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חירות ואחריות

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"Taking Responsibility for Torah"

ARE STUDENTS FROM WEALTHY FAMILIES HALAKHICALLY PERMITTED TO ACCEPT KOLLEL STIPENDS?

By Rabbi Aryeh Klapper

I broke a long family tradition on my father's side by becoming a professional Jew. That tradition was understood to be grounded in Rambam. I haven't previously engaged with the relevant Rambams in depth. But for a number of reasons, including the Charedi draft controversy in Israel and my ongoing occasional series on Yissokhar-Zevulun relationships and, I think the time for avoidance has passed.

(Please note: I hope to send you soon 'even' more immediately relevant essays on the concepts of "milchamot reshut/mitzvah/chovah" as they relate to the Iran war, and on halakhah's view of civil disobedience to government orders and actions reasonably seen as unethical. But they were not ready for this week.)

Rambam's first relevant polemic is in his commentary to Mishnah Avot 4:5:

Rabbi Tzadok says:

Do not make (words of Torah) a crown to be exalted with, nor a shovel to dig with.

Rambam comments:

. . . as if to say: don't consider it a tool for making a living. It goes on to explain that anyone who derives benefit from the honor of Torah in this world excises his soul from the life of the World to Come. But human beings averted their eyes from this explicit language and tossed it behind them, instead depending on superficial readings of statements they did not understand - I will explain them - and therefore imposed (financial) obligations on individuals and communities and made Torah offices into tax beneficiaries, and brought people to hold the complete nonsense that it is necessary and obligatory to (financially) assist sages and their students and people who engage in Torah to the point that Torah becomes their profession. But all of this is an error; there is nothing in Torah that verifies it . . .

One can derive from Rambam that his community had imposed an array of kollel-support taxes and fees on itself. His objection seems to be not to the expense per se, but rather to the routinization. He does not say that supporting full-time Torah students is a bad idea, only that it is not mandatory, either for individuals or for communities. On the other hand,

it's not clear how any scholar could accept even voluntary, spontaneous support without losing the World to Come.

In Hilkhos Talmud Torah 3:10, the theme is the same, but the details may be significantly different:

Everyone who takes to heart (*meisim al lev*) the possibility of engaging in Torah, not working for a living, and being supported out of charitable funds –

behold this one has desecrated the Name and disgraced the Torah and extinguished the light of religion and caused evil to himself and removed his life from the World to Come, because it is forbidden to derive benefit from words of Torah in this world.

The Sages said:

Everyone who benefits from words of Torah removes his life from this world.

They further commanded:

Do not make them a crown to make yourself great thereby, nor a shovel to dig with.

They further commanded (Avot 1:10):

Love work, hate the *RBNT*, and (Avot 2:2) any Torah that is not accompanied by work – in the end becomes idle and causes sin, and this person ends up preying on people.

A linguistic point of interest here is the phrase *meisim al lev*. I translated it as "takes to heart the possibility", where Sefaria has "comes to the conclusion", because it seems to me that Rambam condemns the plan as much or more than the action. This is a stringency because it excludes commercializing Torah even as a backup plan, say if the plan to marry rich doesn't work out. But it is a potential leniency in that it opens the possibility that unforeseen circumstances might make it a legitimate option.

But does Rambam mean to rule out all public support for Torah study, and all professionalizations of Torah? R. Yosef Caro in Kesef Mishneh argues against this proposition:

Our master expanded his mouth and language in his commentary to Avot Chapter 4 regarding the stipends given to both students and rabbis, although it also seems from his words that most of the great Torah sages of that time, or all of them, acted thus. Here he follows the same line of thought. Now he of blessed memory brought a proof there from Hillel the elder (Yoma 35B) who was a wood chopper and learner.

But that is no proof, because it happened specifically at the beginning of Hillel's learning, and because in his time there were thousands and myriads of students - perhaps they only gave stipends to the most celebrated among them, or perhaps anyone who had some way of not benefiting from the honor of Torah would act accordingly, but once Hillel acquired wisdom and became a teacher of the people – does it enter your mind that he remained a woodchopper?

My first level response to Kesef Mishneh is simply: “Yes, it enters my mind”. It seems clear that he and Rambam are talking past each other. I am fascinated by his portrait of a society where kollel stipends are the equivalent of merit scholarships - the intellectually elite get eliter, while the much larger pool of less talented – or less self-advertising? - students are forced to work to support their studies and therefore have less time to study and advance in learning. (He does not tell us whether the selection process was done well – perhaps not, if Hillel was initially excluded.) This is what many suggest for Israel today. But Kesef Mishneh doesn't see the element of competition as essential rather than an accident of limited resources.

On second reading, however, it seems clear to me that Kesef Mishneh is reading *meisim al lev* as I did. Here is the key:

But those words refer to one who has these intentions (to derive this-worldly benefits) at the outset of his learning, or to one who has the capacity to be supported without receiving a salary for his learning; but if he learned for the sake of Heaven and afterward he has no way of being supported without taking a salary – this is permitted.

...

The rule that emerges is:

Anyone who has no other means of support is entitled to collect a salary to teach, whether from students directly or from the community;

So too, it is permitted for him to take a salary from the community to judge, or from the litigants if all the conditions mentioned in Hilkhos Sanhedrin are maintained.

After Hashem has informed us of all this, perhaps we can say that our Master's intention here is that a person ought not remove the yoke of work from himself so as to be supported by the community so that he can learn, rather he should learn a form of work that is capable of supporting him, and if that suffices – that is best, but if it doesn't suffice – he may accept the difference from the community without concern.

This is what Rambam meant by writing “all who are *meisim al libo*” . . .

Once a reliably funded stipend system exists, however, it becomes very hard to know whether a beginning learner has it in mind – it's hard for the learner to be honest with themselves about that! Possibly the key point of disagreement

is that Kesef Mishneh believes that such compartmentalization is possible, while Rambam thinks that the existence of such a system ironically makes proper intention impossible.

Compare Rav Eliyahu Dessler's objection to the founding of a Teacher's Institute because yeshiva students would know they had a way of surviving economically even if their scholarship was not exceptional and therefore would inevitably be less motivated.

Kesef Mishneh concedes the necessity of at least credentialing oneself to make a living in other ways. But a living at what standard? And having asked that question, how large a stipend can one accept? Finally, are the stipends intended solely to facilitate learning, or do they allow the community to make demands for Torah services? IyH we'll address these issues in the next installment of this series.

TEASER for PART 2:

Rambam attacked what he saw as an existing welfare state for Torah scholars – his objection was to public funding, not to funding per se. His position is perhaps analogous to that of America conservatives who oppose programs they conceptualize as coerced redistribution while encouraging extensive philanthropy . . .

Shabbat shalom!