**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

**Rav Aviad Tabory**

**Shiur #27:**

**1860: *Yetzia min ha-Chomot***

**Charity or Work?**

Up until the 19th century, the Jews in Israel lived in the four holy cities: Teveria, Tzfat, Chevron, and Yerushalayim. In the 18th century, small waves of *aliya* began arriving in these cities. A first wave began around 1740 with the *aliya* of the Ba’al Shem Tov’s *Chasidim*. A second wave followed during the early 19th century with students of the Gra (*mitnagdim*). These Jews were observant and were committed to learning Torah. Their main income came from charity raised in the Jewish communities of *chutz la-aretz,* which was called *chaluka* (lit. distribution).

During the 19th century, the Jews of Yerushalayim lived in great poverty; conditions in the cramped gated city were difficult. In 1860, a new modern neighborhood was founded outside the walls of Yerushalayim and thus the “new” Yerushalayim was established.

This movement became known as *yetzia min ha-chomot* (departure from the walls) and marked the beginning of a new era in the return of the Jewish people to their homeland.

The new neighborhood, named Mishkenot Sha’ananim (based on *Yeshayahu* 32:18), was built by [Sir Moshe Montefiore](https://en.wikipedia.org/wiki/Sir_Moses_Montefiore), a great Jewish philanthropist who was heavily involved in building the “new” Yerushalayim. The many neighborhoods that carry the name “Moshe” today, such as [Mazkeret Moshe](https://en.wikipedia.org/wiki/Mazkeret_Moshe), Ohel Moshe, and Kiryat Moshe, are clear testaments to his role and tributes to this great man.

Attached to this neighborhood is a windmill which had been built a few years earlier and which was intended to serve as a workplace for newcomers. Thus, the move from the walled Jerusalem outwards was also an attempt to introduce a new way of life and to encourage people to work rather than live off of charity.[[1]](#footnote-1)

The custom of supporting those who are learning Torah and dwelling in the Land of Israel may have begun already in the Tannaitic period[[2]](#footnote-2) and has roots in halakhic sources.

**The priority of donating to Israel**

The *Shulchan Arukh* (YD 251), based on Talmudic sources, lists the correct order of distribution of *tzedaka*. For example, he rules that giving charity to the poor people of one’s city takes precedence over donating to the poor of other cities. He also mentions that those who dwell in Israel should receive charity before those who live in *chutz la-aretz*.[[3]](#footnote-3)

Later authorities dispute whether the poor of Israel should indeed take precedence over the poor of one’s city. The Bach[[4]](#footnote-4) and the Shach[[5]](#footnote-5) argue that the poor of one’s city come first, while Rav Yisroel ben Shmuel Ashkenazi of Shklov (c. 1770 – 1839) disagrees.[[6]](#footnote-6)

Rav Chaim Yosef David Azulai (1724 – 1806), known as the Chida, was a prominent *posek* of his generation. Born and raised in Yerushalayim, the Chida was chosen to become an emissary to *chutz la-aretz* for the purpose of raising funds for the Jews of Israel. He met with many communities and great rabbis during his travels. In his writings, he offers three reasons for the importance of donating *tzedaka* to the Jews of Israel:

1. Donating money to Israel is considered to be a means of participating, in part, in the mitzva of dwelling in Israel.
2. The entire Jewish calendar is based on the presence of Jews in Israel, thus the Jews in *chutz la-aretz* benefit from the Jews of Israel.[[7]](#footnote-7)
3. The Jews of Israel live under very harsh conditions and are compared to those whose lives are in danger and require redemption (*pidyon shvuyim*).[[8]](#footnote-8)

Rav Aharon Lichtenstein also suggested that donating money to Israel may be a way of participating in the mitzva of dwelling in Israel, based on the Ramban’s view that the essence of this mitzva is to guarantee that the land prospers and is not left to desolation.[[9]](#footnote-9)

Furthermore, Rav Lichtenstein explains that the two separate passages of the Torah that discuss the mitzva of charity are dealing with two very different *mitzvot*. While the verses in *Vayikra* 25 address the rule of giving charity to all poor people, the verses in *Devarim* 15 relate to the uniqueness of donating to the people living in the Land of Israel. This idea is based on the entire motif of *Sefer Devarim*, which deals with *mitzvot* that have to do with the Land of Israel. While the mitzva in *Vayikra* focuses on ensuring the livelihood of all of one’s neighbors, *Sefer Devarim* is about establishing a socio-economic system in the future Jewish state.[[10]](#footnote-10)

**The poor of Yerushalayim**

Rav Moshe Sofer (1762–1839) added that the (poor) dwellers of Yerushalayim should also receive *tzedaka* before the poor of other cities of *Eretz Yisrael*, suggesting that perhaps those who dwell in the holy city are worthier people than their brethren who live elsewhere.[[11]](#footnote-11)

He also suggests that there is a mitzva to live in Yerushalayim (more than in other parts of Israel) even today: although there are no real halakhic ramifications to living in Yerushalayim in the absence of the Temple, there is still a spiritual advantage to living in the presence of the *Shekhina*.[[12]](#footnote-12)

Rav Baruch Epstein (1860–1941) argues against this idea. He explains that although Yerushalayim has more *kedusha* (holiness)than other cities, this alone should not justify prioritizing donations to the dwellers of this city before other cities.[[13]](#footnote-13)

**Is it ideal to live off charity in Israel?**

Many of the *poskim* who held the position that there is a mitzva to live in Israel were troubled by the question of why so many rabbis chose to stay in *chutz la-aretz*.[[14]](#footnote-14)

Rav Avraham Borenstein(1838-1910), the Chasidic master (*Admor*) of the  [Sochatchover dynasty](https://en.wikipedia.org/wiki/Sochatchov_%28Hasidic_dynasty%29), was a great lover of Israel. In his response to the above question, he suggests that the mitzva to dwell in Israel only applies when it is possible to live off the land. Accordingly, living in Israel while depending on charity might not be the correct way of fulfilling this mitzva.[[15]](#footnote-15)

The Gemara (*Berakhot* 35b) discusses whether one should learn Torah all day (and not work) or should instead combine work with Torah study. The Gemara explains that the matter is a dispute between Rav Shimon Bar Yochai, who holds that learning Torah should be one’s only occupation, and Rav Yishmael, who argues that one should combine work with Torah study.

The Chatam Sofer explains that this dispute applies only in *chutz la-aretz*. Outside of Israel, work is just a means to make a livelihood. However, in the Land of Israel, working the land is a mitzva (of settling *Eretz Yisrael*), just like wearing *tefillin*. No one would argue that learning Torah should exempt one from wearing *tefillin* (because both are *mitzvot*); so too, working the land of Israel is a mitzva and should be treated as such.[[16]](#footnote-16)

This might be connected to the Chatam Sofer’s ruling that the Jews of Israel should take precedence for the purposes of charity only if the poor person became poor *while* living in Israel. In his view, there is no mitzva to give to a poor man who made *aliya* with the intention of living off charity! Furthermore, he condemns those who make *aliya* without the prospect of work, as they are stealing the livelihood of the poor people already living in Israel.[[17]](#footnote-17)

**The religious value of work**

Our rabbis mentioned the value of work in many places.[[18]](#footnote-18) Referring to those who chose to learn Torah and live off charity, the Rambam was quite radical, claiming that:

One who comes to the conclusion that he should involve himself in Torah study without doing work, and derive his livelihood from charity, desecrates [God's] name, dishonors the Torah, extinguishes the light of faith, brings evil upon himself, and forfeits the life of the world to come, for it is forbidden to derive benefit from the words of Torah in this world.

Our Sages declared: "Whoever benefits from the words of Torah forfeits his life in the world" (*Avot* 4:5). Also, they commanded and declared: "Do not make them a crown to magnify oneself, nor an axe to chop with” (ibid.). Also, they commanded and declared: "Love work and despise rank" (ibid. 1:10); and “All Torah that is not accompanied by work will eventually be negated and lead to sin” (ibid. 2:2). Ultimately, such a person will steal from others.[[19]](#footnote-19)

Sir Moses Montefiore donated huge sums of money to the Jews of Israel, and he supported those who learned Torah. However, his efforts to create jobs for the people of Jerusalem, such as building the windmill, might be considered his highest fulfillments of the mitzva of *tzedaka*. As the Rambam writes:

There are eight levels in charity, each level surpassing the other. The highest level, beyond which there is none, is a person who supports a Jew who has fallen into poverty [by] giving him a present or a loan, entering into partnership with him, or finding him work, so that his hand will be fortified so that he will not have to ask others [for alms].[[20]](#footnote-20)

1. See Avraham Yaari, *Massaot Eretz Yisrael*, Modan, Tel Aviv 1996, p.547. See also Abigail Green, *Moses Montefiore: Jewish Liberator, Imperial Hero*, Harvard University Press, England 2010, p.119 and pp.327-8. [↑](#footnote-ref-1)
2. See Abraham Moses Luncz, *Ha-Chaluka*, Jerusalem 1911, and Green, pp.75-76. [↑](#footnote-ref-2)
3. These laws appear in the Midrash (*Sifrei*, *Devarim* 15:7); however, the Rambam (*Matanot Aniyim* 7:13) omits the precedence for those who dwell in Israel. See Eliav Shochatman, *Techumin* 28, pp.114-117, for a discussion of commentaries who address this issue. [↑](#footnote-ref-3)
4. YD 251:4. [↑](#footnote-ref-4)
5. YD 251:6. [↑](#footnote-ref-5)
6. *Pe’at ha-Shulchan* 2:29. [↑](#footnote-ref-6)
7. See Rambam *Sefer ha-Mitzvot* positive mitzva #153. [↑](#footnote-ref-7)
8. *Shut Yosef Ometz* 19. [↑](#footnote-ref-8)
9. See Ramban, *Sefer ha-Mitzvot*, positive *mitzvot* that the Rambam omitted, #4. [↑](#footnote-ref-9)
10. See Rav Aharon Lichtenstein, *Minchat Aviv: Chiddushim ve-Iyyunim ba-Shas*, Maggid, 2014, pp.112-113. [↑](#footnote-ref-10)
11. In his *Teshuvot Chatam Sofer*, YD 234. See also Rav Moshe Taragin’s article on the VBM: https://www.etzion.org.il/he/holidays/yom-yerushalayim/tzedaka-benefits-jerusalemites. [↑](#footnote-ref-11)
12. Rav Yechiel Michel Tucazinsky (1871–1955) rules that the mitzva to live in Yerushalayim applies today. See *Ir ha-Kodesh ve-Hamikdash*, Jerusalem 1969, vol. 3, p.20. [↑](#footnote-ref-12)
13. Professor Shochatman (above, note 3) quotes an argument about this matter between Rav Shmuel Vazner and Rav Shlomo Zalman Auerbach. See p.118. [↑](#footnote-ref-13)
14. Rav Shlomo Goren asked the Rebbe of Chabad this question. See *Mishnat ha-Goren*, Yediot Ahronoth, 2016 pp.266-9, and Rav Soloveitchik’s explanation in Rav Nethaniel Helfgot (ed.), *Community, Covenant and Commitment*, Ktav, 2005 pp.227-9. [↑](#footnote-ref-14)
15. *Avnei Nezer* YD 454. [↑](#footnote-ref-15)
16. Appears in his *chiddushim* on *Sukka* 36a. [↑](#footnote-ref-16)
17. *Teshuvot Chatam Sofer*, *Kobetz Teshuvot*, 46. [↑](#footnote-ref-17)
18. See Menachem Assaf, *Ha-Avoda ba-Mekorot*, Reuven Mass, Jerusalem 1985, and Rav Shimon Federbusch, *Mishpat ha-Melucha B’Yisrael*, Mossad HaRav Kook, Jerusalem 2005, pp.143-158. [↑](#footnote-ref-18)
19. *Hilkhot Talmud Torah* 3:10. There is a well-known dispute on this matter. See Rav Yosef Karo’s opinion in his commentary, the *Kesef Mishneh*, on this passage. [↑](#footnote-ref-19)
20. *Hilkhot Matnot Aniyim* 10:7. [↑](#footnote-ref-20)