

Accepting Payment for the Study of Torah

Rambam, Mishnah Torah, Hilchos Talmud Torah, Perek III

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Halacha X

“Anyone who decides to study Torah and not work and be supported by charity has desecrated His name, disgraced the Torah, extinguished the light of faith, caused ill for himself, and has taken away his life in the World to Come, for it is prohibited to benefit from words of Torah in this World...”

If we are to compare norms in our religious society with the words of the Rambam, this might be the most challenging passage with which to contend. There are so many kollel students, across a wide spectrum of the Orthodox community, devoted individuals who dedicate their days and nights to the study of Torah. What is our societal approach to this matter? How are we to reconcile it with the above passage from the Rambam? If the practice is at odds with the Rambam are there other authorities on whom to rely?

There are numerous authorities that have discussed this question for generations, and they debate the meanings of numerous sources in the Talmud. For the sake of brevity, we will focus on a sampling of the sources cited by the Rambam in Peirush Hamishnayos (Avos, 4, 7).

- In the previously cited mishna in Pirkei Avos, Rebbe Tzakok prohibits using the words of Torah as a crown with which to be glorified or as a shovel with which to dig (presumably prohibiting the receipt of honor or practical benefit from one's studies). Hillel then warns that a person who uses the Torah crown for personal benefit is risking his life.
- In Meseches Brachos, 10b, the gemora discusses the models of the prophets Shmuel and Elisha. The former would decline generous offers from others and the latter would accept them. This would seem to indicate that it is acceptable to accept financial assistance when engaged in spiritual pursuits.
- In Meseches Yoma, 35b, the gemora cites Hillel as being a model of devotion to Torah study despite great poverty¹. Presumably Hillel demonstrated through his own life choices that one is not to receive financial benefit in exchange for Torah study, even if one is a great scholar.
- In Meseches Nedarim, 62a, the gemora tells of the time in which Rebbe Tarfon was mistakenly apprehended for stealing from an individual's vineyard. Thinking he had caught the thief, the owner overpowered him and threw him in a sack. He then ran with the sack to the river, into which he was going to deposit the culprit. Rebbe Tarfon called out words of woe regarding his situation, referring to himself as Tarfon. The moment the owner heard this he put the sack down and fled, embarrassed for what he had done to a great scholar. The gemora states that Rebbe Tarfon was dismayed by this episode for the rest of his life, as he should not have gained any benefit from his status as a Torah scholar².
- In Meseches Baba Basra, 8a, the gemora tells the story of Rebbe offering wheat to Torah scholars. His student Rebbe Yonasan ben Amram approached, but Rebbe did not recognize him. He

1 The gemora explains that when Hillel was a student in the bais medrash of Shmaya and Avtalyon the students paid a daily fee to enter. On a given winter day Hillel could not pay, and was not granted access. Instead of going home he climbed up and listened from the window. Ultimately, Shmaya was surprised more light was not coming in. Upon investigation Hillel was found under three amos (over four feet) of snow.

2 He was affluent, and could have offered money for his freedom, without divulging his identity.

asked the individual about his scholarship. The response implied that he was not learned. He gave him the wheat anyway. When others heard about the story they opined that perhaps this was the distinguished student of Rebbe, Rebbe Yonasan ben Amram. This assumption was found to be correct, with the scholar not revealing his greatness so as not to benefit from his Torah knowledge.

All of the above sources, save the gemora in Brachos, seem to indicate that it would be incorrect for a scholar to be paid for studying. The Rambam clarifies that when we see accounts in the Talmud of impoverished Torah scholars we must understand that there were surely generous people who would have been happy to support their studies. The scholars would refuse based on the principle conveyed in the mishna in Pirkei Avos. Regarding the gemora in Brachos which cites the practice of Elisha's acceptance of the generosity of others, he explains that Elisha would accept individuals' invitations as he would travel from one place to another. Accepting generous hospitality as a person travels is a far cry from building a financial model rooted in people's donations!

The Kesef Mishnah finds it difficult to accept that Hillel, the great teacher in Israel, had to be a wood chopper in order to eke out a living. Regarding the gemora involving Hillel, he suggests the norm of the time was to only provide funding for uniquely distinguished scholars. The remarkable story of Hillel on the bais medrash roof³ seems to have transpired when Hillel was not as yet known as a great scholar. After Hillel's greatness was ultimately established, communal members would have provided for his needs. Interestingly, the Kesef Mishnah argues that the gemora of Rebbe Yonasan ben Amram not revealing himself as a scholar to Rebbe who was distributing wheat proves that it is appropriate for a scholar to accept payment. If that were not the case, how could Rebbe actively be giving out wheat to scholars? Would that not be causing them to sin? Additionally, observers suggested to Rebbe that it might be Rebbe Yonasan ben Amram. Why was he the only name they suggested? If indeed it is prohibited for scholars to accept items in recognition of their scholarship, could it not have been anyone among a number of distinguished scholars? Rather the meaning seems to be that observers argued it might be this one individual (Rebbe Yonasan ben Amram) who might be acting above the letter of the law. Besides the question of what the observers surmised, could it be that the only scholar in that time and place who observed the halacha was Rebbe Yonasan ben Amram?

The Kesef Mishnah clarifies that he'd agree that a scholar who has the ability to earn a living with a profession that would still allow him to study Torah with dignity should certainly do so⁴. He argues there are sources in the Talmud which encourage receiving payment for being a scholar. As the Rambam mentioned (though explained the meaning differently), the gemora states that Elisha would accept the generosity of others. Additionally, in Meseches Kesubos, 105b, the gemora discusses the virtue of bringing a gift to a scholar, comparing the act to bringing the first fruits to the bais hamikdash. If the scholar would be prohibited from accepting the gift, why would the gemora encourage the donation?

Of course, the discussion of the different sources is fascinating. But don't we come back to the mishna on which the Rambam originally commented? We're told explicitly by Rebbe Tzadok and Hillel that we are not to use the study of Torah as a tool by which to gain, nor a crown by which to gain honor! The Kesef Mishnah suggests the correct way to understand these directives is to see them in context. The immediately preceding mishna quotes Rebbe Yishmael discussing intent. He talks about the individual who learns Torah for the sake of teaching (and benefitting in different ways from that

3 See note 1.

4 He cites Karna, who had a profession of checking the quality of wine in storage. This was a livelihood that did not involve a great deal of taxing labor (Kesubos, 105a).

position) versus he who learns Torah for the sake of better fulfilling it. He explains that Hashem might bring much success to both individuals, but the latter will develop the broader range of success. Immediately following are the comments of Rebbe Tzadok and Hillel, clarifying that not only will a person be more successful if their goals in Torah study are more pure, but it is prohibited for an individual to pursue the study of Torah with a goal of personal benefit or honor. If an individual pursues the study of Torah for pure reasons, and then finds himself unable to support himself while continuing the pursuit, he may certainly accept assistance from others, as has been demonstrated from the different sources.

The Kesef Mishna develops the point further based on the series of statements in Meseches Kesubos (106a) that individuals who served different communal roles, including the scholars who would teach laws of *shechitah* and *kemitzah* to the kohanim, would collect payment from the *terumas halishkah*, a source of communal funds for matters related to the Bais Hamikdash. Tosfos (105a, d”h gozrei gezeros) ask why this is not at odds with the gemora in Nedarim 37a, that prohibits accepting payment for teaching Torah. They answer that the scholars accepting payment from the *terumas halishkah* were not able to support themselves due to their constant involvement in religious matters. Therefore, says the Kesef Mishnah, we have a model to follow. If an individual is able to cover his needs while pursuing spiritual matters he should not receive payment. If, on the other hand, the only manner by which he can meet his needs would be to take a position which causes him to lose focus on his spiritual matters it would be appropriate for the community to meet his needs.

The Kesef Mishna suggests that his position might indeed be the view of the Rambam. In our halacha the Rambam writes *kol hamesim al libo sheyaasok baTorah velo yaaseh melaca*, anyone who **decides** to study and not work. Perhaps the Rambam’s criticism is for someone who who plans from the outset to study and not work. If, however, an individual hoped to study and pursue a livelihood at the same time and then found it was not feasible to do so, perhaps the Rambam would not criticize his acceptance of financial assistance⁵. The Kesef Mishnah accepts that the intent of the Rambam might very well be exactly how it sounds. If that is the case, the Kesef Mishna points to numerous other authorities in subsequent generations who accepted the practice of paying for the study of Torah and other religious matters. It could be a situation of *ais laasos laHashem*, the concept that sometimes there are practices that are not in step with the halacha, but were deemed essential to be able to continue the broader spiritual goal⁶.

5 Presumably this would also apply to a time and place that it would not be considered readily feasible to pursue both goals at the same time.

6 The most famous example being the committing of the Oral Torah to print so it would not be forgotten. Similarly in our circumstances, if scholars would not be assisted financially there may no longer be people who will become great scholars in Israel.