

1. Rambam's commentary to Avot 4:5

Know that the mishnah already stated, "Do not make Torah into a blade with which to dig," meaning, "Do not consider Torah a tool for support." The text explained that anyone who benefits from the honor of Torah in this world is cutting off his soul from life in the next world.

People have hidden their eyes from this clear language, casting it after their bodies, relying on interpretations of passages they do not understand, but I will explain. They have placed laws upon individuals and communities, and they have turned the Torah's positions into the law of tax collectors, and they have brought people to believe total foolishness, that it is necessary and mandatory for them to aid sages and students and people who are involved in Torah and whose trade is Torah.

All of this is in error, and there is nothing in Torah to validate it, and there is no leg upon which they could rely in any way. Were we to examine the chronicles of the sages of blessed memory, we would not find that they ever placed obligations upon people, or gathered money for the exalted and honored yeshivot, or for the exilarchs or judges or spreaders of Torah or appointed leaders or others.

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! Rather, had this pauper extended his hand they would have filled his house with gold and gems, but he did not do so. Rather, he survived with the work from which he was supported, whether with ease or under strain, and he disdained that which came by the hand of man, since the Torah prevented it.

You already know that Hillel the Elder was a woodchopper, chopping wood and studying before Shemayah and Avtalyon. He was at the height of poverty, and he was so great that his students were compared to Moshe and Yehoshua, and the least of his students was Rabban Yochanan ben Zakkai! Let no intelligent person be in doubt that had Hillel agreed to receive from the people of his time, they would not have allowed him to chop wood...

In truth, the error of these people who rally opposite truth and opposite the clear expressions [of the law], taking people's money with their agreement or against their will – these are deeds found in the gemara regarding men who are physically wounded, or elderly people who could no longer work, who had no means other than to take. Otherwise, what could they do? Should they die? This is not the Torah's command...

I have already heard what the fools depend upon when they cite, "One who wishes to benefit may benefit like Elisha, and one who wishes not to benefit may not benefit like Shemuel haRamati." But this is not relevant, and to me this is corruption for one who uses it as his proof, since the matter is clear and there is no room for error. Elisha did not accept money from people, and he certainly did not put upon them and obligate them in his portion. Gd forbid! He did accept the *kibbud*, that one would host him when he was travelling on the road, and he would stay there and eat that night or that day and then go about his business. And Shemuel did not enter anyone's home or eat his food. Regarding this the sages said that Torah scholars who wish to imitate this, not to enter anyone's home, may do so, and if they wish to be hosted by someone because of the needs of travel or similar needs they may do so. They were already careful not to eat when unnecessary, as it says, "A Torah scholar who increases his meals everywhere..." and "A Torah scholar may not benefit from a meal which is not a mitzvah meal."

Why do I go on at length on this matter? I will mention the Talmudic account, and one who is stubborn will do as he wishes: A man had a vineyard, and thieves would enter it. Daily, he found the grapes reduced, and he was certain that thieves had targeted it. He was upset all through the season, until he finally harvested what he could collect, and he laid it out to dry, and he collected the raisins. Generally, when people gather dried fruit some of the figs and raisins fall away, and one may eat them for they are *hefker*, abandoned by their owners because they are few. R' Tarfon happened by this vineyard one day, and he sat and collected the fallen raisins, and he ate them. The owner of the vineyard came, thought he was the thief and did not recognize him, although he knew the name of R' Tarfon. He rushed to catch him, overpowered him, put him in a sack and rushed with R' Tarfon on his back to throw him in the river. When R' Tarfon saw he would be lost, he cried out, "Woe to Tarfon, that this man would kill him!" When the vineyard owner heard this, he put down R' Tarfon and fled, knowing he had committed a great sin. And for the rest of his life, R' Tarfon mourned and wailed for what had happened, that he had saved his life through the honor of Torah.

He was a person of means, and he could have said, "Leave me be and I will pay you X dinar," and he could have paid without letting the man know that he was Tarfon, and so he could have saved his life through his wealth rather than through Torah...

And Rabbeinu haKadosh opened stores of wheat during a famine and declared, "Any who wish to take their means may come and do so, if they are Torah scholars." R' Yonatan ben Amram stood before him, and Rabbeinu haKadosh did not recognize him, and he said, "Support me." Rabbeinu haKadosh asked him, "What is your level of learning?" And he said, "Feed me as a dog or raven," meaning, "Feed me even if I have no wisdom, just as Gd feeds non-kosher animals and birds, for an *am ha'aretz* is no worse than them." And so Rabbeinu haKadosh fed him...

That which the Torah permitted for Torah scholars is that they may give a person money and have him engage in business of his choosing on their behalf. One who does this for them receives reward, and this is the meaning of, "putting merchandise into the wallet of Torah scholars." Their merchandise is sold to whomever, and they receive the first of the market, specifically. These are the portions Gd established for the sages, just as He established gifts for the kohen and tithes for the levi, as is our tradition. Merchants already engage in these activities for each other, as a show of respect, even if there is no greater wisdom involved; let Torah scholars be no less than a respected *am ha'aretz*.

And the Torah also exempted Torah scholars from the obligations of the ruler, from taxes and billeting and head-taxes, which the community pays on their behalf, and the construction of walls and the like. Even a wealthy Torah scholar would not be obligated in this. Ravna Yosef halevi already ruled thus for a man in Andalusia who owned gardens and vineyards which required [tax of] one thousand dinar, and he exempted the man from the tax because he was a Torah scholar, although even the poorest Jew paid that tax. This is the law of the Torah, just as it exempted kohanim from the half-shekel.

2. Rambam, Mishneh Torah, Hilchot Talmud Torah 3:10-11

One who sets his goal to involve himself in Torah and not engage in work, and to be supported by tzedakah, desecrates Gd's Name, disgraces the Torah, extinguishes the light of religion and causes evil for himself and removes his life from the next world, for one may not benefit from words of Torah in this world. The sages said: One who benefits from words of Torah removes his life from the world. They further instructed, "Do not make them a crown in which to be elevated or a blade with which to dig." They further instructed, "Love work and hate authority," and, "All Torah that does not include work with it will be nullified and will lead to sin, and in the end one will become a bandit."

There is a great level in supporting one's self with the work of one's hands, and this was the trait of the early pious ones, and through this one merits all honor and goodness in this world and the next, as it is written, "When you eat the labor of your hands, you are fortunate and it is good for you." You are fortunate in this world, and it is good for you in the next world, which is entirely good.

3. Tashbetz 1:142

Because I have seen many people hesitate regarding the practice of all Jewish communities, in all generations, of paying their sages, and in this they depend upon what the Rambam wrote in his commentary to Avot, therefore I will examine this issue as Heaven guides me, from gemara and other sources, to see whether this is permissible, mitzvah or obligatory, or whether it involves some element of sin. I am confident in the strength of the early authorities who customarily permitted this, so that I will not stumble in a matter of law, and all of the relevant issues will be cleansed and clarified.

I say that the Jewish people are obligated to support, with honor, their sages and judges whose livelihoods are their Torah, so that they will not need to cease their heavenly work for the sake of *melachah*, and so they will not be disgraced before *amei ha'aretz* because of their poverty, and so they will be treated with honor.

The root of this comes from Torah, as explained by the sages. They explained in Yoma 18a and Horiyyot 9a: "It is written, 'The kohen who is greater than his brethren' – He should be greater than his brethren in beauty, strength, knowledge and wealth. Others said: If he lacks this, then his brother kohanim elevate him, as it is written, 'The kohen who is greater than his brethren' – elevate him from that which belongs to his brethren."... They also deduced from this passage that a Torah scholar may take money to enrich himself, and there is no disgrace in it, in Chullin 134b: "A

sack of coins was brought to the beit midrash [for the students' use]; R' Ami took it first. How could he do this? Did we not learn, "'And he shall give' – And not that one should take [the gifts for the kohanim] for himself!'" And they answer, "An important person is different, as we learned, 'The kohen who is greater'... The sages equated the law of an important person, whom Israel are obligated to enrich, with the law of a kohen gadol.

This is also logical, for he precedes others to be given life and to have his lost property restored to him, as it is learned (Horiyyot 13a), "Kohen precedes Levi, Levi precedes Yisrael... This is when all involved are equal, but a mamzer who is a Torah scholar precedes a kohen gadol who is an am ha'aretz."...

And in Taanit 21a, the story of Ilfa and R' Yochanan, they say that R' Yochanan reigned, meaning he was made head of the yeshiva, and Rashi, who illuminates the eyes of the diaspora, explained thus: "They would give much to the one who was head of the yeshiva, as is seen regarding the kohen gadol..."

Because of this, when the leaders of the generations saw Torah scholars who were in tight straits, they appointed the scholars as leaders so that the community would support them in an honorable way, as is seen in Horiyyot 10a, "Rabban Gamliel and R' Yehoshua were travelling on a boat. Rabban Gamliel had bread, R' Yehoshua had flour. Rabban Gamliel's bread was finished, and he depended on R' Yehoshua's flour. He said to R' Yehoshua: Did you know we would take this long, that you brought flour? He replied: There is a star which ascends every seventy years, and it fools the sailors. I said, 'Perhaps it might ascend and fool us.' Rabban Gamliel said: You knew all this, and still you entered the boat?! He replied: Before you express shock at me, express shock at your two students on land, R' Elazar Chisma and R' Yochanan ben Gudgida, who can estimate the drops in the sea but who lack bread to eat and clothes to wear! Rabban Gamliel decided to appoint them at the head..."

And because this was a matter for the leaders of the generations, R' Yehoshua said to Rabban Gamliel, 'Woe to the generation you lead, for you do not know the pain of the Torah scholars, how they are supported,' as is seen in Berachot 28a where it seems that R' Yehoshua was narrowly supported, and Rabban Gamliel saw that the walls of his home were dark. Rabban Gamliel said, 'From the walls of your home it seems you are a charcoaler,' meaning that you make charcoal or you are a smith, for nothing else would blacken the walls. It appears that R' Yehoshua performed his labors in private, for he was head of the Beit Din and he would have been prohibited from working in public... as Kiddushin 70a says that when one is appointed as leader, he may not engage in melachah before three people. Rashi there explained that it is disgraceful for the community if its leaders need to do this. So because he engaged in this in private and not in public, Rabban Gamliel did not know he was a charcoaler. Had Rabban Gamliel known, it would be a desecration to suggest that he would not have worked with the community to elevate R' Yehoshua, given what he did for R' Elazar Chisma and R' Elazar ben Gudgida...

The gemara is explicit, then, that the community must establish their scholars at the head in order to support them in an honorable way. This obligation rests upon their leaders and directors to take care of matters for them with the community. None can disagree with this at all.

The community is even obligated to support students who learn Torah all of their days, even though they are not heads of yeshivot, as seen in Shabbat 114a, "Who are Torah scholars, such that the people of their city must perform their melachah? Any who leave their affairs and involve themselves in the needs of Heaven. What is the practical application of this? To work to provide bread for him." And in Yoma 72b, "R' Yochanan asked: It is written, 'And you shall make an ark of wood for yourself,' and, 'And they shall make an ark of shittim wood!' This teaches that the people of a Torah scholar's city must perform his melachah."

They had a box designated for collecting funds to distribute to students, to support them in an honorable manner, as is found in Gittin 60b, "The *shipura* was in the house of Rav Yehudah, then the house of Rabbah, then the house of Rav Yosef, then the house of Abbaye, then the house of Rava." I saw a responsum of Rav Sherira Gaon stating that the *shipura* was a box, like the 13 *shofarot* used to collect half-shekalim, and this box was used to collect funds to distribute to the students. This seems more correct than Rashi's explanation that it was the shofar used to blow [warnings] before Shabbat, and Rashi also cited the view of the Gaon in his commentary, and upon this we should depend for the words of the Gaonim are received tradition. This practice dates back to the Talmud.

And why should this be difficult for us – even teachers of children, per Bava Batra 21a, were helped by the city, so why should we not deduce logically to a Torah scholar?...

We have found that in the days of the Gaonim they had a collection box designated for the yeshivot, and they sent it to all communities to provide a fixed amount for the heads of the yeshivot and their students. We found recorded in

the siddur of Rav Amram Gaon, at the start, "Ravna Yaakov ben Ravna Yitzchak sent us twenty gold coins which you sent to the yeshiva; five are ours, and fifteen went to the yeshiva's box. We have instructed and blessed you with enduring blessings, for you and your children and your children's children." It appears that Ravna Yaakov must have written to him to give five to the head of the yeshiva and fifteen to the general box, for [had he not specified this,] Rav Amram could have taken ten for himself, as R' Akiva taught (Avodah Zarah 10b), "'And it shall be for Aharon and his sons' – half for Aharon and half for his sons." ... Alternatively, perhaps Rav Amram acted with extra piety. In any case, we see that the custom in Gaonic times was to designate a box for the yeshiva.

We also found this common practice in the days of later ones. Rav Yehuda Albergeloni (11th century Spain, aka Al-Barceloni), cited in (Tur) Choshen Mishpat 9, wrote, "In most places the practice is to prepare a box for the beit din, to provide food and support them annually. They collect it in the start of the year or its end. There is no issue of bribery or payment, for all Israel are obligated to support their judges and sages."

Also, in the generations before us, until our own day, we saw this practice continue, and the practice of Israel is Torah, certainly when it is explicit in Talmud and midrash, and there is no doubt in the matter.

It appears that a sage may even demand his portion verbally, as is seen in the case of R' Ami cited earlier.