YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TORAH STUDY**

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**Shiur #22 - Rambam on Accepting Money for Talmud Torah**

In contemporary times, it is commonplace for individuals to accept money in exchange for studying or teaching Torah. Yet, at least as a matter of theoretical halakhic principle, this practice is far from straightforward. This *shiur* will focus on Rambam’s controversial classic position regarding this subject.

*Avot* (4:5) and *Nedarim* 62a establish, on the basis of the category of *lishma* we discussed in previous *shiurim*, that one “may not use Torah as a spade with which to dig.” *Berakhot* 8a similarly urges, “And Rabbi Chiyya bar Ami said in the name of Ulla: One who benefits from his hard labor is greater than a God-fearing person.” On the basis of these and other texts, Rambam famously opposes accepting money as compensation for *talmud Torah*. Beyond the relevant prooftexts, what motivated Rambam to issue his strict censure, particularly given that it ran directly counter to then-current practice?

In his *Commentary to Avot*, Rambam hints to one basis for his objection:

For [the rabbis] already warned against unnecessary consumption, and they said: “Any Torah scholar who engages in many meals in any location, etc.” And they said: “Any meal that is not tied to a mitzva – a Torah scholar may not derive benefit from it.”

This monastic motif, which we touched on regarding Rambam’s paeon to nighttime study (in *shiur* 21), is especially accented in *Mishneh Torah*, where Rambam dedicates the four preceding *halakhot* (*Hilkhot Talmud Torah* 3:6-9) to insisting that one who wishes to study Torah must subsist on “bread with salt” (3:6) and get along with a frugal lifestyle. Moreover, “the words of Torah will not be found in the arrogant or in the hearts of the haughty, but rather in the humble and lowly, who sit in the dust at the feet of the Sages and remove the desires and pleasures of the times from their hearts” (3:9). Against this backdrop, Rambam transitions into his treatment of handouts, implying that one may not accept charity in exchange for Torah study because such behavior contravenes the humble ethos of the aspiring scholar. In adopting this position, Rambam echoes Max Kadushin’s depiction of rabbinic abnegation,[[1]](#footnote-1) which Dr. Norman Lamm once called a sort of “soft asceticism.”[[2]](#footnote-2) For Rambam and the Rabbis, carnal pleasure is not, as many Christian thinkers maintain, intrinsically repugnant, but nonetheless should be dramatically curtailed by one who aspires to mastery of Torah.

Beyond the scholar’s austere lifestyle, however, there is a second concern at play. In opening his treatment in *Mishneh Torah*, Rambam thunders:

*Anyone who believes in his heart that one ought occupy oneself with Torah and not work, but support oneself with charity, behold, this one desecrates the Divine name, dishonors the Torah, extinguishes the light of faith, brings evil to oneself and forfeits life in the world to come, because it is forbidden to benefit from the words of Torah in this world.*

In what way does such an individual desecrate God’s name and dishonor the Torah? While in *Mishneh Torah* the precise nature of this *chilul* Hashem is not immediately clear, Rambam clarifies in his *Commentary to the Mishna*:

This is a desecration of God’s name for the masses, for they will think of the Torah as a profession like any of the professions, and he will thus render it “the despised word of God.”

In other words, one who accepts community funds in exchange for learning diminishes public respect for the Torah scholar, for such behavior will lead people to “think of the Torah as a profession like any of the professions.” Rambam reserves perhaps his sharpest tongue-lashing for those who, by accepting aid, devalue the unique position Torah scholarship ought occupy in our community’s constellation of values.

This final explanation accounts for another noteworthy element of Rambam’s position. Due to the focus on the contemporary *kollel* question, it is often overlooked that Rambam’s prohibition applies to both learning and teaching. For instance, in the *Commentary to Avot* he writes: “And they made the Torah appointments as tax law,” clearly outlawing the appointment of individuals to rabbinic positions. He continues later:

For if we examine the generations of the scholars, we will not find among them placement of obligations upon individuals, nor collecting money for elevated and honored *yeshivot*, nor for exilarchs, nor for judges, nor for Torah disseminators, [nor] for those appointed [by the community], nor for other people…

Here, Rambam prohibits a host of communal rabbinic positions. This makes sense. If Rambam’s fear is (partly) that accepting money for Torah diminishes its stature, this desecration logically should extend to any case in which one treats Torah as a profession. Rambam’s injunction rightly encompasses both Torah study and a rabbinic career.

Here we may inquire whether any of Rambam’s life experiences sensitized him to the pitfalls of reducing Torah to mere professional status. It is hard to say for sure. We know that he engaged in fierce battles with Abu Zikri Sar Shalom, also known as Zuta, for the position of *ra’is al-yahud*, head of the Egyptian Jewish community; Rambam spoke disparagingly of Zuta and viewed him as a functionary, not a scholar. Indeed, he spoke negatively about rabbinic titles in general, dismissing many of the established authorities as incompetent when he first arrived in that country.[[3]](#footnote-3) Rambam also might have been an astute observer of the sometimes-dysfunctional relationship between the Gaon and the Exilarch. Although long before his time, the titanic power struggles between R. Saadia Gaon and David Ben Zakai may well have been familiar. Indeed, he generally maintained a dim view of Geonic authority, and his *Mishneh Torah* was fiercely opposed by the contemporary Gaon Shmuel ben Eli.[[4]](#footnote-4) Possibly, Rambam drew on these observations in noting the challenges confronting rabbis, and the sometimes-unqualified stature of those who sought to usurp authority from those who were genuinely qualified to serve.

While we can only conjecture what personal experiences might have motivated Rambam’s strident language, additional evidence confirms that Rambam understood well the difficulties inherent in reducing the rabbi to the position of employee. In a letter to Yosef ibn Aknin, the student for whom he penned his *Guide to the Perplexed*, Rambam offers his mentee remarkable advice on the subject of whether or not to pursue a career in the rabbinate. Because of its importance and relevance, Rambam’s comments are worth citing at some length:

With regard to the matter you mention about going to Baghdad, I have already sanctioned your plan to open there a house of learning where you wish to expound the law with my code as a text book. I fear, however, that you will be constantly involved in disputes with those people and fail to achieve your proper objectives. Moreover, if you assume the practice of teaching, your business affairs will be neglected and you dare not accept any financial reward from them. It is far better for you to earn a single drachma as a weaver, tailor or carpenter than be dependent on the license of the Exilarch. If you dispute with any of them, you will lose your earning. And if you accept from them favors you will be humiliated. My advice to you is to pay full attention to your trade and the practice of medicine, and at the same time continue to study Torah voluntarily.

Rambam’s message is clear: one who is employed as a paid rabbi runs a significant risk of being dismissed upon disagreeing with his superiors, and of being demeaned upon accepting favors from community leaders. Part of Rambam’s outspoken opposition to the professional rabbinate, in other words, stemmed from his appreciation of the inherent dangers and limitations of one who is employed by the community. Rambam’s acute awareness of these pitfalls led him to recommend to his student a life of poverty over and above subservience to the community.

Despite Rambam’s strict and carefully-considered objection, the majority of *halakhic* decisors reject his opinion. This includes R. Tzemah ben Duran (*Tashbetz* 1:142-148), Abravanel (*Commentary to Avot* 4:7), R. Yosef Karo (*Kesef Mishnah* to *Hilkhot Talmud Torah* 3:10, Beit Yosef (*YD* 246 s.v. *Kol*), Bach (ibid.), Drisha YD 246:10) and Rema (YD 246:21). What is the reasoning for these leniences? Tashbetz (1:147) critiques Rambam, arguing that perhaps Rambam was unique due to his prominence and subsequent relationship to the monarch; but “what will the rabbis and scholars who have not reached this level do? Shall they die in famine, become degraded from the honor, or toss of the yoke of heaven from upon their shoulders? This cannot be the intention of the Torah, *mitzvot* and Gemara.” Shach (ibid., 20) similarly cites Maharshal and Bach, who explains that heads of yeshiva must of necessity accept funds for their work, lest the community lose out on the services. R. Eliezer Melamed (*Hilkhot Talmud Torah* 18[[5]](#footnote-5)) adds another consideration, namely that in today’s times there is so much more Torah to master than in rabbinic times.

Still, Rambam’s admonition remains important, even practically speaking. As Rav Melamed notes, it is one thing for someone to receive a stipend for Torah study while preparing to serve the community as a religious leader, or while seeking to establish one’s religious identity on firm ground, whether as a young man or woman, or even later in life. To accept money for learning indefinitely, on the other hand, is far more questionable. Ultimately, Rambam’s censure - as well as the logic provided by those who reject the application of his purist perspective in today’s world - remain an important, practical part of the *halakhic* calculus. What is more, they emphasize that Torah study must generate a *kiddush Hashem*, not *chilul Hashem*, at all times.

1. *Organic Thinking: A Study in Rabbinic Thought* (Binghamton: Global Publications, 2001), pp. 53-55. [↑](#footnote-ref-1)
2. Personal conversation. [↑](#footnote-ref-2)
3. See *Commentary to the Mishnah*, *Bekhorot* 4:4. [↑](#footnote-ref-3)
4. See Moshe Halbertal’s *Maimonides: Life and Thought* (Princeton: Princeton University Press, 2014), pps. 19-20, regarding Rambam’s attitude toward the Geonim and his struggles with the entrenched powers of the Egyptian Jewish community. [↑](#footnote-ref-4)
5. http://ph.yhb.org.il/07-01-18/ [↑](#footnote-ref-5)