Another instructive example of how the Kabbalistic approach to a biblical precept served to obscure its ethical implications is provided by the case of levirate marriage, as discussed by Jacob Katz, "Levirate Marriage (*Yibbum*) and *Halizah* in Post-Talmudic Times," *Tarbiz* 51, no. 1 (1981): 59–106. The long-standing Ashkenazic policy of discouraging levirate marriage reflected a greater sensitivity to the plight of the widow. However, the *Zohar's* linking of the practice to the Kabbalistic doctrine of reincarnation transformed the practice into a mysterious

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Clearly, our case study of this minor Jewish custom has highlighted complex issues that speak to the relationships between ethics, ritual, social and communal dynamics, theology, ideology, basic human nature, and numerous other factors. In addition to the specific information it has provided for describing and explaining the incorporation of charity-giving into the Jewish worship service, I believe that one of the chief lessons to be derived from the study is that no single methodology or disciplinary approach is adequate for unraveling the intricacies of religious customs and practices. Rather, a full treatment of such topics requires a merging of diverse methods, in a manner that attempts to do justice to the immeasurable range of human spiritual experience.

ritual enactment that is immune to rational evaluation. See also Jacob Katz, "Halakhic Statements in the *Zohar*," *Tarbiz* 50 (1981): 405–22.