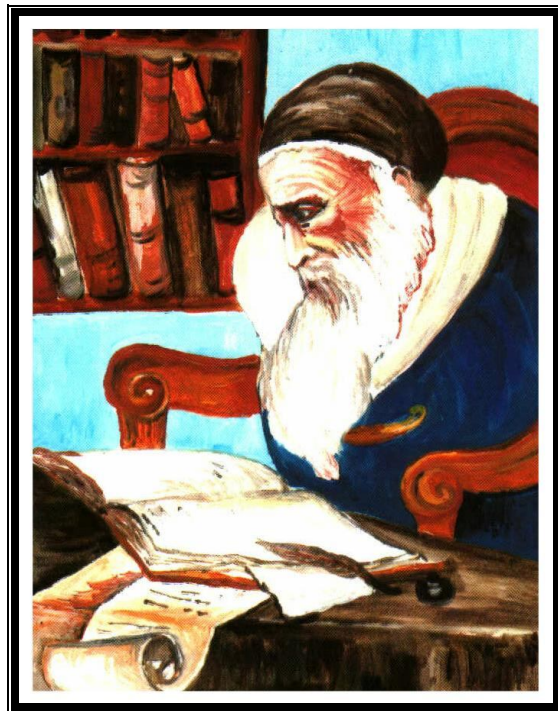


The Economics of Torah Scholarship
in Medieval Jewish Thought and Practice



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Introduction

The study and teaching of Torah is rated as one of the highest goals in Judaism: “And the study of Torah is equivalent to everything else.”¹ But taking money for this task was greatly frowned upon by the Sages. The Mishnah states that “One who derives (material) benefit from the words of Torah removes himself from the world.”² The Talmud derives an exegesis from Scripture that just as Moses taught Torah to the Jewish people for free, so too must all Jews teach for free.³ Alongside with this, the Sages taught that Torah study should be accompanied by *derech eretz*, and in numerous places stressed the importance of being self-sufficient:⁴ “A person should hire himself out for alien work rather than requiring assistance from others”⁵; “The man who is self-sufficient is greater than the one who fears Heaven.”⁶

There is thus a tension between, on the one hand, the importance of Torah study and education, and on the other hand, the problem of financially supporting this endeavor. In this paper, I shall explore how Jews of the medieval period addressed this issue, both in theory (i.e. in their teachings about what should be done) and in practice (i.e. surveying

¹ Mishnah, *Pe'ah* 1:1.

² Mishnah, *Avot* 4:7.

³ Babylonian Talmud, *Nedarim* 37a.

⁴ For extensive discussion, see Roman A. Ohrenstein and Barry Gordon, *Economic Analysis in Talmudic Literature: Rabbinic Thought in the Light of Modern Economics* (third edition, Brill 2009) pp. 146-149.

⁵ Babylonian Talmud, *Bava Batra* 110a.

⁶ Babylonian Talmud, *Berachot* 8a.

what actually happened). As Bernard Septimus notes, “whatever its spiritual sources, the *realizability* of an ideal of nonprofessionalized scholarship will be dependent on economic factors.”⁷

The study is divided into several parts. First, I shall explore the position of Rambam, whose prominence and uniqueness of his position merits its own discussion. Then, I shall explore the situation in Spain and other Muslim lands. Third, I shall explore the situation in Ashkenaz communities, after which I shall conclude with a comparative analysis of the different approaches.

Rambam

Rambam (Spain-Egypt 1135-1204) is well-known for his harsh castigation of Torah scholars who do not work and support themselves via financial contributions:

...The words of the Torah are not to be found in the arrogant or haughty, but only in he who is contrite and lowly in spirit, who sits in the dust at the feet of the wise and banishes from his heart lusts and temporal delights, works a little daily, just enough to provide for his needs, if he would otherwise have nothing to eat, and devotes the rest of the day and night to the study of Torah. [But] one who makes up his mind to involve himself with Torah and not to work, and to support himself from charity, has profaned God’s Name and brought the Torah into contempt, extinguished the light of religion, brought evil upon himself and has taken away his life from the World-to-Come, for it is forbidden to benefit in this world from the words of Torah... (*Mishneh Torah, Hilchot Talmud Torah* 3:9-10)⁸

Elsewhere he claims that it was always the way of great Torah sages to be entirely self-sufficient and never to raise funds for their institutions.⁹ But in another instance, Rambam issues a declaration that has sown some confusion, since it appears to legitimize the financial support of Torah scholars:

Not only the tribe of Levi but every single individual from among the world’s inhabitants whose spirit moved him and whose intelligence gave him the understanding to withdraw

⁷ “Kings, Angels or Beggars; Tax Law and Spirituality in a Hispano-Jewish Responsum (R. Meir ha-Levi Abulafia),” in *Studies in Medieval Jewish History and Literature*, ed. Isadore Twersky (Cambridge: Harvard University Press 1984), p. 330; henceforth, “Tax Law.”

⁸ See the discussion of Rambam’s position in Septimus, “Tax Law,” p. 316 n. 27.

⁹ Commentary to the Mishnah, *Avot* 4:5. This claim is difficult to substantiate.

from the world in order to stand before God to serve and minister to Him, to know God, and he walked upright in the manner in which God made him, shaking off from his neck the yoke of the manifold contrivances which men seek—behold, this person has been totally consecrated and God will be his portion and inheritance forever and ever. God will acquire for him sufficient goods in this world just as He did for the Priests and the Levites. Behold, David, may he rest in peace, says: “Lord, the portion of my inheritance and of my cup, You maintain my lot” (Psalms 16:5) (*Mishneh Torah, Hilchot Shemitta ve-Yovel* 13:13)

At first glance, Rambam here is saying that if a person dedicates himself to Torah study, he may be supported by the community, just as the Priests and Levites were supported by the other tribes. But Rambam cannot mean that such a person is entitled to accept money, since this is exactly what he condemns in *Hilchot Talmud Torah*—someone who busies himself with Torah and supports himself via charity. Rather, Rambam is referring here to people who are financially self-sufficient for the necessities in life, and who are willing to forgo any luxuries.¹⁰ Furthermore, the mention of “every single individual from among the world’s inhabitants” actually seems to be a reference not to Jews, but rather to any person, including a non-Jew (and it thus presumably does not necessarily refer to the study of Torah, but also to philosophy).¹¹

What about Rambam himself? There is a widespread belief that he was entirely dedicated to his studies, supported by his brother, until his brother died at sea and Rambam was forced to provide for both his own and his brothers’ families, whereupon he began to work as a doctor. But this is not the case. Rambam learned medicine while his family was still living in Morocco. Upon moving to Egypt, Rambam soon rose to prominence as a physician.¹² He also traded in gemstones,¹³ and apparently his brother

¹⁰ See the comments of Radvaz and *Ma’aseh Rokeach* ad loc., and Aryeh Leibowitz, “The Pursuit of Scholarship and Economic Self-Sufficiency: Revisiting Maimonides’ Commentary to Pirkei Avot,” *Tradition* 40:3 (Fall 2007) pp. 31-41, and Septimus, “Tax Law,” p. 318 n. 35.

¹¹ Menachem Kellner, “Who is the Person Whom Rambam Says Can be ‘Consecrated as the Holy of Holies?’” *The Seforim Blog*, November 14, 2007.

¹² Joel Kraemer, “Moses Maimonides: An Intellectual Portrait,” in Kenneth Seeskin ed., *The Cambridge Companion to Maimonides*, p. 28.

¹³ *Ibid.*, p. 26, and in *Maimonides: The Life and World of One of Civilization’s Greatest Minds*, pp. 161-162, based on the Arabic historian al-Qifti (a friend of one of Rambam’s students), *Ta’rikh al-Hukama*, ed. J. Lippert (Leipzig 1903) p. 318. Kraemer notes that it was not at all uncommon for physicians to engage in commerce; R. Yehudah HaLevi, himself a physician, did likewise.

assisted with his investments, enabling him to devote much time to his studies.¹⁴ During this period, it was decided that Rambam's brother David would take their combined wealth and sail to India in order to invest it.¹⁵ When the ship sank, taking Rambam's funds with it and killing his brother, Rambam was forced to increase his workload as a physician in order to support his and his brother's families.

Sephard and Muslim Lands

As Rambam explicitly concedes, in his strict aversion to the financial support of Torah study, he was going against prevalent practice in his part of the world. In the era of Geonim, there was widespread taxation and fundraising to support the academies. And Mark Cohen notes that, during Rambam's era, in contrast to Jewish communities in Christian Europe, a very high proportion of communal funds in Egypt went to the upkeep of holy institutions and religious leaders.¹⁶ Moshe Gil, based on *genizah* documents from 12th century Fustat, likewise documents that a relatively high proportion of communal funds and private donations went to the support of Torah scholars.¹⁷ In Spain it was likewise the norm to have Torah scholars that were financially supported by patrons; **R. Shmuel HaNagid** (993-1056) financially supported anyone who wished to make Torah their profession.¹⁸

R. Yehudah b. Barzilai (c. 1100) is cited as writing that many communities have a custom to financially support the members of their Beit Din, and he notes that it is an

¹⁴ Ibid., p. 27. In *Iggerot ha-Rambam* (Jerusalem: Ma'aliyot Publishing, 1987), p. 229, Yitzchak Shilat points out that in a letter from Rambam to R. Yefet ha-Dayyan lamenting the death of David, we see that David was investing Rambam's money. In his *Commentary to the Mishnah, Avot 4:7*, Rambam rules that it is permitted, and even obligatory, for people to assist a Torah scholar by investing his funds on his behalf.

¹⁵ The historian Shelomo Dov Goitein notes that "it was customary in merchants' families that one member, usually a father or elder brother, stayed put and the others traveled." See S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza, vol. V: The Individual*, p. 393.

¹⁶ Mark R. Cohen, *Poverty and Charity in the Jewish Community of Medieval Egypt* (Princeton: Princeton University Press, 2005), p. 202.

¹⁷ Moshe Gil, "Documents of the Jewish pious foundations from the Cairo Geniza," p. 117.

¹⁸ Abraham ibn Daud. *Sefer HaQabbalah*, ed. Gerson D. Cohen, (Philadelphia: JPSA 1967), pp. 74-75 (English).

obligation upon all Israel to financially support their judges and scholars.¹⁹ However, judges are people who fulfill a service for the community, and thus it may well be that the scholars that he mentions are also those who serve in some kind of community capacity.

Rambam's prohibition against receiving money for Torah study and teaching exerted an influence upon **R. Yonah Gerondi** (d. 1263).²⁰ However, Ephraim Kanarfogel argues that his position was considerably more restrained than that of Rambam.²¹ The fact is that Rabbeinu Yonah writes a number of statements in a variety of places that are difficult to reconcile into a single, consistent approach. In one place he states that while Torah scholars are exempt from certain taxes (as all authorities from Sephard agreed, including Rambam), nevertheless if they are physically capable of work then it is prohibited for them to reap financial gain from Torah.²² Yet elsewhere he writes that scholars should be tolerant of the masses and "bear their burdens," not only to facilitate religious instruction, but also because it is important for the masses to admire the scholars; this will lead them to bear the burden of the scholars' business interests and thereby enable them to devote more time to their studies.²³ He also recommends that people use their money for supporting Torah scholars.²⁴ To reconcile all these statements, Kanarfogel suggests that Rabbeinu Yonah was speaking to different audiences; he wanted the community to enhance their support of Torah scholarship, while he wanted Torah scholars to avoid taking financial advantage of their role where possible, and to strive for financial independence. But whereas Rambam saw the ideal financially-independent Torah scholar as living a life of austerity, Rabbeinu Yonah

¹⁹ R. Yaakov b. Asher, *Tur*, *Choshen Mishpat* 9.

²⁰ See Bernard Septimus, "Piety and Power in Thirteenth Century Catalonia," in Isadore Twersky, ed., *Studies in Medieval Jewish History and Literature* (Cambridge, Mass.: Harvard University Press 1979), pp. 218-220.

²¹ Ephraim Kanarfogel, "Compensation for the Study of Torah in Medieval Rabbinic Thought," in Ruth Link-Salinger (ed.), *Of Scholars, Savants, and Their Texts: Studies in Philosophy and Religious Thought: Essays in Honor of Arthur Hyman* (New York: Peter Lang 1989), pp. 135-137.

²² Commentary to *Avot* 4:7.

²³ Commentary to *Mishlei* (Berlin: Leventhal 1910) 14:4. Kanarfogel translates *sheyisa h'am bemasa iskeihem* as "carry the burden" of the scholars, but the word *iskeihem* rather than *parnasatam* seems to mean that they are helping their business affairs (e.g. investing their money, trading in their goods) rather than simply giving financial donations.

²⁴ *Iggeret HaTeshuvah* (Bnei Brak: Zilber 1968) pp. 22-23.

saw the acquisition of wisdom as a means to enhance one's business skills and be able to live in wealth.²⁵

The position of **R. Meir HaLevi Abulafia** ("Ramah," Spain 1170-1244) is likewise unclear. Septimus argues that Ramah prohibited Torah scholars receiving financial benefit for Torah study, and therefore concludes that Ramah could not have earned his living as a teacher of Talmud.²⁶ But Kanarfogel points out that Ramah accepts a system of payment for teachers.²⁷ He therefore suggests that Ramah opposed financial support for studying, but not for teaching, as compensation for their not being engaged in other forms of work.²⁸

It seems that according to **R. Yitzchak Alfasi** ("Rif," Algeria-Morocco 1013-1103) and his student **R. Yosef Ibn Migash** (1077-1141), who state that a Torah scholar's exemptions from taxes only applies to one who is *Torato umenuto*, that they are referring to a Torah scholar whose sole income is the financial support that he receives for his Torah studies; hence, such financial support is permitted.²⁹ Likewise, **R. Meir HaKohen** of Saragossa, in 1235, noted that the exemption from taxes for a Torah scholar only applies to one who is solely dedicated to Torah and receives financial support for it.³⁰ But it is not clear whether the Torah scholar described by all these authorities is one who is involved in teaching or only in study.

In a very extensive discussion about financial support for Torah scholars, **R. Shimon b. Tzemach Duran** ("Tashbatz," Majorca-Algiers 1361-1444) argues that since the Kohen Gadol receives material support from the community, how much more so should a Torah scholar be entitled to such support.³¹ He writes that "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."³² But elsewhere he states that even a

²⁵ Commentary to Mishlei 24:3.

²⁶ Bernard Septimus, *Hispano-Jewish Culture in Transition: The Career and Controversies of Ramah* (Cambridge: Harvard University Press 1982), pp. 12, 112, 124 n. 76.

²⁷ *Yad Ramah* to *Bava Batra* 21a.

²⁸ Kanarfogel, "Compensation," p. 137.

²⁹ Rif and Ri Migash to *Bava Batra* 8b, according to the analysis of Septimus, Tax Law.

³⁰ Cited in *Shitah Mekubetzet, Bava Metzia* (New York 1953) p. 438a (to 108a)

³¹ Responsa 1:142.

³² *Magen Avot, Avot* 4:5 and Responsa 1:147.

Torah student who never becomes Rosh Yeshivah must still be supported.³³ However, Tashbatz states that “scholars and disciples who waive their entitlements and provide for themselves by the work of their hands, or by making do with less, will see great reward for their efforts, which are considered as piety. It is better for them to take a little time away from their constant study than to depend on the community for their livelihood.”³⁴ But he then suggests that, in the spiritually weak climate of his time, perhaps those who are in positions of Torah leadership should not take time away in order to support themselves.

R. Yosef Caro (Spain-Israel 1488-1575) noted that Rambam’s strict prohibition on a Torah scholar receiving payment was contrary to all those who preceded and followed him. In his commentary to the *Mishneh Torah*, he writes that if a Torah scholar is able to financially support himself, he should do so, but otherwise, it is permissible to receive communal funds.³⁵ But he specifies that this is only in a case where he is teaching students, acting as a rabbinic judge, or studying in order to take on a teaching/judging role. Studying alone, without it resulting in a role as a teacher or halachic decisor, does not justify receiving financial support. However, in R. Caro’s responsa written thirty years later, he does seem to endorse the sponsorship of Torah scholars for study alone.³⁶

Ashkenaz

The situation in France and Germany was very different from Spain. There was no system of communal funding for Torah scholars, nor private patronage. The numerous Torah scholars supported themselves. There were, however, some **Tosafists** who derived that *sechar betalah* is justified.³⁷ The author of a commentary on *Avot*, either **Rashbam** or **R. Yaakov b. Shimshon**, objected even to taking *sechar batalah*, but acknowledged that there were others who allowed it, based on a Midrash.³⁸

Even where payment was taken as *sechar betalah*, this was often recognized as being far from the ideal state of affairs. **Rabbeinu Gershom b. Yehudah** (France-Germany c. 960-1028?) expresses pleasure that a scholar does not earn his livelihood from teaching

³³ Responsa 1:142.

³⁴ Responsa 1:148.

³⁵ *Kesef Mishneh* to *Hilchot Talmud Torah* 3:10.

³⁶ *Avkat Rochel* 2.

³⁷ *Tosafot* to *Bechorot* 29a, s.v. *mah ani bechinnam*; see Kanarfogel, *Jewish Education*, p. 142 note 4.

³⁸ *Machzor Vitri* (Nuremberg 1923) pp. 471-472, 524.

Talmud.³⁹ Furthermore, there was no attempt to create an institution of higher study whose members would be financed by the community to study Torah.⁴⁰ And unlike in Muslim lands, there were generally no tax exceptions for Torah scholars.⁴¹

R. Asher b. Yechiel (“Rosh,” Germany–Spain 1259–1327) discusses someone whose Torah is his profession (*Torato umenuto*), such that he is exempt from paying various taxes. Rosh defines this person as someone whose Torah is primary (*keva*) and his work secondary (*ara’i*),⁴² and who only takes time away from his studies in order to earn a livelihood, “which is his obligation, for the study of Torah with *derech erez* is beautiful, and if the Torah is not accompanied by work, it will end in neglect and will cause sin.”⁴³ He approvingly cites Ramah’s responsum, in which it is likewise made clear that it is expected and mandatory for a Torah scholar to engage in work in order to support himself. However, the goal of all this was to enhance the status of dedicated Torah scholars who were not acting in rabbinic roles.⁴⁴ And on the other hand, in another responsum, he writes that since moving to Spain, he has become lenient with regard to the financial support of Torah teachers and their students.⁴⁵ Rosh represents a curious blend of his Ashkenaz roots with his Sephardic transition; he attempts to impose the Ashkenazi ideals of intensive, widespread Torah study with the relative spiritual weakness of the Sephardic surroundings.

According to Kanarfogel, the communal appointment and financial support of rabbis in Ashkenaz did not start until the late fourteenth or early fifteenth century.⁴⁶ Before that, the only communally-paid religious functionary was the cantor. There were always those who were paid for teaching by way of *sechar battalah*, but it was always justified via this

³⁹ *Teshuvot Rabbeinu Gershom* (New York, S. Eidelberg 1955) 68.

⁴⁰ Kanarfogel, *Jewish Education*, p. 45.

⁴¹ Kanarfogel, *Jewish Education*, pp. 45–46.

⁴² Ramban to *Bava Batra* 8a defines *Torato umnato* in the same way, and this is also implicit in the aforementioned Responsum of Ramah. On the other hand, it seems that Rif, Ibn Daud and R. Yehudah HaLevi used it to refer to those who were not financially self-sufficient; see Septimus, “Tax Law,” pp. 319–320.

⁴³ *Shailot u’Teshuvot HaRosh* 15:8.

⁴⁴ See the extensive discussion in Yehudah Galinsky, “Halakhah, Economics, and Ideology in the Beit Medrash of the Rosh in Toledo,” *Zion* 72:4 (2007) pp. 387–419 (Hebrew).

⁴⁵ *Shailot u’Teshuvot HaRosh*, (ed. Yitzchak Yudlov, Jerusalem 1994), Additional responsa 66.

⁴⁶ Kanarfogel, “Compensation,” p. 147 n. 43; *Jewish Education*, p. 43.

mechanism, and this was only for those who were providing a service such as teaching, never for being solely immersed in study.⁴⁷

Discussion/ Conclusion

In Ashkenaz, financing Torah study was unheard of; virtually all Torah scholars were self-supporting, and financing Torah teaching was only reluctantly permitted by some. In sharp contrast to this, in Muslim lands it was acceptable and normative to provide communal as well as private financial support for Torah scholars. Why? Mark Cohen suggests that the reason for such a high proportion of communal funds in Egypt going to the upkeep of holy institutions and religious leaders was, in part, due to the influence of Moslem society, in which such communal funding played a prominent role.⁴⁸ Presumably this Moslem influence also existed in Spain. But according to Ta-Shma,⁴⁹ the reason why there was more of an effort in Sefard to financially assist Torah education was that society there in general was much weaker in Torah education.

This also sheds light on another striking difference between Ashkenaz and Sefard: that Torah scholars in Ashkenaz paid taxes, virtually without exception, whereas those in Sefard received an exemption.⁵⁰ It appears that the very high proportion of Torah scholars in Ashkenaz meant that it would have been impossible for the communities to sustain themselves if Torah scholars would have been exempt from taxation.⁵¹ The relative scarcity of dedicated Torah scholars in Muslim lands made this exemption viable.

It is widely known that there was a system of financial support in Spain for Torah scholarship. But I believe that it is often not adequately appreciated that this was not referring to some sort of medieval precursor of the modern *kollel* system. We see that many of the Rishonim in these lands limited this license to Torah scholars who were serving in a professional capacity for the benefit of the community, with some extending it to Torah

⁴⁷ Kanarfogel, "Compensation," p. 139.

⁴⁸ Mark R. Cohen, *Poverty and Charity in the Jewish Community of Medieval Egypt* (Princeton: Princeton University Press, 2005), p. 202.

⁴⁹ Ta-Shma, Israel. "On the Exemption of Torah Scholars from Taxes in the Medieval Period" (Hebrew), (Ramat Gan 1982) p. 318.

⁵⁰ See Kanarfogel, "Compensation," p. 140.

⁵¹ Avraham Grossman, *Chachmei Ashkenaz HaRishonim*, pp. 411-414 and Yehudah Galinsky, "Halakhah, Economics, and Ideology in the Beit Medrash of the Rosh in Toledo," p. 396.

scholars training for such a role. Furthermore, even to the extent that financial support was permitted, it was constantly stressed that the ideal is to be self-sufficient. There are many statements in the Mishnah and Talmud about the problems with taking payment for Torah, and about the value of being self-sufficient, and the Rishonim maintained this value system.

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