

Radical Aspects of Shemita and Tzedakah: Part 3: Society

Insiders, Outsiders and Elijah the Prophet

1. Mishna Peah 8:7

אין פוחתין לעני העובר ממקום למקום מכפר בפונדיון, מארבע סאין בסלע. לו, נותנין לו פרנסת לינה. שבת, נותנין לו מזון שלש סעדות. מי שיש לו מזון שתי סעדות, לא יטל מן הממחוי. מזון ארבע עשרה סעדות, לא יטל מן הקפה. והקפה נגבית בשנים, ומתחלקת בשלשה:

They may not give a poor person wandering from place to place less than a loaf worth a pundion at a time when four seahs [of wheat cost] one sela. If he spends the night [at a place], they must give him the cost of what he needs for the night. If he stays over Shabbat they must give him enough food for three meals. He who has the money for two meals, he may not take anything from the charity dish. And if he has enough money for fourteen meals, he may not take any support from the communal fund. The communal fund is collected by two and distributed by three people.

2. Tosefta Gittin 3:18

עיר שיש בה ישראל ועובדי כוכבים הפרנסין גובין מישראל ומעובדי כוכבים מפני דרכי שלום ומפרנסין עניי עובדי כוכבים [ועניי] ישראל מפני דרכי שלום [מספידין] וקוברין מתי עובדי כוכבים מפני דרכי שלום [מנחמין] אבילי עובדי כוכבים מפני דרכי שלום

. In a city that has both Jews and Gentiles, those who oversee the communal fund should collect from both Jews and Gentiles for the sake of peace. So should they distribute to the poor Gentile and the poor Jew alike for the sake of peace. One should eulogize and bury the deceased Gentile for the sake of peace, and one should comfort the mourning Gentile for the sake of peace.

3. Talmud Bavli: Bava Batra 8b

תנו רבנן קופה של צדקה נגבית בשנים ומתחלקת בשלשה נגבית בשנים שאין עושים שררות על הצבור פחות משנים ומתחלקת בשלשה כדיני ממונות. (ובירושלמי: היה צריך להיות כדיני נפשות)

§ **the Sages taught:** Money for **the charity fund** is collected by **two** people and distributed by **three** people. It is collected by two people because one does not appoint an authority over the community composed of fewer than two people. And it is distributed by three people, like the number of judges needed in cases of **monetary law**, since the distributors determine who receives money and who does not, as well as how much each person receives.

תמחוי לעניי עולם קופה לעניי העיר ורשאים בני העיר לעשות קופה תמחוי ותמחוי קופה ולשנותה לכל מה שירצו

There are additional differences between these two types of charity operations: The food from **the charity platter** is distributed to **the poor of the world**, meaning, to any poor individual arriving in the city; the money of **the charity fund** is allocated exclusively to **the poor of the city**. But it is permitted for the residents of the city to use money that has been collected for

the charity fund to purchase food for **the charity platter** to feed the poor; **and** similarly they may use food that had been collected for **the charity platter** for **the charity fund**. In general, it is permitted for them **to change** the purpose toward which charity will be used **to whatever they want**, in accordance with the needs of the community.

4. Talmud Bavli: 7b

מתני' כופין אותו לבנות בית שער ודלת להצטר רבן שמעון בן גמליאל אומר לא כל התצרות ראיות לבית שער
כופין אותו לבנות לעיר חומה ודלתים וברית רבן שמעון בן גמליאל אומר לא כל העצירות ראיות לחומה

MISHNA: The residents of a courtyard **can compel** each inhabitant of that courtyard **to** financially participate in the **building of a gatehouse and a door to the** jointly owned **courtyard**. **Rabban Shimon ben Gamliel** disagrees and **says: Not all courtyards require a gatehouse**, and each courtyard must be considered on its own in accordance with its specific needs. Similarly, the residents of a city **can compel** each inhabitant of that city **to** contribute to the **building of a wall, double doors, and a crossbar for the city**. **Rabban Shimon ben Gamliel** disagrees and **says: Not all towns require a wall**.

כמה יתא בעיר ויתא פאנשי העיר ושנים עשר חדש קנה בה בית דירה הרי הוא פאנשי העיר מיד:

With regard to this latter obligation, the mishna asks: **How long** must one live **in the city to be** considered **like** one of **the people of the city** and therefore obligated to contribute to these expenses? **Twelve months**. But if he **bought** himself a **residence in** the city, **he is immediately** considered **like** one of **the people of the city**.

גמ' למימרא דבית שער מעליותא היא וקא הוה חסידא דהנה רגיל אליהו דהנה משמעוי בהדיה עבד בית שער ותו לא
משמעוי בהדיה לא קשיא הא מגנאי הא מבראי...

GEMARA: The Gemara asks: **Is this to say that making a gatehouse is beneficial? But** wasn't there **that pious man, with whom** the prophet **Elijah was accustomed to speak**, who **built a gatehouse**, and after-ward **Elijah did not speak with him again?** The objection to the building of a gatehouse is that the guard who mans it prevents the poor from entering and asking for charity. The Gemara answers: This is **not difficult: This**, the case presented in the mishna, is referring to a gatehouse built **on the inside** of the courtyard, in which case the poor can at least reach the courtyard's entrance and be heard inside the courtyard; **that**, the story of the pious man and Elijah, involves a gatehouse that was built **on the outside** of the courtyard, completely blocking the poor's access to the courtyard's entrance...

5. Talmud Bavli: Ketubot 61a

אבוה בר איהי ומנמיין בר איהי עד ספי מפל מינא ומינא נסד ספי מסד מינא מר משמעוי אליהו בהדיה ומר לא משמעוי
אליהו בהדיה

It is related about two Sages, **Avuh bar Ihi and Minyamin bar Ihi**, that **one of them** was accustomed **to give** his waiter **from every type** of food that he ate, while the other **one would**

give him only **one of the types** of food that he ate. The Gemara says: **Elijah spoke with this Sage, but Elijah did not speak with that Sage**

הָנִיחוּ תַרְתִּינֵי חֲסִידֵי וְאַמְרֵי לֵהּ רַב מְרִי וְרַב פִּנְחָס בְּנֵי רַב חֲסִידָא מִר קָדִים סְפִי וּמִר מְאַחַר סְפִי דְקָדִים סְפִי אֵלֶיהוּ מִשְׁתַּעֵי
בְּהַדְרָה דְמְאַחַר סְפִי לָא מִשְׁתַּעֵי אֵלֶיהוּ בְּהַדְרָה

Similarly, the Gemara relates an incident with regard to **two pious men, and some say they were Rav Mari and Rav Pinehas, the sons of Rav Hisda: One Sage would give the waiter something to eat before the meal, and the other Sage would give the waiter something to eat after the guests had eaten. With regard to the one who gave it to him earlier, Elijah spoke with him. But with regard to the one who gave it to him later, Elijah did not speak with him.**

6. Deuteronomy 25

בְּשָׁנַת הַיּוֹבֵל הִזְאֵת תֵּשְׁבוּ אִישׁ אֶל־אֲחֻזָּתוֹ:

In this year of jubilee, each of you shall return to his holding.

וְכִי־תִמְכְּרוּ מִמְכָּר לַעֲמִיתְךָ אוֹ קָנָה מִיַּד עַמִּיתְךָ אֶל־תּוֹנֶנּוּ אִישׁ אֶת־אֲחֻזָּתוֹ:

When you sell property to your neighbor,^c*I.e., fellow Israelite; see v. 46.* or buy any from your neighbor, you shall not wrong one another.

בְּמִסְפַּר שָׁנִים אַחֲרֵי הַיּוֹבֵל תִּקְנֶנּוּ מֵאַתַּת עַמִּיתְךָ בְּמִסְפַּר שָׁנֵי־תְבוּאָת יִמְכְּרֶלָּךְ:

In buying from your neighbor, you shall deduct only for the number of years since the jubilee; and in selling to you, he shall charge you only for the remaining crop years:

וְלֹא תוֹנֶנּוּ אִישׁ אֶת־עַמִּיתוֹ וְיִרְאַתָּ מְאֹלֵהֶיךָ כִּי אֲנִי יְהוָה אֱלֹהֵיכֶם:

Do not wrong one another, but fear your God; for I the LORD am your God.

7. Mishna Bava Metzia 4:10

בְּשֵׁם שְׂאוֹנְאָה בְּמִקַּח וּמִמְכָּר, כִּף אוֹנְאָה בְּדִבְרֵי־ם. לֹא יֹאמֵר לוֹ בְּכֶמֶה תִּפְּץ זֶה, וְהוּא אֵינּוּ רוֹצֵה לְקַח. אִם הָיָה בְּעַל
תְּשׁוּבָה, לֹא יֹאמֵר לוֹ זָכַר מִעֲשֵׂי־ךָ הָרָשׁוּנִים. אִם הוּא בֶן גֵּרִים, לֹא יֹאמֵר לוֹ זָכַר מִעֲשֵׂה אֲבוֹתֶיךָ, שְׂנֵאָמֵר) שְׂמוֹת כָּב (וְגַר
לֹא תוֹנֶנּוּ וְלֹא תִלְחָצְנוּ:

Just as there is a prohibition against exploitation [ona'a] in buying and selling, so is there ona'a in statements, i.e., verbal mistreatment.. One may not say to a seller: For how much are you selling this item, if he does not wish to purchase it: If one is a penitent, another may not say to him: Remember your earlier deeds. If one is the child of converts, another may not say to him: Remember the deeds of your ancestors, as it is stated: “And a convert shall you neither mistreat, nor shall you oppress him” (Exodus 22:20)