

# The End of Begging and the Gated Community

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## The End of Begging? - The Internal Rabbinic Debate

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## Social Welfare: The End of Begging? The Internal Rabbinic Debate

### **Can Beggars Be Choosers?**

“Two weeks ago, as I walked with my young son in the central bus station in Tel Aviv, I gave a beggar a lira [an Israeli dollar]. The beggar, who was probably accustomed to larger gifts, threw down the coin near me, as if to say: He who ‘earns’ huge sums of money easily does not value a mere lira.

“Since there was still some value to the lira, I bent down to pick it up and explained to my surprised son that the beggar probably thought that this was an agora [an Israeli penny] (though one should not despise an agora either). What will my son think when I try to teach him to help another?”  
(from Maariv, an Israeli newspaper)<sup>1</sup>

"There are among them many worthless creatures, no doubt who would sooner beg than work, but the greater part of them are evidently legitimate objects of charity, and their necessities should be attended to. The Police should have strict orders given them to arrest and send to the station-houses, every person, man woman or child who may be found begging in the streets. ... Every citizen has to contribute too largely to the support of the poor, both by public and private taxes, to be subjected to the incessant annoyances of these mendicants who swarm in all our streets, and haunt our dwelling-houses and places of business." - New York Times (November 26, 1857)<sup>i</sup>

### Competing Forms of Tzedakah: Municipal Assessment or Individual Acts of Piety?

The logic of municipal tzedakah threatens one aspect of voluntary tzedakah which is very highly prized in the Talmud – helping the beggar. Many moderns have much

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#### <sup>1</sup> **Barack Obama and the Beggars**

*In Indonesia Barack Obama grew up with his American mother and Indonesian step-father, Lolo.*

“So it was to Lolo that I turned for guidance and instruction ... Like how to deal with beggars. They seemed to be everywhere, a gallery of ill-men, women, children, in tattered clothing matted with dirt, some without arms, others without feet, victims of scurvy or polio or leprosy walking on their hands or rolling down the crowded sidewalks in jerry-built carts, their legs twisted behind them like contortionists. At first, I watched my mother give over her money to anyone who stopped at our door or stretched out an arm as we passed on the streets. Later, when it became clear that the tide of pain was endless, she gave more selectively, learning to calibrate the levels of misery. Lolo thought her moral calculations endearing but silly, and whenever he caught me following her example with the few coins in my possession, he would raise his eyebrows and take me aside.

"How much money do you have?" he would ask:

I'd empty my pocket. "Thirty rupiah."

"How many beggars are there on the street?"

I tried to imagine the number that had come by the house in the last week.

"You see?" he said, once it was clear I'd lost count. **"Better to save your money and make sure you don't end up on the street yourself."**

"Your mother has a soft heart... That's a good thing in a woman. But you will be a man someday, and a man needs to have more sense." (President Barack Obama, *Dreams from My Father*, 38-40)

difficulty with the phenomena of beggars. Why can't government welfare entitlements handle their needs and save them the humiliation? Or from a different angle: why don't they go to work? Why do they have to mar the urban landscape of a well-kept city and accost every pilgrim to the Western Wall in Jerusalem? Why should our community that takes care of its poor have to suffer an influx of poor from other locales? Yet in the Talmud, as in the ancient Christian world, as we shall see, giving to the poor beggar in the street or at our own doorstep is a paradigmatic act of piety.

It is a crucial test case of the welfare city to contrast it with the kind of tzedakah it is most likely to make superfluous – handouts to beggars. Given the existence of a Rabbinic centralized social welfare system responsible even for homeless vagabonds, shouldn't the beggars disappear? In Rabbinic, Catholic and Muslim tradition there is great spiritual merit in handing a coin to a beggar,<sup>2</sup> and I will address the role of handouts to the poor in enhancing the givers' piety and compassion in Book Three of the trilogy. Here, however, I wish to consider the moral and pragmatic issues of *ad hoc* begging in the context of a social welfare city's overall policies of promoting social justice. In Tosefta Peah we first confront a legal restriction on begging or on giving to beggars which is legislated as part of the rabbinic tzedakah system:

“[If] the poor is used to go around from door to door [i.e. begging] - they [the tzedakah officials or the householders] are not obligated [to give] him anything.” (Tosefta Peah 4:8)<sup>ii</sup>

Let us explore the ancient and contemporary rationales related to the question: *Why should we refrain from giving to beggars if we have a collective social welfare system?*

First, there are pragmatic reasons. Given that the poor in the tzedakah kuppah system – even the poor wandering from city to city – can now receive an allowance centrally collected and regulated, freelance beggars going door to door become an anomalous and unnecessary phenomenon. Organized urban taxation provides centralized, regulated and egalitarian distribution to the poor according to their needs. The resident poor receive a weekly monetary allowance from the *kuppah* (a coin box or community chest) and for long term residents there is access to the annual harvest of *peah*, the corners of the fields on every farm in Israel, and the poor tithe granted by individual farmers in Israel once every three years. The wandering poor are guaranteed a daily *tamkhui* (food gathered daily by officials into a large pot for the hungry). The *tamkhui* provides nutritious though very basic commodities on a daily basis, mainly bread, however special add-ons were given to accommodate a Jewish way of life such as four cups of wine for Seder, a date for a “break-fast” after a fast day, fish and vegetable before Shabbat.<sup>iii</sup> Once the community knows and so recognizes the poor to be genuinely needy, the obligation to offer support goes beyond immediate needs – food and lodging, to include clothing.<sup>iv</sup>

“When the itinerant poor is unknown. However when the poor is known, then grant the poor [not only food but] even a clothing allowance.” (Tosefta Peah 4:8)

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<sup>2</sup> The religious motivation for giver to beggars will be explored at length in Book III of this trilogy, in Chapter 10 on *hesed*. Lovingkindness.

So who needs to beg?! Beggars – the truly needy ones, not the frauds – will not want to be humiliated<sup>34</sup> by begging publicly and exposing their demeaning dependence, since they have a respectable alternative – *tamhui* and *kuppah*.

Second, municipal tzedakah makes it **unfair and unjust to permit beggars**. Beggars should *not* be helped on an *ad hoc* basis because then they get an unfair share and the rules of eligibility for tzedakah entitlements would be undermined. The Mishnaic municipal welfare city has clear eligibility criteria, its own poverty line:

“ONE WHO HAS FOOD FOR TWO MEALS, SHOULD NOT TAKE FROM THE FOOD-TRAY OR POT; [ONE WHO HAS] FOOD FOR FOURTEEN MEALS SHOULD NOT TAKE FROM THE [TZEDAKAH] FUND. THE FUND IS COLLECTED BY TWO [OFFICERS] AND DISPENSED BY THREE.” (Mishna Peah 8:6)

Extrapolating from the rules for eligibility for agricultural benefits to urban tzedakah:

"ONE WHO HAS 200 ZUZ SHOULD NOT TAKE GLEANINGS, FORGOTTEN SHEAVES, EDGES, OR THE POOR'S TITHE. IF HE HAS 199 [ZUZ], EVEN IF ONE THOUSAND [INDIVIDUALS] GIVE HIM [ALL] AT ONCE--HE MAY TAKE. IF [ANY OF HIS 200 ZUZ] ARE PLEDGED TO HIS CREDITOR OR TO HIS WIFE'S KETUBAH,<sup>5</sup> HE MAY TAKE. HE IS NOT REQUIRED TO SELL HIS HOME OR HIS UTENSILS."

"ONE WHO HAS FIFTY ZUZ, MORE THAN WHAT IS NECESSARY FOR DOING BUSINESS, MAY NOT TAKE." (Mishnah Peah 8:7-9)<sup>v</sup>

Only communal giving guarantees that the some poor do not get more than others and that the ineligible do not get anything. Either outcome of indiscriminate begging will in effect deplete the total resources available for the truly needy. Hence some restriction on free-lance begging is called for. But the rabbinic prohibition is ambiguous and it may be read in several plausible ways as indicated by the following alternative translations:

“But to those who go around door to door **you need not** [or, alternatively: **you may not**] respond to their needs for any amount.” (Tosefta Peah 4:8)

From the point of view of just distribution according to need, the text should be translated as: “But to those who go around door to door you *may* not respond to their

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<sup>3</sup> However holy beggars – Jewish, Christian and Sufis – may want to be humiliated. In Islam Sufis are holy beggars par excellence and they are often called *fakirs* which is the usual term for paupers. “Some saw begging as a necessary humiliation, an obligatory aspect of their spiritual practice in which they abased themselves utterly in order to approach God. Many paintings depicted Sufis in rags or in mendicant postures that represented their poverty and dependence on the generosity of others.” (Amy Singer, *Charity*, 169)

<sup>4</sup> In 17<sup>th</sup> C. Frankfurt the *gabbaim* avoided shaming the poor, who had to beg door to door, by collecting contributions from the householders once a month and redistributing the money once a week. The *gabbaim* gathered all the indigent together, interviewed them as to how to help them, and required a report on the poor’s activities, in order to make sure the really needy received and that the frauds should not profit. (Y. Bergman, *HaTzedakah B’Yisrael*, 80)

<sup>5</sup> The marriage contract specifies the divorce settlement, so it constitutes a debt and she is his creditor.

needs for any amount.” In other words, the Tosefta Peah issues an **explicit prohibition on giving random handouts**: Absolutely not! That is my contextual reading of the source.

But medieval commentators debated whether that is the correct or the most desirable interpretation. They asked: who is being addressed in this Talmudic ruling? The private householder or the community.

“Once the poor have become accustomed to beg door to door, making the rounds [to private homes and relying on individual tzedakah], that is enough for them. Nothing more [from the *kuppah*, the tzedakah officials *or* from private individuals] should be given at all.” (TB Baba Batra 9a)

The Tosefta may have intended to **prohibit individual givers** from adding more tzedakah lest this invite corruption by unregulated panhandling and to reinforce organized community solutions to the problems of poverty. Rashi explains the logic of restricting beggars – to prevent double dipping. The poor may not collect their “welfare check” from the *kuppah* and in addition beg door to door as if they had no other support. Rashi found support for his reading in the following story:

“Once a poor person who begs door to door came before Rav Papa and Rav Papa gave him nothing.” (TB Baba Batra 9a)

Assuming Rav Papa is the head of the *kuppah*, he follows the Tosefta by refusing to allow the poor to take a double portion both from the community tax and directly from the citizens. This is a **prohibition on tzedakah officials**, probably to prevent fraud, to discourage excessive begging, to allow all poor equal access to funds, and maybe to maintain social order.

Rabbi David ben Zimra, 16<sup>th</sup> C. chief rabbi of Egypt, responded to an inquiry about “those poor who go from city to city, such that after they have collected enough – sometimes 1000 zuz – and yet they go on collecting tzedakah.” He ruled that the community *gabbaim* should not give them anything, for that would count as **stealing from the poor**. Individuals may make a contribution, though these are not to be regarded as tzedakah.<sup>vi</sup>

But **Maimonides**<sup>vii</sup> understands the Tosefta, as an **exemption for the individual giver** who need not give to the poor who have access to the *kuppah*. The community *kuppah* continues to give its set tzedakah allowance to all poor, but the Tosefta says no one else needs to treat these beggars’ needs beyond that. In fact, this may be more than an exemption.

Then Maimonides modifies the ruling in the Tosefta Peah in light of the Talmud’s addendum to a story about Rav Papa:

“Rav Sima son of Rav Yeiva said to Rav Papa: If you, sir, do not respond to the beggars’ needs, then others may also not respond and then they will die. (TB Baba Batra 9a).

But doesn’t it say: “But to those who go around door to door you may not respond to their needs”<sup>viii</sup> (Tosefta Peah 4:8)?

Rav Sima said: It means you *may* not respond to their needs” - with a big gift, but you *may* respond to their needs - with a small gift.” (TB Baba Batra 9a)

So Maimonides rules:

“For the poor who beg door to door - you *need not* respond to their needs with a big gift, but you *must* give a small gift. **You are forbidden to turn away empty-handed, the poor who ask!** Even if all you give is one string of figs,<sup>x</sup> *Do not return [the face of] the downtrodden in shame*’ (Psalm 74:21)”.<sup>x</sup> (Maimonides, Gifts to the Poor 7:7)

For Maimonides, responding positively to the beggar is an expression of compassion, not a provision of material needs. It is loving kindness more than tzedakah that is commanded here.

Further Rav Sima argued that if everyone were to refuse to support the itinerant poor on the grounds that someone else, especially societal institutions, will take care if it, then they may die! They may fall between the cracks of the welfare system. But Maimonides is concerned not for the worst case scenario of a catastrophic effect on the health of the poor, but for **the immediate shame of the poor who asks and is turned away without a human response**. Maimonides may also be concerned about the hardening of the heart of the citizens who are being told by the Tosefta to be tough and even cruel in face to face encounters with desperately needy human beings in order to maintain social order.

Maimonides seeks to have it both ways: do not undermine the organized welfare system by giving large gifts that encourage entrepreneurial begging, but do not harden your heart in the day to day interchanges when human beings ask to be seen and to be cared for. Give something at least symbolic of a positive response to one who has exposed their need to others and made themselves so emotionally vulnerable to rejection.

“Tzedakah for the poor who beg from door to door and who have thereby already removed the ‘mask of shame’ from themselves, receive **no stipulated amounts and each individual donor gives a small amount.**” (Shulkhan Aruch, Y. D. 250:7)

But Rav Y. M. Epstein offers a more radical interpretation. He insists that the Tosefta Peah does not restrict individual private donors giving to individual beggars, but it does **exempt the communal tzedakah** from supporting these same beggars when they come for their allocations:

“The essence of this law *exempts* the tzedakah *kuppah* from any contribution at all since they go to private individuals. However the Rabbis decided that even from the tzedakah *kuppah*, one should be given a small amount for these beggars (TB Baba Batra 9), lest the [potential individual] donors conclude [incorrectly] that this beggar is not worthy and that is why the *kuppah* will not give anything and then the private donors will give nothing and then the beggar will die of starvation.” (Rav Y. M. Epstein, Arukh HaShulkhan Y. D. 250:7)

## Medieval and Contemporary Debates on Banning Beggars

In medieval Spain one great rabbi ruled that beggars should be exempt from begging by providing centralized tzedakah, though he did not prohibit them from begging, which he felt they would avoid anyway to obviate their embarrassment in public. He insisted that the city *kuppah* supply all their needs with dignity.

Rabbi Solomon Aderet (1235-1310) confronted a typical economic political struggle – who should pay more – the rich or the middle class (the householders, *baalei habayit*), but it was disguised as a question about prohibiting beggars to go from door to door. Let us revisit the question already seen above but bring a more extensive answer dealing with the social needs of the beggar. The question that came before the RaSHBa was:

*Question:*

The poor are many and the kingdom's demands costly; therefore, a dispute arose among the wealthy.

The very rich said: Let the poor **beg from door to door** and we will all provide them with their daily bread, since the householders should give as we do.

The householders said: **The poor should stay home and not beg, since they are our brothers;** rather, let them be on the public *kuppah* and we will each pay **according to our means**, according to the rates decided by the court in line with Raba's precedent. Tell us on whose side is justice.

*Answer:*

Justice is with the householders, since tzedakah and the upkeep of the poor are funded **according to means....**

Every poor person, should be provided **according to his need**; if he does not wish to be maintained he should be either tricked into taking a loan and then be given the money as a gift or should be offered a gift and, if he rejects it, he should be granted a loan.

Each one should be provided **according to his honor**; if he is from a good family, we add in order to provide him according to his honor ... **He most certainly should not be expected to beg from door to door and his needs should be met either by the tzedakah collector** (as in the case of the people of a small village in the Upper Galilee, who bought a pound of meat every day for a poor member of a good family) or by an individual (as in Ravah's case, who provided fat chicken and old wine). It is written "*sufficient for his need*" and it is written "*you give their food in due season*". This teaches us that the Holy One provides for each one. (TB Ketubot 67b)

However, in this generation there is a dearth of riches and wisdom. In all places, the poor are provided by the public *kuppah* **according to the people's means** and if they then choose to beg from door to door, each one *may* give according to their understanding and desire.”

The question was asked again with very different issues in a crisis situation for eastern European Jews. Some Jewish communities in modern European cities (16<sup>th</sup> – 20<sup>th</sup> C) were under such pressure with the growth of vast populations of Jewish migrant poor that they sought to prohibit begging and protect the declining resources of the local householders from an inundation of wandering Jewish beggars. In the beginning of the 19<sup>th</sup> C. the greatest halakhic authorities responded sharply to such municipal ordinances:

"The Gaon Eliyahu, known by his acronym, the GRA himself opposed the dictates of the *kehilah* when he believed they had violated the rules of the Torah. When the *kehilah* leaders banned individuals from giving monies directly to the poor, GRA admonished the leaders and instructed individuals to ignore its rulings."<sup>xi</sup>

At the turn of the 20<sup>th</sup> C. Rav Yehiel Michel Epstein in Lithuania spoke with great pain about the wandering poor and yet with some understanding of the rationale for these local ordinances seeking to restrict the flood of beggars that threatened the solvency of the host communities.

"Due to our sins for the last few hundred years we have gone from trouble to trouble and we have no land and nothing solid for our economic base and we live from the air [*Luftmenschen, Luftgeschaeften*] – from manna, like the generation of the desert. Most of Israel are in terrible distress ... and there is not enough for all the needs of the poor and the tzedakah funds in every city have been unable to supply their needy. So the poor must beg and if they are ashamed, then they sit at home and starve ... **Recently a few cities have made an effort to create a general tzedakah fund in order that beggars will not solicit so as to protect the householders lest they too decline into poverty.** Still our soul is full of grief from what we hear for one cannot stand against the multiplication of needy. May God have mercy!"<sup>xii</sup>

The Arukh Shulkhan refrains from issuing a ruling for or against the ordinances controlling begging but he expresses his deep anxiety for the poor and for the cities' welfare. However his later colleague, Rav Moshe Feinstein, objects strenuously to those who would prohibit the poor from begging door to door:

"The obligation of each city to have a *kuppah* of tzedakah was to relieve the poor of the shame of begging door to door for the benefit of the poor. However it was *not* designed to prevent the poor who wish to collect *more* than was given them by the *kuppah* from begging door to door. For the city must not make things worse for the poor. **It is forbidden to prevent begging.**" (*Responsa – The Letters of Reb Moshe, Yore Deah A 149*)<sup>xiii xiv</sup>

Under no circumstances should the needy be shamed as they were in 16<sup>th</sup>-19<sup>th</sup> C. Western European poorhouses in order to discourage them from asking for help and from taking advantage of municipal welfare schemes. When less generous householders suggested such a practice, it was generally rejected by the rabbis. For example, the Mahari of Mintz was asked:

"About the distribution of vouchers for hospitality that are given out from the community chest, some say the poor guest should take the voucher himself from the box rather than the tzedakah *parnas* (official) so that the poor will be ashamed and will not come again. Their opponents argue that such a procedure would not be called 'welcoming guests' but 'expelling guests.' The established custom is for the *parnas* to take out the vouchers and divide them among the people and so one should not change the custom and embarrass the poor.

Response: **God forbid that such an enactment be enacted to embarrass the poor and denigrate them.**" (*Responsa of Rav Mintz #7*)<sup>xv</sup>

## The Gated Community: Personal Piety and an Open Bridge to Human Solidarity

You who live safe  
In your warm houses,  
You who find, returning in the evening,  
Hot food and friendly faces:

Consider if this is a man  
Who works in the mud  
Who does not know peace  
Who fights for a scrap of bread  
Who dies because of a yes or a no.  
Consider if this is a woman,  
Without hair and without name  
With no more strength to remember,  
Her eyes empty and her womb cold  
Like a frog in winter.

Meditate that this came about:  
I commend these words to you.  
Carve them in your hearts  
At home, in the street,  
Going to bed, rising;  
Repeat them to your children,  
Or may your house fall apart,  
May illness impede you,  
May your children turn their faces from you.  
- Primo Levi, "If This is a Man," *Survival in Auschwitz*

The pathos of Rav Moshe Feinstein and the Mahari of Mintz in defending the system of begging simultaneous with the tzedakah *kuppah* reflects a different narrative of doing tzedakah. It is not merely about "just giving" and social justice. It is about developing mercy in the giver and about sensitivity for the poor whose basic needs are not actually satisfied through the tzedakah fund. This moral sensitivity has its roots in Talmud Baba Batra 7-10. My colleague at the Hartman Institute, Shlomo Naeh,<sup>xvi</sup> explains that the Talmudic Rabbis were very uncomfortable with the Tosefta Peah's ruling against responding to beggars, even though they recognized the importance of centralized communal taxation to serve the needs of the city and the poor. The whole section opens with the Mishna concerned with the ancient urban citizens who are worried about their privacy and their own security:

"PAYING FEES OR LEVIES IS OBLIGATORY FOR THE BUILDING OF A GATE HOUSE AND A DOOR TO THE COMMON COURTYARD...  
PAYING TAXES/LEVIES IS OBLIGATORY FOR THE BUILDING OF A CITY WALL, A DOUBLE DOOR AND A BOLT...  
HOW LONG MUST ONE RESIDE IN A CITY TO BE CONSIDERED A CITIZEN WHO INCURS THE OBLIGATION TO PAY TAXES?  
12 MONTHS. IF ONE BUYS A RESIDENTIAL HOUSE, THEN ONE IS CONSIDERED A CITIZEN IMMEDIATELY." (Mishna Baba Batra Chapter 1: 3)

Communal responsibility to pay for common benefits is the foundation of the rabbinic notion of the city or the Jewish community as a partnership. In addressing that political-economic entity, the Tosefta Peah requires it to take responsibility for the poor who are not tax paying citizens and even for wandering poor. In that sense the Jewish community embodies economic and social solidarity. However the Talmud also constructs its notion of a geographic community or a “courtyard” around its need for defense against outsiders. Doors, gates and walls imply a fear of outsiders.<sup>6</sup> “Gated communities” meant in those days dwellings around a courtyard with a locked gate that provided security and privacy. Today in gated “communities,” which are often exclusive high-end housing developments, no one enters without prior arrangement and approval. Individuals will always find a way to ward off intruders. For instance, today telephone lines may be restricted to prevent solicitations for donations and telemarketing, or Spam filters may remove unwanted ads from appearing on one's electronic mail server. But such communicational filters also exclude charity solicitations from those seeking our help. This immunity from contact and even from addressing an appeal for help may also breed indifference or hostility to the needy who seek our help and cannot even get our attention. At the city or national level, even the most liberal social welfare states are afraid of being “overrun” by migrating poor from impoverished states or from developing countries. Well-guarded borders are as much about economic isolationism as about fear of terrorists. Gated communities are about exclusivity, not just personal safety. The law in TB Baba Batra legitimates the right to privacy<sup>xvii</sup> and security,<sup>7</sup> therefore one home owner may compel another to join in the expenses of constructing the security gate that will benefit all – except the stranger and the beggar. It is an undeniable “home improvement.” But does it qualify as moral and spiritual improvement?

The Talmud introduces a telling narrative about Elijah<sup>xviii</sup> whose visits are a sign of spiritual favor from the divine:

“Is a gate house a [home] improvement [in the moral and spiritual sense]?”

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<sup>6</sup> Walls stand for fear, not strength. For example, when Moshe sent the spies to report on the population of Canaan to see whether they live “*in open camps or in walled cities*” (Numbers 13:19), he wanted to know not how strong their fortifications were, but how confident they were in the military prowess. “How will you know their strength? By asking do they live *in open camps or in walled cities*. If they are scattered in *camps* – then they are a heroic and confident about their power. If however they are in *walled cities* – then they are weak and soft-hearted i.e. cowardly.” (Midrash Tanhuma Shelakh #6) (See Yehuda Brandes, *Aggadah L'Maaseh* Vol. II 128)

<sup>7</sup> Aryeh Cohen explains one of the deep issue of the fear of the itinerant beggar: “Homelessness strikes at the heart of the community of obligation. Being part of a community involves being somewhere. Being homeless is literally being nowhere. Having no address, having no home, brings in its wake having no community. If people come to populate cities in order to, in some way, pool resources for added security and shelter, homeless people are not city dwellers. For them, the city is another wilderness - a wilderness which threatens to overtake the rest of the city ethically” (Justice in the City, 103). The ethical person as citizen accepts mutual duties within a community of obligation, hence s/he follows norms which if violated would lead to exclusion for the community. The citizen has stake in the community and expects mutuality in relationships of helping one's neighbors. But the homeless are outside civilization; already excluded from society they have no reason to maintain norms; lacking resources they cannot be expected to contribute their fair share; having no address they are not accountable for their actions. Hence the homeless are terrifying to the citizen and they appear beyond all ethics in so far as social ethics are most effective when the product of community membership.

What of the pious person who spoke regularly with Elijah. As soon he built a gate house, Elijah did not speak to him ever again.” (TB Baba Batra 7b)

It may be a **home improvement** in the eyes of the householders to defend them and their property from thieves and intrusions on their privacy, but it also excludes bothersome beggars – whether intentionally or unintentionally.<sup>8</sup> However the Talmud does not view this "improvement" as a spiritual or moral “upgrade” of the “quality of life.”

Spiritually-speaking those who close themselves off to the poor also lose spiritual privilege to be visited by divine figures like Elijah for Elijah in folklore is the wandering prophet often disguised as a beggar (TB BK 7b). Morally-speaking the problem is that the beggar cannot get inside the courtyard where his appeal for help can be heard. Bourgeoisie homeowners thus close themselves off not only physically, but emotionally to the needs, voices and faces of others. Rashi says: "**The gate house blocks out the sound...The voices of the poor screaming out (*tzoakim*) cannot be heard.**" The French and German Baalei Tosfot (12<sup>th</sup>-13<sup>th</sup> C.) say even if the poor can make themselves heard through the guard house to the homes inside the gate, still the gate house prevents face to face solicitation.

Rabbi David of Posquieries (Provence, 12<sup>th</sup> C.) says even if the gate is unlocked the poor may be reluctant to enter. Since the gate is closed, they already feel unwanted and will not even try to make an appeal even if the gate is not locked and manned (Shita Mekubetzet BB 7b).<sup>xix</sup> Donniel Hartman, a scholar of rabbinics, expands this intuition: the more barriers between the outside and inside, even when the gate is not locked, the more ashamed the poor will be to disturb the tranquility of the homeowners. Similarly, he notes that even an invited guest feels very reluctant to knock on the door or to come in. Yet we can understand the rights of people to privacy, the need to shut off their cell phones and not to be "bombarded" with urgent messages that require action. The Talmud does not seek to challenge the law about building gates with a contradictory law but merely with an anecdote about a supernatural visitor – Elijah. The complaint it lodges against the self-enclosed homeowner is an appeal to piety – *lfnim mi shurat hadin* (beyond the letter of the law). The quality of human relationships is being undermined and with it the spirituality of Divine-human relationships which are measured by the same index.<sup>xx</sup>

The kind of human being which is more ideal is the one described by Ben Petura in the case of the two people stranded in the desert where only one has water, although it is not enough to save them both. Ben Petura says: "Better that both should drink and both should die, so that one need not watch the death of one's fellow" (TB BM 62a). Rabbi Akiba says, however, one's own life comes first. Analogously, the homeowners concerned about security may justify themselves in accordance with Rabbi Akiba's ruling that protecting their own lives takes precedence over the sensibilities of the outsider seeking help. One has a right to worry about one's own survival first, but this is no case of survival but of the comfort of indifference. The homeowners do not want to hear the cries of the needy, and it is only an exaggerated metaphor to feel that "one's

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<sup>8</sup> Poznan prohibited the poor from begging on Purim "in order that our householders not be put to shame" (Poznan K. 198; 713). But the women of Poznan would stand at the entrance to the synagogue not allowing anyone to pass until they made a contribution. "For food you have money," they would say, "but none for tzedakah? Oy, how shameful!" (P.K. 446). (D. Nussbaum, *Social Justice*, 239)

own life is unbearable when inundated with demands and needs from others. Ironically we may understand the gated community's logic though Ben Petura feeling that "one cannot just watch the death of one's fellow." The homeowners are not so emotionally indifferent and so they cannot help but feel morally pained and even guilty when they hear the cries of the poor at their doorstep, but instead of helping them they just shut out these "unpleasant" sounds.

Aryeh Cohen in his article, "Hearing the Voice of the Poor,"<sup>xxi</sup> argues that Rashi's choice of words to describe the cries of the beggar echo the Biblical shout of injustice evident in the way the children of Israel cried out to God from Egyptian oppression<sup>xxii</sup> when God heard their cries. It also echoes the warning not to cause pain to the widow, orphan or stranger lest they cry out to God for retribution (Exodus 22:20-23). The point is that poverty which often involves oppression must be addressed as individual needs arise and not wait until public policy changes after the social and political crisis becomes unbearable. This requires that the voices of protest from the neglected have access to the decision makers and those with resources to respond to their needs. However the wealthy must take a risk when they make themselves accessible. The Spanish rabbi and court advisor, Meir HaLevi Abulafia (12<sup>th</sup> C.), explained the dilemma of the gatehouse story:

"Yet, here, what benefit is there? And what harm is removed from the courtyard with this gatehouse? For certainly when the poor can enter, so too can thieves enter! Still, this makes no difference." (Sefer Yad Ramah, Baba Batra 13)

It is one's desire for privacy that becomes an excuse for insensitivity to the needs of others. Maimonides understands the dangers of self-enclosing privacy leading to self-centered indifference to the needs of the poor. He describes excessive privacy as the *wrong* way to celebrate family holiday feasts:

"When you eat and drink you are obligated to feed *the stranger, the orphan and the widow* (Deuteronomy 16:14) along with all other miserable poor people. But those who **lock the doors of their courtyard** and eat and drink with their children and spouse and do not feed and offer drink to the poor, the bitter of spirit – their *simcha* (celebration) is not the joy of mitzvah but the joy of one's belly...That kind of joy is a disgrace to them." (Laws of Holidays 6:18)

The beggar may have access to the tzedakah *kuppah*, but he stills wants to make his own appeal face to face. Should the poor be denied the ability to communicate with those from a "higher", that is, more exclusive class? In several places this Talmudic sugya about the gate house promotes the value of giving – especially face to face. Its central verses are from Isaiah 58.

*"To share your bread with the hungry, and to take the wretched poor into your home. When you see the naked, to clothe them... Offer the hungry your soul, a responsive soul will give satisfaction, then your light will shine in darkness."* (Isaiah 58:7, 10-12)

"Rabbi Yitzchak says: Anyone who gives even the smallest coin to the poor is blessed sixfold, but one who consoles/appeases the poor with words is blessed elevenfold!" (TB Baba Batra 9b)

This description certainly encourages a more personal encounter than anonymous taxes.

Further the act of tzedakah ought to have an educational affect on the donor's own character and that effect is much stronger in face to face encounters with the needy. It is not enough that one pays taxes to the community chest. One's character must express generosity and care. This kind of giving to beggars brings spiritual merit and the donor earns blessing in this world and the next, for "*Ill-gotten wealth is of no avail, but righteousness (tzedakah) will save one from death*" (Proverbs 10:2).<sup>xxiii</sup>

The issue of visibility or audibility of the needy to the wealthy is a more prevalent problem today than ever before. Modern decency does not only emphasize erecting walls of privacy, but it also seeks to sanitize the public space and to dispatch the unsightly including the poor from the social space, so they may not disturb the aesthetic sense of the well-to-do.

"John Stuart Mill wrote in his essay "Civilization" (1836) that the modern age, or 'civilization,' is marked - and marred - by its determination to place whatever we find ugly and disturbing far away and beyond sight. We build prisons not only to incarcerate criminals but also to hide them (the English once dispatched them to the Antipodes); we place the insane in asylums; and we move to avoid living near or even interacting with the poor. Should the poor share the public space with the nonpoor? **Do they have a right to be visible and audible, regardless of the discomfort the better-off members of society may feel?**

"If the poor are experienced as threatening and thought of as unlike others, how can the more fortunate be motivated to take care of 'the needs of strangers'?"<sup>xxiv</sup>

This process sanitizes the public space from beggars who are categorized as "intruders" or "outsiders". Moreover, private space is defended in suburbs with free standing homes surrounded by large units of land and in gated communities by heightened security. This process began in the 19<sup>th</sup> C. and has become dominant in the 21<sup>st</sup> C. when many suburban middle class Americans barely see any poor. It has had a dampening effect on the traditional interchanges of charity, though these are still more accessible in urban centers. Even subways are now out of bounds to solicitations for alms. Michael Walzer, the social-political philosopher, observes:

"Charity depends on what might be called the 'nearness' of the poor: they live among the people who are enjoined to help them. They are a **visible presence** in everybody's everyday social life. But their visibility may be radically reduced in modern economies. Michael Harrington's main point about 'the other America' is its radical otherness: **the poor live apart; they are mostly out of sight and, as a result, often out of mind.** Living in isolated rural pockets or in segregated zones of sprawling cities, they are almost a separate nation (as Prime Minister Disraeli first argued in his novel about 'the two nations')."<sup>xxv</sup>

Visibility of those in need is not only a way to play on the heartstrings of the donors, but also the critical legal criterion of personal obligation resulting from proximity or direct knowledge of pain. Like the beggar who is not a fellow resident, the obligation *for me in particular* to help *a particular person in distress* on the road derives from proximate seeing. The Torah defines the encounter on the road and the Rabbis give it legal specificity:

*“When you see - tir'eh - the ass of your enemy lying under its burden ... you must raise it with him. (Ex. 23:5)*

[Asks the Talmud] perhaps even from a distance?

The Bible teaches [in analogous case], *When you encounter! - tifga- your enemy's ox or ass wandering, you must take it back to him (Ex. 23:4).*

[Asks the Talmud] perhaps literally "encounter" [i.e., bump into him]?

The Bible teaches, "*When you see!*"

What kind of "seeing" connotes "encountering?"

The Rabbis estimated it at 1/7.5 of a [Roman] mile [= 133 meters]." (TB Baba Metzia 33a)

In his dissertation on Jewish approaches to the disabled, my former study colleague, Tzvi Marx, explicates the midrash as the source above in terms of bringing the handicapped into the public space rather than segregating “them” from view:

“When can or should one take a problem personally, so that one has to deal with it? At what proximity does someone become your neighbor? It is not simple to precisely assess the experiential boundaries that impinge upon one's moral sensibilities. What the rabbis were getting at was the difference between abstract consciousness of someone else's need and its breaking into one's ethico-emotional consciousness.

Applying this sensitivity means locating services and programs for the handicapped in such a way as **to expose the community to their presence as real people**. The question here is what kind of communal ‘seeing’ connotes communal ‘encountering,’ so as to facilitate greater psychic involvement enhancing the possibility for more widespread pragmatic engagement? Immediacy through concrete and not abstract encounters sets up the dynamics for human interaction.”<sup>xxvi</sup>

In conclusion, beggars in the modern and ancient social welfare state force various issues on us as we think about giving:

- a. Are we sure the system has not failed these persons, such that they feel compelled to go directly to the private individuals? Many welfare systems limit support to a period of unemployment insurance or exclude itinerant poor who have not met the residency requirement. Often the amounts given are inadequate for everyday needs and certainly are inadequate for big expenses like dental surgery.
- b. Did I give enough by being taxed or making contributions to private relief funds? Perhaps I can afford more and should help more?
- c. Could this private giving be counterproductive, encouraging dependency and the development of “professional beggars” with a fixed spot on a choice corner where they can collect significant sums? Am I being had and further corrupting others?
- d. How unfair to give this particular beggar without considering the needs of all the poor. Centralized and regulated distribution is more equitable and effective.
- e. How can I be so cruel to the needy person before me who is asking for so little? Haven't I ever had to ask for help and felt that shame and desperation? Centralized tzedakah may bring more justice and equity to the problem of

poverty, but does it ignore the emotional care and mercy that human beings need from one another and the need to express sympathy to one another?

One may easily condemn the gated community because the poor have no other recourse to get aid other than raising their voices and putting out their hands at the doorsteps of the well-to-do. But what if the solid citizens have constructed a welfare *kuppah* fund both to do their duty and to gain some moral and emotional tranquility from intrusive beggars? Is there something wrong with creating an environment sterile of the cries of the needy? Some rabbinic authorities especially in the modern era see the tale of Elijah and the gatehouse as a stern warning against relying on the municipal welfare city to provide the poor. They fear the loss of the age-old spiritual practice of private, face-to-face giving of tzedakah. They feel that even the most trivial gift to the beggar is not only a meritorious act but a gateway to Divine epiphany:

“One who gives a coin to the poor receives the merit to receive the face of the Shekhina as it says: *‘In justice (tzedek/tzedakah) I will see your face’* (Psalms 17:15).” (TB Baba Batra 10a)

In this spirit the halakha developed the custom of giving some tzedakah in the synagogue at every service (except on Shabbat). In many liberal synagogues in America, congregants drop off canned goods in big soup kitchen baskets as they enter the synagogue to pray, especially on Shabbat or Yom Kippur.

While the Tosefta Peah could demand that no one give tzedakah in a haphazard way to beggars, the overwhelming Rabbinic position throughout the generations has been to give a beggar something lest we corrupt our own character. This social corruption is captured by what is often cited as the most immoral society in the Biblical and Rabbinic tradition – Sodom. Pirke D’Rabbi Eliezer 25 tells the following rabbinic tale about Sodom and tzedakah:

“They issued a proclamation in Sodom, saying: Everyone who strengthens the hand of the poor and the needy with a loaf of bread shall be burnt by fire! Pelotit [her name means refugee which rhymes with her father’s name, Lot] the daughter of Lot was wedded to one of the great men of Sodom. She saw a certain very poor man in the street of the city and her soul was grieved on his account. What did she do? Every day when she went out to draw water, she put in her pitcher all kinds of provisions from her house and she sustained that poor man.

The men of Sodom said: How does this poor man live? When they ascertained the facts they brought her to be burned up. She said: Sovereign of all worlds! Champion my case against the men of Sodom. And her cry ascended before the throne of glory. In that hour the Holy One said: *“I will go down and see whether they have done altogether according to her cry (accusation) which has come before me”* (Gen. 18:21) and if the men of Sodom have done according to the cry of that young woman, I will turn the foundations of Sodom up and her face down.” (Pirkei d’Rabbi Eliezer 25)

The Sodom midrash is also cited often in modern rabbinic responsa to city regulations restricting begging in public spaces. The Hafetz Haim writes:

“There is a well-known story about the reaction of the great Shaagas Aryeh when he assumed the prestigious post of Chief Rabbi of the city of Metz, the leaders of the

community informed him that their custom was that when a new Rav was installed they would honor him in the following manner. The community kept a Pinkas HaKahal, a special memorial book in which they recorded all of the important events and *takkanots* (legislative enactments) that were introduced into the city throughout its long history. To celebrate the advent of the new Rav, the leaders would come up with an original *takkanah* to enhance Jewish life, and they would give the Rav the honor of affixing his signature to this new enactment. They invited the Shaagas Aryeh to endorse the following enhancement to communal life: "Henceforth, no beggars will be allowed to beg in the city of Metz. Instead, they will come to the office of the Jewish Community to receive a fixed stipend." The Shaagas Aryeh declined this honor, explaining that, in reality, this enactment was not at all an original one because it had already been introduced (with disastrous results) in the ancient cities of Sodom and Gomorrah!

Therefore the Hafetz Hayim<sup>9</sup> also condemned anyone preventing beggars from having access [to those obligated to give tzedakah.] (Hafetz Haim, *Ahavat Hesed* Part II 17)<sup>xxvii xxviii</sup>

That story is also cited by Rabbi Shlomo Zevin regarding policies in Tel Aviv. But Rav Zevin uses the story to seek a balance between the concern for the beggars and a concern for urban decorum:

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<sup>9</sup> Hafetz Haim expresses his anger against attempts to restrict house to house begging and replace it with centralized tzedakah: "It is a wicked act to prevent the poor from collecting tzedakah in the city. Recently we heard that the poor are being prevented from making the rounds to collect alms; thus, no one is concerned with saving them from hunger. Those in charge have a ready answer, however, claiming the best of intentions. According to them the increased number of beggars harms the lower middle class, making it impossible to provide help to them. Therefore, they have forbidden the poor to collect alms, and a small collection has been taken up to assist the lower middle class.

Who permitted the authorities to do such a thing? ...Even if our lay leaders were to amend their decree so that beggars from other towns could receive a small gift from the new fund, their policy would still be unacceptable. Many of the itinerant beggars are not collecting for themselves alone; they have children at home who depend on them. By making their rounds to beg, they can put aside a little money to save their wives and children from starvation. When we close the door on them, we endanger the lives of the starving children they left at home.

True, the Talmud states that 'the poor people of your own town take precedence over those from elsewhere.' However, that does not apply here; it is meant for the individual who wishes to give tzedakah but knows he has only enough for one needy person. For him, the poor of his own town come first. Yet it is an unheard of thing to presuppose that your entire town is unable to afford more than one gift, thus closing the door on all the other needy people. But if this is indeed the case, let the town see to it that the needs of the poor be provided for in a central place approved by the authorities; this would certainly be a good solution.

Furthermore, on close examination, we find that the major impetus behind this decree originates with the wealthy. They are well able to give tzedakah to more than one recipient. Besides, it is obvious that the decree deprives the needy of our own city, for they, too, are prevented from making the rounds. The amount earmarked for them is not enough for even half the food they need. What funds are being collected will help only a few of them.

How much worse, how much more shameful it is, then, where we have a deliberate policy intended to drive beggars out, of the city. As a consequence of this decree, the amount of compassion in the city will decrease with time, for this trait is fixed in a person through practice. Compassion will especially be lacking in future generations, for they will never see poor people with their own eyes; nor will they know to be grateful to G-d, for they will never see anyone suffering from poverty.

One thing will lead to another. Because of the decree, the poor will be put in the hands of strangers who will beat them and ridicule them. Thus, the town will be like informers who hand their fellow Jew over to our enemies. What an unimaginably great sin this is! " (*Midos : The Measure of Man* - Hafetz Haim quoting from his book, *Ahavat Hesed*)

"With respect to what the gentleman has inquired several times in order to seek my opinion in the matter, that the city of Tel Aviv seeks permission from the Interior Ministry to enact a decree that the poor will no longer sit on city streets in order to collect donations, rather the Tel Aviv municipality will allot them a monthly allowance from social assistance. About this I have not heard [a tradition directly], but a similar [tradition] I have heard in the Hafetz Haim's book, *Ahavat Hesed*, it tells of Johnny-come-latelys who have come, that prevent the poor from going from house to house, and instead designate an allowance from every home owner for them. And he wrote at length that Heaven forefend that one should do such a thing for a number of reasons.

"However, there is a place to differentiate between going from door to door and collecting on the streets and at the corner of every courtyard. However, it seems to me that the good name of Greater Tel Aviv will be injured by this. It seems to me that it is sufficient to restrict them from not soliciting every individual who passes by, but rather that they should sit quietly in a fixed place, and whoever wants to give of his own initiative will, and whoever does not will refrain. Additionally, it is possible that many would consent voluntarily to cease begging in exchange for a monthly allowance. However, I do not think it is advisable to force them against their will. And the act of tzedakah is peace, and Israel will only be redeemed by the merit of tzedakah." <sup>xxix xxx</sup>

Meir Tamari, an Israeli academic and scholar of Talmudic business law, writes autobiographically:

"I never really understood why begging should be allowed<sup>10</sup> until my first visit to New York in the early 1960s. My work there was primarily concentrated in the financial district, and for some time there was something there that bothered me without my knowing exactly what it was. Finally, it dawned on me: **there were no beggars, no blind men, and no poor old men or women on Wall Street** sidewalks or corners. It is true that the argument for the Jerusalem proposal<sup>xxxi</sup> was based on the assumption that society will take care of these people in a more dignified and efficient way. Irrespective of whether in actual fact this is so, there is an additional reason behind such legislation: viz., **to prevent the sorrows and misery of the poor and weak from being thrust out of the everyday consciousness of the average person.**

"In the Israeli religious kibbutz movement, for example, we found in the 1950s that even though the kibbutz gave tzedakah as it was supposed to, our children had grown up completely unaware of the reality of poverty and suffering - an ignorance that has far-reaching effects on the moral and ethical development of a person."<sup>xxxii</sup>

Thus paradoxically systematic public funding separates the average tax payer from human contact and human sensitivity to the poor who are segregated and their neediness hidden from view.<sup>11</sup> This may undermine solidarity and empathy, such that

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<sup>10</sup> In Jerusalem of the late 20<sup>th</sup> C. Rabbi S.Z. Kahana headed the religious affairs department. He was known as a saint for his special devotion to refurbishing the graves of the righteous. After renovating Maimonides well-visited grave in Tiberias he sought to restrict access to the grave once a year on the day of the year when Maimonides was renowned for meditation. However the local beggars who are the beneficiaries of the tzedakah given by pious Jews on their pilgrimage to Maimonides' grave protested that this new legislation encroached on their right to collect tzedakah. The local court found in their favor. (Oral communication from a student who heard this tale from this rabbi)

taxpayers will find it easier to vote against welfare allocations and tax rates needed for the poor since they are less exposed to the urgency and the humanity of these social and economic and often ethnic outsiders.

In the 19<sup>th</sup> C. in Germany where the rationalization of relief was becoming more and more popular among Gentiles and Jews, Rabbi Samuel Raphael Hirsch, the founder of modern orthodoxy, argued for the collaborative work of both individual and communal relief work in his commentary on Deuteronomy. He comments:

*“If there is a poor man among you (Deuteronomy 15:7) can only be said with any decisiveness to a community. One cannot say to an individual as such, if there is a poor man among you. But do not harden your heart and shut your hand against your needy kinsmen (Deuteronomy 15:7) is directed primarily to the individual. So that here the Torah has the community and the individual simultaneously in mind. The duty of caring and providing for the poor accordingly rests both on the community and equally on every single member of it. But that is characteristic of an essential principle of this law. There are few, perhaps not one single other, tasks which require the continuous activity of the community and the individual at the same time, as, in accordance with this law, the duty of caring for the poor demands. That which **this law demands cannot be accomplished by either the community or the individual alone**. Both must join forces, both work hand-in-hand, if the goal set by the Torah is to be reached.”* Hirsch rejects - as contrary to the Jewish spirit - “the notice fixed to houses: ‘**no beggars need apply, the owners subscribe generously to the public funds.**’” (Samuel Raphael Hirsch, *The Pentateuch*, translated by Isaac Levy, commentary on Deut. 15:7)

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<sup>11</sup> Panhandling laws apply to public areas including US shopping malls where merchants and shoppers desire a sphere free of this moral complexity. For example, in 1988, “Mayor Koch set off a storm of debate when he urged New Yorkers not to give to beggars on the grounds that giving only encouraged beggars and attracted more to the same behavior. Refusing to give would force the beggars to seek more acceptable ways to get their living. Koch added that those who were troubled in conscience by refusing a beggar should see their priest (presumably to be absolved without having to change the pattern of not giving to beggars which sent them to the confessional).”

<http://www.communityinterest.org/backgrounders/panhandling.htm>.

## Appendix: The Modern Jewish *Tamkhui*, Soup Kitchen

### **The Chicken Soup and the Coal Dole**

A modern example of the Rabbinic *tamkhui* where food is collected and then distributed appears in Elaine Crasnick Kahaner's memoir of her Bubbie and Zaide in the Jewish community in Portland, ME, a century ago:

“At the turn of the 20<sup>th</sup> century the immigrant Jewish community from Russia in the cold port city of Portland, Maine, clustered in a neighborhood not far from the waterfront. At a family gathering an older cousin reminisced about one flat our Grandparents, Morris and Lena Crasnick, lived in with their many children. ‘Why,’ he wondered, ‘were there clear glass jars stacked high on a window sill in the kitchen?’ He remembered that they sparkled when the sun shone through the glass. It seems that every Friday, before Shabbos, Bubbie made an enormous pot, a *shissel* of chicken soup. Sometime it had carrots and onions and even a few pieces of meat in it, and was golden yellow. Other times it was nearly clear. But however thick or thin, it got ladled into the jars and each of the children was sent out to deliver one to a home where there was illness or need. That is how the poor helped one another and fulfilled the mitzvah of tzedakah, and probably why they didn't think of themselves as poor, because they were able to help those even less fortunate.

Another Friday ritual was performed by Zaide, who took a coal hod, or bucket, and went to each Jewish home directing whoever answered the door to put one piece of coal in the pail. When it was full, he delivered it to a family who did not have any fuel to use for cooking and heating. Therefore he performed a doubled mitzvah; not only did he help the poor, but he provided an opportunity for others to do a good deed.”

### **Challah for Hunger**

Bill Clinton describes an extension of *tamkhui* – supplying food to the poor in kind – that allows bread donated in the USA to serve the hungry in Darfur in Sudan.

“I recently came across a particularly compelling example of this kind of giving. Eli Winkelman, a student at Scripps College in Southern California, organized her own NGO, Challah for Hunger. Every week Challah for Hunger volunteers produce more than 150 loaves of challah, the braided bread Jews traditionally break at the beginning of the Sabbath meal. Each Friday morning, the students sell the bread to their fellow students, on tables that also have information on the hunger crisis in Darfur, "Stop Genocide in Sudan" T-shirts, "Save Darfur" bracelets, and letter-writing and advocacy materials. Students who use the materials for "Acts of Advocacy" get a discount on their challah purchases.

“Every week Challah for Hunger sends at least \$300 to Darfur relief efforts and generates fifty letters and postcards advocating more assistance to the refugees or more serious coverage of the crisis by the media. Since November 2004, Challah for Hunger has sent more than \$20,000 from students at Scripps and the other colleges in the Claremont group.

“I find this effort particularly touching and relevant because it was started by a Jewish student, and is funded by the sales of traditional Jewish bread for the benefit of poor

Muslims whose plight has been ignored for too long by Muslim nations much closer to them. Eli says she got the idea for Challah for Hunger "almost by accident. I baked bread because people liked it. But I realized it was a gift to have the time and money to do it, and the only way to honor the way I've been blessed was to do something worthy."

"Eli Winkelman's Challah for Hunger business card carries the quote from Rabbi Tarfon: "You are not obligated to complete the task but you are not free to withdraw from it" (Pirkei Avot 2).<sup>12</sup> (Bill Clinton, *Giving*, 29)

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<sup>i</sup> Cited in A. Cohen, *Justice in the City*, 92

<sup>ii</sup> This may mean that it is forbidden to give money privately after the poor received the official allotment or that one is no longer obligated legally or morally to do so, or as Moshe Halbertal suggests, the city *kuppah* fund need not give an allotment to wandering beggars who have on his own collected funds privately from the citizens

<sup>iii</sup> see Tosefta Peah 4:9; TB Sanhedrin 35a, Mishna Peah 4:8, Pesachim 10:1.

<sup>iv</sup> Before giving a clothing allowance officials are to check the validity of the poor's claims, but no one need to be examined before receiving a food handout (Rav Huna, TB Baba Batra 9a)

<sup>v</sup> Translated in *The Jewish Political Tradition* Vol. III edited by Michael Walzer, Menachem Lorberbaum and Noam Zohar (Yale University Press)

<sup>vi</sup> Yehuda Bergman, *HaTzedakah B'Yisrael*, 105

<sup>vii</sup> According to his commentator Radbaz

<sup>viii</sup> Note the citation in the Talmud Baba Batra 9a deletes the final phrase from the Tosefta as we have it: "for any amount." That is intentional, says Shlomo Naeh from the Hebrew University.

<sup>ix</sup> Based on Rabbenu Yona (Jerusalem Talmud Peah 8:5)

<sup>x</sup> Psalm 74 is a plea of on behalf of the whole Jewish people to God not to forget us. Do not forget us who are like your poor animal. Recall our shame before our enemies. Do not turn us down and then we like the poor who have been helped will praise you. So Maimonides's implicit argument is that just as we Jews plead to God to be heard and cared for in our shame, so we must not ignore the pleas of the poor at least for a caring response.

<sup>xi</sup> Thanks to Eliyahu Stern for this reference. On Elijah giving monies to the poor see Avraham ben Eliyahu, *Sa'eret Eliyahu*, 6b and Avraham Danzig, *Hokhmat Adam*, 147:24, the introduction of Yisrael of Shklov, *Pe'at ha-Shulhan*, and Levin, *Aliyot Eliyahu*, 66-67.

<sup>xii</sup> Rav Y. M. Epstein, Arukh HaShulkhan Yoreh Deah 250:11

<sup>xiii</sup> Cited by Y. Lifshitz, "Tzedakah, Hesed, Individual and Community" in *On Economy*, 318

<sup>xiv</sup> Feinstein generalizes from the prohibition on preventing begging even when there is a central tzedakah agency to his fervent opposition to the policies of some Jewish Federations that an agency that applies for federation funding may not conduct their own fundraising campaign (*Igrot Moshe* YD I #149)

<sup>xv</sup> Cited by Edo Rechnittz, "Universal versus Selective Welfare" in *On Economy*, 332

<sup>xvi</sup> Shlomo Naeh is a professor of rabbinics at the Hebrew University. His explication of this sugya guides our whole presentation of the issue of begging. His presentation was made on May 15, 2008, to the Shalom Hartman Institute colloquium on social welfare that has enriched countless aspects of this book.

<sup>xvii</sup> Rashi explains there that the motivation for building the gate is "to keep the people of the public realm from peeking into one's courtyard."

<sup>xviii</sup> Elijah the Biblical prophet never died but was transported to Heaven in a fiery chariot. So he can travel back and forth between the Divine and human world at will in any era.

<sup>xix</sup> All these views derive from the tale of Elijah which represents a rigorous pietistic view. Most Jewish codes do not mention the issue of the guard house as a matter of law (Mishne Torah, Shulkhan Arukh),

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<sup>12</sup> Rabbi Tarfon used to say: "The day is short, the work is great, the workmen are lazy, the reward is great, and the Master of the house puts on the pressure. You are not obligated to complete the whole task, but you are not exempt to neglect it entirely." (Avot 2:20)

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but the Encyclopedia Talmudit on Beit Shaar brings the views of Rashi, Tosfot and Ravad as halakhically binding statements.

<sup>xx</sup> An oral communication at a lecture at Hartman Institute in June, 2008.

<sup>xxi</sup> Or Rose, *Righteous Indignation*, 135-146

<sup>xxii</sup> Exodus 2:23-24, see Exodus 5:15-18

<sup>xxiii</sup> Both in this world and in the next world after the resurrection at the final judgment.

<sup>xxiv</sup> W. Galston and Peter Hoffenberg, *Poverty and Morality*, 8

<sup>xxv</sup> Michael Walzer, "Afterword," in W. Galston, *Poverty and Morality*, 289

<sup>xxvi</sup> Tzvi Marx, *Halakha and Handicap: Jewish Law and Ethics on Disability*, 131

<sup>xxvii</sup> Cited in Feuer, *Tzedakah Treasury*, 176

<sup>xxviii</sup> In the Hasidic tradition of Rabbi Levi Yitzhak of Berditchev, defender of the poor, the centralized social welfare system of the Rabbinic city is vilified and identified with the city of Sodom.<sup>xxviii</sup> "The story is told of the town of Berditchev that wanted to decree a new custom (*minhag*) to prohibit poor people from going door to door among the residents of the city, and instead they will give them from the communal fund a fixed payment for every month. And they invited the Tzadik, Rabbi Levi Yitzhak to agree, and he said to them, from the beginning he had made a condition with them that they would not bother him about old decrees, and this is an old decree, dating back to the times of Sodom and Gamorah. And it makes not a particle of difference if this story really happened or not, either way, its content is true." (Rav Shlomo Zevin, *The Responsa of Rav Shlomoh Yosef Zevin*, Adar 5727 [1968], first published in *Shanah bShanah*, 5730, 146, cited *Tehumin* 10:132-147)

<sup>xxix</sup> *The Responsa of Rav Shlomoh Yosef Zevin*, 146

<sup>xxx</sup> Rabbi Shlomo Zevin responded to an inquiry by the Tel Aviv municipality about making public begging illegal by citing the Hafetz Hayim (*Ahavat Hessed* Chapter 17) and the tale of Rebbe Levi Yitzhak and then recommended a compromise: "Steps may be taken to prevent beggars from accosting people in public but not from adopting a beggars stance in a fixed position [in public]." (J. David Bleich, *Contemporary Halakhic Practice*, Vol. I, 186)

<sup>xxxi</sup> Meir Tamari also reports "Some years ago the mayor of Jerusalem proposed law outlawing begging in the streets of Jerusalem, as this was a bother and a nuisance to passers-by. The city council [peopled by many religious city council members] dismissed it, among other reasons, on account of the traditional Jewish attitude to begging." (M. Tamari, *My Possessions*, 255-256)

<sup>xxxii</sup> M. Tamari, *My Possessions*, 255-256.