

Notes

1. This article overlaps with the monograph, Jaakko Hintikka et al., *Aristotle on Modality and Determinism* (*Acta Philosophica Fennica*, 29:1, Helsinki, 1977) and is calculated to bring the central results of that monograph to bear on Aristotle's treatment of the unity of substance.
2. See Jaakko Hintikka, *Time and Necessity* (Oxford: Clarendon Press, 1973), chapter 8; and *Aristotle on Modality and Determinism* (note 1 above), chapter 3, sec. 17, which I am following here.
3. I am following here *Aristotle on Modality and Determinism* (note 1 above), chapter 4, sections 21-26.
4. See W.D. Ross, *Aristotle's Physics: A Revised Text With Introduction and Commentary* (Oxford: Clarendon Press, 1936). Ross's mistaken reading of *entelecheia* as 'actualization' rather than 'actuality' is all the stranger as he is fully aware that this word in Aristotle normally means 'actuality' or 'complete reality' in a rather strong sense (cf. e.g., *Met. θ*, 4, 1047 b 1-2). See W.D. Ross, *Aristotle's Metaphysics: A Revised Text with Introduction and Commentary*: 1-II (Oxford: Clarendon Press, 1924).
5. See *Aristotle on Modality and Determinism* (note 1 above).

Compensation for the Study of Torah in Medieval Rabbinic Thought

Professor Ephraim Kanarfogel

As an inheritor of the legacy of the Geonim, whose academies developed extensive systems of support and fundraising, Andalusian Jewry was predisposed to providing financial support for its scholars.¹ Jewish communities in Spain continued to do so throughout the Middle Ages, despite Maimonides' well-known position that Torah scholars who decided not to work, but to live on the salaries provided by willing benefactors, were profaning the name of God. Indeed, Maimonides notes that his position is against the dominant [Sefardic] communal practice of his day.² R. Shmuel *ha-Nagid* (d. 1056) had already endorsed the very practice that Maimonides condemns when he proclaimed that he would support and maintain any scholar who wished to make Torah study his profession (*lihyot torato ummanuto*).³ R. Avraham ibn Daud refers to important scholars who were supported by patrons and to scholars and judges who received salaries from their communities.⁴ R. Yehudah b. Barzilai (c. 1100) provided Talmudic justification for these practices. Moreover, R. Yehudah maintained that communal support for judges and scholars is both prevalent and obligatory.⁵

In several recent studies, B. Septimus has argued that Maimonides' position condemning professionalized scholarship was accepted and endorsed by major Spanish halakhists of the thirteenth century, such as R. Meir ha-Levi (Ramah) and R. Yonah of Gerona. According to R. Yonah, a scholar must derive his sustenance from secular pursuits. Thus, R. Yonah cites Rambam's famous diatribe against subsidized scholarship in his own commentary to *Avot* 4:7.⁶

Careful comparison of Rambam's comment to Rabbenu Yonah's reveals that R. Yonah's citation is suggestively selective.⁷ R. Yonah omits Maimonides' praises for Tannaim and Amoraim such as Hillel

and Rav Yosef, among others, who held various menial jobs rather than supporting themselves from the study of Torah. Also absent is the claim, made several times by Rambam, that people were prepared to support these scholars, but were never asked to do so, no matter how great the scholars' needs. Maimonides gives a non-economic interpretation to the Talmudic dictum that "[a scholar] who wishes to benefit [because of his Torah study] should do so like Elisha" (Berakhot 10b). All that Elisha ever received was the honor extended by his hosts, which included hospitality and lodging. Rambam emphatically rejects the possibility, suggested by others, that Elisha accepted any monetary gifts. R. Yonah, on the other hand, acknowledges that this Talmudic passage does endorse a means of providing economic assistance for scholars.⁸ In addition, R. Yonah notes the Talmudic statement of approbation for one who gives gifts to a scholar (Ketubot 105b), which was also derived from the career of Elisha, with the modification that such gifts may be accepted only if they were of the type that would normally have been given to an important non-scholar as well. Maimonides does not refer to this Talmudic passage at all.

Although R. Yonah writes that a person who is healthy enough to work should not benefit from Torah (*le-hanot be-kavod Torah*), it appears from the opening section, and from the tone throughout, that R. Yonah's comment was intended mainly to prevent a scholar from abusing his position and privileges. Septimus admits that no thirteenth-century Spanish halakhist openly attempted to suppress subsidies, salaries or contributions.⁹

Indeed, R. Yonah elsewhere provides ample justification for the compensation and support of scholars who were dedicated to their studies. In a comment to Proverbs 14:4, R. Yonah explains that the farmer must tolerate the slovenly habits of the ox and allow the animal to fulfill its needs because the ox is so productive for the farmer. So too, scholars should be tolerant of the masses. Such tolerance will enhance respect for scholars and facilitate the acceptance of religious instruction and admonition, but it also fulfills a somewhat more temporal purpose. The masses should be treated well, "in order that the people carry the burden [of the scholars] so that they can be free to study day and night..."¹⁰ Just as one suffers the slovenliness of the ox because of its productivity, the scholar must tolerate the burdens

which are placed upon him by various people, because they can be helpful to him in his scholarly endeavors.

In his *Iggeret ha-Teshuvah*, R. Yonah recommends that one who wishes to further the study of Torah should "come to the aid of *rabbanim* and *talmidim* who study for the sake of heaven. He should contribute towards the support of scholars so that they will remain in his city and study Torah because of him."¹¹ In his *Commentary to Proverbs*,¹² R. Yonah writes that the purpose of the righteous man in striving to acquire wealth is to be able to devote himself to the support of sacred causes and to assist those who fear God and make His name known.¹³ Perhaps, R. Yonah's position is that scholars should not pursue the support of communities or patrons, but they may accept needed support if it is offered.¹⁴ The sources of R. Yonah which Septimus cites are directed to the scholar. A scholar must not devalue Torah scholarship by seeking to make it the major source of his livelihood and by becoming financially dependent upon others. At the same time, the community is obligated to reach out and support those scholars who need help in order to continue to study seriously.

Prof. Septimus suggests that according to Ramah as well, there is to be no tangible reward in this world for Torah study. Therefore, like Rambam, he considers professionalized scholarship to be unacceptable. The claim of H. Schirmann that Ramah earned his living as a teacher of Talmud must be rejected, on the grounds that to do so would have violated Ramah's principles.¹⁵

In fact, however, Ramah discusses in detail the payment of teachers in a community and is receptive to the idea of communal support for education.¹⁶ It appears that Ramah opposed, at most, the supporting of scholars whose sole pursuit was study. On the other hand, scholars who were involved in the teaching of Torah, and who received payment in the form of *sekhar battalah*, as compensation for their abstention from other work, would elicit no objection from Ramah even though Rambam, as noted by Septimus, explicitly rejects the notion of *sekhar battalah* as an acceptable method of payment.¹⁷ Indeed, both R. Yonah and Rambam who, in Septimus' view, agreed with Rambam's position that professional scholarship per se ought to be eliminated, nonetheless saw nothing wrong with allowing teachers of Talmud to be compensated by means of *sekhar battalah*.¹⁸

It should be noted that all of the aforementioned Sefardic halakhists, including Maimonides, approved the granting of tax exemptions to qualified scholars.¹⁹ Ramah and R. Asher b. Yehiel (in a responsum addressed to a Spanish Jewish community) even granted tax exemptions to one who had a profession but devoted as much time as he could to his studies. According to Ramah, the scholar is exempt "not because of his poverty but because of his Torah."²⁰ There were some Spanish communities which would not grant an exemption to a scholar who did not devote himself exclusively to study.²¹ The fact remains, however, that some form of tax-exemption for scholars was the norm in Sefardic communal and intellectual life.

Only among Tosafists do we find contemporaries of Maimonides who also rejected the utilization of any form of *sekhar battalah* and contended that in practice, a scholar should study without compensation and must earn his livelihood in a profession other than teaching. The author of a twelfth-century Ashkenazic commentary to *Avot*, perhaps Rashbam, interprets the phrase in *Avot* 1:6, "and despise rabbinic position," to mean that one must "lower himself in order to secure employment," and not receive payment for rabbinic functions, including teaching.²² Elsewhere in his commentary, the author states that Torah must be taught to others neither for self-aggrandizement nor for compensation. The author explicitly rejects the practice of paying a teacher *sekhar battalah*, although he notes that there are those who accepted payment by relying on this concept.²³ R. Eliezer of Metz praised Rabiah as one who "ran away from honor in order not to appear haughty and in order not to receive compensation on account of [his knowledge of] Torah."²⁴ Several texts reveal the non-teaching occupations of important Tosafists, including Rashbam.²⁵ Many Tosafists, who taught students, did not earn their livelihoods from teaching. Indeed, it was common practice in Ashkenazic society for scholars to work at some kind of profession in order to earn their livelihoods and devote any remaining time to their studies.²⁶

Interestingly, the twelfth century saw a change in the attitude of Christian scholars toward the receiving of payment for teaching God's word. The masters in the new urban schools, which were opened in numerous cathedrals in the twelfth century, received payment for their teaching. These teachers were paid for their instruction in the form of salaries from public authorities, ecclesiastical prebends or,

most often, monies paid by the students themselves. This was, of course, not the practice in the monasteries. Opposition to the practice of paying a master was neutralized by the claim that the teacher's payment was the result of the labor and time expended in the service of his students rather than payment for his knowledge. While some twelfth-century thinkers still clung to the notion that to live a scholarly life meant to live a life of poverty, others lived quite comfortably.²⁷

Ashkenazic Jewry had to deal with the obvious tension between the need to provide teachers and scholars with a livelihood and the halakhic problems inherent in receiving payment for teaching Talmud. Unnamed Tosafists concluded from their analysis of relevant passages in the Babylonian Talmud that it was permissible for one to receive compensation for teaching Talmud if he had no other means of support. Moreover, even if a teacher had the ability to do other work, he was entitled because of the importance of his chosen vocation to *sekhar battalah*, provided that he did not receive compensation from any other position.²⁸

R. Isaac of Corbeil maintained that any teacher whose students do not comprehend immediately but require the teacher to expend effort (*torah*) to insure that they grasp the material being taught, may also receive payment. On the other hand, teachers of students who grasp the lessons as they are being taught should not be compensated.²⁹ R. Isaac does not identify further the students who are included in this last group. His formulation implies that Talmudic scholars, who lectured to learned students in an academy, were not permitted to receive payment for their teaching.

Undoubtedly, there were teachers of Talmud in Ashkenaz who did rely on the various justifications and received payment for their teaching.³⁰ To be sure, the teacher who accepted compensation could have done so in order to spend additional time in the study of Talmud, and so these arrangements might be perceived as a form of professionalized scholarship. The payment of *sekhar battalah*, nevertheless, was made only to someone who taught and thus provided a service to others, not to one who was engaged solely in study.³¹ There is no evidence, in the period prior to 1348, of any salaries or stipends paid to scholars so that they could make Torah study their profession.³² Even if the formulations which sought to curb the pay-

ment of *sekhar battalah* were not always heeded, they reflect a strong desire within Ashkenazic society to withhold compensation from those who were engaged in Torah study.

Although no salaries or subsidies were offered to scholars, it was deemed appropriate to aid scholars to earn a livelihood with less effort. R. Gershom was asked a question concerning a scholar who taught Talmud to a group of older students. He had no salaried or official position and did not receive compensation for his lessons. He earned his livelihood from business dealing with Gentiles who were his clients exclusively. R. Gershom ruled that the monopolistic business relationship that the scholar had developed must be protected by the community, even though this community was not accustomed to allowing its members to retain monopolies.³³ "The community is mandated by Talmudic law to protect and aid this scholar, whose work is the work of heaven (*meleket shamayim*)³⁴ and who teaches Torah without compensation, in order that he not be distracted from his studies."³⁵ Some limited forms of assistance could not be withheld for practical reasons. The ideal, that a scholar should not earn a livelihood from his studies, retained its prominence. Indeed, its influence was felt with regard to other aspects of a scholar's livelihood, such as tax exemptions, in which the scholar's privileges were curtailed.

There is almost no discussion in Ashkenazic rabbinic literature about providing tax exemptions for scholars. *Sefer Ḥasidim*, one of the few sources in medieval Ashkenaz to refer to this issue, maintains that tax exemptions for scholars, which were mandated by Talmudic law, were reserved for those scholars who earned no livelihood and spent all of their time engaged in study (*toratan ummanutan*).³⁶ Since the practice in Ashkenaz was that all scholars, who needed to earn a livelihood and were capable of doing so, had to work at an occupation of some type, none of these scholars qualified for a tax exemption. Only a scholar who was independently wealthy or was completely impoverished could qualify for a tax exemption. Thus, the absence of discussion concerning the granting of tax exemptions for scholars in Ashkenazic rabbinic literature may be explained by the fact that in practice, Ashkenazic communities did not grant tax exemptions to scholars.³⁷ A. Grossman and D. Berger have argued that the small size of the pre-Crusade Ashkenazic communities, the high percentage of scholars in the communities even as they grew larger

numerically, and the leadership roles which many scholars took in these communities rendered the granting of tax exemptions to scholars almost impossible.³⁸ I. Ta-Shema has shown that a more lenient Ashkenazic position developed post-1348, but that even then, there was still stiff opposition to exemptions for scholars.³⁹ R. Ḥayyim Paltiel (a younger contemporary of R. Meir of Rothenburg)⁴⁰ writes that the greatest scholars of his day paid taxes.⁴¹

In the conflict between the benefits of professional scholarship and the demands of spirituality, spirituality largely triumphed in Ashkenaz.⁴² Salaries,⁴³ stipends, and even tax exemptions were not available to scholars.⁴⁴ The Tosafists, no less than Maimonides, wished to foster a religious economy in which *talmud Torah* and *derekh eres* would remain two separate and distinct values. Maimonides' community did not succeed in enforcing the ideal; to a significant degree, the society of the Tosafists transformed vision into reality.⁴⁵

Notes

1. See B. Septimus, "Kings, Angels or Beggars: Tax Law and Spirituality in a Hispano-Jewish Responsum," *Studies in Medieval Jewish History and Literature*, v.2, ed. I. Twersky (Cambridge, 1984) [hereafter cited as Septimus, "Tax Law"], pp. 317-19. See also H.H. Ben-Sasson in *Zion* 41 (1976): 35-36, and below, n. 13.
2. See Maimonides' *Perush ha-Mishnayot to Avot 4:7*, ed. J. Kafah, pp. 441-46; *MT Talmud Torah 3:9-11*; and *Iggeret ha-Rambam*, ed. J. Kafah, p. 134. Cf. I. Twersky, *Introduction to the Code of Maimonides* (New Haven, 1980), p. 5, n. 6, and pp. 81-83. According to Prof. Twersky, Rambam is denouncing the "managerial methods" of the Geonim, which created an "institutionalized and professionalized class of scholars supported by public and often high-pressured philanthropy..."
3. See *Sefer ha-Qabbalah*, tr. G.D. Cohen, pp. 74-77.
4. *Sefer ha-Qabbalah*, pp. 66, 70-71, 77, 80, 83. See also M. Steinschneider in *He-Ḥaluz* 2 (1853): 61, and A.A. Neuman, *The Jews of Spain* (Philadelphia, 1942), v.2, pp. 64-65.
5. See R. Jacob b. Asher, *Arba'ah Turim, Hoshen Mishpat, #9*. See also R. Yehudah's *Sefer ha-Shetarot*, ed. S.Z.H. Halberstam (Berlin, 1898), pp. 131-32; *Sefer ha-Qabbalah*, p. 141 (note to line 408); and below, n. 43.
6. Septimus, "Tax Law," pp. 316, 321, and "Piety and Power in Thirteenth Century Catalonia," *Studies in Medieval Jewish History and Literature*, v. 1, ed. I. Twersky (Cambridge, 1979), pp. 218-20. Septimus bases his analysis principally upon passages from the commentaries of R. Yonah to Proverbs and *Avot*. These passages are found in *Perushei Rabbenu Yonah 'al Massekhet Avot*, ed. M.M. Kasher and Y. Blacherowitz (Jerusalem, 1966), pp. 62f., 20f., and 41f; *Perush Rabbenu Yonah 'al Mishlei* 10:15 (correct "Piety and Power," p. 230, n. 161), and related comments on Proverbs 24:3, 14:24, 11:11. For Ramah, see below, n. 15.
7. See the analysis of R. Yonah's comment to *Avot 4:7* and comparison to the comment of Maimonides in R. Yerahm b. Meshullam, *Sefer Toledot Adam ve-Ḥayvoh*, 1:2 (Venice, 1753), fol. 17a.
8. The assistance referred to, according to R. Yonah, is *matil melai le-kis shel talmid hakham*. Rashi, *Pesahim* 53b s.v. *matil*, explains this practice, which is viewed favorably by the Talmud, to mean that one ought to provide a scholar with merchandise so that he can sell it and thereby profit. Rambam, later in his comment to *Avot 4:7* and in a responsum, approves of the investment or management of a scholar's capital by others based on the formulation in *Pesahim*. See "Tax Law," p. 328, n. 63. It is significant, however, that Rambam chose not to use this concept to explain away the Elisha passage. The Elisha passage appears to approve generally the notion of benefitting scholars. Maimonides perhaps did not wish to link this passage to any form of economic assistance, lest the broadly permissive tone of the ruling be construed as a justification for expanded monetary support. R. Yonah apparently did not share this concern.
9. "Tax Law," p. 321.
10. *Perush R. Yonah Gerondi 'al Mishlei* (repr. Tel Aviv, 1963), 14:4 (p. 69). Septimus mentions neither this source, nor the one in the following note. Cf. A. Shrock, *R. Jonah b. Abraham of Gerona* (New York, 1948), p. 137.
11. *Iggeret ha-Teshuvah*, ed. B. Zilber (Bnei Brak, 1968), pp. 22-23. *Sefer Orhot Ḥayyim*, v.1, *Hilkhot Talmud Torah*, section 10, quotes this passage in the name of R. Yonah as legal precedent.
12. *Perush 'al Mishlei*, 10:15 (p. 41). This comment is cited by Septimus; see above, n. 6. He regards it as one of several sources reflecting the view of R. Yonah that all devout Jews, including scholars, should strive to earn their livelihoods from some secular pursuit. In Septimus' paraphrase: "...the righteous will seek wealth for the sake of Heaven and use it to noble purpose." It should be noted, however, that scholars are not specifically included in this comment among those who ought to seek wealth. On the other hand, the "noble purpose" for which righteous men should seek wealth includes, in R. Yonah's words, the following: "ve-ya'azor lineso yir'ei ha-Shem ule-hagbir yedei modi'ei Shemo..."
13. See the so-called *Perush R. Yonah 'al ha-Torah*, ed. S. Yerushalmi (Jerusalem, 1980), pp. 106, 207-08, 216. The author notes that devoted scholars received support to enable them to continue their studies without recourse to any other profession "from the days of the Geonim." See also the treatise *Dinei Melammed* attributed to R. Yonah, ed. B. Zilber (published with his edition of *Iggeret ha-Teshuvah*), pp. 11-12.
14. Cf. *Yerushalmi Hagigah* 1:7.
15. Septimus, *Hispano-Jewish Culture in Transition* (Cambridge, 1982), pp. 12, 112, 124, n. 76; "Tax Law," pp. 315-16.
16. See *Yad Ramah to Bava Batra* 21a (2:58) and Ramah's collection of responsa, *Or Ṣaddiqim* #241.
17. See Septimus, "Tax Law," p. 316, n. 27.

18. See Ramban in *Shittah Mequbbešet* to *Bava Batra* 8a s.v. *ha-kol* (end), and R. Yonah, as cited by R. Yeruham b. Meshullam, above, n. 7. See also the commentary of R. Asher b. Yeḥiel to Bekhorot 4:5, and Ritba to *Nedarim* 37a.
19. Septimus, "Tax Law," p. 327.
20. See Septimus, pp. 322-23; I. Ta-Shema, "Al Petur Talmidei Ḥakhamim me-Misim Bimei ha-Benayim," *Iyyunim be-Sifrut Ḥazal, ba-Miqra, uve-Toledot Yisrael*, ed. Y.D. Gilat et al. (Ramat Gan, 1982), pp. 313-14; and E.E. Urbach, "She'etot u-Teshuvot ha-Rosh be-Kirvei Yad uvi-Defusim," *Shenaton ha-Mishpat ha-Ivri* 2 (1975): 141-42. Cf. A. Shrock, *Jonah b. Abraham of Gerona*, pp. 139-40.
21. See the case addressed by Ramah in Septimus, pp. 309-13, and see Ta-Shema, pp. 315-16. Note that Ri Migash (Rif) and perhaps Ramban also favored more restrictive requirements for exemption. See Septimus, pp. 314, 323, n. 48, and Ta-Shema, p. 313.
22. *Maḥzor Vitry*, ed. S. Hurwitz, pp. 471-72. On the identity of the author of this commentary, see I. Ta-Shema in *Qiryat Sefer* 42 (1977): 507-08.
23. *Maḥzor Vitry*, p. 524.
24. *Sefer Rabiah*, ed. V. Aptowitzer, I:452 and V. Aptowitzer, *Mavo la-Rabiah*, pp. 15-16. See also Piyutei R. Simeon bar Isaac, ed. A. Habermann (Jerusalem, 1938), p. 186: "osei melakhah u-mit' abbeqim ba-afarah ve-ein nehenin bi-khevodah ve-lo ya'asuhah qardom velo attarah..." and R. Eleazar Roqeah, Perush 'al ha-Torah (*Devarim*), ed. S. Kanevsky (Bnei Brak, 1981), p. 171.
25. See H.H. Ben-Sasson, *Toledot 'Am Yisrael*, v.2, (Tel-Aviv, 1969), pp. 79-80; M. Breuer, *Rabbanut Ashkenaz Bimei ha-Benayim* (Jerusalem, 1976), p. 19; Aptowitzer, *Mavo la-Rabiah*, p. 338; and M. Frank, *Qehillot Ashkenaz u-Vatei Dinehen*, pp. 22-25. On Rashbam, see Urbach, v.1, p. 46. On R. Tam, see E.E. Urbach, *Ba'alei ha-Tosafot*, v.1, p. 62. Cf. H. Soloveitchik, "Can Halakhic Texts Talk History?" *AJS Review* 3 (1978): 172, n. 54; *Sefer ha-Yashar* (Responsa), ed. S. Rosenthal, p. 31; and I.A. Agus, *R. Meir of Rothenburg* (New York, 1947), v.1, p. 25.
26. See *Tosafot Berakhot* 11b s.v. *she-kevar niftar* and *Tosafot R. Yehudah Sir Leon*, ed. N. Zaks (Jerusalem, 1969), ad loc. See also *Tosafot Yeshanim to Yoma* 85b, s.v. *tesluval*, and *Maḥzor Vitry*, pp. 494-95. Cf. *Sefer Tashbes* #193, and *Siddur Ḥasidei Ashkenaz*, ed. M. Hershler (Jerusalem, 1975), pp. 32, 54, 151. As Ben-Sasson, *ibid.*, noted, moneylending is an occupation that readily lends itself to this goal. R. Yosef b. Moshe, a student of R. Yisrael Isserlein, attributes the great achievements of Ashkenazic scholars in the earlier period to the fact that Jews at that time could lend money at interest to Gentiles much more easily than they could in his own day. These transactions were not time consuming, and rabbinic scholars consequently had abundant free time for their studies. See his *Leqet Yosher* (Berlin, 1903), pp. 118-19, and M. Breuer, *Rabbanut Ashkenaz*, p. 19. Cf. *Sefer Ḥasidim*, ed. J. Wistinetzki, #765.
27. See G. Pare, A. Brunet, P. Tremblay, *La Renaissance du XII siècle: Les Ecoles et l'Enseignement*, pp. 75-82; G. Post, K. Giocarinis, R. Kay, "The Medieval Heritage of a Humanistic Ideal: 'Scientia donum dei est, unde vendi non potest,'" *Traditio* 11 (1955): 197-210; J. LeGoff, *Time, Work and Culture in the Middle Ages*, (Chicago, 1980), pp. 64, 120; J.W. Baldwin, *Masters, Princes and Merchants* (Princeton, 1970), v.1, pp. 117-120, 125-30, and "Masters of Paris from 1179 to 1215," *Renaissance and Renewal in the Twelfth Century*, ed. R.L. Benson and G. Constable (Cambridge, Mass., 1982), pp. 158-65; L.K. Little, *Religious Poverty and the Profit Economy in Medieval Europe* (Ithaca, 1978), pp. 33, 173, 176-78; N. Orme, *English Schools in the Middle Ages* (London, 1973), pp. 118-19, 157-58; and A. Murray, *Reason and Society in the Middle Ages* (Oxford, 1978), pp. 228-30. The Christian ideal of poverty, an ideal which was absent from or at least far less prominent within Judaism, obviously played a role in this issue. See Little, *Religious Poverty*, pp. 78-81, 101, 111, 121-22, 148-50.
28. *Tosafot Bekhorot* 29a, s.v. *mah ani be-ḥinnam*. R. Asher b. Yeḥiel, in his commentary to *Nedarim* 37a, attributes these rulings to Ri. See also R. Yeruham b. Meshullam (above, n.7), and E.E. Urbach, *Ba'alei ha-Tosafot*, v.2, pp. 667-69. Cf. Rashi, *Qiddushin* 58b s.v. *bi-sekhar*; *Tosafot ad loc.*; and *Sefer Ḥasidim* #1496.
29. *Sefer Mizvot Qatan* #106. R. Isaac bases his ruling on the position of Rav (*Nedarim* 37a) that the teacher of young children can be compensated, because he is watching them (*sekhar shummur*). R. Isaac assumes that any teacher who has to work hard to insure that his students learn and progress is performing a kind of *shummur* and thus may receive compensation. Cf. *Shir ha-Shirim Rabbah* to the phrase in ch. 8, verse 12, "*ha-ef lekha Shelomoh*." See also Y. Lange, "Pisqei R. Yizḥaq mi-Corbeil," *Ha-Ma'ayan* 16 (1976): 99-100; R. Samson b. Zadoq, *Sefer Tashbes* (Warsaw, 1865), #525; and *Dinei Melammed* (above, n. 13), p. 11.
30. Note that the source cited above (n.24) concerning Rabiah indicates that someone wished to pay him for his teaching.
31. The views of Ri and R. Tam, *Tosafot Ketubot* 105a, s.v. *dayyanei gezerot*, concerning communal payment for judges through *sekhar battalah* and the like were formulated to solve problems of Talmudic interpretation and do not appear to reflect actual practices in medieval Ashkenaz. Cf. R. Joel Sirkes, *Bayit Ḥadash to Tur Ḥoshen Mishpat* 9, s.v. *ve-kataf*.
32. The responsum of R. Meir of Rothenburg (*Responsa* [Prague, 1895] #942) that according to Y.Y. Yuval (*Rabbanim ve-Rabbanut be-Germanyah, 1350-1500*, [Ph.D. dissertation, Hebrew University, 1985], p. 13, n. 16) deals with an early example of an academic salary probably refers to the salary of a member of the nascent professional rabbinate in Ashkenaz; see below, n. 43. *Sefer ha-Gan*, which, as correctly interpreted by Yuval, does refer to an academic salary or stipend, is a fifteenth century Austrian work by a certain R. Isaac b. Eliezer. More organized charitable contributions and communal support for students

- and scholars became quite common in the post-1348 period. See M. Breuer, *Ha-Yeshivah ha-Ashkenazit be-Shilhei Yemei ha-Benayim*, (Ph.D. dissertation, Hebrew University, 1967), pp. 13-16, and J. Katz, *Massoret u-Mashber* (Jerusalem, 1958), pp. 224-25, 229, 266-67.
33. *Responsa of R. Gershon*, ed. S. Eidelberg (New York, 1955), #68. Cf. A. Grossman, *Hakhmei Ashkenaz ha-Rishonim* (Jerusalem, 1981) p. 411, and above, n. 8. In responsum #73, R. Gershon describes an incident in which he was hired to teach several students and became ill. It is possible and perhaps likely that R. Gershon taught these students Talmud. Grossman, p. 116, suggests that R. Gershon supported himself in this manner while he was a young man, prior to his emergence as a leading scholar.
 34. On the use of *melekhet shamayim* in this context, see *Sefer Huqqei ha-Torah* in N. Golb, *Toledot ha-Yehudim be-Ir Rouen Bimei ha-Benayim* (Jerusalem, 1976), pp. 181-82; *Tosafot R. Pereş to Bava Meši'a 77a*, s.v. *savar lah*; I. Twersky, *Rabad of Posquières*, pp. xx-xxi; and idem, *Introduction to the Code of Maimonides*, pp. 170-75.
 35. See the ruling attributed to R. Isaac Or Zarua' by later Ashkenazic sources (*Responsa of R. Jacob Weil*, #151; *Terumat ha-Deshen* #342; and see also *Haggahot Asheri to Bava Batra 2:12*), as well as *Sefer Or Zarua'*, *Hilkhot Sedaqah*, #26. Yuval (above, n. 32, pp. 12-13), plausibly assumes that R. Isaac is reflecting relevant Talmudic texts or paraphrasing Rashi's interpretations of them rather than describing the realia of his own day. See also Rashi to *Shabbat* 114a, s.v. *le-mitrah be-rifteh*, and M. Breuer, *Rabbanut Ashkenaz*, p. 19.
 36. See *Sefer Hasidim* #807, 1493.
 37. I. Ta-Shema, "Al Petur" (above, n. 20), pp. 316-19.
 38. See A. Grossman, *Hakhmei Ashkenaz ha-Rishonim*, pp. 411-14, and D. Berger's review, "Heqer Rabbanut Ashkenaz ha-Qedumah," *Tarbiz* 53 (1984): 482.
 39. See above, n. 37. See also Y. Dinari, *Hakhmei Ashkenaz be-Shilhei Yemei ha-Benayim* (Jerusalem, 1983), pp. 25-26. Breuer, *Ha-Yeshivah ha-Ashkenazit*, p. 11, claims that granting of tax exemptions to scholars in fifteenth-century Ashkenaz was done in order to provide an additional financial benefit for heads of academies. See above, n. 32.
 40. On the identity of R. Hayyim Paltiel, see Y. Lange in *'Aleï Sefer* 8 (1980): 140-45.
 41. See *Responsa of R. Meir of Rothenburg* (Lemberg, 1860), #424. There are two additional sources which indicate that leading scholars paid taxes in thirteenth century Ashkenaz; see Ta-Shema, "Al Petur," p. 318.
 42. On the connotations of the term *toratan unmanutan* in Ashkenaz, see *Terumat ha-Deshen* #342; Dinari (above, n. 39), p. 26; and cf. Judah ibn Tibbon's introduction to his translation of *Hovot ha-Levavot* (repr. Jerusalem, 1969), p. 6.
 43. The only salaried religious functionary in mainstream Ashkenaz was the cantor; see *Responsa of R. Meir of Rothenburg* (Berlin, 1891), #234; *Sefer Hasidim* #1599, 1601; I. Agus, *Teshuvot Ba'alei ha-Tosafot* #91; *Teshuvot Maimuniyyot, Qinyan* #27; *Sefer Or Zarua'*, v.1, responsum #113, p. 40; and L. Landman, *The Cantor: An Historic Perspective* (New York, 1972), pp. 21-27. Payment and communal appointment of rabbis did not begin until the late fourteenth or early fifteenth century. See Agus, *Teshuvot Ba'alei ha-Tosafot*, pp. 18-31; E.E. Urbach's review of Agus in *Qiryat Sefer* 30 (1955): 204-05, and Agus' rejoinder in *Jewish Quarterly Review* 49 (1958-59): 219-20; M. Breuer, *Rabbanut Ashkenaz*, pp. 9-22; S. Schwarzfuchs, *Etudes sur l'Origine et le Développement du Rabbinat au Moyen Age* (Paris, 1957), pp. 24-27; and Y.Y. Yuval, *Rabbanim ve-Rabbanut be-Germanyah*, pp. 9-16. The development of a salaried, professionalized rabbinate (whose appointments were approved by the communities) occurs much earlier in Spain. See A.A. Neuman, *The Jews in Spain* v.2, pp. 86-91; S. Albeck, "Yesodot Mishtar ha-Qehillot bi-Sefarad 'ad ha-Ramah (1180-1244)," *Zion* 25 (1960): 114-21; J. Katz, "Rabbinic Authority and Authorization," *Studies in Medieval Jewish History and Literature*, ed. I. Twersky, v.1 (Cambridge, 1979), p. 49.
 44. Two other related formal privileges were also unavailable in Ashkenaz. Spanish scholars were entitled to place a person who shamed them under a ban. See *Responsa of Ribash*, #202, citing rulings of Rif and Rambam. Yuval, pp. 377-78, has determined that the earliest use of this privilege in Ashkenaz was in the late thirteenth century. (To Yuval, p. 378, n. 202 add: Y. Lange [above, n. 29], p. 95.) They could also collect fines (often referred to as "*lira zahav*") from those who embarrassed them. In Ashkenaz, there is no evidence for the exercise of this privilege until the late fourteenth century; see Yuval, pp. 392-93. Breuer, *Ha-Yeshivah ha-Ashkenazit*, p. 16, maintains that monies collected from these fines were a source of revenue for academy heads in the late medieval period (post-1348). Cf. Dinari (above, n. 39), pp. 22-25.
 45. For additional comparative analysis and bibliography, see my forthcoming *Jewish Education and Society in the High Middle Ages* (Wayne State University Press).

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