

**Ideological, Philosophical, and Practical Approaches
to Jewish Education:
A Text Immersion Project**

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Digest

The goal of this Capstone Project was to explore texts related to Jewish education. Erica Seager Asch and I studied texts in *chevruta* and regularly met with Rabbi Dr. Mark Washofsky to discuss what we had learned. We began by covering all of Rambam's *Mishneh Torah*, *Hilchot Talmud Torah*. We also read and discussed commentaries, especially the *Kesef Mishnah*, and then explored related Talmudic texts, some of which became the background we used for our papers and our journal reflections.

Together, we covered three large units in the course of this project: women and *Talmud Torah*, study and action, and payment of rabbis. Throughout our studies, Erica and I each kept individual journals which outline the material we covered and contain personal reactions to the texts. That journal can be found in the final section of this Capstone project.

In addition, we each wrote three papers on separate topics. My first paper begins with the notion of a tripartite division of one's studies, as suggested in *Kiddushin* 30a, and then explores how Rambam and Rabbi Chayim Hirschenson build on this idea. Both scholars broaden the definition of what constitutes learning. The second paper explores the Talmudic passages about Rabbi Chiyya who spread *Torah* and *Mishnah* by teaching texts to young children. From his story, we gain a glimpse of a rabbi who was not an elitist member of the *yeshiva*, but rather chose to spread *Torah* to others. The final paper explores the tension between study and action and concludes that it may not be possible to answer the question of which takes precedence: rather study and action must go hand in hand.

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Introduction

This Capstone Project explores the question of what it means to be an educated Jew. We started by studying Rambam's *Mishneh Torah, Hilchot Talmud Torah*. In the course of this study, we looked at Rambam's primary sources such as the *Tanach* and the *Talmud*. In addition to looking at commentaries to the *Mishneh Torah*, we examined a wide range of more contemporary material, including responsa.

There were several topics that we studied in depth. These included: the education of women, the relative value of study and action, and the notion of salaries for teachers. In addition to these broad topics, we have each picked three areas of special interest to us and have written papers about them. This allowed for more in-depth, individual learning. A description of each paper can be found in our individual digests.

In addition to the papers, we have each kept an individual journal throughout this process. The journal includes an outline of the texts we have studied as well as our own reactions, questions, and observations. The journal was a vehicle for us to reflect on the texts and how they may apply to our own lives and rabbinates.

The written work that we have each completed represents just one part of a larger project of year long study. An invaluable part of our learning was our meetings with our advisor, Dr. Mark Washofsky. We reviewed the material we studied and also reflected on how these texts related to our own lives. This helped to frame our own thinking.

Another vital part of this project was our own process. Jews have studied in *chevruta* for centuries, and we found in this method of study that our own individual study was enriched by one another. Working together, we each learned and

accomplished more than we could by working alone. Our different strengths complemented one another. In addition, by having the opportunity to talk through the texts, we clarified our own thinking. *Chevruta* study was a powerful part of the learning experience.

This Capstone Project gave us the opportunity to strengthen our ability to read texts, to personally reflect on the material we studied, and to integrate different aspects of our learning. For us, these are vital skills to possess as we enter the rabbinate. We know that what we have learned during this project will continue to serve us in our future work as rabbis.

- Erica Seager Asch and Laura Baum

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Paper 1

Dividing One's Study Time:

What Constitutes Learning?

Without a doubt, Jewish learning is an important value. Yet, throughout many generations, Jewish communities have struggled with deciding what should be the content of one's studies. Such curricular choices reflect values as well as educational philosophies. Often, in the course of deciding what to teach, tensions develop regarding how to balance *Torah* learning, other Jewish learning, and secular learning. Over time, communities have had to consider whether they derive their philosophies from Jewish texts themselves, or from the surrounding cultures among which Jewish people live. Even when decisions are made and an ideal curricular model determined, there can be difficulties executing such ideas given constraints on resources. An important resource is time, and a key consideration of educators is not only the content of study areas, but how one proportions his time while engaging in particular areas of learning.

The *Talmud* proposes an answer to this question and suggests a tripartite division of study. Maimonides (1135-1204) further explores this way of allotting time in his *Mishneh Torah, Sefer Maddah, Hilchot Talmud Torah, hilchot 1:11-12*. After exploring Maimonides' ideas, we will turn to those of Rabbi Chayim Hirschenson (1857-1953) who cites Maimonides and then postulates his own ideas about studying. In tracing the concept of dividing one's study time into thirds, we will see that Maimonides and Hirschenson both use this as a platform to promulgate their own ideas about what constitutes learning.

Talmud

In *Kiddushin* 30a, the idea of dividing one's study time into thirds is based on a comment on Deuteronomy 6:7. Deuteronomy 6:6-7 says:

וְהָיוּ הַדְּבָרִים הָאֵלֶּה אֲשֶׁר אֶנִּי מְצִוֶּה הַיּוֹם עַל-לְבָבְךָ: וְשִׁנַּנְתָּם לְבָנֶיךָ
וְדִבַּרְתָּ בָם בְּשִׁבְתְּךָ בְּבֵיתְךָ וּבִלְכֻתְךָ בְּדֶרֶךְ וּבְשֹׁכְבְּךָ וּבְקוּמְךָ:

However, the *Talmud* notes: אל תקרי ושננתם אלא ושלשתם. In other words, by swapping two letters, the Deuteronomy verse would not read 'to teach or sharpen,' but rather to 'divide into three' for one's children the words which God commanded. The *Talmud* explains that the idea is to divide one's studies into Scripture, *Mishnah*, and *Talmud*. Rashi does not take the *halachic midrash* that replaces וּשִׁנַּנְתָּם with וְשִׁלַּשְׁתָּם for granted. Rather, he attempts to derive an explanation for why this word was changed. Rashi concludes that because the text uses וּשִׁנַּנְתָּם when it actually intended וְשִׁנַּנְתָּם, the extra *nun* must carry significance. Thus, because וּשִׁנַּנְתָּם carries the connotation of the number two, the addition of a *nun* brings the total to three. In the *Torah Temimah*, Rabbi Baruch Epstein (1860-1942) does not find Rashi's explanation satisfactory. Rather than espousing a mathematical explanation like Rashi, the *Torah Temimah* follows the *p'shat* meaning. Explaining that the verb וּשִׁנַּנְתָּם implies sharpening, Epstein associates sharp learning with learning Written Law, Oral Law, and *Gemara* (logical capacities).

The question then arises as to how to divide one's time into thirds. In this *Kiddushin* text, R. Safra says in the name of R. Yehoshua b. Chanania that once the word וְשִׁלַּשְׁתָּם replaces וּשִׁנַּנְתָּם, its meaning is to allot one's study time by dividing one's years into thirds. However, the *Talmud* then recognizes that this is a difficult task, since

a person does not know how long he will live. Therefore, there is a suggestion that one should divide his days, rather than his years. Commenting on this, Rashi explains that this means a person should divide his week into three parts. Here, it is important to note that Rashi does not see the *Talmud/Gemara* as a fixed text; his comment on גמרא in *Berachot* 5a makes this clear. There Rashi explains that *Gemara* entails understanding the reasons and logic behind *mishnayot*. Thus, *Gemara* becomes the source for authoritative decision making.

While Rashi suggests dividing one's week, the *Tosafot* consider that a person still may not devote equal time to each subject: for example, if a person were to die on a Tuesday he would not have divided his study time proportionately. The *Tosafot* draw attention to Rav Amram who, unlike Rashi, does see *Gemara* as a book. In the *siddur* of Rav Amram Gaon he provides readings from each of his three sources: *Mikra* (*Birkat Kohanim*), *Mishnah* (*Pe'ah*), and selections from the *Talmud*. Next, the *Tosafot* mention Rabbeinu Tam's idea which is based on the root ג-ב-ל, which he concludes contains *Mikra*, *Mishnah*, and *Gemara* (logical reasoning). Thus, Rabbeinu Tam determines that people should study only the Babylonian *Talmud* because that text includes all of the components that a person needs to study.

Maimonides

In contrast to Rabbeinu Tam who thinks the *Babylonian Talmud* consists of all significant study material, Maimonides follows Rashi's understanding of *Gemara* as something different than a book. Rambam seeks to include other topics, specifically esoteric studies, in his curricular recommendations. In *halacha* 1:11 of his *hilchot Talmud Torah*, Maimonides provides further detail on the concept expressed in

Kiddushin 30a. Maimonides understands the first two divisions simply as Written Law and Oral Law. Significantly, he expounds a larger description for the third category: *Gemara*.¹ Before even specifying the word “*Gemara*,” Rambam explains that the final third of one’s study time should be spent understanding the ends of a concept from its beginnings, bringing out one idea from other, making comparisons, and understanding the hermeneutical principles by which the *Torah* is expounded.² All of this learning is necessary until the learner has mastered the essence of the principles and can deduce that which is prohibited and that which is permitted according to the concepts that he has learned from the tradition.³

In his next *halacha*, Rambam provides a detailed example. He suggests that if an artisan were to work three hours per day and study nine hours per day, that person should spend three hours on Written Law, three on Oral Law, and the other three understanding how to deduce one rule from another. Rambam even explains the content of the Written Law, indicating that *דברי קבלה* are included, which likely refers to the Prophets and Writings. *דרשים*, i.e. the official rabbinic understandings, fall within the purview of Oral Law.

Next, Rambam expounds on *Gemara*, saying that *פני דסוד*, i.e. esoteric learning, is included. Here, Rambam points out that this division is specific to how one should learn early in his studies. However, once a person has grown in wisdom and does not need to learn the Written Law nor to always be absorbed in the Oral Law, he need only read at

¹ Earlier printed versions contain the word *Talmud*, rather than *Gemara* here. In all likelihood, Jews self-censored their texts for fear of the reactions from non-Jews.

² This may refer to the thirteen hermeneutical principles, or more broadly to the various ways one can interpret *Torah*.

³ The expression ‘from the tradition’ could refer to the *Mishnah* text, or more broadly to ideas that one’s teacher has promulgated.

appointed times the Written *Torah* and the words of the tradition so as not to forget the rules of the *Torah*. At this point, a person can spend time every day turning toward the *Gemara*, according to the breadth of his mind and his ability to concentrate. The *Lechem Mishnah* comments here, noting that Rambam derived this idea in order to give support to that which people were already doing; i.e. most people were not dividing their study time in thirds, but rather were concentrating on *Talmud*. Essentially, Rambam does not base this rule about there being a difference early in one's studies on anything in the sources. Even though there are many places in rabbinic literature that explain why studying *Talmud* is favored, the *Kiddushin* 30a text does not offer reasoning.

Elsewhere, Rabbeinu Tam does justify the emphasis on *Talmud* study by drawing proof from a text in *Sanhedrin*. Likewise, in the *Haggahot Maimoniyot*, Rabbi Meir of Rothenberg emphasizes the high status of *Talmud*. He notes that in *masechet Sofrim*, chapter 14, it says that the world cannot exist without pepper, salts, and spices. Thus, Rabbi Meir compares this to there being a three step graduated progression in learning and writes that people are happy when they work with *Talmud* all the time. Yet, before that, they have to learn *Mikra* and then *Mishnah*. Just as the world needs three specific elements, one cannot skip the first two stages of learning and go directly to the third. Rabbi Meir also draws on *Baba Metzia* 33a which suggests a graduated progression. There it says that those who busy themselves with the *Mikra* derive some benefit, but not much. In contrast, those who busy themselves with the *Mishnah* derive benefit and rewards. Finally, with respect to studying *Talmud*, there is no greater attainment than this. It is entirely possible that Rambam reached the conclusion he did regarding the high

status of *Talmud* from this text in *Baba Metzia*, even though he does not explicitly mention it.

To fully understand what Rambam means by the term פרדס, readers should turn to *Chagigah* 14b. That *Talmudic* passage includes a story of four men who enter the פרדס: ben Azzai, ben Zoma, Acher,⁴ and R. Akiva. The outcome of their visit is that ben Azzai dies, ben Zoma becomes insane, and Acher becomes a heretic. Thus, the sole survivor is R. Akiva. While there are conflicting ideas about to what פרדס refers, from this story we understand it to refer to esoteric learning (נסתר) as opposed to exoteric learning (נגלה). Certainly, one way of understanding esoteric learning is that it refers to the mystical tradition, including מעשה בראשית, i.e. metaphysics/natural sciences, and מעשה מרכבה, i.e. visions of God or God's chariot. Involving speculative learning, these aspects of the mystical tradition are strictly beyond the purview of the *Torah*, but many have argued they should still be studied. For Rambam, the פרדס likely refers to rationalist philosophy, which is similar to *kabbalah* in that it seeks to unlock the secrets of the universe. Rambam includes such speculative study as important in one's learning.⁵ At the beginning of *Sefer HaMaddah Hilchot Yesodei HaTorah* in the *Mishneh Torah*, Maimonides lists the relevant *mitzvot*: to know that God exists, not to think that there are other gods, to unify God, to love God, to fear God, to honor God's name, not to desecrate God's name, not to destroy things with God's name written upon them, to listen to a prophet who speaks in God's name, and not to test God.

⁴ Literally, this word means 'other.' It refers to Elisha b. Abuyah, after he committed his apostasy.

⁵ See *Mishneh Torah, Hilchot Yesodei HaTorah* 4:13. Discussed below in paper.

Clearly, Rambam is interested in science, not mysticism, and he recognizes that such studying takes a great deal of time; a person has to be prepared and ready to enter the highest level of learning. Readers of Rambam's *Guide of the Perplexed* note that there Rambam makes explicit that such studying is not for the masses; yet, one needs to study enough to have a grounding in the natural sciences before approaching Oral and Written *Torah*. In Rambam's view, the study of metaphysics leads to as much awareness of God as a person can ever achieve (Lamm 78). Rambam naturalizes Greek Wisdom and concludes that *Talmud* is everything a person needs in order to understand truth, the physical universe, and the metaphysical universe. Perhaps most significantly, Rambam has opened readers' eyes to *Gemara* being a broader category than the *Babylonian Talmud*. In Rambam's understanding, *Gemara* is anything that a person can legitimately learn in order to understand God and the universe. Lamm (81) points out how surprising it is that such a *halachic* authority as Maimonides would, in his halachic code, reach the conclusion that attaining worldly knowledge fulfills the commandment of *Torah* study.

Beyond expounding the components of the tripartite division of one's studies, a significant point that Rambam makes is that the division only applies when a person is mastering the basics, which essentially entails memorizing. Overall, Rambam makes the point that he favors active learning over memorizing, even though the former demands more time and intelligence. While Rambam emphasizes the importance of engaging with the material, Rabbi Chayim Hirschenson takes this notion even a step farther.

Hirschenson

Before exploring Hirschenson's ideas, it is necessary to examine his background. Although Hirschenson was a well-known author and thinker in his lifetime, he has been

mostly forgotten today (Shapiro 4). This Zionist theoretician and legal scholar was an Orthodox rabbi in Hoboken, New Jersey for the final fifty years of his life. Prolific, he wrote more than ten works on legal, theological, and historical issues (Ackerman 261). Prior to that, he lived in his birthplace of Jerusalem, where he was put into *cherem* by the traditional Orthodox (Shapiro 4). His *halachic* philosophy is inclusive, and he argues that *Torah* and “life” are compatible, in other words, that *halacha* and modernity can coexist (Ackerman 267, 8; Shapiro 4). Hirschenson advocated for an open-minded approach to Jewish sources (Shapiro 5).

The particular text we will explore comes from *Malki baKodesh*, a six volume collection of responsa and letters published between 1909 and 1928. In this text, Hirschenson carefully explores whether leniency or stringency is the best way to make *halachic* decisions. This is particularly a concern because Hirschenson’s community was undergoing a period of increasing secularization, and Orthodox scholars debated the best response (Ackerman 261). Throughout his works, Hirschenson not only makes lenient rules, but also justifies why he takes such an approach. For example, one justification he provides comes from *Avodah Zarah 7a*, where it says that R. Joshua b. Karha commented that one should be stringent with respect to laws of *Torah*, but one should be lenient with respect to rabbinic rulings (Ackerman 264). Hirschenson’s goal was not simply to lighten the burden on Jews for its own sake, but rather to make the *halachic* system more inclusive in the otherwise increasingly nonobservant community (Shapiro 5). Hirschenson insists that responsa should not only be the culmination of studying texts, but should also incorporate an appreciation of the influence that one’s decisions would

have on the ritual performance of Jews (Ackerman 266-7). In essence, he feared that otherwise the system would be delegitimized by its dwindling numbers (Shapiro 5).

In addition to discussing *halacha*, in *Malki BaKodesh* (part 2, pp. 166-7) Hirschenson discusses what constitutes learning. He describes a category of people who are extraordinary in their hearts, who have qualities of integrity, and who love their people and love all who contribute to the honor of their people. Among them are those who are saviors of Zion and those who span from the shepherds to the leaders of people. Yet, despite their extraordinary qualities, the great light of the sciences has blinded them: thus, they cannot see correctly, and they err in their thoughts and actions regarding some of the essential principles of the *Torah*. While they transgress both light and heavy offenses that stand high in the religion of Israel, Hirschenson praises their pure hearts and clean hands. In other words, Hirschenson values good intentions rather than proper results.

Concerning study and thought, Hirschenson notes that what Rabad (Rabbi Abraham ben David of Posqueires, c. 1125-1198) wrote is known. Specifically, Hirschenson is referring to the works which Rabad authored at the end of his life: the *השגות*. Rabad authored *השגות* on the *halachot* of Alfasi, on the *Sefer ha-Maor* of Zerahiah b. Isaac ha-Levi, and on the *Mishneh Torah* of Maimonides. Twersky describes that “these glosses are both criticism and commentary, dissent and elaboration, structure and supplement; they are not exclusively polemical, although the polemical emphasis varies in intensity and acuity from one to the other.” In his discussion about seeking the truth, Hirschenson turns specifically to Rabad’s *השגה* on Rambam’s *Hilchot T’Suvah* 3:7. There, Rambam describes five people who are called heretics. He species that they

are people who (1) say there is not a God and that there has never been a leader, (2) say there are two or more leaders, (3) say there is one Sovereign, but He has a body or physical form, (4) say that God is not the first and that He did not shape everything, (5) worship stars or constellations besides Him in order that there will be an intermediary between the person and God.

Hirschenson points out Rabad's response to Rambam's third category, namely those who believe that God is corporeal. Specifically, Rabad writes: "Why would he [Rambam] call him [a person who believes in a corporeal God] a heretic? Many people are greater and better than he [Rambam]; these people follow their thoughts according to that which they see in the Scripture." Rabad then adds that many people reach ideas, such as belief in a corporeal God, not only from Scripture but also because they are misled by the confusing words of *aggadot*. Here, Rabad announces that a person who errs in his doctrines because of "*aggadot* that confuse minds" should not only not be called a heretic, but also should be called "great and good." Even while Rabad does not believe in a corporeal God, he understands that good-hearted people can reach such conclusions from reading Bible and *aggadot*. The greatness and preciousness of souls of such people still have not departed them. In other words, Rabad thinks that Rambam has gone too far, and Rabad recognizes that people can reach incorrect conclusions innocently. Even the greatest sage errs at times, but just because a person errs should not classify him as a heretic.

Hirschenson then points out that Joseph Caro expresses astonishment at the language of Rabad who called such people "great and good." Hirschenson disagrees with Caro, and writes that if one supposed that every person who errs in his studies is a heretic

or *apikoros*, that would mean there is no place in life for any sage or researcher. Truth only comes after researching and seeking. At the beginning of the researching and studying, everyone is misled and errs until they reach clarity.

Further, Hirschenson points out that even Rambam, who was sincere in his research and deep in studying philosophy, sometimes erred before he reached the truth. Only afterwards did he arrive at the truth, for that is the way of seeking. This is the intention of Rabad's biting comment "more great and good than he," which is to say that Rambam at the beginning of his research made some mistakes because of Greek philosophy, which is lower in status than reaching incorrect conclusions based on one's reading of Scripture and *aggadot*. Essentially, Rabad does not want to be too critical of people who may make mistakes along the way in their studies.

After overviewing Rabad's response to Rambam, Hirschenson discusses the tripartite division of one's study time based on *Kiddushin* 30a and then quotes Rambam's *halacha* 1:11 from *Hilchot Talmud Torah*. Here, Hirschenson takes a specific approach in asserting that the important aspect of learning is not necessarily the arrival at a particular truth; rather most significant is the journey of learning itself. Without a doubt, Hirschenson understands that one can fulfill the *mitzvah* of *Talmud Torah* all of the time that a learner delves into texts, making judgments and finding similarities. One can also fulfill this *mitzvah* even without reaching correct conclusions by simply engaging in the process of researching and studying. Here, Hirschenson says this is the intention of the saying that even though the *halacha* is according to *Beit Hillel*, "these and those are the words of the living God" (*Eruvin* 13b). In that text, R. Abba, in the name of Shmuel, tells of a three year dispute between *Beit Shammai* and *Beit Hillel*. Each group argues

that the *halacha* is in agreement with its views. Ultimately, a *bat kol* makes the statement that both are the words of the living God, but that the *halacha* follows *Beit Hillel*. The *Talmud* further explains that *Beit Hillel* attains this privilege, because they are humble and mention the ideas of *Beit Shammai* before their own. After providing an example related to a specific case, the *Talmud* then notes that those who humble themselves are raised up by God, whereas God humbles those who raise themselves up. Thus, this *Talmudic* passage is appropriate evidence for the existence of competing viewpoints that should be studied, and it also brings into the discussion the concept of humility, a value which may be more important than reaching a particular answer.

Further, Hirschenson uses the quotation from *Eruvin* 13b to emphasize that even if one has not yet arrived at the absolute truth or the correct understanding of the *halacha* (as in the case of *Beit Shammai*), he has nevertheless fulfilled the *mitzvah* of *Talmud Torah*. If a person were to think that one does not fulfill the *mitzvah* of *Talmud Torah* unless he arrives at the correct understanding of the *halacha*, the person making that claim would be robbing the *mitzvah* of *Talmud Torah* from many of the great sages of Israel. In fact, a significant part of their *Torah* learning is not accepted as the correct understanding of the *Torah*.

Further, Hirschenson explains that his ideas apply both to small matters, like the controversies of Abaye and Rava, and to larger matters, like *מעשה מרכבה* (*Sukkah* 28a). This idea is found in the *Talmud* where it says that Hillel had eighty students, the smallest of whom was Yochanan ben Zakkai. The *Talmud* then provides great detail regarding the content of ben Zakkai's studies: Scripture, *Mishnah*, *Gemara*, *Halacha*, *Aggada*, precise aspects of the *Torah*, precise aspects of the Scribes, light and stringent ideas, *gezerot*

shavah, calendar, gematria, discussions of the Ministering Angels, discussions of demons, the speech of palm trees, parables of the fuller, parables of foxes, and finally great matters and small matters.

At the end of *Hilchot Yesodei HaTorah* (4:13), Rambam expounds on the idea of big and small matters. Referring to the four sages who entered the פְּרָדֵס, Rambam points out that even these great ones of Israel did not have the strength to know all of these matters. Thus, Rambam concludes that it is not fitting to enter the פְּרָדֵס (i.e. esoteric studies) until one has filled himself with “bread and meat,” which he describes as the knowledge of that which is prohibited and permitted, as well as other commandments. Here, he explains that the sages called these “small matters;” in fact, he quotes that the sages said “מעשה מרכבה” are big matters and the disputes of Abaye and Rava are small matters.” Yet, Rambam asserts that it is appropriate to study these small matters first because this is more settling for a man’s mind in the beginning of learning. Moreover, the small matters are the great good which God influenced to settle this word, in order to inherit life in the World to Come. It is possible for everyone to know these, including children and adults, men and women, those who are broad-minded, and those who are narrow-minded. Essentially, even while the vast majority is not ready for speculative esoteric studies, there is a common ground which is accessible to all and an important first step for the select group who will proceed further.

After mentioning the large and small matters, Hirschenson argues that it is not through knowledge alone that one fulfills the *mitzvah* of *Talmud Torah*, but rather through studying and searching. In particular, Hirschenson points out that the *mitzvah* of *Talmud Torah* is about studying rather than about knowing, since the *mitzvah* is not

called “knowing *Torah*,” but rather “studying *Torah*.” Seeking to explain his reasoning, Hirschenson adds that knowledge does not derive from choice, and commandments must be based on something that one chooses. In contrast, studying, which is about searching, depends on choosing and desiring; thus, it is a commandment. As a realistic thinker, Hirschenson points out that before a person arrives at the truth, he may think about many ideas which are untrue. It would be unfair to say that a person who does not come to understand something completely has not fulfilled a mitzvah. Hirschenson argues in the words of the *Talmud* that “these and those are the words of the living God” and that thus a person still fulfills the *mitzvah* of *Talmud Torah*. Most essential is one’s pure heartedness and the desire to arrive at the truth (*Malki BaKodesh*, part 2, pp. 166-7).

Having traced the notion of the tripartite division of one’s study time from the *Talmud* through thinkers from the 12th and 20th centuries, we have seen the great attention paid to how one’s study time should be divided. Beyond that, readers see how one idea in the *Talmud* can become a springboard for further thought. Maimonides uses *Kiddushin* 30a to expound on his understanding of the term *Gemara*, broadening it as much as possible to include the aspects of studying that are important to him. Rabbi Hirschenson engages in this topic in the course of discussing the *mitzvah* of *Talmud Torah*; he emphasizes the importance not of arriving at a particular answer, but rather of searching and studying.

As modern Jews, such ideas of curriculum design have tremendous educational implications. From the *Talmud* we develop an appreciation for dividing our time among various Jewish sources (Scripture, *Mishnah*, and *Talmud*). Given limited amounts of time, educational programs from supplementary Sunday schools to rabbinical schools

often struggle with finding the balance among these categories and others. Moreover, Rambam encourages teachers and students to understand *Gemara* broadly, so that it includes whatever categories people need in order to best understand the world around them. Another important lesson from Rambam is that there is more to learning than memorization and that students excel in their studies at different rates. Hirschenson adds to the discussion a broader definition of learning. He makes it clear that learning is not about reaching a particular answer or destination, but rather about the processes of studying and searching. By responding to Rabad and Rambam, Hirschenson takes on a viewpoint in which he recognizes that even the greatest scholars have been misled at some point in their studies. Hirschenson makes the compelling point that the *mitzvah* of *Torah* study connects to one's desire to arrive at the truth. Thus, we embrace the opportunity to remind ourselves and others that there are times in our learning that there will be more questions than answers, and that this awareness is a vital step in educating ourselves.

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Paper 2

Teaching *Torah* by Spreading *Torah*

Rabbinic literature contains a great amount of detail about learning within the *yeshiva* community. There is often an elitist attitude taken by the rabbis who have reached a high level of learning. Yet, some texts emphasize the importance not only of keeping knowledge within the *yeshiva* world, but also spreading it to others. A text which exemplifies the importance of being one who spreads *Torah*, even to young children, includes stories about Rabbi Chiyya. By looking at the Talmudic passages where Rabbi Chiyya's strategies for teaching are explained and then exploring commentaries on those passages, one can ascertain a viewpoint of the rabbis which suggests they appreciate the value of teaching young children and maintaining the integrity of that teaching and learning process.

Baba Metzia 85b

The main text under discussion is *Baba Metzia* 85b. The *Gemara* includes a series of stories in praise of Rabbi Chiyya. In the first of those three stories, Resh Lakish is busy marking the caves of the rabbis. Noting this, Rashi comments that this was so that the *kohanim* would not cross near the graves and become ritually impure. Rashi adds that while it is problematic for a *kohen* to contract impurity from any corpse, all the more so the mishap should not be caused by a righteous person. The *Gemara* continues by noting that when Resh Lakish approaches the cave of Rabbi Chiyya, the cave becomes hidden from him. Upset, Resh Lakish exclaims: "Master of the Universe, did I not debate about *Torah* as he did?" In other words, Resh Lakish is worried that he cannot find the grave because he may be considered inferior to Rabbi Chiyya. In response, a *bat kol*

comes out and says “you have disputed Torah (i.e. done *pilpul*) as well as Rabbi Chiyya, but you have not spread Torah as well as Rabbi Chiyya.”

The second story in praise of Rabbi Chiyya demonstrates Rabbi Chiyya’s specific contributions to the spread of *Torah*. When Rabbi Chanina and Rabbi Chiyya would quarrel, Rabbi Chanina would say to Rabbi Chiyya, “Are you quarreling with me? Even if, God forbid, the *Torah* were forgotten in Israel, I would be able to bring it back with my argumentation (i.e. *pilpul*).” In response, Rabbi Chiyya retorts with the same question: “Are you quarreling with me?” Rabbi Chiyya then explains that he works so that the *Torah* will not be forgotten in Israel in the first place, and then describes his method. He goes and sows flax and then weaves nets. After that, Rabbi Chiyya hunts deer, and then feeds orphans the meat. From the deer skins, Rabbi Chiyya prepares scrolls, on which he writes the five books of the *Torah*. Rabbi Chiyya describes going to new towns, and Rashi clarifies that these are towns which have no teachers. There, Rabbi Chiyya can teach each of five children a different book of the *Torah*. Further, Rabbi Chiyya teaches the six orders of the *Mishnah* to six children. Finally, Rabbi Chiyya tells the children “until I return, teach *Torah* and *Mishnah* to each other.” In detailing all of his steps, Rabbi Chiyya has explained how he works for the *Torah*, so that it will not be forgotten in Israel.

The third significant part of this story is that the *Gemara* continues by saying that these actions of Rabbi Chiyya are what contributed to Rabbi Yehudah HaNasi proclaiming “how great are the deeds of Chiyya!” Rabbi Yishmael, the son of Rabbi Yose questions Rabbi, asking “even greater than Master [i.e. you Rabbi]?” Rabbi concedes that Rabbi Chiyya’s deeds are indeed greater than his own. Finally, Rabbi

Yishmael asks if Rabbi Chiyya's deeds are greater than his father's [i.e. Rabbi Yose's], and Rabbi says "God forbid! Nothing like this should be said in Israel!"

Having established how highly Rabbi Chiyya was regarded for his actions with respect to teaching, we can consider what he did and what implications that may have for teaching today. A key point from the story is that learning to teach is as important as learning to learn. Rabbi Chiyya was clearly a bright man who could have lived his life in the *yeshiva* learning for his own sake. Yet, he takes the time and great energy to teach others. Instead of living his life as an elitist, he becomes one who spreads *Torah*. Often, the higher a person's learning is, the fewer people it reaches; yet this story reminds readers of the importance of sharing one's knowledge with others. In addition, in this text we see that there is a rare recognition by the rabbis that there is an important need for teachers of children. This is in line with the statement in *Shabbat* 199b that "Resh Lakish said in the name of Rabbi Yehudah HaNasi, 'the world endures only for the sake of the breath of children in the house of study.'" Maimonides quotes this saying in his *Mishneh Torah, Hilchot Talmud Torah* 2:1, where he discusses the obligation of cities to appoint teachers. If cities fail to do this, the city is excommunicated. Thus, there is recognition of the need to teach children.

The significant feature here is not only that Rabbi Chiyya teaches, but also how he teaches. He makes the task manageable for the students, by requiring each of them to become expert in one specific book of the *Torah* or order of the Mishnah, rather than making their task too great. In addition, he empowers them to teach others, exemplifying Rambam's highest level of *tzedakah* in his scheme of eight rungs: strengthening the name of another Jew by giving him something, or partnering with him, or finding him a job so

that his own hand is strengthened and he no longer needs to rely on others (*Mishneh Torah, Hilchot Matanot Aniyim* 10:7.). Rabbi Chiyya has given these students tools to continue learning and teaching. In addition, Rabbi Chiyya is willing to teach children in cities without teachers. This is a population that could easily be ignored, but Rabbi Chiyya makes great efforts to reach out to them, perhaps exemplifying the rabbinic belief that scholars can come from even the humblest beginnings, just as Rabbis Akiva and Hillel did.

Ketubot 103b

Having looked at these three stories about Rabbi Chiyya on *Baba Metzia* 85b, it is worth turning to *Ketubot* 103b which recounts the same story about how Rabbi Chiyya works to make sure Torah is not forgotten in Israel by teaching *Torah* and *Mishnah* to children. The story in the *Ketubot* passage is particularly striking since it is in the context of a story about who will be appointed *Nasi* and *Rosh Yeshiva* after the death of Rabbi Yehudah HaNasi.

The initial discussion centers around the fact that Gamliel will be the next *Nasi*, since he is the first born son and he has the quality of fearing sin, even though he is not as intelligent as his brother Shimon. After having discussed who will become the next *Nasi* the conversation turns to who will be the next *Rosh Yeshiva*. A statement is made, presumably by Rabbi, that Chanina bar Chama will sit at the head (of the *Yeshiva*). However, Rabbi Chanina does not accept the offer, because Rabbi Efes is older than he by two and a half years. Instead, out of respect, Rabbi Chanina sits outside of the *Beit Midrash*, and Levi sits with him. When Rabbi Efes dies, Rabbi Chanina sits at the head of the *Yeshiva*, and Levi no longer has a companion with whom to sit outside. Thus, Levi

goes to Babylonia. There is discussion in the *Gemara* about what happens to Levi when he goes to Babylonia; the content of that discussion includes debates about whether Rabbi Efes or Rabbi Chanina had died. This is significant because there are similar disputes in the next story about the relative timing of the deaths of Rabbi Chiyya and Rabbi Yehudah HaNasi.

The *Gemara* now turns to Rabbi Chiyya, questioning if he could have been appointed Rosh Yeshiva. The *Gemara* concludes that Rabbi Chiyya's death preceded that of Rabbi Yehudah HaNasi. Yet, the *Gemara* then asks "did Rabbi Chiyya not say 'I saw the grave of Rabbi, and I shed tears upon it?'" Answering this, the *Gemara* commands "reverse," meaning to switch the names so that Rabbi Yehudah HaNasi said "I saw the grave of Rabbi Chiyya, and I shed tears upon it." Then, the *Gemara* offers another piece of evidence about who died first, asking, "Did Rabbi Chiyya not say 'on the day that Rabbi died, holiness was abolished'?" Further complicating matters, the *Gemara* says the characters in this story can be reversed as well.

Here, the text includes a *haraita*. When Rabbi becomes ill, Rabbi Chiyya enters and finds him crying. When Rabbi Chiyya asks Rabbi Yehudah HaNasi why he is crying, Rabbi answers with a *haraita* that includes various circumstances of death and whether each case is a good or bad sign. For example, dying laughing is a good sign, but dying crying is a bad sign. After listing various scenarios of death, Rabbi Yehudah HaNasi answers Rabbi Chiyya's question more directly. Rabbi explains "I am crying because of the *Torah* and the *mitzvot*." Apparently, he is upset that he will not be able to study and perform *mitzvot* anymore. Thus, this *haraita* would suggest that Rabbi

Yehudah HaNasi died first. The *Gemara* says these stories can be reversed as well, but ends on the idea that they should not be reversed.

Following the debate about who died first, the *Gemara* includes a story praising Rabbi Chiyya, likely for the purpose of showing that Rabbi Chiyya was indeed a possible candidate for *Rosh Yeshiva*. The *Gemara* concludes that Rabbi Chiyya busies himself with the *mitzvot*, and Rabbi Yehudah HaNasi does not want to prevent Chiyya from performing *mitzvot*. Here, the *Gemara* includes the story that is in *Baba Metzia* 85b beginning with Rabbi Chanina asking Rabbi Chiyya if he is quarreling with him, continuing with the discussion of the preparation of the scrolls, and including the part where Rabbi proclaims “how great are the deeds of Chiyya!” Here it is worth noting that although the two texts have minor differences, the only significant difference is that in *Baba Metzia* first Rabbi Yishmael asks Rabbi if Chiyya’s deeds are greater than Rabbi’s, whereas in *Ketubot* Rabbi Shimon asks that question. In both stories, Rabbi Yishmael asks the second question.

After praising Rabbi Chiyya, the *Ketubot* story continues with Rabbi saying that he needs his young son. Rabbi Shimon enters his father’s room, and Rabbi Yehudah HaNasi transmits to him the orders of his wisdom. Then, Rabbi says that he needs his older son. After Rabban Gamliel enters, Rabbi transmits to him the orders of being the *Nasi*. The father says to him, “my son, behave at a high level in your presidency and throw fear upon your students.”

From this version in *Ketubot*, two other key issues emerge. One is that Rabbi Yehudah HaNasi decides that Rabbi Chiyya is not a candidate for the *Rosh Yeshiva* position because he does not want to prevent the younger rabbi from doing *mitzvot*. This

is an even stronger recognition that it is essential for rabbis not only to function in the world of the *yeshiva*, but also to function in the real world. There is no elitism here, and Rabbi Yehudah HaNasi is essentially being non-selfish. He recognizes that Rabbi Chiyya does incredible work for the community, and he does not want to prevent that. Further, Rabbi's comment about being upset that he is dying because that means he can no longer study Torah and perform *mitzvot* sheds light on how connected he sees these two areas as being. He recognizes the connection between study and action, and would not want anyone to study at the expense of not fulfilling other obligations. The second feature of this story is that it emphasizes responsibility being passed down from one generation to the next. There is great consciousness about which of Rabbi's sons is most suitable for his position, and the story ends with explicit transmission of responsibility from Rabbi to his sons.

Commentaries

Having looked at the story about Rabbi Chiyya as it appears in two Talmudic passages, we now turn to commentaries. In his comment on *Baba Metzia* 85b, the Maharsha (Samuel Eliezer ben Judah Ha-Levi Edels, 1555-1631) discusses the conversation between Rabbi Chiyya and Rabbi Chanina and their different approaches to dealing with the possibility of Torah being forgotten in Israel. The Maharsha expounds on this, suggesting that Rabbi Chiyya is essentially saying to Rabbi Chanina: "my method is preferable to yours." Explaining this, Rabbi Chiyya could say that if, God forbid, the Torah had already been forgotten in Israel, then Rabbi Chanina's ideas would be satisfactory for bringing the Torah back through *pilpul*. However, Rabbi Chiyya explains that he works so that the Torah will not be forgotten in the first place. The crux of this

argument is that Rabbi Chanina's ideas are less than ideal because they only function in potentiality, whereas Rabbi Chiyya's ideas function in actuality. For that reason, Rabbi Chiyya sees his own plan as more praiseworthy.

Next, the Maharsha quotes the section of the *Baba Metzia* passage which tells of Rabbi Chiyya planting flax and ultimately making the scrolls with which to teach children. The important point here is that each of these acts is for the Torah; from the beginning, the process is for the sake of Heaven and for no other purpose. The purity of the intention is vital. For example, the Maharsha notes that if Rabbi Chiyya were to buy cattle for their skins, then there would be outside participation from the seller who might use the money for other purposes. To avoid such a situation, Rabbi Chiyya uses all of his own materials, which he has grown for this purpose, and he also maintains the integrity of his actions by using the leftover meat to feed orphans. Every aspect of the process is for the sake of teaching and learning, which the Maharsha understands to be the highest degree of *Torah*. In fact, as a result of such actions, the *Torah* will not be forgotten in Israel. To further emphasize this point, the Maharsha includes Rabbi Yehudah HaNasi's statement "how great are the deeds of Rabbi Chiyya," with Rabbi adding that they are greater and better than Rabbi Chanina because Rabbi Chiyya's are actual actions, rather than merely existing in potentiality.

In his commentary on the *Torah*, *Emet L'Yaakov*, Rabbi Yaakov Kamenetzy (1891–1986) includes the story about Rabbi Chiyya teaching *Torah* in his exposition of Exodus 26:15 which says that "You shall make the planks for the Tabernacle of acacia wood, upright."

וַעֲשִׂיתָ אֶת־הַקִּרְשִׁים לְמִשְׁכָּן עֲצֵי שִׁטִּים עֹמְדִים

Kamenetzky begins his discussion by quoting Rashi's comment on the word עֲמֻדִים. Rashi's central idea is that Jacob planted cedars in Egypt; when he died he commanded his sons to take them up with them when they leave Egypt. Further, Jacob said that in the future God would command them to make the tabernacle in the desert from the acacia wood. Kamenetzky adds that Jacob could have commanded them to take the acacia wood in case they were not able to find it in the desert. Yet, that is not the whole story. The reasons that they did not take the wood from the area where they were living, but rather from the wood which Abraham had planted in Beer Sheva, were psychological. Kamenetzky points out that God had said to the people: "do not fear going down toward Egypt." This proves that Jacob must have been scared, lest his sons would settle in Egypt. Jacob wanted to prevent this, and recognized it would be insufficient to give them an oral sign, saying: "God will surely take notice of you and bring you up from this land" (Gen. 50:24). Thus, they needed something of substance to stand facing them, which would remind them always of the promised redemption. Kamenetzky continues the discussion of the descriptor עֲמֻדִים in reference to the trees, suggesting that it means that they are everlasting.

Thus, Kamenetzky has reached the conclusion that Abraham planted cedars in *Beer Sheva* which Jacob cut down for the *mishkan*, even though it would have been possible for the Israelites to find cedar trees without using the trees which Abraham had planted. Here, Kamenetzky brings evidence from *Bava Metzia* 85b, and recounts the story of Rabbi Chiyya telling Rabbi Chanina that he works so that the *Torah* will not be lost in Israel. The connection is that Rabbi Chiyya could have easily used materials that

he found elsewhere, but instead decided to be involved in the entire process, perhaps for psychological reasons as well.

Most significantly, Kamenetzy quotes the Gaon of Vilna (the Gra.1720-1797) here. While the Maharsha argued that Rabbi Chiyya's actions were solely for the purpose of Heaven, the Gaon of Vilna takes this idea further and argues the additional significance of Rabbi Chiyya performing the actions single-handedly. The Gra explains that this is because Rabbi Chiyya insisted that every aspect, from the beginning to the end, be done with holiness and purity. He wanted nothing invalid mixing in, even to a small degree. Therefore, Rabbi Chiyya did everything himself, and this was the only way in which he could be certain that he had indeed succeeded. For Rabbi Chiyya, success would entail teaching the *Torah* to children so that it would be established in them and would remain within them forever. The Gra connects this to Abraham, saying that Abraham did not want the trees he was using for the *mishkan* to be general trees from the market. Rather, he needed them to be the trees which he had planted and with which he had busied himself for the sake of Heaven. Therefore, in Beer Sheva, Abraham planted a tamarisk tree, and proclaimed it a holy place for his ancestors, an appropriate place for planting trees for the tabernacle.

Kamenetzy concludes this discussion by saying that it was the intention of the *Gemara* that the command to Moses was in fact to use the cedar trees, which have in them the power to stand forever. These are not just any cedar trees that have grown, but rather were planted by Abraham for the purposes of *mitzvah* and *chesed*. Thus, one can infer that Kamenetzy connects the *mitzvot* that Rabbi Chiyya does to acts of *chesed* that are long-enduring. Indeed, Rabbi Chiyya does not just teach children, but essentially

creates an institution, which can be compared to building the *mishkan*. There is an understanding that one must undertake certain essential steps to teach Torah, and that materials and intentionality play important roles. Another message from Kamenetzy's discussion is that no task is too ordinary for extraordinary people. Just as the patriarch Abraham planted trees, so too did a man suited to be *Rosh Yeshiva* plant flax and make scrolls from deer skins. Beyond that, they took something ordinary and made them for a higher and holier purpose, i.e. for the sake of heaven. While the Maharsha emphasized the purity of intention and the distinction between doing something in actuality versus doing something that has potential, the Gaon of Vilna and Kamenetzy go further in showing the importance of such a special person being involved in every aspect from the beginning to maintain the integrity of the process

Connections on the *Talmud* page

Having looked at the story about Rabbi Chiyta in two Talmudic passages and then exploring two commentaries, we now consider connections to other stories on *Baba Metzia* 85b. Preceding the Rabbi Chiyta story is a narrative in which Rav Chama asks what is meant by the verse "wisdom rests quietly in the mind of a prudent man, but among dullards it makes itself known" (Prov. 14:33). According to the Gemara's explanation, the first part of the verse refers to a *talmid chacham* who is the son of a *talmid chacham*, while the second part of the verse refers to a *talmid chacham* who is the son of an *am ha'aretz*. In other words, the child of a scholar does not flaunt his knowledge, but rather merely takes his learning for granted. Yet, the child of an uneducated person chooses to make his achievements known. Ullah compares this to a *sela* coin in a jar which makes the noise *kish, kish* when the jar is shaken. In contrast,

Rashi points out that if the bottle were full, a noise would not be heard. This connects to the stories about Rabbi Chiyya in that they show the importance of educating even those who are not children of scholars. Everyone deserves to learn, and those who are not from families where that is emphasized may appreciate their newfound knowledge more than others.

Next, the *Gemara* asks what is meant by the verse “small and great alike are there, and the slave is free of his master” (Job 3:19). The text asks the rhetorical question: did we not already know that the small and great will be found in the World to Come? Rather, the verse should be understood to mean that whoever humbles himself for the sake of the *Torah* in this world will be made great in the World to Come; whoever places himself as a servant to the *Torah* in this world will become free in the World to Come. Thus, the *Gemara* adds the notion of this being about the World to Come and chooses to emphasize both humility before the *Torah* and making oneself a servant to the *Torah*. This connects to the praiseworthiness of Rabbi Chiyya’s humility and hard-work in teaching *Torah* to children. He is willing to make himself a servant of the *Torah* and become a spreader of *Torah* rather than someone who sits in the *yeshiva* all day.

Additional rabbinic ideas on this subject

Some of the themes from the *Baba Metzia* passages are articulated elsewhere in rabbinic literature. The idea of expanding learning to others who would not ordinarily be in the *yeshiva* world is found in a discussion on *Berachot* 27b and 28a. There is a dispute about whether the evening *Tefillah* is optional. Rabban Gamliel has said that it is mandatory, while Rabbi Yehoshua says it is optional. When they are in the *Beit HaMidrash* with a large group present, Rabbi Yehoshua does not admit his stance in front

of Rabban Gamliel, even though Rabban Gamliel had been told by a disciple that Rabbi Yehoshua views the *Tefillah* as optional. Rabban Gamliel continues by publicly humiliating Rabbi Yehoshua, which he had done at least two times before (*Rosh Hashanah* 25a, *Bechorot* 36a). The group decides to depose Rabban Gamliel and appoints Rabbi Eleazar ben Azariah in his place. Next, the text includes a *baraita* in which the doorkeeper is removed and permission is given for the disciples to enter. This is because Rabban Gamliel had previously issued a proclamation saying that those whose insides are not the same as their outsides cannot enter the *Beit Midrash*. Now, many more students attend, apparently with the goal of enabling them to become more morally fit. There is a democratization of learning and an appreciation that it should be as accessible as possible to others.

Another important point that emerges is that there is indeed a distinction between finding teachers for children and finding teachers for adults. The emphasis in Rabbi Chiyya's story is on children, not just on any *am ha'aretz*. In Rambam's *Mishneh Torah, Hilchot Talmud Torah* 2:6, he explains that one can move a child to a different teacher if the other teacher is better, but only under certain circumstances. If the teacher is in the same city as the child, and there is no river interrupting, the switch to that teacher is acceptable. However, in other circumstances, a child cannot be expected to go to the new teacher, unless there is a strong structure over the river. The reality is that adults were peripatetic learners who had the ability to go find the best teacher. However, in the case of children, the circumstances are different, and one needs to consider not only the *mitzvah* of *Talmud Torah*, but also the safety of the child.

In conclusion, the Talmudic story about Rabbi Chiyya traveling to different towns to teach *Torah* and *Mishnah* to eleven children who then teach other children reflects a part of the rabbinic world that was not elitist and that valued scholars' complete involvement in the education of youth. The implications from the story for modernity are also tremendous, as we reflect on how we teach and establish institutions of learning for our children. If we strive to do as well as Rabbi Chiyya, then we must have complete involvement, pure intentions, a manageable task, and a desire to reach out to those who might otherwise not become educated. We see the importance of becoming a *marbitz Torah* - one who spreads the *Torah* to others: indeed, this can be of greater value than sitting in an institution of higher learning all the time.

Paper 3

A Chicken and Egg Question:

What comes first? Study or Action?

In Judaism, there are 613 *mitzvot*, or obligations. Among those are many that specify particular actions that a person must undertake. A significant responsibility of Jews is the *mitzvah* to study and learn. Naturally, study is also an important component of the action-based *mitzvot*, since one must study in order to know how to act in particular cases. Thus, the rabbis struggled with whether study or action is primary, debating this issue in their texts without ever reaching a definitive answer.

Mishnah Avot 1:17

One relevant text is found in *Mishnah Avot 1:17*. There it says that Shimon, Rabban Gamliel's son,⁶ said, "all my days I grew up among the sages, and I have only found that what is good for a person is silence. Study (המדרש) is not the most important principle, but rather action. All who increase their words bring sin." The implication is that when a person stops studying enough to be quiet, he can follow through on actions. Merely sitting in the *yeshiva* talking about subjects broadly is not as effective as taking time to act. It is worth noting that while this text makes explicit that action is preferable to study, we will see that the *Talmud* includes more debate about this subject.

Bertanura takes an interesting approach on this issue. Connecting the two parts of Rabbi Shimon's comments, he argues that if a person were to study without acting on what he had learned, it would be better for that person to keep quiet. While Rabbi Shimon could be understood to simply suggest that silence is best, Bertanura points out that because the context is *Torah* study, a person should participate actively in their

⁶ This is the Shimon ben Gamliel who lived before the destruction of the Temple.

studies, with an awareness that there will be debates. Thus, silence does not mean sitting without saying anything, but rather means that a person can keep quiet even after being insulted. A person should not respond to an insult in kind, but also should not stop learning. Being a quiet student is insufficient: active students are preferred. Bertanura concludes with the idea that “study is not the most important principle, but action” and notes that the purpose of all the learning is to put one’s knowledge into practice. Thus, silence is preferable in the beginning because it allows a person to study, and it is also the proper response of a person who would not put his study into action.

Kiddushin 40b

Kiddushin 40b recounts an incident in which the sages and Rabbi Tarfon gather in the attic of Nitzah’s house in *Lod*.⁷ Here, the *Gemara* raises the question as to whether study or action is greater, i.e. of higher value. Rabbi Tarfon’s answer is that action is great, but Rabbi Akiva’s answer is that studying is great. The rest of the people agree that study is great, because study leads to action.

The *Talmud* then includes a *baraita* which supports the notion of studying being greater than action. The *baraita* discusses the *mitzvah* of *challah*. This obligation only applied to the Israelites while they were living in *Eretz Yisrael*, and yet the Israelites learned these *halachot* while living outside the land. Thus, we must study even when we are not obligated to act at that particular moment, suggesting that study is greater than action.

Of note in this Talmudic text is the lack of detail about why Rabbis Akiva and Tarfon took their respective positions, which makes it difficult to side with either of

⁷ In this same house, there was a majority vote at another time declaring that there are three transgressions that one must never commit, even at the cost of one’s life: idolatry, incest/adultery, and murder (*Sanhedrin* 74a).

them. Thus, we turn to Rashi for some clarification. He comments on the idea of studying being greater by noting that study includes both learning and doing. Of note, while Rashi explains the reasoning for the ultimate decision of the *Talmud*, he does not explain the positions of Rabbi Tarfon or Rabbi Akiva.

Baba Batra 130b-131a

On *Baba Batra* 130b, there is a related discussion about study and action. The rabbis include a *baraita* which says a person should not learn *halacha* on the basis of merely *limud* or *ma'aseh*. Here, *ma'aseh* refers to a decision of a rabbi made in a case about which people are aware. Thus, a person should learn what to do neither from what a rabbi teaches in a classroom, nor from what a rabbi has done in a particular case. While this may seem to eliminate all learning from rabbis, the text clarifies that a person can only learn *halacha* when the teacher indicates that it is *halacha l'ma'aseh*, i.e. he specifies the theory of a law and how to act in concrete cases. Just because a teacher explains something does not mean that he would apply it to an actual case. In other words, until a theory is bounded in actual experience, and until experience is explained by theory, a person is not justified in applying the lessons he has learned.

Essentially, then, this text argues that theory (learning) and experience (doing) are two sides of the same coin. Both reasoning and right actions are essential, and there needs to be an effort to consider both. Study may be praised, yet from this text we see that it is also important to recognize that one should not praise pure study too much. Study must lead to action. Likewise, pure action should not be praised too much; action must be informed by study.

The *baraita* continues by saying that if the student asks about a tradition and his teacher explains that it is *halacha l'ma'aseh*, the student should follow the rabbi's direction. However, the student should only apply the law in that particular case and should not make any analogies to other circumstances. The *Talmud* raises an objection against this idea, arguing a person should be able to make comparisons to other situations. After all, the entire *Torah* is a limited text and thus people must rely on analogy in determining *halachot*. Here, Rav Ashi responds by saying that the *baraita* was intended to indicate only that a person should not draw analogies on questions of ritual related to *traifot*⁸. It was taught that people should not equate injury or disease of a particular body part to injury or disease of a different body part. Yet, on every other topic, the suggestion is that the student is permitted to draw analogies from what the rabbi said. This would suggest that a person's own learning and mental capacities play an important role. Blind action, or simply doing what one's teacher has said, is not the ideal.

The *Gemara* continues with Rav Assi asking Rabbi Yochanan if when he says the *halacha* is a certain way, the students can act on it and apply the *halacha* to other situations. Rabbi Yochanan responds by saying not to do anything until he explicitly indicates that others can do it. There is then a conversation between Babylonian *amoraim*. Rava tells his students that they must not merely imitate his actions, nor reject his actions without understanding the reasons behind them. If the students find a mistake in the teacher's ruling, he will reverse it because the law is determined by the proper interpretation of the sources and is not fixed simply by his prior decisions. Thus, Rava's

⁸ Traifot refers to animals whose deaths are due to physical defects or injuries; they are declared not to be kosher.

opinion further emphasizes the importance of continued studying, rather than just following what one's teachers have said. Finally, we learn on *Baba Butra* 131a that if the students receive a teacher's decision but the teacher is dead, they cannot reverse the ruling (since if the teacher were there he could have explained it), nor can they infer any law from it because a judge only knows what he sees.

***Baba Kamma* 16b-17a**

The debate about study versus action is also illustrated on *Baba Kamma* 16b-17a. The *Gemara* quotes II Chronicles 32:33: "And they did him honor in his death." The rabbis surmise that this teaches that they established a *yeshiva* by his grave. Yet, there is a dispute regarding whether it was to be established for three, seven, or thirty days. Next, the *Gemara* includes a *baraita*. Rabbi *Yehudah* concludes that "they did him honor in his death" refers to King Hezekiah of Judah, before whom 36,000 men went out with uncovered shoulders, which *Rashi* explains means that they were like mourners who had torn their clothing as an act of *k'riah*. Rabbi *Nechemia* asserts that it was actually upon the death of King Ahab. The *Gemara* concludes that they rested a *Sefer Torah* on Ahab's coffin and said "he fulfilled" that which is written in the scrolls. Thus, having a *Torah* placed on one's coffin is only for those who are highly honored.

The question then arises as to whether this placing of the *Sefer Torah* is still the practice. Apparently, the answer is that a *Sefer Torah* is taken out, but not placed on the coffin. Some may say that the *Sefer Torah* is indeed placed on the coffin, but no longer do people say a person "fulfills." Next, the *Gemara* contains a story about Rabbah bar bar Chanah. Bar bar Chanah explains that he was once walking near Rabbi Yochanan to ask him a piece of information, when Yochanan was heading towards the bathroom.

Still, Rabbah bar bar Chanah inquired of him about the matter. Rabbi Yochanan did not answer until he had washed his hands, put on his *tefillin*, and said the appropriate blessing. Eventually, Rabbi Yochanan responded by saying that when a great man dies, one can say “he fulfills” but not that he “learned.” According to Rashi, this suggests that learning is of higher value than action.

A *tanna* then challenges this idea and says that “the study of *Torah* is great because studying leads to action,” which we know is from Kiddushin 40b. Rashi points out that this *tanna* is saying that action is preferable, i.e. that studying is great (but not greater) because it leads to action, which is the ideal. Thus, this is a *kashya* against R. Yochanan. The *Tosafot* comment that Rabbeinu Tam has a difficulty with this, because Rashi seems to contradict the *Kiddushin* 40b passage which Rabbeinu Tam reads as saying that study is greater. Ultimately, Rabbeinu Tam rationalizes this discrepancy by saying that it is not the case that study is greater in the *Kiddushin* passage, but that it is great. In other words, Rabbeinu Tam has found a way to agree with Rashi in saying that action is greater. Rabbeinu Tam explains that using the word “fulfills” includes the idea that someone has studied *Torah*, because without studying one cannot fulfill anything.

The *Gemara* also responds by clearing up any potential contradictions. There is now a distinction made between teaching and learning, and the assertion is that if one is talking about learning, action is greater; essentially action is the ultimate goal of that studying. However, if the discussion is about teaching *Torah*, teaching is greater than action because it brings many to the point of action. Thus, Rabbeinu Tam and the *Talmud* have both concluded that there is a difference between studying and teaching.

The *She'iltot*

Having looked at Talmudic texts, we now turn to one of the earliest works of *geonic* literature: The *She'iltot*. Compiled by Aha of Shabha (680-752) who was the scholar of the Pumpedita *yeshiva* in the geonic period, these questions represent a unique form of literature that has more halachic than aggadic elements (Assaf and Horowitz). Of particular relevance for our discussion is *She'ilta* seven, in *parshat Lech Lecha*.

The questioner begins by praising the *mitzvah* of studying, teaching, reciting, and fulfilling *Torah*. Then, he poses the question as to whether study or action takes precedence. One possible answer, from *Kiddushin* 40b, is that action is greater because study leads to action. Alternatively, it is possible to say study is preferable because if someone does not study, he will not know how to make the right decisions to act. If one argues that study is greater than action, the next question becomes whether teaching others or taking action oneself takes precedence. It is reasonable that people need to be responsible for their own proper actions before they can start teaching others.

Thus, just as the *Baba Kamma* text distinguishes between learning and teaching, so too does this text. The answer is that if there is a decision between one's own study and one's own action, study takes precedence. However, with respect to teaching others, the question remains about whether action or teaching takes precedence. To answer this, the text refers to the *Gemara* passage in which Rabbi Yochanan is asked a question but does not answer until he washes his hands, lays his *tefillin*, and recites the relevant blessing. These are not extraneous details. The point is that when the student asks a question, Rabbi Yochanan does not answer until he has fulfilled his own *mitzvot*. Thus, Rabbi Yochanan illustrates that one's own actions take precedence over teaching. The difficulty then arises that we have learned elsewhere that study takes precedence. Thus,

the *She'ilta* resolves this by reading the *Gemara* as Rabbeinu Tam did – that action is actually preferable. There is no difficulty because the issue was not about one's own study, but rather about teaching. Even if one's own study takes precedence over action, action can take precedence over teaching. As the *Tosafot* note, this contradicts the *Talmud's* conclusion in *Baba Kama* 17a.

Rambam's Introduction to the *Mishnah*

Now we turn to Rambam's introduction to his commentary on the *Mishnah*⁹ where he discusses the essence of wisdom. He writes that the ideal is that God wants people to be complete, which means a person should encapsulate knowledge and action. In other words, God wants people to be wise and righteous. A person should not chase after bodily pleasures; rather a person should only sustain his basic bodily needs. Rambam presents the lowest level person as being one who claims that he is wise, while he transgresses the words of *Torah* and chases after his physical desires. The next level is a person who is fearful of God and distances himself from pleasures other than physically sustaining his body, yet in all other ways he behaves in the middle. This person is not considered scholarly, because his deeds are not out of true knowledge or fundamental recognition of reality. This person is more whole than the one who transgresses words of *Torah*, but is still not at the highest level of embodying study and action. Accordingly, the sages said that there is no person who is ignorant and also fearful of sin, i.e. pious (*Mishnah Avot* 2:5). This *Mishnah* distinguishes between a בור and an עס הערץ, suggesting that there are two levels of ignorance. In his commentary on *Avot* 2:5, Rambam notes that these two levels of ignorance correspond to two levels of

⁹ ד"ה וענין זה

spiritual attainment. In Rambam's introduction to the *Mishnah*, Rambam continues by saying that if a person says he can be ignorant and pious, he is wrong, since it is the sages who make such determinations. Thus, Rambam argues that a person needs to combine wisdom with action. Finally, there are commandments in the entire *Torah* that a person should learn and then perform. In other words, a person's study should lead to their actions, for through study, one is brought to action, but actions do not bring about study.

Chiddushei HaRitvah

In his comments on *Kiddushin* 40b, Yom Tov ben Ishbili (Rabbi Yom Tov Ben Abraham; c. 1250–1330, Spanish Talmudist) begins by stating Rabbi Akiva's comment that study is great because study leads to action. The main idea here in this *chiddush* is that study includes both learning and action, since study itself is an action. Here, the Ritvah refers to *Baba Kamma* 17a where the story is told about King Hezekiah. The Ritva turns to Rashi's comment that when a person dies, people do not say he "studied," but rather that he "fulfilled," which is not as praiseworthy. Yet, the Ritva refutes Rashi and says that study is preferable over action, precisely because it leads to action. One can derive that action is preferable because the smaller is dependent on the larger. We learn from our tradition that this is not the explanation given by Rashi – that clearly we teach him to say that study is greater than action.

The Ritvah continues by refuting the notion that action is preferable, by again distinguishing between learning for oneself and teaching others. When considering learning, study is preferable, because it also includes action. In contrast, in considering teaching others, action is preferable, which is illustrated by the fact that the text says

Hezekiah “fulfilled” but not that he “taught.” In other words, fulfilling, i.e. acting, is higher in status and harder to accomplish.

***Sefer Ha'Ikarim*¹⁰**

This text also grapples with the question of whether study or action takes precedence. If intention were the primary concern, then knowledge and study of *mitzvot* would be of higher importance than fulfilling *mitzvot* through action. However, this is not the case. We know this because the reading of the texts that are inside *tefillin* are not higher in value than laying *tefillin*. Thus, acting is higher than studying text.

Sefer Ha'Ikarim then refers to the discussion in *Kiddushin* 40b where the rabbis voted and determined that study is great because it leads to action. The explanation given here is that even though study is great, action is the objective and thus the essential characteristic. Then, this commentary gives analogous examples from cases where there are two tasks and some sort of natural precedence, as in the task of bridling a horse preceding the task of horsemanship, or the task of weaving preceding the task of tailoring. The implication here is that there is a natural order of things, and the first task is a step lower in value than the other, for the first task serves the second, just as the task of quarrying stones from a mountain is lower in value than the task of building. Even though the task of building cannot be completed without first quarrying the stones and even though a person cannot act without studying, the building and the acting are the essential features.

Conclusion

Having explored various texts from the *Talmud* through the Middle Ages, we see that there is no univocal viewpoint as to whether study or action takes precedence. It is a

¹⁰ Article 3, chapter 28

nuanced issue, and there are distinctions to be made in terms of whether the debate is about studying or teaching. Even so, the question may be unanswerable, in that studying and action actually go hand in hand.

Certainly, this debate remains for people today. We wonder whether study or action takes precedence, and also how we measure that precedence: in terms of time, value, or another scale. The reality is that most professions require that a person study before he or she can act. Yet, the nature of acting successfully also includes being reflective, which means returning to one's studies even after and during action.

Rabbis in particular may struggle with this question. Are they to spend their time acting for the community, increasing their own knowledge, or teaching others? Naturally, the answer is yes to all three. Dr. Arthur Greene, rector of Hebrew College's Rabbinical school has said, "Rabbis have lost the time to continue their own commitment to learning...Other professions, such as medicine and law, have made much more progress in this area—the rabbinate must now recover its place as the original career of lifelong learning." Rabbi Hayim Herring has pointed out that most rabbis do continue learning on their own and that most rabbinical organizations have expanded their professional development offerings for rabbis.. Yet, he says that these opportunities, in contrast to continuing education opportunities in other fields, are so brief and insular that "Rabbis are, therefore, unable to adapt their acquired theoretical knowledge into concrete organizational change." Thus, there is a recognition that rabbis today must continue to study in order to act. While many rabbis likely find time during the week to learn about *parshat hashavuah*, and the topics on which they will teach and preach, studying is also

essential so that they can learn more about Jewish communal life – which will drive them to action.

In all cases of this tension between study and action, balance is sought and value must be placed. In the end, we may derive from the texts discussed above that it may be the case that study becomes singled out as a *mitzvah* on its own, and thus we cannot even separate how we think about *talmud* and *ma'aseh*. The *mitzvah* of *talmud* has important links to the world at large, and we must recognize those connections. In particular, as Reform Jews, we must always educate ourselves in order to make ‘informed choices.’ We do not just accept being told something is *halacha l'ma'aseh*, but rather embrace the opportunity to have our study inform our actions. Both study and action are important.

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Capstone Project Journal

First Text: Rambam's *Mishneh Torah*

♦ What is on the page?¹¹

- Migdal Oz – Shem Tov ibn Gaon – Rashba's disciple
 - a. Spanish halachic authority & kabbalist of mid-14th century
 - b. First to supply source reference for Maimonides' text
 - c. Goal: Defend Maimonides and counter Rabad's criticisms
 - d. Corrected scribal errors in text
- Maggid Mishneh – Vidal of Tolosa
 - a. Leading Spanish halakhic authority in 14th century
 - b. Goals: Explain Maimonides' text, indicate halachic sources, suggest reasons why Maimonides prefers the views he adopts, and defend Maimonides against his critics, especially Rabad
 - c. Didn't always agree with Maimonides; at times accepted opinion of Rabad or other critics
- Kesef Mishneh – Joseph Caro
 - a. Author of Shulchan Aruch
 - b. Similar to Maggid Mishneh – often cites him
 - c. Also covers books for which there is no Maggid Mishneh
- Yekar Tiferet – David ibn Zimbra (Radbaz)
 - a. 16th century Egypt (later immigrated to *Eretz Yisrael*)
 - b. Commentary for text for which there is no *Maggid Mishneh*
 - c. Defends Maimonides against criticism
 - d. Didn't try much to supply source references
 - e. Printed with Maimonides, and also separately
- Lechem Mishneh – Abraham di Boton
 - a. 16th century Salonika
 - b. Disciple of Samuel de Medina (Maharashdam)
 - c. Goal: ascertain Maimonides' source and reconcile inconsistencies between *Mishneh Torah* and Talmudic sources
 - d. After started working, received Caro's *Kesef Mishneh* – found explanations were similar – so decided to only write points that are different
- Mishneh la-Melekh by Judah Rosanes
 - a. 17th-18th century Turkey
 - b. Different from all the above which are commentaries; in contrast, this is novella

¹¹Source for this information is: Elon, Menacham. *Jewish Law: History, Sources, Principles*. Philadelphia: Jewish Publication Society, 1994.

- c. Rosanes wrote his novella without reference to Maimonides, as a work on various Talmudic subjects; his disciple Jacob Kuli arranged them to correspond to the organization of the *Mishneh Torah*
 - i. Commentaries explain the Mishnah, the 2 Talmuds, and other sources from Talmudic period – so as to make easier to understand and study
 - ii. Novellae trace fundamental principles implicit in *Talmud* and other sources, reconcile inconsistencies posed by comparing various sources, and derive new interpretations and laws
- o Haggahot Maimuniyyot by Meir ha-Kohen of Rothenburg
 - a. 13th-14th century
 - b. Disciple of Maharam of Rothenburg
 - c. Goal: To add to *Mishneh Torah* the responsa and decisions of German and French halachic authorities.

The text: הלכות תלמוד תורה (from ספר מדע)

◆ Key Ideas of each *halacha*

o Chapter 1:

1. Women, slaves, and minors are exempt from *Talmud Torah*. Father obligated to teach sons. Women not obligated to teach because not obligated to learn.
2. Men also obligated to teach children. Obligation for all wise men to teach all students – even when not his children.
3. (If can't teach son himself), must hire teacher to teach son. But not obligated to teach another's son for no pay. If son realizes father didn't teach him, must teach himself. Study precedes action because study leads to action, but action doesn't lead to studying.
4. If father wants to study and son needs to learn; father takes precedence. If son is more enlightened, son takes preference. But this still doesn't cancel his own obligation – commanded both to teach oneself and one's son.
5. Learn *Torah* – and later get married. If get married first, thoughts won't be turned to study. But if יצר turns heart away from study, marry and then learn.
6. Teach son from when he begins speaking. Dt. 33:4 and 6:4. Teach according to his ability. At age 6-7, take to teacher.
7. If custom is for teacher to take salary, pay him. He is obligated to teach him until he can write all Written *Torah*. If custom is to teach Written *Torah* for salary, permitted. But, for Oral *Torah*, cannot be paid to teach. Dt 4:5 (Moses learned and taught for free). If can't find someone who will teach for free, pay him – Prov. 3:23 ("buy truth"). But don't assume it's okay to take money for teaching - Scripture says "don't sell it." Learn from this that it's forbidden to

teach (Oral *Torah*) for a salary even though some can pay for instruction if absolutely necessary.

8. Every Israelite male obligated in *Talmud Torah* – whether poor, rich, healthy, suffering, old, young.

◆ והגית means meditate on them day and night. This is from Deuteronomy and applied to a king; but now it means everything for everyone. In a sense, then, we are all kings. The main idea here is appointing time for study during day and night.

9. Great sages of Israel – some were tree choppers, water drawers, blind – but still studied *Torah* day and night.

◆ You don't need a lot of social status to be a *Talmid chacham* – a somewhat radical restructuring of society. It also means that nobody can get out of it. Nobody can say "I'm too busy" or "I'm too poor" or "I don't have enough strength" etc. There are no good excuses.

10. Obligated to study *Torah* until die. Dt. 4:9.

◆ It's not something you can just absorb and move on from. Like the idea of *Torah* reading cycle at services, I suppose.

11. Divide study into 1/3 Written, 1/3 Oral, 1/3 to understand and gain wisdom (*Gemara*) – i.e. compare, understand, explain essence and values, tradition, how we get what is permitted and forbidden.

◆ Here begins a discussion of curriculum. מדרת generally refers to the 13 hermeneutical principles. Here, Rambam may have those 13 in mind – or just the various ways can interpret *Torah*. To understand what the *halacha* is you should be able to learn this from the tradition. מפני השמועה - this refers to the Oral Law – perhaps he means Mishnah here (either The Mishnah – or the word he uses to describe things you learned only because your teacher told you – i.e. what we call *Gemara*). Older printed versions used the word "*Talmud*" instead of "*Gemara*" – Jews self-censored because knew *goyim* wouldn't like the word *Gemara*.

Talmud is logical learning. The kind of learning you can do on your own once you have developed skills and learned principles. There is a correct answer – Rambam is saying you have to bring forth that which is permitted and prohibited. But you're not being told directly; you are figuring things out independently. Rambam is describing the activity of *Talmud* – it's about taking what we know and learning things from it through logic, reasoning, etc.

12. Gives example of how to divide day. Matters of tradition are in Written *Torah* and explicated in Oral *Torah*. פרדס in *Gemara*.
Some can do more *Gemara* later in life.

◆ דברי קבלה probably refers to *Nevi'im* and *Kethuvim*. Because Written *Torah* generally refers just to the Chumash.

What is *pardes* here? It's about the 4 scholars who went into *pardes* (one becomes heretic, one dies, one goes crazy; Rabbi Akiva is the only one to come

out alive). So *pardes* was esoteric learning. Rabbis talk about exoteric and esoteric - נסתר and גללה. For Rambam, what is mysticism? (Mystical tradition goes back to rabbinic period and includes two categories: *ma'aseh bereishit* and *ma'aseh merkavah*. Former is metaphysics in sense of natural science. Latter is trying to get a vision of God or God's chariots. All kinds of speculative learning in both. All of this strictly outside of purview of *Torah*, but Rambam still includes it in *Gemara*. He says it's not Oral *Torah* or Written *Torah* – but it's *Gemara*, so should study it.) For Rambam, this probably refers to rationalist philosophy. We don't get the sense of him being a kabbalist, etc. But he certainly busied himself with rational philosophy - which essentially does the same thing as *kabbalah* – i.e. to unlock secrets of universe. Philosophy and mysticism have lots of overlap – they are speculative study a person does which is not exactly *Torah*. Rambam still includes it in *Torah*. Of course, in *Moreh Nevuchim*, Rambam is clear that this is not for the masses – but he can justify this kind of learning because he thinks it's *Torah* and will help people understand how universe works. Can't understand Oral and Written *Torah* completely until you have grounding in natural sciences. So that's *Torah* and it's not something you should shy away from merely because it's not Jewish.

The *halacha* continues by saying that the rigid three part division applies only at beginning of a person's course of study. When you gain in wisdom you don't need to learn Written *Torah* or always busy yourself with Oral *Torah*. You read Written *Torah* at fixed times and words of tradition – so as not to forget. But, mostly do *Gemara*. According to breadth of your mind and ability to concentrate. Implications for learners today.

Gemara clearly includes *Talmud* also – the average person should do 3, 3, and 3. *Gemara* is not only Babylonian *Talmud* – it is anything that you can legitimately learn in order to understand God and the universe. This division only applies when you are learning the easy stuff – you just need to memorize. But he clearly favors active learning over memorization – demands more time, takes more from you. Again, implications for how we teach today.

In Modern Orthodox world today, still argue about what to study. Should you study non-Jewish topics (other than what the government requires)? People often use this passage to say yes – because this is learning about the world (*Gemara*). Others disagree, arguing shouldn't study secular subjects at expense of Jewish learning. The challenge is to try to learn what Rambam is saying in principle and then seeing how it can legitimately apply today. He sees what he spent his own life doing (medicine, philosophy, etc.) as part of *Torah* broadly construed. He's also saying he was able to do this without forgetting everything he knew.

♦ A relevant text: *Kiddushin* 30a

Where does Rambam get the idea of 1/3? *Kiddushin* 30a has tripartite division. Suggests years. But how do you know when you'll die? So, Rashi says it means

divide your week into three. *Tosafot* on נל... says that won't work because you could still end up uneven (i.e. what if you die on Tuesday?). Rabbeinu Tam says just study Babylonian *Talmud* because it contains everything. (This is different from Rambam who wants to include *pardes*).

◆ How do Jewish communities of various kinds try to understand their curriculum development? Not just educational philosophy – but what are the values on which we base our curriculum in general? How do *Torah* subjects fit into other subjects – and how do we divide our time – daily, weekly, yearly, etc? To what extent derive philosophy from Jewish texts themselves...and to what extent from surrounding culture, etc?

13. Woman who studies *Torah* gets reward – but not like men do because she is not commanded.

○ Chapter 2:

1. Appoint teachers in cities. If city doesn't do this, its inhabitants are in *cherem*. If still don't hire, city is in *cherem* – for the world is only maintained by the breath of school children.

◆ This last part is probably from *Shabbat* 1:19, according to *Kesef Mishnah*.

◆ Note that putting people in *cherem* suggests that there's a formal system in place to respond to this.

◆ *Kesef Mishnah* on this: It's a *takkanah* (not a toraitic obligation). Yehoshua ben Gamla put the educational system in place through *takkanah*. Around *Baba Batra* 21 there's a discussion of who can make *takkanot*, etc. Members of the community have a pretty widespread right to make their own decisions about quality of life (can keep silversmiths out, e.g.) but they can't keep the *m'lamed out* – even if they argue they can't stand the noise of all these children.

◆ *Kesef Mishnah* continues by saying got two versions from R. Yehuda Nasia - מחרימין and מחריבין. Our problem with the *Mishneh Torah* text had been that it was hard to distinguish what Rambam meant by saying put people of city in *cherem* and put city in *cherem*. Now we can understand the people of the city as the officials – i.e. upstanding members of community. And if that doesn't work, put entire city in *cherem*. That is, the *Kesef Mishnah* says Rambam is not repeating himself; he is using both versions of R. Yehudah HaNasiah's statements to sharpen his points.

◆ *Lechem Mishnah* – Rashi says מחרימין refers to lay in waste (something physical). Biblically, to turn something into *cherem* is to destroy it entirely. Rambam reads it in medieval sense where the idea is to get people to change behavior through some legal means. Rambam may be saying he's looking for a difference between מחריבין and מחרימין. He thus distinguishes between the people of the city and the city. *Kesef Mishnah* suggest it's about getting people from surrounding communities to force people to do the right thing. There are political ramifications.

2. Start school at age 6-7. Teachers can hit to impose awe – but not ferociously. Sits teaching all day and part of night. Don't cancel for anything except Erev Shabbat and Erev Yom Tov and end of days on Yom Tov. On Shabbat, only repeat what already know. Don't cancel – even for building Beit HaMikdash.

◆ Equivocation demands interpretation, so *Kesef Mishnah* says Rambam says 6 refers to someone healthy and 7 refers to someone weak. *Tosafot* say the same thing.

◆ *Kesef Mishnah* points out that *Mishnah Avot* says start learning *mikra* at age 5. Seems to contradict. So, say you are 6 years old when you have lived 5 complete years.

◆ *Mishnah Torah* says you can inspire reverence/fear. But, not so hard that it hurts the kid.

◆ Interestingly, nobody on the page mentions *Shulchan Aruch* 245:10; there it says the teacher should not hit cruelly without having any positive statement like Rambam does (that it's a good and natural thing when it is used to inspire fear/awe/respect). Of course, we don't know what this omission means. Is Caro saying the positive commandment is so obvious? Or not? Note sends us to *tshuvot*. If the *m'lamed* breaks the guy's foot, the *melamed* owes him for bodily damages. Interesting because general rule is that if a *shaliach bet din* or a *rav* is administering corporal punishment, then the person administering is off the hook for damages caused, assuming he does not go overboard. That may or may not apply here.

◆ Nobody seems to talk about corporal punishment for little kids in *yeshivot* today. Up until a few years ago, corporal punishment was accepted everywhere (as long as doesn't injure and is for sake of discipline).

◆ Striking that the issue seems to be how much it hurts the kid. However, today, we also tend to have concerns about adults modeling violence for children.

3. Anti negligent teachers. Jer. 48:10.

◆ A significant issue is that there is a difference between a *m'lamed* and a *talmid chacham*. A *talmid chacham* is clearly a professional; *Talmud Torah* is his life's work. For teachers of small children, some have skills to teach but may not be the most passionate teachers. May be negligent.

◆ Today we have tenure issues that they didn't have to deal with.

4. Single men shouldn't teach *Torah*. No women should teach *Torah*.

◆ *Kesef Mishnah* explains that a man's wife is generally around the house (where her husband's school is) so less concern in that case.

◆ צניעות issues... Do we expect people to have so little control over themselves – or do we just want to prevent any suspicion from arising? Built in controls. Today we have policies for all of this. How does the teacher fit in?

◆ *Kesef Mishnah* sends us to *mishnah* in *Kiddushin* 82. That section has *mishnayot* which discuss how to behave so avoid suspicion. *Mishnah* on 80b – one man cannot be alone with two women (Rashi says it's because women have light *da'af*); if there are two of them, it could be very easy for them to be seduced.

But one woman can be alone with two men. Rashi says he would be embarrassed among his friends.

♦ *Mishnah* on 82a – A bachelor can't teach elementary school. *Gemara* says it's not the children you're worried about. Worried about teacher with students' parents. Rabbi Eliezer raises question of whether it applies only to bachelors, or also to men who are married but wife is not present. He determines it applies to both.

♦ *Kesef Mishnah* says Rambam *poskens* like Rabbi Eliezer. Note that the *Talmud* actually discusses Eliezer's point, in contrast to the *stam mishnah* which is briefer and just says a bachelor can't teach kids. Perhaps by discussing one opinion longer, the *Talmud* is saying that's the way the *halacha* should go, but hard to say. *Maggid Mishnah* says Alfasi says: We should follow the *stam mishnah*.

♦ Interesting that *halacha* about sexual mores comes up in context of teaching small children. Remember that then schools were in homes. Yet, *Talmud* and *poskim* immediately remove idea that kids may be at risk. It's improper sexual conduct among adults that is the concern.

5. 25 students with one teacher. If 25-40, need assistant teacher. If more than 40, need 2 teachers.

6. Can move child to a different teacher if the other is better if in same city and no river interrupting. But not from city to city or other side of river (unless strong structure over river).

♦ Issue of whether can move a student from one teacher to another. Yes, if in same city. But, be careful if there's a river in between. Only if bridge is safe.

♦ Adults were peripatetic learners – would go to best teacher. But, kids are different. Have to think about not only *mitzvah* of *Talmud Torah* but also safety and health of child.

♦ Today, issues like bussing, etc. How do you balance kids' play time, etc?

7. If someone wants to be a teacher in neighborhood, can't protest. Isa. 42:21.

o Chapter 3:

1. Israel has crown of: *Torah*, priests, kings. Crown of *Torah* is greatest. Prov. 8:15-16.

2. Bastard *Talmid chacham* takes precedence over *kohen gadol* who is a simpleton. Prov. 3:15

♦ This is from *Mishnah Horayot* which has priorities for lifesaving.

3. *Talmud Torah* is equal to all the *mitzvot* because it brings one to action. Study takes precedence over action.

4. If opportunity to do *mitzvah* and *Talmud Torah*, if someone else can do *mitzvah* – don't interrupt your studies. If not, do *mitzvah* and then return to studies.

◆ The *Kesef Mishnah* says the conclusion in the Jerusalem *Talmud* is a little different. If you keep studying, nobody will ever do the *ma'aseh*. The idealization of *Talmud* is not taken so far as to gobble up all of the *mitzvot*. It is preparatory toward learning everything for action. See unit below for more on this.

5. Person is called to judgment first about study and then about everything else. Occupy yourself with *Torah* even if it's not *lishmah* because it will turn into *lishmah*.

◆ Rashi says it refers to the Day of Judgment (the Final Judgment); claims are made against a person by the *katagor/satan* (e.g. why weren't you studying *Torah*?)

◆ *Tosafot* say the question asked is: did you conduct your business in an honest manner? Resolution: the questions may be asked about business, but when the punishment is handed out the real issue that comes up first will be that you did not establish set times for *Torah* study. According to *Tosafot*, *Talmud Torah* is #1 priority on God's list.

6. Crowned with crown of *Torah* – mind should not be directed toward other things. Don't aim to acquire *Torah* and wealth at the same time.

◆ Nothing valuable comes easily.

◆ Interesting in light of what he will say later about making money from *Torah*; he is saying: take it seriously! If you really want to be good at *Torah* study, you have to do it at the exclusion of every other thing.

Of course, in liberal education, you are not expert in any one particular thing. Also, ideal of *Torah* study is fairly elitist.

7. Don't delay studying until have more money, etc.

8. Dt. 30:12-13. It's not in the heavens = not found in those rude in spirit. Not across the sea = not in those who cross the sea. Not everyone who increases his trade is wise.

◆ In original toraitic context, it means: you can do it! It's not far from you!

◆ *Baba Metzia* 59b – In that context, means once the *Torah* is ours, we get to decide. It does not belong to God to determine its meaning. We are empowered!

◆ *Eiruv* 55a – has a number of interpretations for what this means. Arrogance.

◆ Belongs not just to those of great achievements, but also to the humble people.

9. Words of *Torah* compared to water. *Torah* not in people with haughty hearts; it's in humble people.

◆ The point about *Torah* not being for the arrogant is clearly an important point to Rambam because he keeps making it.

♦ Just as water flows from up to down, so too do words of *Torah* go to those who humble themselves to receive it.

10. All who occupy hearts with *Torah* and don't work (supported by charity) – this is a desecration of God and degradation of *Torah*. Prohibited to benefit from words of *Torah* in this world. "Don't make it a spade with which to dig" (*Pirkei Avot* 4:7).
11. Virtuous to sustain oneself by work of hands – the early pious ones did this.
12. Don't slack off, and don't learn in luxury while eating and drinking. Should cause some distress. Don't just read when study – make your voice heard to remember.
13. While *mitzvah* to study day and night, learn most at night.

o Chapter 4:

1. Only teach *Torah* to students who are decent people. If not good person, cause him to return to that which is good – and then teach him.
 - ♦ Categories of students: good, bad, the ones who just don't know.
 - ♦ *Kesef Mishnah* – דן - it's not clear whether he is good or not (we're talking about morality here). Anyone whose inside is not like his outside. See *Berachot* 27b-28a.
 - ♦ We've seen here and other places in *Talmud* that you need to be worthy to study *Torah* (don't waste *Torah* on those who aren't worthy). At the same time, don't want to deny access to *Torah* to people who could use it.
 - ♦ Interestingly, today we focus on outreach (letting lots of people in) but then we don't do much after. Compare Orthodox who have higher standards, but then continue to engage in learning. We need a balance between these two approaches.
2. How teach? *Rav* sits in front of students (everyone in chairs or everyone on ground – *rav* no different).
 - ♦ Rambam is saying it used to be different, but now everyone occupies the same level. We don't necessarily expect to see this in this literature. It is not necessarily a message of egalitarianism; rather, about efficiency of learning. Students' comfort has to be respected and they have to be in a position to ask questions. Won't learn as much if in awe of teacher and intimidated.
3. How to teach when translator present.
4. If students don't understand, teacher shouldn't get angry. Should teach until they understand. Students should only say "I understand" when mean it.
5. Students shouldn't be embarrassed if others learn more quickly. Teachers can only get mad at students if they are slacking off.

6. Don't ask the *rav* questions as he enters *Beit Midrash* until minds of teacher and student are settled. Only ask *rav* what he's been teaching about – so as not to embarrass.
 7. Only ask questions with reverence.
 8. What to do if two people have questions. Relevant one first. *Ma'aseh* takes precedence. If *halacha* vs. *midrash* – *halacha*. If *midrash* vs. *aggadah* – *midrash*. *Aggadah* vs. *kal v'chomer* – *kal v'chomer*. *Kal v'chomer* vs. *gezera shavah* – *kal v'chomer*. *Talmid* vs. *chacham* – *chacham*. *Talmid* vs. *am ha'aretz* – *talmid*.
 9. Don't sleep in *Beit Midrash*. Sanctity of *Beit Midrash* more strict than of *Beit Kneset*.
- ♦ This *halacha* is easier to say than to enforce. It essentially repeats everything we've learned – i.e. that the study of *Torah* is the apex of Jewish values.

○ Chapter 5:

1. Just as man commanded to honor and fear father, even more so with teacher. Several examples. Don't fight with *rav* or become angry at him.
 - ♦ *Kesef Mishnah* talks about main teacher being the one you get most of your wisdom from.
 - ♦ The *rav*-*talmid* relationship is the classic example of what rabbinic Judaism is all about. (With respect to *kohanim*, it matters who your parents are; for *rav-talmid*, parents irrelevant). It's a great equalizer – everyone can have a teacher.
 - ♦ Text in Judaism, Christianity, and Islam is revelation. The preacher/teacher gives you that experience – puts you in connection with Heaven.
2. Punishable by death to teach when one's rabbi is present. Don't open an institution that competes with your rabbi. Don't answer questions in teacher's presence.
 - ♦ Gimel in brackets sends us to *Hagahot Maimoniot*. Rabbeinu (Rabbi Meir of Rothenberg) wrote in the name of Ri – all of the halachic decisions that you cannot hand out in front of rabbi refer to actual questions about actual issues. But, if it's a more theoretical question, you as the student can answer the question, as long as it's not an actual answer to an actual question. In other words, the reality is that there are times when the *talmid* is not able or required to be so deferential to the *rav* that he can keep his mouth shut.
 - ♦ *Shulchan Aruch Yoreh Deah* chapter 242 – we see here that things have changed from Maimonides (12th century) to Shulchan Aruch (16th century). Shulchan Aruch has same thing that Rambam wrote about establishing a midrash and teaching. But, then Isserles says: it is permitted for students to disagree with rabbi on some halachic decision or ruling in an actual case if the student has proof that the law is on his side. Comes from a 15th century German scholar (Mahari). He points out that it goes back to the *tannaim*, and he gives examples from the *amoraim* and *geonim* as well. He is saying that if you have

good evidence, you can disagree. But, he is not requiring you to prove it beyond the shadow of a doubt – just need to be able to make a decent case. People can legitimately disagree based on substantive arguments. In fact, substantive arguments take precedence over *כבוד הרב*.

Incidentally, there are many examples in traditional literature where great scholars disagree with teachers. We don't know if the teacher was dead at the time.

At the end, says don't put it in writing – just have a face to face conversation. In other words, he seems to not want to undermine the systems too much.

♦ Books have become *rabbeinu* in some ways. We don't pretend anymore that only your *rav* can answer your questions. Today, *rabbi* is not your main source of information. But, to say that everything is available in books and we don't need rabbis or *kavod harav*, that's going too far. Even Mahari doesn't want to undermine *kavod harav* – people don't learn as much from teachers they do not respect. *Halacha* should be what it is – truth should not depend on who is teaching you!

3. If distance between person and *rav* more than 12 mils, he can answer question. If preventing someone from doing something prohibited, can teach even in front of *rav*. Examples given. Only okay on occasion, not on regular basis. Even after *rav's* death, student can't necessarily teach unless reached certain level of instruction.
4. Evil to teach if don't have enough knowledge. Also bad if *chacham* doesn't teach – prevents *Torah*.
5. Students shouldn't call *rav* by name – even in front of him. This applies only if out of ordinary name – so that all who hear know it is so-and-so. Can't even mention name if actually calling another person by same name; also applies to father. Greet *rav* differently than other people.
6. Don't remove tefillin before teacher. Don't recline; sit like you would before a king. Don't pray near him or walk near him. Don't contradict him.
7. Even when see *rav* from distance, must stand.
8. Don't give honor to student before *rav*, unless *rav* does. Student works for *rav* like slave works for *rav* – unless he would be mistaken for a slave. Degrading honor of *rav* causes the *Shechina* to disappear from Israel.
9. If see teacher doing something wrong, say "our rabbi you taught us such and such." If mention piece of tradition in front of *rav*, say who said it. When *rav* dies, tear clothes. This is only about his main teacher; if not main teacher, not obligated in all these things. But still stands for him, and tears clothes when dies.
10. *Talmid chacham* shouldn't speak in front of one who is greater than he.

11. If known *rav* wants to exempt his students from fulfilling these honors, permissible. But still student needs to glorify him.
 12. Students must honor *rav* and *rav* must honor students.
 13. Students add to the wisdom of teachers.
- Chapter 6:
 1. Must show deference to every teacher, even if not his own *rav*. Lev. 19:32a.
 2. Don't stand before *rav* in bath house.
 3. *Chacham* should not trouble people by putting himself in front of them; should take short cuts.
 4. Stand for one riding by just like walking.
 5. If three walk, *rav* in middle, great one on right, and lesser on left.
 6. Details of standing for *chacham*, *av beit din*, and *nasi*.
 7. What to do when a *chacham* enters.
 8. Can sit before *rav* except at *Shacharit* and *Aravit* – don't want more honor for teacher than for God.
 9. If someone is old (even if not a *chacham*), stand before him. Even for non-Jewish old man.
 10. *Talmidei chachamin* shouldn't go out by themselves to do something with whole community like building and digging – would degrade themselves before the people. Not obligated to same taxes and levies. Must let *Talmid chacham* sell his stuff in market before others do.
 11. Great sin to degrade *chachamim*. This led to Jerusalem's destruction.
 12. One who degrades *chachamim* doesn't have place in world to come. If witnesses come forward, he is excommunicated. Applies even if the sage is dead. *Chachamim* have role in deciding who is under ban.
 13. If *rav* excommunicates someone, all students obligated to ban him. But if student excommunicated because of his own honor, *rav* is not obligated to behave as if banned; rest of people are. If *nasi* excommunicates, all Israel behaves as if this person under ban. But if Israel excommunicates, *nasi* doesn't have to.
 14. List of 24 ways to be put under ban.
 - Chapter 7:
 1. If old sage, *nasi*, or *av beit din* commits offense, don't excommunicate him publicly – unless he acted like Yeroboam. But can lash him privately.
 2. *Nidui* (less severe than *cherem*). How to pronounce the ban.
 3. How to release from ban.
 4. Banned (lesser ban) person doesn't cut hair or bathe. Others don't include him in *birkat hamazon* or *minyan*, don't sit within 4 cubits of

- him. But he can teach and learn; hire and be hired. If dies, no eulogy.
5. If in *cherem*, cannot teach or learn, but can teach oneself. Cannot hire or be hired, negotiate, do business (other than to sustain oneself).
 6. If in *niddui* for 30 days and doesn't request release, ban him a 2nd time. If another 30 days and doesn't ask to be released, put in *cherem*.
 7. 3 people needed to release someone from ban.
 8. If 3 who ban someone leave, 3 others can release.
 9. If doesn't know who banned him, should go to *nasi* for release.
 10. If banned conditionally, even by own words, needs to be revoked. *Talmid chacham* who bans himself can revoke it himself.
 11. If banned in dream, need 10 people to release. Various contingency plans if can't find them.
 12. If banned in person must be released in person. If imposed in absentia, can be released in person or absentia. Timing. *Chachamim* can place people under ban, but not good to do often. Should try to ignore the remarks of the illiterate. Only applies in private; if in public, must not forgive.

Various Reactions

♦ This text clearly summarize Rambam's ideal of scholarship. Beyond that, he is also sharing his own perspective on things.

♦ I was curious about whether there is a difference between the terms *rav* and *chacham* – or if the words are interchangeable. The texts on which Rambam relies use both terms. *Chacham* is biblical, especially in the book of Proverbs. *Rav* is also biblical. In the 1st century, scholars start calling themselves rabbis – e.g. Rabban Gamliel. Rabbi is only in *Eretz Yisrael* (where there is *smicha*). Most likely that Rambam uses *rav* and *chacham* interchangeably.

♦ There are lots of references to *Pirkei Avot*. This makes sense – value of study house – *Beit Midrash*. Interesting to consider: If he's quoting something from *Pirkei Avot* that is also quoted in *Talmud*, is he using it in the same way? If he quotes *Pirkei Avot* when no other sources do, he may be saying he thinks we should look at *Pirkei Avot*. Perhaps this can inform how we teach *Pirkei Avot* today. Does this text apply more to students/scholars than to others – or is it the same for everyone?

♦ Why does he start with the *halacha* about who is exempt (1:1)? Look at *Kesef Mishnah*. Who is in and who is out? Dt. 11:19

וְלִמְדֵם אֹתָם
אֶת־בְּנֵיכֶם לְדַבֵּר בָּם בְּשִׁבְתְּכֶם בְּבֵיתְכֶם וּבִלְכֻתְכֶם בַּדֶּרֶךְ וּבְשֹׁכְבְּכֶם וּבְקוּמְכֶם:

Thematic Unit 1: Women and Talmud Torah

Second Text: חומש תורה תמימה

♦ Written by HaRav Baruch Ha-Levi Epstein (1860-1942), a Russian *Talmud* scholar. It's a collection of quotations from the Oral Law arranged by scriptural verse. His commentary on the texts shows his deep knowledge of *Talmud*.¹² חומש תורה תמימה is interested in *halachic midrash*. Here, what he discusses stems from Dt. 11:19 – *halachic midrash* uses בניכם in a gender non-neutral way.

♦ To study this text, we first went back to Rambam's *halacha* 1:13. Women who study *Torah* rewarded, but not as much as men because women aren't obligated. Even though she gets a reward, the sages commanded that a man should not teach his daughter *Torah*. Because majority of women do not have *da'at* that is directed to studying, they bring words of *Torah* into words of nonsense. Sages said all who teach their daughters *Torah*, it's as if they teach them תפלות (pointlessness). About what things did they say this? Oral *Torah*. But with regard to Written *Torah*, he should not teach her in principle, but if he does, it's not like he teaches her *tiflut*.

The main point: Rambam says women studying *Torah* is problematic because they would draw incorrect conclusions because of the poverty of their minds. Notice that Oral *Torah* is especially important.

Note that there is no Toraitic prohibition against women learning *Torah* or fathers teaching *Torah* to daughters. But, rabbis give prohibition against fathers teaching *Torah* to daughters – the idea is that their minds are not structured for learning; if they learn *Torah*, they'll derive nonsense from its words. If you teach them, it's teaching foolishness.

Notice that Rambam is perfectly comfortable to say women's mental power is not as substantial (elsewhere he'll say women shouldn't study philosophy).

♦ *Kesef Mishnah* – Rambam said "the sages commanded" – *Kesef Mishnah* points out that in the relevant *Talmudic* text, Rabbi Eliezer didn't say there's a prohibition; Rambam creates the command not to teach daughter. Rambam also adds something that is not in *Sotah* passage: Oral *Torah* is worse than Written *Torah*. See below for more on these passages.

¹² *Encyclopedia Judaica*. CD-ROM Version 1.0. New Media (Israel) Ltd. 1997.

◆ Overview of *Torah Temimah* text

Overall, Epstein will give an explanation that rests on a gender non-neutral capacity for learning. He explains why it doesn't balance out for women to be deficient in one area and proficient in another. The biblical text he comments on is Dt. 11:19.

He tries to make clear that it is actually forbidden for a father to teach his daughter *Torah*.

אֲנִי־חֲכָמָה שִׁכְנָתִי עִרְמָה וְדַעַת מְזֻמּוֹת אֲמָצָא Proverbs 8:12

Then, Epstein tries to equate the *Talmudic* statement in *Sotah* saying shouldn't teach daughters *Torah* with *Niddah* 45b which says God gave extra helping of *binah* to women (i.e. if they have more *binah*, how can you say their *da'at* is light?). These two things would seem to contradict each other. (Note that although Rambam doesn't take account of women having extra *binah*, *Torah Temimah* takes this up).

Basically, Epstein argues *da'at* and *binah* are two different ideas:

Da'at rests on the fundamental concepts that the human brain gets immediately upon hearing them. *Binah* is the idea that comes after you grasp something (i.e. from 1 thing you learn something else)

Women have good *binah* (not *da'at*); men have stronger *da'at*. I.e. Women are not as good at filtering the data of the universe.

הראשונות = fundamental concepts; our community agrees on and is constituted based on them; women fail at these.

What's the problem if women turn *Torah* into foolishness? Epstein says they don't sound stupid; they sound good because their *binah* is good. This is dangerous – that they sound like they know what they are talking about. A women's faulty *da'at* leads her to get answers wrong.

If God gave more *binah* to women, why is this a big deal? How can this be to their advantage? Women only have to be 12 to be seen as adult because have extra *binah* – cites Genesis 2:22a -

אֱלֹהִים אֶחָד־הָצִלָּע אֲשֶׁר־לָקַח מִן־הָאָדָם וַיִּבֶן יְהוָה

Important word: וַיִּבֶן.

He gives *mashal* from nature. Already said women get *binah* early (an advantage). But if plants ripen early, they dry out earlier.

Some sages go on and on saying there is a prohibition of studying *Torah* for women (cites *Sotah* 21b and JT 3:4). Rambam says prohibition is only for Oral *Torah*.

Essentially, the *Torah Temimah* has tied everything up; he has explained the verse, linked it to the *Mishneh Torah*; explained why they go farther and make a

prohibition against fathers teaching daughters. All has to do with the genetic weakness that women have.

He then copies something from a book of responsa (*Mayin Gamim* – Venice 1553) where a rabbi responds to a woman who knows some *Torah*. It's a response to a question about the prohibition of teaching *Torah* to women. Venetian rabbi writes responsa in favor of teaching, so he has to figure out what the *Talmudic* sages were saying. He says maybe *Talmud* refers to teaching a really young child! When they are young, you don't know how they'll turn out, so don't take the risk. But if the women's spirits lead them to do the right things for the right reasons – i.e. to study *Torah* the way it should be studied – they dwell in God's holy place. The Venetian rabbi is basically telling this woman she can go ahead and study because she is not like the majority of women.

Reactions

◆ Here's an important issue: people have different mental ability levels but what is being discussed here are not just statements in *Talmud* about *binah* and *da'at* – but what this means in terms of *mitzvah* of *Talmud Torah*

◆ Interesting that nobody we have read yet has mentioned Beruriah. Perhaps she was particularly out of the ordinary?

◆ Epstein is basically saying the problem is *Torah* is guide for acting; so it's dangerous if people (for him, women) get things wrong. Do we have concerns about the dangers of learning today? Gender issues are obviously aside, but are we concerned about teaching those who have less ability to understand? As liberal Jews, many do not see the *Torah* as a guide for acting. Is it still *dangerous* to teach those who don't really understand? Are there potential negative ramifications? How do we adjust our teaching materials? What are the implications for special education programs?

For Epstein, women don't have reliable starting points and foundations for their thinking. Essentially, he's talking about natural limits. The idea is that if you don't have a good foundation of *da'at*, your *binah* will lead you astray. A little bit of knowledge is a dangerous thing.

◆ The smarter you are, the more careful you have to be. He calls on readers to think about the *Talmud* student who does a lot of *pilpul*; i.e. has beautiful mental constructions which he builds on flimsy basis of texts and sources. (N.B. There's good *pilpul* (באמת) and bad *pilpul* (שהכל) – these are the artificial constructions that you make out of the source material that lead you out of the plain/*halachic* sense).

◆ What is Epstein's bottom line? Hard to say! The *Torah Temimah* has explained the prohibition, but then turns and dumps this *teshuvah* on us. We can't really tell if Epstein is praising or slamming the Venetian rabbi.

♦ Epstein's context: He is writing in early 20th century (women have been going to school for a while). In Orthodox circles, it's getting harder to justify keeping girls out of classroom in general – and perhaps the *Torah* classroom in particular. Maybe Epstein wants to say there is another approach one can take in the tradition.

Sotah 21b

Mishnah (page 20a): There's a dispute. Ben Azzai says a man is obligated to teach daughter *Torah*. Rabbi Eliezer says anyone who teaches his daughter *Torah*, it's as if he teaches her *tiflut*. Yehoshua is concerned that women prefer *tiflut* over abstinence; also abstinence will ruin the world.

Gemara: Is Rabbi Eliezer really saying it's *tiflut*? No, it's "as if" it's *tiflut*. (We saw that Epstein picks up on this as well).

Rabbi Abbahu gives reasoning for Eliezer's statement – Prov. 8:12 – "When wisdom enters man, cleverness/nakedness does too." (Rashi says here wisdom is *Torah*).

Consideration of Proverbs verse: Yosi son of Chanina says it means you have to stand naked before words of *Torah* (Rashi explains as separating oneself and becoming somewhat ascetic).

Bottom line: Chanina sees it as nakedness and Rashi as cleverness.

♦ Use of Proverbs quotation – in other words, fear that if women have extra *binah*, then they'll be a little too clever. Their cleverness may overcome the real meaning of the words of *Torah*.

Contrast Rambam 1:13 where he establishes that if a woman studies *Torah*, she can get a reward (granted, still not as much as a man). But then it says it's the male who is obligated to study – and should have nothing to do with women's learning.

The idea there that women don't have *da'at*'s directed the right way – this is not in the *Talmud* – but draws from material there (as well as what most men thought over the centuries).

Menachot 110a

Comments on Isaiah 43:6 ("Bring my sons from far away and my daughters from the edges of the earth.")

Huna explains the sons are like exiles in Babylon - with *da'at*; the daughters are like exiles of the rest of the lands - with less *da'at*.

Niddah 45b

Mishnah – age 12 is when girls can make vows independently. For boys, age 13.

Gemara – Shimon ben Elazar says it's vice versa.

Rav Chisdah gives reasoning for the explanation of Rabbi in the Mishnah.

Chisdah says it goes back to Gen 2:22 (וַיִּבְרָן) suggesting that girls have more *binah*.

Rav Shimon ben Elazar says in name of Rav Yitzchak – since a boy is usually at the house of his teacher, cleverness enters him first.

JT Sotah 3:4

Roman matron asks Rabbi Elazar why there was one sin in Golden Calf incident and yet three kinds of death. He responds: there is no chochmah in woman except for weaving (based on Ex. 32:25). He then tells son Hurkanos not to transmit words of *Torah* to women.

Rabbi Hayim David HaLevi's עשה לך רב

Multivolume collection of *teshuvot*; printed in 1978.

Written not to other rabbis but to intelligent Israeli observant Jews who are not necessarily specialists. So not deep halachic analysis.

He's also more accommodating to modernity than some other Orthodox rabbis.

HaLevi is a Sephardic rabbi. There's a sense among some scholars that the Sephardic rabbis of the recent years tend to be more accommodating to modernity.

HaLevi accepts Zionism, the modern state, etc. Pretty tolerant of Islam, Christianity, etc.

This text: He is responding to a guy about a situation where girls are growing up in observant community and want to go to school. They have graduated high school and now want to learn Oral *Torah* (*Talmud* and *halacha*). (In high school, they likely already did *Pirkei Avot* and *midrash*, math, literature, history, etc.)

Question: Is it permissible to teach Oral *Torah* today to religious daughters who have finished high school?

The idea is that it's a new time – not that the *halacha* itself has changed, but perhaps it may not apply in the same way today.

Quotes a verse from the Tosefta about the "complete *Torah* of ours." Context: Pharisees are responding to Saducees and basically saying that when you interpret *Torah*, you make stuff up. Whereas we do it on the basis of *Torah* - and that makes our *Torah* complete (it's Written and Oral together). Implication seems to be that if you only give them Written *Torah* and not Oral *Torah* (like Rambam suggests) then you make it seem to them that Written *Torah* is less sophisticated.

Questioner's other 2 reasons:

- a. Maybe *Tur* is correct and we should not teach Written *Torah* but can teach Oral *Torah*.
- b. Ps. 119:126 עת לעשות ליהוה הפרו תורתך

Biblically this text suggests that it is a time to act for God, because people have violated His teaching. *But, Mishnah Berachot 9:5 reads it in opposite way* - sometimes you have to violate the laws of the *Torah* for the sake of the God.

(By the way, this was the justification they used originally to write the Oral *Torah* – shouldn't do it in theory, but need to because if you didn't study it, you would lose it).

The answer:

HaLevi says the source for the *halacha* is in *Sotah* (see above).

HaLevi points out there is no prohibition from this. But then says Rambam learns a prohibition from this. (He won't argue with Rambam since all the later *poskim* follow him). Also, points out that Rambam distinguishes between Oral and Written *Torah*.

HaLevi now responds to questioner more directly. Says his desire to use the alternative form in the *Tur* is not acceptable – it's almost certainly a scribal error there. The *Beit Yosef* already said *nusach* of *Tur* was clearly wrong. HaLevi further adds that if you have to pick one *Torah* not to teach it cannot be the Written *Torah* because that's the basis for the Oral *Torah* (and theologically basis for lots of things).

Brings up the Gra (Gaon of Vilna) – who gives a Talmudic basis for what's in the Shulchan Aruch. Gra finds support in *Nedarim*, not in *Sotah*. (Of course, this is not really what the Mishnah says, but it's how the Gra pushes it to make a point). Still seems like he's saying teach Oral *Torah* is forbidden.

Then the wiggle room enters the picture. He quotes *Eshet Chayil*. Rhetorical move. Says whatever the reason women have started studying *Torah*, women since biblical times have been learning *Torah* and succeeding. Discusses *terutz* of Rashbatz (Simon ben Semach Duran from North Africa in 15th century) which he brings in the name of a *rabbinit* (probably married to rabbi and knew some *Torah* herself); this is proof that women asked halachic questions.

HaLevi continues by saying that he knows Rambam said women are not supposed to be taught Oral *Torah*; but then says we have to recognize women have learned it and were even cited by rabbis. (In other words, law and reality were different; so perhaps Rambam's law is not meant to apply today).

Then points out you can still reject everything he said, because it's only forbidden to *teach Torah* to daughters; maybe they learned themselves. We never find a prohibition against her teaching herself (only against fathers teaching daughters).

Brings forth a *chiddush* (he claims it to be his own but idea is actually in the Drisha commentary of the *Tur* (Rabbi Yehoshua F. Katz in 16th century). He says the basis for the reason for this prohibition is from Rambam. His wording alone is enough to prove the prohibition is not absolute because Rambam wrote *rov* – he said majority to exclude the minority. (Although it doesn't say it here, it's completely possible that Rambam meant *rov* to mean 'all; in their multitude'). In other words, if a woman shows she's ready to learn *Torah* then she's not part of the majority who should not be taught.

He then shrinks the prohibition to teaching young girls. Still working with concept of minority here. Says if she shows herself to be ready to learn, it's fine. Goes back to the question of "in our time." In past, women were homemakers and only needed to learn חנ"ך – giving them *Torah* would be damaging. But today when they are learning other serious subjects, *Torah* should not be any different. (It's striking that the rationale derives from the fact that compares *Torah* learning to other subjects; it would have been equally plausible that other subjects could have been seen as irrelevant to this discussion. After all, there are all sorts of changes that are made in modernity in the secular world that don't then translate into changes in the religious world).

The punch line: The fact that there are girls learning in high school who have the intellectual maturity – and desire for knowledge – these are exceptional girls and they can be taught.

♦ Clearly the guy who is asking the questions has read Rambam. He knows people might be thinking it's *tiflut* – but he would say: the world is filled with *tiflut*! (Standard Orthodox rhetoric about society – the world is falling apart, and the only remedy is to learn more *Torah*). In other words, he has totally reversed it. Nowadays, you have to teach them *Torah*, and if you don't, it's like teaching them *tiflut*.

So, the questioner's theory supports teaching *Torah* to girls even though it runs against a clear statement of Rambam and *Talmud*.

He can't say the rabbis were wrong (who said in the *Talmud* it's תפלות למדה, כאילו), but he can say times have changed.

♦ Notice that HaLevi doesn't respond to the עת לעשות issue at all. He does respond to the scribal issue regarding the *Tur* and he does talk about בזמנינו – but he doesn't enter the dangerous territory of עת לעשות. It's dangerous because it's a slippery slope – basically an emergency powers clause that people could start using to justify for anything. The rabbis obviously want to avoid this.

♦ HaLevi is clever in picking up on the fact that perhaps technically a woman could teacher herself, since the prohibition only falls on fathers. However, upon considering this further, it does not make much sense. Rambam's concern was

that women won't get it right. That concern exists no matter how she learns.

Thematic Unit 2: Study and Action

Kiddushin 40b

Sages and Rabbi Tarfon gather in attic of Nitzah's house in Lod. The question: is studying or action greater? Tarfon says action. Akiva says study. Everyone else says study is greater because leads to action.

Then says study is greater because we learned *halachot* long before could fulfill them (i.e. when weren't in Eretz Yisrael yet).

- ◆ That's one way to decide – a purely theoretical or values level.
- ◆ We don't know why Akiva or Tarfon took the positions they took.
- ◆ It's hard to decide between the options.
- ◆ Most professions require study before one can act.

◆ In Codes class we read *Baba Batra 130b*. Don't learn what to do either from theoretical learning by itself or from what you see your teacher doing – until they say *למעשה הלכה*. There's a risk that the teacher may present different ideas and we'll apply them (incorrectly) to an actual case. In other words, until theory is bounded in experience and until experience is explained by theory, you are not justified in applying the lessons you have learned.

They are two sides of the same coin.

It is more important that you know the reasons – or that you do the right thing even if you don't know the right reason.

The question has to be put in such a way that it's answerable. Have to find a middle ground. *Talmud* is better because it brings back *ma'aseh*.

Maybe they are saying – don't praise pure study too much; it has to lead to *ma'aseh*.

Baba Kamma 16b-17a

◆ The text: Discussion about honoring people in death (II Chron. 32:33). Establishing *yeshiva* by grave – some say 3 days, others 7, and others 30. *Baraita* cites "they did him honor in his death" and says this is Hezekiah. People had uncovered shoulders (Rashi says they did *k'riah*). This is what Rabbi Yehudah said.

Rabbi Nechemiah said: Was it not for Ahab (i.e. a bad guy)? Rather they rested a *sefer Torah* on his coffin – they said "he fulfilled" (that which is written in it).

Nowadays, do they do this? Bring the *sefer Torah* out, but don't put on coffin.

You can say we place it – but not that we say "he fulfilled."

R. Bar Bar Channah said "I was walking near R. Yochanan to ask him something, when he was going to the bathroom. I inquired of him, but he didn't answer until he washed his hands, put on *tefillin*, and blessed. He returned and said, "we say 'he fulfilled,' but we don't say 'he taught.'"

The text then challenges that – didn't a *tanna* say "study of *Torah* is great because study leads to action." (Rashi explains this is saying action is preferable.)

This is not a difficulty – one is teaching and one is learning (i.e. if we're talking about learning, action is greater; but if we're talking about teaching, *Torah* is greater).

Reactions

◆ Rabbi Yochanan's original answer suggests studying is higher. To say someone "fulfilled" is okay, but you can't go a step further and say he "taught." That's one step higher.

◆ The text resolves itself by saying that there is a difference between ללמוד and ללמד. So understands Yochanan as saying you can't praise someone for teaching, but you can praise someone for studying.

◆ We looked at the *Tosafot* on... גדול למוד. והאמר מר גדול. He points to Rashi who says action is preferable over study. It caused a difficulty for Rabbeinu Tam – mentions the passage in *Kiddushin*. We read that passage as study is greater because it leads to action; but here suggests it's not that study is greater – just that it's great. Rabbeinu Tam has a problem with the explanation – it's not so much a problem with Rashi but with the *Talmud*. In other words, Rabbeinu Tam is saying that in saying "he fulfilled" we are including that he studied *Torah* – because if he hadn't studied, how could he have fulfilled anything? This argument does not yet make a distinction between studying and teaching. The *Talmud* responds by ultimately making this distinction.

שאלות דרב אחאי פרשת לך לך סאלתא ז

◆ Background: This is one of the earliest works of geonic literature that we have. Probably from 8th century. Attributed to Rav Achai; he was probably not a *geon*, but was a collector of these questions. Basically the שאלות were formal statements of a question that led to a sermon given in public. In other words, the question is an excuse for a sermon. They are organized according to the order of *Torah*.

This is the Babylonian equivalent of *Tanchuma* (*Yilamdeinu*) which is from *Eretz Yisrael* (when they are not just studying with scholars – but scholars are teaching to larger groups in public sermonic gatherings – maybe during *kallah* months). This is one of the earliest ways we have to know what was said in the *Talmud*. We don't have the original *Talmud* text, but we know that שאלות preserves different versions of Talmudic passages that might be as 'original' as the ones that ended up in the accepted versions.

◆ The text: The question begins by praising the *mitzvah* of *Torah* study and saying everyone should do it. Then says need answer to question of which takes precedence: action or study. I might say action is greater because study comes

on account of action. Or perhaps study is preferable – because if you don't study, you don't know how to do the right thing. If you want to say study is greater, here's the next question... Which is more important: teaching others vs. your own action? If you have to decide between your own study and your own action, study takes precedence. Cites Akiva and Tarfon debate from *Kiddushin*. Also refers to *Baba Kama* passage. To answer the question with respect to teaching others, says asked a question of Yochanan. He didn't answer until he washed hands, put on *tefillin*, said blessing. In other words, he did his own *mitzvot* first. So action must come before teaching others. The קשיא is: isn't study greater? The שאילתה reads it like Rabbeinu Tam – that action is preferable.

So there is actually no קשיא. It just depends if it's about teaching or learning. If it was about his own study, Rabbi Yochanan might have done that first. But, when it comes to teaching, Rabbi Yochanan needs to do his action first.

Reactions:

- ◆ What does it mean to take precedence? In time? In values? One to the exclusion of another?
- ◆ Study becomes singled out as a *mitzvah* on its own – it's not just a *mitzvah* like all others.
- ◆ Here, it distinguishes between studying and teaching as well. Of course, Maimonides recognizes that we learn a great deal from our students as well – perhaps even more than we do from our teachers. So, can studying and teaching actually be separated?

Thematic Unit 3: Payment of Rabbis

- ◆ Review *Mishneh Torah* 1:7

You can get paid to teach Written *Torah* if that's the custom. But not Oral *Torah* because Moses learned it for free from God, and we learned it for free from Moses - so it should be free for everyone. If you can't find anyone to teach for free, you can pay (Prov. 23:23 וְאַל־תִּמְכֹּר חֻכְמָה וּמוֹסֵר וּבִינָה). But you shouldn't take money to teach someone because it also says in that verse "don't sell it." It's forbidden to teach for a salary, even if your teacher taught for a salary.

Kesef Mishnah tells us to look at:

Nedarim 36b-37a

This text is about a person who takes a vow not to benefit from a person (e.g. the person can't get anything for free as a benefit). If someone ordinarily teaches free of charge (which is fine in the case of *midrash*, since that is generally done), then can learn *midrash* without paying because there is no benefit involved. But, because the norm is to charge for *Torah* teaching, for someone to be taught for free is unacceptable because he would be receiving a benefit. *Midrash* is

different because (as Rambam also says) God taught Moses for free and Moses taught us for free – see Dt. 4:5.

There are two ways to justify payment thought... Rav says the payment is actually for watching after the students. Rabbi Yochanan says the payment is for teaching chanting.

♦ It's pretty amazing how the rabbis rationalize this – watching students and chanting. Seems like a stretch, but also solves what they need to solve.

♦ Review *Mishneh Torah* 3:10 - All who occupy hearts with *Torah* and don't work (supported by charity) – this is a desecration of God and degradation of *Torah*. Prohibited to benefit from words of *Torah* in this world. "Don't make it a spade to dig with" (*Pirkei Avot* 4:7).

Note that there is a lot of *Kesef Mishneh* here; Caro has a lot to say (makes sense since lots of rabbis are being paid even though Rambam says it's terrible).

Text: Rambam's commentary to Avot 4:7

Opens by saying I (Rambam) thought about not talking about this instruction because it's clear, and also because words won't find favor in the eyes of the majority of *Torah* scholars (and maybe in anyone's eyes). But going to speak anyway and not pay attention to either those who came before or those who are still around.

Don't use *Torah* as a way to earn money. If derive benefit from it, you'll be cut off from the World to Come. Yet, people ignore this and hang on to the literal meaning without understanding. Thus I am going to explain it further. They imposed assessments on people and made *Torah* something to be handled by tax collectors; deceived people into thinking it's an obligation and one should help those who study *Torah* as profession.

This is a mistake; it has no foundation in *Torah*. The sages did not collect money or gather money for *yeshivot*, judges, those who spread *Torah*, etc.

We do find among the sages some who were needy and some who were really rich. Don't say they didn't give *tzedakah*. If the poor people asked, they would have received gold and pearls. But they didn't ask; they worked!

Hillel was a hewer of wood – and studied. If he wanted help, people would have helped and allowed him to stop hewing wood. Rabbi Chanina ben Dosa is also great and he didn't ask for anything from people. Karna was a judge and water drawer; when people came for judgments, he asked them to give him someone to draw water in his place while busy or pay for his lost time.

There weren't Israelites who wouldn't do acts of kindness. No poor sages condemned the people for not doing well by him. The sages were pious and didn't ask for help; this would be defaming God in eyes of public. Didn't want people to think *Torah* was work like any other work that people sustain themselves with. Those who do "bring scorn upon word of God" (Num. 15:31). Some err and deny the truth – and take money from others – based on *Talmud* stories about people who had defects in their bodies or were elderly and thus

couldn't work. Their only alternative was to die. This is not an obligation in the *Torah*.

One of the stories people learn from is (Prov. 31:14): "She [*Torah*] is like a merchant ship, bringing her food from afar." This is about wounded person who can't work; but one who isn't wounded should not employ *Torah* for such a purpose.

Rav Yosef – would carry burden of beams and say work is great because it heats its master. Through this work, his desire was satisfied.

I have heard of simpletons who hang on words "he who wants to derive benefit should like Elisha, and one who doesn't, shouldn't like Samuel from Ramah" (*Berachot* 10:2). It's a mistake to use this. Elisha didn't receive money from people. He just accepted hospitality. Samuel never went into people's houses or ate their food. In cases like this, sages say a *talmid chacham* can choose between these two options. It's okay to eat even though warned "Whenever a *talmid chacham* eats in a place, he will destroy his home and widow his wife." And "any meal that is not a meal of *mitzvah* if forbidden to *talmidei chachaim* to benefit from."

Why am I continuing with this matter? I'm going to share something from *Talmud* (*Nedarim* 62a). A man had a vineyard; thieves came. Owner distressed all the time. By the way, it was the way of people to gather fallen fruit – permitted to eat because ownerless. One day, Rabbi Tarfon came and sat in that vineyard eating some of the fallen fruit. Vineyard owner thought this was the thief. Didn't recognize him. Put him in sack and ran to throw him in river. Rabbi Tarfon sees situation is hopeless and cries out: "oy Rabbi Tarfon." Owner hears this and flees, knowing he committed a great sin. Rabbi Tarfon is in distress for the rest of his life – he used the crown of *Torah* to save himself. Should have saved himself with money, not *Torah*.

Another story (*Baba Batra* 8a): Our teacher (Rabbi Judah HaNasi) opened storehouses of wheat during famine and said all who want to receive sustenance should come and receive, on condition that he is a *talmid chacham*. Rabbi Yonatan ben Amram came and said "sustain me." HaNasi didn't recognize him so asked which sage he learns with. He said "sustain me like a dog or raven; i.e. even if I am not learning." Judah HaNasi gave him the food but later regretted giving to an *אֶם הָאֵרֶתְךָ*. He told others the story; they said perhaps it was Yonatan ben Amram (your student) and he didn't want to benefit from honor of *Torah*. So he tricked you. They found this was the case.

These two stories should quiet any debates about this matter.

What can a *talmid chacham* do? Can give money to someone to invest for him. Will receive reward for this. This is "one who bestows merchandise for the purse of a scholar" (*Pesachim* 53b).

Also, he can sell his merchandise and buy merchandise before others can. This is privilege established by God. Sometimes merchants give these advantages to another merchant out of honor; so a *talmid chacham* should get at least the honor of a common person.

Torah also exempts all *talmidei chachaim* from government obligations (levies, taxes, building city walls, etc.). Community should pay for them. Even if *talmid*

chacham is rich, not obligated. Example from Yosef HaLevi who let a rich man from Spain not pay levy because he was a *Torah* scholar. This is *Torah* law, like priests don't have obligation of half shekel.

Reactions

- ◆ Rambam doesn't want people using the exceptions – do rabbis do this a lot?

- ◆ It seems easy for Rambam to say what he says, considering that he could easily earn a living as a physician, etc. considering his many talents and skill-sets. Was this multi-tasking feasible for others? What was his main source of income?

- ◆ In those days, economy wasn't established to pay rabbis. Professions only develop over time when there is money to pay, etc. Rambam could argue it's not meant for our time/place – but everything he said is backed up by text. This is the way it needs to be for all time. Notice that Maimonides already told us that nobody is paying attention to him. Halachic arguments can be constructed out of sources that may not speak to the reality of your own time.

- ◆ Rambam's position is a problem for all subsequent scholars. *Mitzvah* of *Torah* study is perfect *mitzvah* – no other reward for it. But people who are studying still need to support themselves. אין קמח- אין תורה. *Torah* study is for all of us so it's not a profession. Can a professional rabbinate be explained within the traditional categories for defining *mitzvah* of *Talmud Torah*? Or is this too big a compromise with reality? What is a rabbi? What is a *Talmid chacham*? What kind of life should a person want for himself? How find balance? Rabbis and doctors in same boat because both practice *mitzvot* – *pikuach nefesh* is a *mitzvah* and you shouldn't be paid to do it – doctors are paid for their time which they could have spent earning other stuff; and for their expenses. Can doctors in Israel go on strike? Justify their payment by saying need to be paid expenses, lost time, etc. Rambam comes out against anything that would resemble a professional rabbinate.

- ◆ Have a statement in *Berachot*. If you want to take, take like Elisha (Elijah's student) who accepted lodging, etc. Rambam responds by saying simpletons don't understand this and think they can take money – but they still shouldn't! It's a false conclusion. Elisha was taking food and lodging while traveling. Of note: You need to interpret the two passages together even though they are not written together.

- ◆ Can't take money to teach *Torah*, but can get other privileges (tax breaks, etc.). Seems to be based on priesthood in some ways. For example, *talmidei chachamim* can buy and sell first in market. God granted these privileges just as granted the priestly gifts to the priests and tithes to the Levites. Also, not having to pay levies is *Torah* law – just as freeing priests from obligation of ½ shekel is a

Torah law.

Text: Kesef Mishnah: Joseph Caro on Rambam's Mishneh Torah 3:10

♦ Background: *Kesef Mishnah* is Joseph Caro's commentary to the *Mishneh Torah* of Rambam. He has also written other books like *Beit Yosef* and *Maggid Mishnah* (not to be confused with *Maggid Mishneh*). *Kesef Mishneh* is especially wordy on the sections of *Mishneh Torah* that don't have the more famous *Maggid Mishneh* (written by Rabbi Vidal of Tolosa – a 14th century Spanish rabbi). The *Maggid Mishneh* worked hard to determine Rambam's Talmudic sources (of course, the big problem with the *Mishneh Torah* is that it declares *halacha* without saying where it's from). So where there is no *Maggid Mishneh*, Caro took on that responsibility; he tries to find Rambam's sources and defend Rambam against other opinions out there. Caro is a great devotee of Rambam – almost always defends him. But, we'll see in this particular section that this is a glaring instance where he doesn't defend him.

♦ The text:

Rambam had a lot to say about this in his commentary on *Avot* 4. It also appears most of the sages of his time were taking money; but Rambam continued to hold on to his reasoning that they should not take money. (Caro is showing Rambam was in a minority; remember Rambam is about 400 years before Caro). Caro is going to show point by point why he disagrees with Rambam. He'll argue that none of the proofs Rambam brings actually support his point.

Rambam cited many precedents – like Hillel who chopped wood while studying *Torah*. Caro explains that this was only early in his career. There was not enough scholarship money for the many students, so those who could work to sustain themselves had to work so that the scholarships could go to the most desperate cases. So when Hillel first matriculated he hewed wood; but once he rose in status, Hillel wasn't chopping wood anymore.

Then responds to point about Chaninah ben Dosa. (He was the guy who only ate a small amount). Caro says this is not proof of how rabbis should be. If ben Dosa wanted to be rich, he didn't need to ask people, he needed to ask God. God would answer all his prayers. Ben Dosa was not in this world for the purpose of making money. (It's just the way he was. Caro says what we're talking about are people who want a certain standard of living, which is not forbidden. Ben Dosa is not a good example to follow; he was almost ascetic. Caro wants to keep the conversation based on ordinary people).

Karna chose to check storehouses of wine. It was a nice profession, no great burden. (It was an exceptional case; he liked his easy job. Caro does not think this is a good example).

It is forbidden to take from the community if God has blessed someone with the ability to earn money while being a rabbi, *dayan*, etc. for the community. (Being good at *Torah* profession requires a great investment of time. If someone has been graced by God with the ability to earn income without interfering with

studying, great. There is no reason for a person who can easily be supported by other sources to get paid.)

Rav Huna had a well and used to draw water – Rashi already explained this. He drew water to irrigate his fields. There is no shame in this because it's his own field and he's not taking money. (He's a landowner, so clearly he didn't need to take. Of course, he can work his own property. Those who don't need money can turn it down.)

Rambam also brought evidence about Rav Yosef and Rav Sheshet. Rav Sheshet was blind. He didn't carry beams as a job. Therefore, almost against your will, you have to say like Rashi does that he was doing this inside the house to warm himself.

Rambam also cited the merchant ship from Proverbs. (Rambam said shouldn't cite Talmudic stories of scholars who take money – these are only people who are old or ill and have to choose because can't get a job). Caro disagrees with Rambam. In *Baba Metzia* 84b talks about Rabbi Elazar b. Rabbi Shimon- because he prayed on behalf of certain sailors, in gratitude they brought him gifts which he accepted- because he was also sick at the time. Rambam argued against using this as reasoning to pay rabbis – because he said Rabbi Elazar b. Rabbi Shimon was ill all the time and had no choice but to take the stuff. Caro disagrees with Rambam's idea that Elazar could only take because he was sick. The deeper meaning of the Proverbs verse is about learning *Torah*. If the intent of the text were to praise people who accept gifts only because they were sick, then anyone disabled (regardless of how learned he is) would be able to bring bread from afar (resort to other ways to get income). Anyone in a bad situation would do something like this. Rabbi Elazar could have found a different way out of his difficulties, but chose not to. So again this is the case of an exceptional individual in exceptional circumstances. Don't use this as proof of anything. Caro continues by pointing out how all of Rambam's examples are wrong. He'll give his own *perush* that doesn't require coming out against rabbis taking money.

Reactions

♦ The Mishneh *Torah* is not necessarily the last word on this stuff. Four hundred years later, Caro has a lot to say about it.

♦ What do we learn from this? Mishneh *Torah* 1:7 goes back to midrash that teaching *Torah* should be free- Moses did for free and so do the rest of us. Then we did 3:10 – Rambam gives a more general description of his opposition of making *Torah* a profession – basing himself on a bunch of examples from a time when there was no professional rabbinate.

Is there a winner? They both deal with extreme cases.

In some ways –it's not a fair fight- the world has changed from Rambam's time to Caro's. In Caro's days have a professional rabbinate- a reality that didn't exist for Maimonides.

- ◆ A statement like “don’t use *Torah* as a spade to dig with” takes on all new meaning. Perhaps it means don’t use *Torah* as a source of intellectual arrogance. See this issue in *Pirkei Avot* – intellectual arrogance has always been a danger scholars face.
- ◆ Remember Amram and Tarfon – they would not have taken from him if it had been forbidden. There we find Talmudic proof that you can take money. It’s not necessarily wrong to benefit from the fact you are taking money – you can go farther than the law requires – but that doesn’t mean everyone has to do this.
- ◆ About *Mishnah* 3:10 – if *Torah* is central pursuit of your life, it has to crowd out business and everything else. Only do what little bit you need in order to subsist. It is possible to conclude from this that Rambam is actually accepting the value of making *Torah* central and income wealth/secondary – but note that he does not go all the way and say make *Torah* your sole occupation such that you are supported by tzedakah.
- ◆ *Mishneh Torah* 3:10 is about controlling הנאה - you can't get הנאה from *Torah*. Caro and others come out against this because *minhag* has developed in different ways. In a world where it is impossible to live up to the Rambam's ideal and yet we do need scholars – so we need to find a way to support them.