

1. Rambam, Moreh haNevuchim 3:39

The Torah already explains terumah and maaser, 'For he has not share or portion with you,' and you know that the reason is so that this tribe will be dedicated exclusively for service of Gd and knowledge of Torah, and will not be involved with plowing or planting, but only service of Gd, as it is written, 'They will teach Your laws to Yaakov and Your Torah to Israel. They will place incense...'

2. R' Shimon ben Tzemach Duran, Tashbetz 1:147

After all of this has been explained, we still need be concerned for the words of the Rambam to Avot, for his books have fallen into everyone's hands and they learn errors rather than that which is correct. If there are words to respond, truth will show us its path and the merit of the early ones will assist, for it appears that he exaggerated beyond his attributes and labelled all of the Gaonim and sages who preceded him and lived in his day as mistaken. Because he became outraged, he erred, to the point where he called them insane; "The prophet is foolish, and the man of spirit is insane. (Hosheia 9:7)" Even if his *maza* aided him, for he was close to the government and honored for his medicine and wisdom in his generation, and he did not require support from the communities, what should sages and scholars who have not reached this do? Should they die in famine or be degraded in their honor or throw off the yoke of Torah from their necks? This is not the intent of Torah, mitzvot and talmud...

Know that when he wrote, "There is nothing in Torah to validate this," he forgot or abandoned the lesson, "The kohen who is greater than his brethren' – elevate him from the property of his brethren," and their equation of people of status with the kohen, as we have already written. We have found validation for this in the Torah, against the words of the master. And if one will say that this is an *asmachta*, I will reply that the prohibition against this practice is also only from midrash (Nedarim 37a), "And Gd instructed me,' Just as I taught Torah for free, so you shall teach Torah for free." And they also said explicitly (Yoma 72b) that the people of a city are required to support a Torah scholar who lives there, and they found a *derashah* for this, as we have noted above. Further, R' Elazar only found a cure for *amei ha'aretz* in benefiting Torah scholars with their wealth, learning this from pesukim (Ketuvot 111b). What greater validation from the Torah would the master expect?

Perhaps the master will say that the community is obligated in this, but if they refrain and do not engage in it on their own then a sage may not demand and request his share verbally, but this is not the view of the sages, and it may be challenged from R' Ami (Chulin 134b), who took the sack of dinarim first. Further, since the Torah requires this support, if the population were to ignore this, why would the sages not instruct them and compel them? Regarding rising and honoring [a sage] the sages were demanding of those who did not fulfill it, as seen in Kiddushin 33a that R' Shimon son of Rebbe was upset at R' Chiyya and R' Yishmael b'R' Yosi who did not stand before him, and sages verbally demanded that others stand for them. Abbaye said to R' Mesharsheya and the sages who did not rise before him, "Am I not your clear mentor?" And in the Sheiltot of Rav Acha of Shabcha (Parshat Kedoshim) I found language like this, "One who does not rise before the sages is forced to show them the honor of Torah..." What difference is there between rising and honoring, and being made greater from the property of one's brethren? This is Torah and this is Torah!

Perhaps the master will say that this is different because there is no expenditure of funds involved and so there is no desecration of Torah, but expenditure of funds involves desecration of Torah as *amei ha'aretz* degrade scholars who take money from them. But this is not the way of the mishnah, which links the matter to a crown and a blade, not the mindset of the *am ha'aretz*, good or bad. Further, the master should then have ruled that the prohibition is specifically against taking for one's self, but taking to distribute to other sages, which would not involve desecration, would be permitted. All of these have neither root nor branch, and are not at all clear.

The master wrote further that when we examine the words of the sages we do not find that they asked of people or collected money for honored and precious yeshivot... but we have already found in Ketuvot 105a that the issuers of edicts in Yerushalayim collected payment from the half-shekel surplus, as did those who taught the kohanim the act of *kemitzah* (Ketuvot 106a). Further, why did that sack of dinarim come to the study hall if not for the yeshiva students?

And R' Ami took it, in order to be elevated. And that shipura which was in the yeshiva of Rav Yehuda (Gittin 60b) to collect money for the students, as we wrote earlier. What more explicit talmudic source could the master want?

The master wrote, "In all of their communities there were people at the height of poverty and people at the height of wealth; Gd forbid to say that those wealthy people were not generous and were not philanthropic!...You already know that Hillel the Elder was a woodchopper..." Without a doubt, he is correct that the sages of the Talmud included paupers and people who worked; they said regarding Hillel the Elder that he earned a *tropik* every day and gave half to the beit midrash guard and used half for his own support and the support of his household, but this was only when he was still a student, learning from Shemayah and Avtalyon. After he ascended to greatness we did not find this. And R' Chanina ben Dosa, who was poor and supported himself with a *kav* of carobs from week to week did so in the manner of piety, so that he would inherit the the next world entirely... This was a trait of piety. And so some say that Shammai was a builder because of Shabbat 31a, "He pushed him with the builder's cubit that was in his hand." And Shimon haPekuli made cotton, which is called *pekula*, and so he called "Pekuli". And R' Yochanan haSandlar made sandals... But know that all that they did was as a measure of piety, to fulfill, "When you eat the exhaustion of your hands." They could involve themselves in Torah and perform their work, but not all generations are equal; they said (Berachot 35b), "See the difference between earlier and later generations. Earlier generations made their Torah fixed and their work temporary, and both remained in their hands. Later generations made their Torah temporary and their work fixed and neither remained in their hands." They said in Berachot 32b, "The early pious ones waited one hour before praying and waited one hour after they prayed" – if they spent nine hours in prayer, when were their Torah and work performed? Because they were pious, their Torah was protected and their work was blessed, and because their heart was open like the Beit haMikdash, as seen in Eruvin 53a, they could return to their Torah easily even if they had to leave it for their work. Therefore, they worked temporarily, and it was lessed. They also involved themselves in light work, like stitching, as did Abba Chanan, in order not to be interrupted from their Torah in order to learn that work. Now, though, the angel of forgetfulness is common, and our heart is like the hole in a needle. We say in Temurah 14b that halachot were recorded in writing because, 'It is a time to act for Gd; they have nullified Your Torah.' One who would involve himself in work would never see blessing in his study...

As far as what he wrote regarding taking money from people against their will, he is correct. It is not the way of Torah scholars to be as white geese removing people's cloaks (Ketuvot 85a), but there is no concern if they participate willingly. This is one of the ways of the sages, as I have explained. It would even be appropriate to say that compelling them would be obligatory for a Torah scholar, in order to guide them in a straight path, as I showed above regarding rising and showing honor...

3. R' Yosef Karo, Kesef Mishneh Mishneh Torah, Hilchot Talmud Torah 3:10

It is possible to say that our master meant that one may not cast off the yoke of *melachah* in order to be supported by others in his studies. Rather, he should learn *melachah* which will support him. If that suffices, good. If that does not suffice, he should take his sustenance from the community, and there is nothing wrong with that....

4. R' Yechiel Michel Epstein, Aruch haShulchan Yoreh Deah 246:39

Even according to the Rambam's words, that is only regarding a person who is healthy and can work in *melachah* or a trade and could support himself. One who is elderly or ill, or who has no means of support, may benefit from his Torah and have others support him.

Also, if the community does not wish, and it does not befit their honor, for the sage to be involved in *melachah* or trade, he certainly may receive from the *tzibbur* in order to have the means to support his life... There is no greater '*schar batalah*' than this!

5. R' Moshe Feinstein, Igrot Moshe Yoreh Deah 4:36:4

There is an apparent contradiction, in that at first (3:10) he wrote that if one does not perform *melachah* for his support then this is the greatest transgression, for he desecrates Gd's Name and degrades the Torah and extinguishes the light of religion, for one may not benefit from words of Torah in this world, and his punishment is great for he removes his life from the next world, and then, immediately (3:11), he wrote that it is only a 'great level' for one to be

supported by the work of his hands, and it is the trait of the early pious ones, which seems to say clearly that there is no prohibition involved [in receiving aid]. It is only not according to the level of the early pious ones!

We must say that even the Rambam believes that if one knows that he will not be able to comprehend well what he learns if he must also work for several hours for a livelihood, then he may - and he is obligated to - be supported by the gifts of others, and certainly from tzedakah, for there is no one more needy than someone who cannot be supported by his *melachah* when he studies Torah. And there is no *kiddush HaShem* and honor of Torah greater than this, when someone degrades himself to receive tzedakah so that he might have the means to learn Torah.

6. R' Yosef Karo, Kesef Mishneh Mishneh Torah, Hilchot Talmud Torah 3:10

Even if that is not the view of our master, but rather it is as his words appear to say in his explanation of the mishnah, still, we know that when the law is uncertain to you, you should follow the *minhag*. We have seen all sages of Israel, from before the time of our master and afterward, accept payment from the community. Even if we must admit that the law follows our master's words in his explanation of the mishnah, it is possible that all of the sages of the generations agreed to this practice, due to 'It is a time to act for Gd; they have annulled Your Torah.' Without the available support of students and teachers, they could not work in Torah appropriately, and Torah would - Gd forbid! - be forgotten. When support is available, they can involve themselves in study, and Torah will grow and be strengthened.