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"Taking Responsibility for Torah"

IS TORAH PRICELESS, OR ONLY AN INFINITELY VALUABLE INVESTMENT?

By Rabbi Aryeh Klapper

A classic putdown refers to people who “know the price of everything but the value of nothing”. This putdown requires the concession (which we should not make hastily) that everything has a price.

But imagine that you could produce something of infinite value if only you had X dollars to build it, and you don’t have any way to earn X dollars. Would you sell a half-share in the future product for X dollars? Would that mean that you and/or your investors care more about price than value?

The yeshiva student’s answer, of course, is that “It’s a *machloket* (dispute)”. This week’s essay develops that answer.

Tur YD 246 writes:

A person who is unable to study Torah because he has no idea at all how to study, or because of the burdens on his time – he should provide sustenance (*yaspik laacherim*) to others who learn, and this will be considered for him as if he himself learned, in the manner of the Sages’ interpretation of the verse *Rejoice Zevulun in your goings out, and Yisokhar in your tents*.

Rav Yosef Caro comments in Beit Yosef:

That which our master wrote: “A person who is unable to study Torah because they have no idea at all how to study, or because of the burdens on their time – he should provide sustenance to others who learn etc.” – this is in Sifri.

I could not find anything in Sifri to support the claim that one who supports learning is considered as if he himself learned. The Makhon Devorah edition of Tur provides no citation, and notes that the first edition of Beit Yosef did not contain the words “this is in Sifri”. Perhaps there is no relevant Sifri, and Tur’s source remains to be found.

However, Sifri regarding the verse *Rejoice Zevulun etc.* says that Tribe Zevulun functioned as the *sarsur* (=sales rep or middleman) for Yisokhar, thus enabling Tribe Yisokhar to remain in their tents and distinguish themselves in Torah. Perhaps this is what Beit Yosef understood Tur to be recommending for those unable to learn on their own. If so, his vision of the Yisokhar-Zevulun relationship assumes that Yisokhar has local industry or investment capital.

Rav Caro in Shulchan Arukh YD 246:1 quotes Tur that a person unable to study “should provide sustenance to others who learn”, but omits “as if he himself learned” and the reference to Yisokhar and Zevulun. Since Beit Yosef quotes no opposing source, omitting those elements most likely means that he sees them as rhetorical embellishments with no practical implications.

In Bedek HaBayit, the supplement to Beit Yosef, Rav Caro adds a citation of Rabbeinu Yerucham (Toldot Adam VaChavah 2:5):

One who engages in Torah – before engaging – he can make a condition for his friend to engage in commerce and take a share of his learning, on the model of Yisokhar and Zevulun, but once he has already engaged - if he gives him a share in exchange for money, that is meaningless, as Scripture says: *If a man offered all the wealth of his house etc.* and this was the issue with Hillel and Shevna, as in Sotah. It also seems reasonable that the one engaged in Torah loses (his reward), because he has already nullified his own share.

To “take a share of his learning” seems a step beyond “considered for him as if he himself learned”. It suggests a zero-sum element not present in Tur. Rabbeinu Yerucham reasonably adds that this arrangement requires a prior stipulation between learner and the earner. He also adds that a post-facto sale of reward for past learning is invalid, and that the learner loses everything for trying to engage in such a sale.

The simplest explanation is that in a post facto deal, the learner gets nothing but money, whereas in an advance deal, the learner gets the opportunity to learn more than she otherwise would have. The earner is therefore an investor entitled to a share of the profits, and the learner is not selling any reward in his possession. (Rabbeinu Yerucham’s stipulation therefore seems parallel to the *shtar iska*, which transforms a loan into an investment.)

Rav Caro does not cite Rabbeinu Yerucham in Shulchan Arukh. Since there is controversy as to whether Bedek HaBayit was written before or after Shulchan Arukh, the meaning of that silence is not clear.

Rabbi Mosheh Isserles (RAMO) in his glosses to Shulchan Arukh inserts versions of both the end of Tur and Rabbeinu Yerucham:

and this will be considered for him as if he himself learned (Tur).

And a person can make a condition for his friend that he will engage in Torah, while his friend will provide him with support, and he will divide the reward with him.

but once he has engaged – he cannot sell him his share for the sake of the money they will give him. (Rabbeinu Yerucham).

RAMO's edits remove the references to Yisokhar and Zevulun and makes it explicit that to “take a share of his Torah” means to “divide the reward”. He leaves the basic distinction between investment and sale intact.

Rav Caro's contemporary Maharam Alashkar (Responsum 101) was asked a seemingly related question:

Is there any substance to the actions of those who sell their merits to each other; has the buyer acquired, or the seller lost; and does this action have any basis?

Maharam Alshakar responds that he has found one relevant source: a responsum of Rav Hai Gaon that apparently was not available to Beit Yosef or RAMO. The key section begins as follows:

So too, one who feeds a poor person or a scholar so that they will bless him –

he earns reward for this, and he receives benefit from this in accordance with the blessing of that poor person or scholar.

So too, one who feeds mitzvah-doers so that they can fulfill the mitzvot –

he earns reward for this, and so do they;

And even more so, one who assists those engaged in Torah and mitzvot¹ to clear their minds to engage in it –

he earns reward for this, and the reward he earns is for his own action.

Anyone who convinces themselves to buy the reward of their friend for money or gifts – he is to be scorned and mocked . . .

The line “and the reward he earns is for his own action” seems intended to preclude any means of acquiring someone else's reward. Numerous Achronim struggle to reconcile R. Hai and Rabbeinu Yerucham, but I find it hard to see R. Hai as compatible even with a pure investment model. On the other hand, I don't see R. Hai as posing any challenge to Tur.

Rav Hai and Rabbeinu Yerucham each develop their positions in the context of Talmud Sotah 21a's discussion of Shir HaShirim 8:7:

“Mighty waters are unable to quench love, and rivers cannot sweep it. If a man offered all the wealth of his house for love, it would be utterly scorned”.

The first part of the verse is read as referring to the merit of Torah study enduring through the studier's subsequent sins. But what then is the scorned wealth in the last part? Ulla provides an oddly defensive answer:

Not like Shimon the brother of Azaryah,

Nor like Rabbi Yochanan of the House of the Patriarch,
Rather like Hillel and Shevna.

We deduce that each of these three pairs engaged in a transaction of wealth for Torah, but only the last transaction is scorned. The Talmud gives us information only about the last pair.

For when Rav Dimi came, he said:

Hillel and Shevna were brothers:

Hillel engaged in Torah; Shevna did business.

In the end, (Shevna) said to (Hillel): Come, let us mix and divide!

A Heavenly Voice emerged and said: *If a man offered all the wealth of his house for love . . .*

The story has fascinating elements in its own right: Why was the interjection of a Heavenly Voice necessary? (Full disclosure: In Rabbeinu Chananel's text, there is no Voice, rather the Talmudic editor cites the verse.) But our question this week is: Why does the verse apply only to Shevna?

Rashi explains as follows:

Shimon brother of Azaryah . . . learned Torah by means of his brother, who engaged in commerce so that he would share in the merit of Shimon's learning. Therefore (Shimon) is identified via his brother Azaryah.

And so too Rabbi Yochanan learned via the patriarch.

Hillel engaged in Torah in the midst of great poverty, as is explained in Tractate Yoma.

The implication is that ONLY Hillel engaged in Torah while impoverished, while Shimon and Rabbi Yochanan were supported from the start. This is the basis of Rabbeinu Yerucham's reading, and Rashi's language “so that he would share in the merit of Shimon's learning” is certainly compatible with the investment model.

R. Hai presumably read the sugya as saying that Azaryah and the Patriarch supported Shimon and Rabbi Yochanan in advance with no zero-sum or quid pro quo element. They asked only that Shimon and Rabbi Yochanan learn, and trusted that G-d would reward them for enabling that learning, perhaps even to the same extent as if they had learned themselves.

Maharam Alshakar concludes:

“All (R. Hai Gaon's) words are words of tradition, and one should neither add to nor subtract from them”.

So it seems that the halakhic acceptability of Rabbeinu Yerucham's model is in dispute, and Rabbeinu Yerucham himself raised the stakes by saying that if the transaction fails, neither party receives the relevant reward. It is tempting to suggest that Ashkenazim should allow at least the investment model, following RAMO, while Sefardim should follow Maharam Alshakar and the silence of the Mechaber (R. Caro).

That is not how halakhah has played out. One possible reason for that, which we will see in the next installment, is that Rav Caro addresses Sotah 21a in a responsum of his own.

¹ The version of Rav Hai in Teshvuot HaGeonim HaChadashot (Immanuel) #147 does not have “and mitzvot”