

## Public Safety and Public Responsibility in Jewish Law

### Rina Sadun | Shavuot 5782 (June 2022)

Using This Source Sheet: In the English translations of passages from the Talmud, **bold text** represents the direct translation, while unformatted text reflects additional context provided by the translator. Since these passages are excerpted from longer texts, *italicized text* is provided before some passages to summarize the preceding sections. You can find a glossary of Talmudic terms at the bottom of the source sheet.

#### General Themes:

1. What are the collective obligations that residents of a city have? How are those obligations discharged? Do obligations fall equally on everyone?
2. How are resources divided between different types of needs, or between different people? What (or who) determines how money should be spent?

*Most of the passages we will discuss are drawn from the Babylonian Talmud's Bava Batra 7b-11a, an extended discussion of both the merits and the practicalities of tzedakah - literally "righteousness," often translated in English as "charity". (The full discussion is well worth reading if you have the time!)*

#### **BT Bava Batra 7b**

*The preceding section discussed the building obligations of neighbors who share a courtyard. Now, the rabbis expand their scope to the city as a whole.*

כּוֹפִין אוֹתוֹ לְבָנוֹת לְעִיר כּוֹי תָּנוּ רַבָּנַן כּוֹפִין אוֹתוֹ לְעִשׂוֹת לְעִיר דְּלִתִּים וּבְרִיִּם וְרַבָּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר לֹא כָּל הָעִירֹת רְאוּיֹת לְחוּמָה אֲלֵא עִיר הַסְּמוּכָה לְסָפֵר רְאוּיָהּ לְחוּמָה וְשְׂאִינָה סְמוּכָה לְסָפֵר אֵינָה רְאוּיָהּ לְחוּמָה וְרַבָּנַן זִמְנִין דְּמַקְרוּ וְאַתִּי גְּיִיסָא

§ The mishna teaches that 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**. **The Sages taught** in a baraita: The residents of a city **can compel** each inhabitant of that city **to build double doors and a crossbar for the city**. **And Rabban Shimon ben Gamliel says: Not all cities require a wall. Rather, a city that adjoins the state border requires a wall, whereas a city that does not adjoin the state border does not require a wall**. The Gemara asks: **And** why don't **the Rabbis** make this distinction? The Gemara answers: Even if a city does not adjoin the border, **it sometimes happens that invading troops come** into the area.

בְּעָא מִינֵיהּ רַבִּי אֶלְעָזָר מֵרַבִּי יוֹחָנָן כְּשֶׁהָיוּ גּוֹבֵין לְפִי נַפְשׁוֹת גּוֹבֵין אוֹ דִּילְמָא לְפִי שְׂבַח מָמוֹן גּוֹבֵין אָמַר לִיהּ לְפִי מָמוֹן גּוֹבֵין וְאֶלְעָזָר בְּנֵי קַבֵּעַ בְּהַ מְסַמְרוֹת

With regard to this issue, **Rabbi Elazar asked Rabbi Yoḥanan: When** the residents of the city **collect** money to build a wall, **do they collect based on** the number of **people** living in each house, **or perhaps they collect based on the net worth** of each person? **Rabbi Yoḥanan said to him: They collect based on the net worth** of each person, **and Elazar, my son, you shall fix nails in this**, i.e., this is an established halakha, and you must not veer from it.

אֵיכָא דְאָמְרִי בְּעָא מִינֵיהּ רַבִּי אֶלְעָזָר מֵרַבִּי יוֹחָנָן כְּשֶׁהָיוּ גּוֹבֵין לְפִי קִירוּב בְּתֵימָה הֵן גּוֹבֵין אוֹ דִּילְמָא לְפִי מָמוֹן גּוֹבֵין אָמַר לִיהּ לְפִי קִירוּב בְּתֵימָה הֵן גּוֹבֵין וְאֶלְעָזָר בְּנֵי קַבֵּעַ בְּהַ מְסַמְרוֹת

**There are those who say that Rabbi Elazar asked Rabbi Yoḥanan: When they collect money to build a wall, do they collect based on the proximity of the houses to the wall, so that those people who live closer to the wall pay more? Or perhaps they collect based on the net worth of each person. Rabbi Yoḥanan said to him: They collect based on the proximity of the houses to the wall, and Elazar, my son, you shall fix nails in this.**

1. What is the chief security concern that the construction of a wall is trying to address? Is there a modern equivalent to the ancient city wall?
2. Which of the opinions attributed to Rabbi Yoḥanan makes more sense to you, and why?

## **BT Bava Batra 8a**

*The following follows a discussion of how long one must reside in a city to be considered a resident (בְּנֵי מְתָא) or a member (יְתוּבֵי מְתָא) of the city, and what that status means.*

וּלְכָל מִילֵי מִי בְּעֵינֵי שָׁנִים עֶשְׂרִי חֹדֶשׁ וְהִתְנַיָּא שְׁלֹשִׁים יוֹם לְתַמְחוּי שְׁלֹשָׁה חֳדָשִׁים לְקוּפָּה לְשִׁישָׁה לְכִסּוּת תַּשְׁעָה לְקַבּוּרָה שָׁנִים עֶשְׂרִי חֹדֶשׁ אָמַר רַבִּי אֲסִי אָמַר רַבִּי יוֹחָנָן כִּי יוֹחָנָן כִּי תִּנּוּן נָמִי מִתְּנִיתִין שָׁנִים עֶשְׂרִי חֹדֶשׁ לְפָסִי הָעִיר תִּנּוּן

The Gemara asks: **And do we require** that one live in a city for **twelve months for all matters? But isn't it taught** in a baraita: If one lives in city for **thirty days**, he must contribute **to the charity platter** from which food is distributed to the poor. If he lives there for **three months**, he must contribute **to the charity purse**. If he lives there for **six months**, he must contribute **to the clothing fund**. If he lives there for **nine months**, he must contribute **to the burial fund**. If he lives there for **twelve months**, he must contribute **to the columns of the city** [*lepassei ha'ir*], i.e., for the construction of a security fence. **Rabbi Asi said that Rabbi Yoḥanan said: When we learned twelve months in the mishna, we learned** that with regard **to contributing to the columns of the city**, money used for protecting and strengthening the city, but not for other matters.

וְאָמַר רַבִּי אֲסִי אָמַר רַבִּי יוֹחָנָן הַכֹּל לְפָסִי הָעִיר וְאֶפִּילוּ מִיְתָמִי אֲבָל רַבְּנָן לָא דְרַבְּנָן לָא צְרִיכִי נְטִירוּתָא אָמַר רַב פָּפָא לְשׁוּרָא וּלְפָרְשָׁא וּלְטַרְזִינָא אֶפִּילוּ מִיְתָמִי אֲבָל רַבְּנָן לָא צְרִיכִי נְטִירוּתָא כֹּל מִיְתָמִי דְאֵית לְהוּ הִנָּא מִיְתָמִי אֶפִּילוּ מִיְתָמִי

**And Rabbi Asi says that Rabbi Yoḥanan says: All** are required to contribute **to the columns of the city, and** money is collected for that purpose **even from** underage **orphans**. [Since orphans are minors, they are not typically obligated to follow commandments.] **But the Sages** are **not** required to contribute, **since the Sages do not need protection**. [The Sages' righteousness is thought to offer them divine protection.] **Rav Pappa said:** Money is collected **even from orphans for the city wall, for the city horseman, and for the guard** [*uletarzina*] of the city armory, **but the Sages do not require protection. The principle of the matter** is: Money is collected **even from orphans for anything from which they derive benefit**.

1. This passage lists a collection of different city services that residents are obligated to support – the charity platter, the charity purse, the clothing fund, the burial fund, and the columns of the city. What does the grouping of these programs together tell us? What programs would you include on this list for a modern city?
2. Is there a difference between contributing to a program because you personally benefit from it, and contributing to a program because you are a member of the broader community that it serves? Do you agree with the rabbis' assessment of which programs cause personal benefit?

## BT Bava Batra 8b

*The Talmud discusses the differences between two forms of charity – the charity platter (תמחוי), which consists of food distributed daily, and the charity purse (קופה), which consists of money distributed weekly.*

תמחוי לעגני עולם קופה לעגני העיר ורשאים בגי 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 purse** 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 purse** 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 purse**. 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.

1. When is it valuable to designate aid for a specific pool of recipients, versus making it available to everyone? Who should make these decisions?
2. This passage gives city residents broad leeway to re-allocate funds from one program to another. When might this power be helpful? How might this power be abused?

## Yerushalmi Talmud Hagigah 1:7 (6a-b)

*This final text is taken from the Yerushalmi Talmud and gives a warning of what might occur if a city's leaders do not prioritize their spending appropriately.*

תני רבי שמעון בן יוחי. אם ראית עיירות שנתלשו ממקומן בארץ ישראל דע שלא תחזיקו בשכר סופרים ומשנים. מה טעם. על-מה אבדה הארץ נצתה כמדבר מבלי יושב: ויאמר יי על-עזבכם את-תורתיי

**Rebbi Simeon ben Yoḥai stated: When you see towns in the Land of Israel uprooted from their place, know that they did not contribute to the wages of Bible and Mishnah teachers, which the community is responsible for doing. What is the reason?** It is written (Jeremiah 9:11-12): **“Why is the land ruined, torn down like an uninhabited wilderness? The Eternal said, because they abandoned My Torah.”**

רבי יודן נשיא שלח לרבי חייה ולרבי אסי ולרבי אמי למיעבור בקרייתא דארעא דישראל למתקנא לון ספרין ומתניין. עלון לסד אתר ולא אשפחון לא ספר ולא מתניין. אמרין לון. אייתון לן נטורי קרתא. אייתון לון סנטורי קרתא. אמרון לון. אילין אינון נטורי קרתא. לית אילין אלא חרובי קרתא. אמרון לון. ומאן אינון נטורי קרתא. אמרון לון. ספרייא ומתניינא. הדיא היא דכתיב אם יי לא-יבנה בית וגו'

**Rebbi Judah the Prince sent Rebbi Ḥiyya, Rebbi Assi, and Rebbi Immi to tour the towns of the Land of Israel in order to give them Bible and Mishnah teachers. They came to one place where they found neither Bible nor Mishnah teacher. They [the rabbis] said to them [the townspeople], bring us the guardians of the town. They [the townspeople] brought them the stewards of the town [santurei karta]. They [the rabbis] told them, these are not the guardians of the town, they are the destroyers of the town! They [the townspeople] asked them, and who would be the guardians of the town? They [the Rabbis] told them, the Bible and Mishnah teachers. That is what is written in**

Psalm 127:1, “**Unless the Eternal builds the house**, its builders labor in vain on it; unless the Eternal watches over the city, the watchman keeps vigil in vain.”

1. Why might the city’s nominal protectors (in this case, its administrators) in fact be considered its destroyers?
2. In what ways might teachers of Torah and Mishnah protect the city?

### Glossary of Talmudic Terms

Broadly speaking, the Talmud consists of the **Mishna** (a collection of rabbinic teachings) interspersed with the **Gemara** (the commentary of a later generation of rabbis on the Mishna). Both texts include statements or positions attributed to individual rabbis, as well as. Frequently, the Gemara will cite a **baraita**, which is a rabbinic tradition that comes from the same time period as the Mishna but is not part of it. These passages can be brought in to support or contradict a particular position. While the authors of the Talmud often strive to determine what the **halakha** (normative Jewish law; plural **halakhot**) is, they are also concerned with preserving sources, reasoning, and dissenting opinions. There are two editions of the Talmud, the earlier **Yerushalmi** (Jerusalem) Talmud and the later and more widely-studied **Bavli** (Babylonian) Talmud, often abbreviated BT. Both were compiled during the middle of the first millennium CE. There is substantial overlap between the editions, but also substantial unique material.

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