

Yehudah Levi

TORAH STUDY

*A Survey of Classic Sources
on Timely Issues*

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The most lenient opinion concerning payment for Torah study to those providing Torah services includes even students who provide no immediate service to the community, but spend all day studying Torah. Rashbatz presumably limits this dispensation, applying it not to just anyone who sets aside his affairs and concerns himself with Divine ones, but only to an accomplished Torah scholar, as stated in the Talmud.⁶⁴ Apparently, Rashbatz's opponents, such as Rashi,⁶⁵ maintain that the term "holy ministrations" refers only to one who serves the community (this is not necessarily the great personage entitled to enrichment; rather, as Rashi says, he is entitled to "whatever is necessary for his subsistence").

Rashbatz presents an additional argument to support his lenient view:⁶⁶ "A person important to the community may accept money from it... without violating the prohibition against benefiting from the Torah, for he is honoring the Torah—not using it." Similarly, in the words of R. 'Ovadia Sformo:⁶⁷ "One who is supporting himself temporarily [through Torah], endeavoring to increase his knowledge and improve either his own or another's actions is comparable to one who uses sanctified utensils for the service in the Sanctuary." Perhaps this is also the opinion of the Acharonim⁶⁸ who wrote: "This permission is based on the fact that it enables those who study the Torah to maintain it."

R. Y. Abarbanel notes that since a leader also advises his community and conducts secular its affairs, he is entitled to payment.

We conclude with Rashbatz's words of apology and resignation to supporting himself by accepting a salary as a rabbi:⁶⁹

All this is the basis for our practice of accepting a stipend from the community to serve as its rabbi... It is well known that our purpose in studying Torah was not to serve as rabbi or judge, for [in Christian Spain] we were propertied and had studied medicine, which can support one respectably there. But through the guilt of the generation, persecutions were decreed in all those lands... and if the profession of medicine had been able to support us in the country in which we have settled, we would not have come to this point, which is very low indeed.

(5) The Partnership of Issachar and Zebulun

The Midrash⁷⁰ states: "'Rejoice, Zebulun, in your going out'—This teaches us that Zebulun acted as an agent for his brother, buying from his

brother and selling to the Canaanites, buying from the Canaanites and selling to his brother.” This may indicate that there was a regular partnership between the two brothers, one of whom produced merchandise for the other to sell. However, it is well-known from another Midrashic source⁷¹ that the tribe of Issachar was dedicated to Torah study. Therefore, the implication seems to be that Zebulun invested the money of the tribe of Issachar and shared the profits with its members.

There are, however, other Midrashic versions of their arrangement:

- * “Why is Zebulun mentioned before Issachar [in the Torah], even though Issachar was older? Because Zebulun occupied himself with business and Issachar with Torah, and Zebulun supported him—therefore, he was accorded precedence.”⁷²
- * “Issachar occupies himself with Torah while Zebulun goes to sea, returns and feeds him. Thus the Torah increases within Israel.”⁷³
- * “Zebulun is mentioned before Issachar. Why? Zebulun occupied himself with business and Issachar with Torah; they agreed that Zebulun’s profits would go to Issachar... ‘It is a tree of life to those who strengthen it;’ therefore, Zebulun is mentioned before Issachar, for if not for Zebulun, Issachar could not occupy himself with Torah.”⁷⁴

These Midrashim imply that Zebulun also extended economic support and not merely services.

In contrast to these explicit Midrashim, the Talmud, in which the ultimate halakhic authority is vested, only hints at this type of partnership:⁷⁵ “Unlike Shime’on, the brother of ‘Azariah, and unlike R. Yochanan of the princely household.” Rashi comments: “Shime’on, the brother of ‘Azariah is a Tana in the Mishnah of *Zevachim*; he learned Torah through [the help of] his brother, who engaged in business [and supported his scholar-brother] to share in the consequent reward of Shime’on. He is therefore identified as the brother of ‘Azariah. Likewise, R. Yochanan studied through the Prince, who provided for him.”

None of the principal early halakhic authorities (Rif, Rambam, Rosh) cites such an arrangement as permissible; neither was it included in *Shulchan Arukh*. Rabbeinu Yerucham⁷⁶ is the first to cite it, stipulating that a Torah student may credit part of his future learning to a businessman in return for some of the businessman’s profits, but he may not “sell” his studies retroactively. He bases this on the incident related in the Talmud

of Hillel's brother Shavna, who sought to make such a retroactive arrangement; but a heavenly voice declared: "If a man relinquishes all the riches of his house for love, he will be disdained."⁷⁷ Both arrangements are discussed in *Tur* and by Rema in *Shulchan Arukh*.⁷⁸ This type of agreement, when valid, perhaps even obviates the Mishnaic warning:⁷⁹ "Any Torah not associated with labor will end in failure and cause sin."⁸⁰

Zebulun's precedence over Issachar implies that Zebulun's merit is not only equal to that of Issachar but even exceeds it—and this is problematic. Clearly, Zebulun's merit is derived from Issachar's studying; how can the derivative be greater than the source of its greatness? We might suggest that Zebulun received his blessing first, not because his merit is greater, but because his contribution to Torah study, too, precedes that of Issachar. But this seems a bit forced and the Gaon of Vilna⁸¹ states explicitly that the supporter is primary and the learner secondary.

Another difficulty: Issachar profited from his Torah studies, deriving his livelihood in exchange for his studies—yet the Mishnah said that such a person takes his life from the world.

The following proposal may answer both questions. Perhaps the Mishnah tells us simply that the physical benefits the recipient derives from his Torah scholarship are "debited" to his "account" of merit in the next world, as if he had withdrawn part of it. This may be R. Yosef Ya'abetz's intent when he writes⁸² that the recipient "diminishes his sustenance in the next world." This would account for Zebulun's preeminence, for he accumulated merit through the arrangement, while Issachar's merits decreased. This is explicit in the words of HaNetziv:⁸³ "The dignity of the one who occupies himself with Torah is reduced somewhat and the dignity of his supporter is increased, until they sit together."

Indeed, Rabbeinu Yerucham implies that the merit of Torah learning Zebulun acquires is deducted from Issachar. This is explicit in the words of R. Yosef Karo:⁸⁴ "[The one who studies all day] may give half his reward for Torah study to another... and it is then as if he studied Torah for half a day." Shakh, too, makes the point explicit.⁸⁵ "They split evenly—the business profits and the reward for Torah study will be shared by both." Similarly, R. Yosef Ya'abetz comments on the Mishnah: "Undoubtedly, he divides his share in the next world with the one from whom he receives." R. Chaim of Volozhin seems to concur.⁸⁶ R.

Mosheh Feinstein apparently takes this principle for granted:⁸⁷ “In all the details of the mitzvah of Torah study for which there is a reward... they share.” (He also demands that this arrangement be explicit, with an even division of business profits.) The Midrash supports this concept:⁸⁸ “He who learns with travail earns a thousand; without travail, his reward is two hundred. Where do we see this?... The tribe of Naftali learned with travail and was rewarded with a thousand, as Scripture teaches: ‘And from Naftali came a thousand princes.’ But the tribe of Issachar, who learned without travail [because they were fed by Zebulun⁸⁹] only gained two hundred.”

R. Pinchas Horowitz (*Hafla-ah*), however, writes:⁹⁰ “Would a Torah scholar sell but a single hour in the next world, even for his entire life in this world?... Rather, each one receives his full reward, for just as a lit candle can be used to light other candles without diminishing its brightness, patrons receive their reward from God in heaven without diminishing the reward of the Torah scholars.” He cites no source for this opinion. Note that R. Feinstein explicitly rejects this analogy⁹¹.

How can the concept of trading in one’s share in the next world be understood, in view of the principle taught by Rambam,⁹² that the reward of the righteous in the next world is their proximity to God, which results from their knowledge of Him. Certainly one who studies Torah gains this knowledge and hence nearness to God, whereas one who engages in business does not, even though he supports the other. How, then, is it possible to “sell” one’s share? As we have learned:⁹³ “Evil will naturally befall the evildoer and good will naturally reward one who does good”?

Perhaps giving one’s money to a student is an act such of self-effacement that it ennoble the soul of the donor, as the Sages write:⁹⁴ “‘Good understanding to all those who do them’—Not ‘those who learn them,’ but ‘those who do them.’” Regarding Issachar, the logic (as noted in the name of Rav Y. Ya’abetz) is as follows: Because they derive their livelihood from Torah study, its elevating influence on them is only half as great as it would be if they provided for themselves.

R. Meir Auerbach⁹⁵ observes that Rishonim seem to dispute the efficacy of the entire Issachar-Zebulun arrangement. R. Hai Gaon⁹⁶ deems it invalid to pay another to read the Torah in exchange for his merit. Does Rabbeinu Yerucham’s endorsement of the Issachar-Zebulun arrangement contradict the Gaon? Rav Auerbach thinks not. Rather, each mitzvah of-

fers two rewards: subjective—enhancing and elevating one’s soul, and objective—the reward a king gives his servants. R. Hai Gaon speaks of the former, which goes only to him who does the act itself. Rabbeinu Yerucham, however, refers to the objective reward, which accrues also to him who toils to enable the student to study. Considering the above-mentioned self-effacement of the patron, some of the subjective reward, too, may accrue to him because of his dedication.

R. Feinstein⁹⁷ notes: “It is interesting that Rambam mentions neither the matter of Issachar and Zebulun nor the incident of Shime’on, the brother of ‘Azariah... and neither did the author of *Shulchan Arukh*... Perhaps Rambam held that one who does not learn cannot be considered as having fulfilled the mitzvah of Torah study.” Why does Rambam not codify the above Midrashim? He may be of the opinion that they conflict with the Babylonian Talmud (see Section 1, above), which is decisive.

R. Yosef Karo⁸⁴ writes: “Even if entered into from the beginning, such an arrangement is permitted only to one who does not earn enough to survive and who—if not for this agreement—would have to seek a livelihood and stop learning entirely.” In other words, there is nothing unique about the arrangement, and it entails the same conditions as any financial use of the Torah, as explained at the beginning of this section. According to the Midrash which indicates that this arrangement is hinted at in the Torah, it is difficult to classify it as an emergency measure which contravenes normal Torah rules. This leaves us with the explanation of Rashbatz and R. ‘Ovadia Sforno:⁹⁸ accepting payment for Torah study is not considered “using the Torah” when done in order to study.

On the other hand, *Shulchan ‘Arukh HaRav* rules:⁹⁹ “One may not free himself from his own study obligation by supporting a wiser, more understanding man, if it is only his working on the man’s behalf that is preventing his own learning.” “But if it is his lack of mental capacity that prevents him from learning [Talmud]—[and his capacity] does not suffice even for learning the practical applications of the mitzvot, even though he makes his Torah study primary—then he is a boor... Let him engage in business so that he can support those who study Torah day and night... and he will be treated as if he learns himself, and the others’ learning will be credited to him.”¹⁰⁰ That is, the business role in the Issachar-Zebulun arrangement is only permitted to a boor.

R. Yehudah HeChasid writes:¹⁰¹ “If two friends have a business that can be handled by one of them while the other learns—and one of them will forget everything he learns while the other has a good memory—let the former engage in business while the other studies; and if the one with the good memory is indolent and the other diligent, let the latter learn.” He evidently bases this counsel on a *Baraita*:¹⁰² “If one’s son is diligent, sharp-witted, and retentive, his son takes precedence.” The order in which the qualifications are listed seems to indicate that diligence is given priority over sharp-wittedness and memory.

(6) Supporting Torah Scholars

As noted already, a needy Torah scholar is allowed to accept charity, no less than any other indigent. Here we discuss the support of Torah scholars whose poverty is due to their devotion to *talmud Torah*, to the point of neglecting their obligation to support themselves.

The last of the maledictions pronounced on Mount Ebal¹⁰³ was: “Cursed be he who will not uphold the words of this Torah in order to fulfill them.” The Talmud¹⁰⁴ offers various interpretations of “upholding the Torah,” and concludes with: “[Even] if one learned, taught, observed and fulfilled, but had the opportunity to strengthen [the observance of others]¹⁰⁵ and did not strengthen it, he is included in the curse.” Rabbeinu Yonah¹⁰⁶ explains: “One should observe the actions of his fellow workers [in the service of God]... encourage them, showing them how to act... and the Sages applied the verse: ‘Cursed be the one who will not uphold...’ [to one who fails to do so].” The Midrash elaborates:¹⁰⁷ “Thus did God say to Moses: ‘Tell Israel: My children, busy yourself with the Torah and you need not fear any nation.’” It then proceeds to point out: Had the verse said: “Cursed be he who will not **study**,” Israel would not be able to exist; but the verse says: “... who will not **uphold** the words of this Torah.” This is what Scripture says: “[Torah] is a tree of life to those who uphold it.”¹⁰⁸

Rav Huna said: “If a person transgressed a commandment punishable by death by divine judgement, what should he do in order to live? If he used to learn one folio, let him learn two; if he used to study one chapter [of Mishnah], let him study two. But if he learned neither Scripture nor Mishnah... let him concern himself with public welfare and the distribution of charity, and he will live. Had the verse said:

69. *Magen Avoth*. *Avoth* 4:5, end.
70. *Sifrey*, *Zoth HaBerakhah*.
71. MR Genesis 98:12.
72. MR Genesis 99:9.
73. *Ibid.*, 72:5.
74. MRT *WaYechi* 11, based on Proverbs 3:18.
75. BT *Sotah* 21a.
76. Rabbeinu Yerucham, *Nethiv* 2, end.
77. BT *Sotah* 21a, citing Song of Songs 8:7.
78. *Tur* and SA *Yoreh De'ah* 246:1, gloss.
79. M *Avoth* 2:2.
80. See *Bei-ur Halakhah* on SA *Orach Chayim* 156.
81. HaGeRA on Proverbs 18:16.
82. R. Yosef Ya'abetz on M *Avoth* 4:6.
83. Responsa *Meishiv Davar* III 14, end.
84. Responsa *Avkath Rokhel* 2.
85. ShaKh, SA *Yoreh De'ah* 246, note 2.
86. *Kether Rosh* 64.
87. R. M. Feinstein, Responsum published in *Moriah*, Nisan 5743 (1983), no. 133-6, p. 103.
88. MR Song of Songs 8:10.
89. Commentary of R. Ze-ev Wolf Einhorn (MaHaRZU), ad loc.
90. *Hafla-ah*, *Kethuboth*, *Pithcha Ze'irta* 43.
91. *Loc. cit.*, note 87.
92. MT *Teshuvah* 8:2-3.
93. MR Deuteronomy 4:3.
94. BT *Berakhoth* 17a (according to some readings. So, too in 'Ein Ya'akov and the ms Munich), citing Psalms 111:10.
95. *Imrey Binah* I, end.
96. A responsum quoted in Responsa MaHaRaM Alashker 101.
97. *Op. cit.* (note 87), p. 99.
98. Brought above, subsection (4).
99. SA HaRav, *Hilkhoth Talmud Torah* 1:7.
100. *Op. cit.*, 3:4.
101. *Sefer Chasidim* 957 (in Mekize Nirdamim edition, no. 778). Also see *Mekor Chesed* ad loc.
102. BT *Kidushin* 29a.
103. Deuteronomy 27:26.
104. JT *Sotah* 7:4.
105. Rashi and *Ba'al HaTurim*. See especially RaMBaN, ad loc.
106. *Sha'arey Teshuvah* 3:19.
107. MR Leviticus, 25, beginning.
108. Proverbs 3:18.
109. Deuteronomy 27:26.
110. Deuteronomy 33:18.
111. *Peney Mosheh: Korban Ha'Eidah* on JT *Sotah* 7:4; R. Yosef Chiyon, *Miley De Avoth* 4:5; R. Yitzchak Elchanan Spektor, 'Etz Peri 2.