

SIYYUM ON HILKHOT TALMUD TORAH

by Rabbi Yitzchak Etshalom

In memory of my brother, Yonatan Hillel b. haRav Asher Aharon - Elul 18 Yehi Zikhro Barukh - may his memory be a blessing to us all

Now that we have completed (for the first of many times) the study of Hilkhhot Talmud Torah, we have an opportunity to look back over these seven chapters in the Mishneh Torah with a more educated and experienced eye.

Several questions of structure and style come to the fore:

- (1) Rambam reckons "Talmud Torah" as one Mitzvah - even though it includes learning, teaching children (and later descendants) and teaching non-related students. (TT 1:2) Among others, Sa'adiah reckons two Mitzvot - learning and teaching. Some (e.g. Y're'im) even consider three - learning, teaching children and teaching students. Why does Rambam consider the entire system of Talmud Torah as one Mitzvah?
- (2) Why did Rambam include Talmud Torah in his first book - "Mada"? The other four subjects in Mada are: Basic tenets of the religion (Yesodei haTorah), interpersonal and intrapersonal attitudes and behaviors (De'ot), idolatry (Avodah Zarah) and repentance/return (Teshuvah). These four are fundamentals of faith, upon which our individual and national existences are built. Wouldn't Talmud Torah have "fit" better in Sefer Ahavah - which describes those specific Mitzvot we do to demonstrate our love for God (e.g. prayer, blessings, Tefillin etc.)?
- (3) We are familiar with Birkat haMitzvot - before performing many Mitzvot, we recite a blessing to God. (MT Berakhot 1:3) Throughout the Mishneh Torah, Rambam presents the formulation of the blessing within the given section of law; if you want to find the proper blessing for Tefillin, you will find it in Hilkhhot Tefillin (4:4); if you want to find the blessing for Hannuka candles, it is in Hilkhhot Hannuka (3:4) etc. We would expect, therefore, to find the blessings recited before study to be found in Hilkhhot Talmud Torah. Such is not the case - they are found in Tefilla 7:10-11. Why aren't these Berakhot presented in Hilkhhot Talmud Torah?
- (4) Besides "Talmud Torah", the only other Mitzva discussed in Hilkhhot Talmud Torah is honor for teachers and scholars. Wouldn't these have been more appropriately placed in Hilkhhot Mamrim, where the position and reverence for Beit-Din is described?
- (5) The first line in Hilkhhot Talmud Torah is anomalous: "Women...are exempt from Talmud Torah..."

Why does Rambam begin these Halakhot by telling us who doesn't have to fulfill them?

(6) Structurally, the layout of Hilkhhot Talmud Torah is strange: Rambam begins by teaching us that we must teach our children, grandchildren and everyone else (1:1-7), then how much and how often we must study (1:8-13) - then he returns to the issue of teaching children (2:1-7) - and again revisits the value and glory of study (not teaching) through all of chapter 3. Chapter 4 again returns to the teaching aspect, describing the proper set-up for the study hall etc. Why does Rambam toggle back and forth from studying to teaching?

(7) Wouldn't Chapter 3, with its praise for Torah study, have been a perfect final chapter - instead of the scholar who bears enmity and vengeance "like a snake" towards someone who has offended him?

There are two verses in the Torah which are the sources for the Mitzvah of Talmud Torah:

- (a) *Veshinantam* (Teach them diligently) to your children and talk about them when you are at home and when you are away, when you lie down and when you rise. (Devarim [Deuteronomy] 6:7);
- (b) Teach them to your children to talk about them when you are at home and when you are away, when you lie down and when you rise. (Devarim 11:19).

The Sifri and Gemara have several comments on each verse. However, the comments on the first verse relate to personal learning (e.g. "talk about them" - and not about other matters"; "*Veshinantam*" - that the words of Torah should be sharp in your mouth") or teaching other students (e.g. "'your children' refers to the students..."); whereas the second verse is understood as directed towards teaching Torah to children (e.g. "as soon as a child speaks, his father...teaches him Torah").

As indicated above, some Rishonim reckon teaching and learning as separate Mitzvot - some even go so far as to count teaching students and teaching children separately. However, a close look at the second verse will provide an argument in favor of seeing them as one Mitzvah.

"Teach them to your children to talk about them" - in other words, we are obligated to teach our children to speak words of Torah - "when you are at home..." - shouldn't it say "when THEY are at home..."?

There are two ways of explaining this verse. Either the Torah is commanding us when we are to teach our children (basically, all the time); or else the Torah is teaching us that the way we teach them is by our own behavior - at all times! Although the straightest translation of "Beshiv't'kha..." is "WHEN you lie down" - it may also be understood as "through your lying down..."

I would like to suggest that Rambam understood that this lesson cuts to the core of Talmud Torah. Teaching our children is not something we can isolate from our own behavior or from our own learning. If we are not learning at every opportunity, studying Torah "when we are at home and when

we are away..." then we cannot reasonably expect our children to behave differently. They learn not only by what we say but, much more powerfully and impactfully, by what we do. Since teaching our children is intertwined with teaching ourselves - in Halakhic terms, one is "M'aqev" the other (similar to the four fringes on a garment - if one is missing, the other three serve no purpose) - the same must hold true for teaching others besides our children. Therefore, Rambam considers learning, teaching children and teaching others - although each has unique parameters and levels of obligation - to be one Mitzva.

It is interesting to note that the first verse is understood as directed towards students and the second towards children. In addition, one might ask in reference to whom does the "students" obligation apply? After all, you can't be obligated to teach your students - before they are your students! If, as Rambam says (1:2), every sage is obligated to teach "all of the students" - what makes them his students in the first place?

There is a significant difference between the two verses which, once understood, will clarify the matter. In the second verse, we are told to teach these words to our children, that they may speak of them... In the first verse, however, our teaching and our own learning are simultaneously addressed: Teach your children and (you) speak these words. This first verse must be addressed to one who is already (somewhat) proficient in "these words" (as the word *Veshinantam* implies - a sharpness and familiarity with the words). Thus, anyone who is a master of Torah is obligated to share that knowledge with everyone else who isn't such a master - these, then, are the students. (note that Rambam did not say that he is obligated to teach HIS students - rather all of the THE students. Anyone who is not a peer of this master is one of THE students - and the master has the obligation to teach him.)

As we have already demonstrated, Talmud Torah is not an act which can be compartmentalized - in order to properly fulfill the Torah's command to train our children to learn and to share our knowledge with "the students" - we must, ourselves, be constantly and consistently involved with Torah study. As Rambam points out (3:3), no other Mitzva can equal Talmud Torah. This is not only true in measures of time spent in study versus other Mitzvot - it is also a statement of the role of this Mitzva.

Whereas other Mitzvot, like Tefillin, remembering Shabbat, living in a Sukka etc. are expressions of the relationship between the Jewish people (and the Jewish individual) and God - Talmud Torah is part of the definition of that relationship.

We live in a Sukka because we are thankful to God for the Exodus, we are celebrating the harvest etc. - all of these are expressions of the tight bond with which we are bound to God.

We study Torah because that is what defines our relationship - Just as we believe in God, we love and fear Him and believe in His unity (Yesodei haTorah); Just as we try to emulate/imitate Him within the human realm (De'ot); Just as we mend this relationship when we have corrupted it (Teshuva) and

just as we avoid any sort of foreign beliefs or practices associated with them (Avodah Zarah) - similarly we speak the words of his Torah and meditate upon it at all times because it is the most constant and elevated bond with God that we can maintain - through our intellect, that which makes us truly human and reflects the "Image of God" in which we are created.

True, the study of Torah is also an expression of that bond. As such, it is a form of worship as are prayer, blessings etc. The Sifri, commenting on the verse: "Follow God your God and fear Him, observe His Mitzvot and heed His voice, *V'oto Ta'avodu* (worship Him) and cleave to Him." (Devarim 13:5), states "Avodu beTorato, Avodu beMiqdasho" - worship Him through (studying) His Torah, worship Him in His sanctuary. (Sifri 85)

However, that component of Talmud Torah is not addressed in Hilkhhot Talmud Torah - and properly belongs in Hilkhhot Tefilla (Laws of Prayer) - where daily devotional service is presented. It is for that reason that Rambam formulates the blessings said over Torah study in Hilkhhot Tefilla, as those relate to Torah study as worship and, as other worship forms (e.g. Tefillin, Shofar) demand a blessing, so too with Torah-study. However, note that Rambam maintains that these blessings are said every morning, regardless of how much time one spends at study during the day or even if one was studying all night without interruption. R. Hayyim Soloveitchik explains that unlike other Birkot haMitzvot, these blessings are recited over the Torah itself, not over the Mitzva of study.

Whereas it is appropriate to recite a blessing before performing a Mitzvah which is an expression of our relationship with God (similar to a husband saying to his wife: "I bought these flowers for you"), it is unnecessary, superfluous and overstating the obvious to recite a blessing over Torah study which is part of the definition of that relationship (same husband, same wife: "I'm living in the same house as you").

[note that whereas the Ba'alei haTosafot formulate Birkat haTorah in the usual fashion: "La'asoq bedivrei Torah" - (Who has sanctified us through His Mitzvot and commanded us to be engaged in words of Torah) - which follows the form of Birkat haMitzvot, including the verb "La'asoq" (similar to "to tie Tefillin", "to hear the sound of the Shofar" etc.); Rambam's version is "Al Divrei Torah" - (Who has sanctified us through His Mitzvot and commanded us regarding words of Torah) - with the verb missing, it is hard to include Birkat haTorah in the category of Birkat haMitzvot. See the various readings at BT Berakhot 11b.]

As we shall soon see, Rambam structured Hilkhhot Talmud Torah to reflect an entire life-cycle of learning. The seven chapters of Hilkhhot Talmud Torah may be an intentional allusion to the "complete cycle" represented by seven - Shabbat, Sabbatical and Jubilee years, seven weeks of the Omer etc. (I am indebted to my wife, Stefanie, for pointing this out to me).

The pinnacle of Torah study is a total identification of the individual with Torah - the ideal "Ben-Torah". Not only a "walking Shas (Talmud)" - but someone whose level of Torah knowledge AND Torah sensitivity is so intrinsic to his being that he intuitively responds and reacts to questions and

dilemmas which are brought to him - and his responses are Torah-responses. Not only his students and those who are in his "inner circle" realize this but, in most cases, his reputation quickly spreads.

When this is achieved, that individual bears the honor of Torah - and has the right/responsibility to protect this honor. That honor is the basic context within which Nidui (banning) is addressed; although there are specific violations for which Nidui is imposed, it has a much wider scope and range when imposed for violating the honor of a scholar. The scholar may declare such Nidui on his own, may lift it on his own, and, according to some Rishonim, only this type of Nidui has no set time-limit. Rambam included the honor for scholars and the consequences of violating that honor because they are the goal of Talmud Torah - reaching the point of personal identification with Torah.

Rambam begins by "laying out" the basics of the path to becoming a Ben Torah.

Instead of beginning the Halakhot with the usual "It is a Mitzva from the Torah...", which would put Talmud Torah into the same grouping as other Mitzvot, he begins by clarifying who is included in the potential for achieving this type of personification (1:1). (I will leave the debate about women's role in Torah leadership and teaching for another time - suffice it to say that there are many valid opinions across the spectrum of women's involvement in Torah study, teaching and leadership).

Rambam then establishes the basic parameters of this structure - learning, teaching children and teaching students. Following chronological order, he starts with the children - (1:3-7) - but since, as we pointed out, teaching children cannot be divorced from one's own learning, he then sets up the parameters of Torah study for each individual - how much each day, under what conditions etc. (1:8-13).

Chapter 2 is entirely devoted to teaching the children - at what age, how far we take them to school, the responsibilities of the teacher etc. Until this point, the main object of our study has been the father, acting on behalf of - or towards - his children.

Chapter 3 now addresses the student as a personally responsible member of the Talmud Torah community. The child has grown up and is now presented with all of the glory of Torah study - and those elements to avoid.

Chapter 4 is addressed to the same young - yet personally responsible - Torah student. Notice that the father is nowhere to be found in the description of the schoolhouse in Chapter 4 - this is now the Beit Midrash, where the students bring themselves to study. Ê

Chapter 5, which begins to address the issue of honor for teachers/scholars, is a natural continuation from Chapter 4. The student in the Beit Midrash is not only part of a community of students, he is also part of a relationship with his Rebbe - who has, to a large extent, replaced the father of chapters 1 & 2.

Chapter 6 details the honor due to all scholars, regardless of their personal and direct impact on the student - but, now the student begins to understand the great glory of Torah. Unlike his own

teacher, to whom the debt is owed on account of personal involvement in "raising" the student (parallel to parents), the scholar is honored because he embodies the Torah. This is the goal of the student - to become a Talmid Hakham and a Hakham whose very existence is Torah. To get to the point where his declarations have the weight of law (as in Nidui) and where his honor is the honor of Torah, such that he doesn't have the right to forgo it but must fight for it (end of Chapter 7) - that is the ultimate in Torah study. That level of "honor" is, of course, nothing but a symptom of the greatness of the individual who interprets and explains God's Torah to the rest of us.

In summation, we now understand why Rambam reckoned Talmud Torah as one Mitzva - it is one integrated life-long and all-encompassing Mitzva of involvement with Torah learning. It is more than an expression of our love for God, which would rank it among the Mitzvot of Sefer Ahavah - it is also a definition of that relationship, placing it squarely in the middle of Sefer Mada. Since the component of Torah study which is "devotional" and expressive of our relationship with God is not addressed in Hilkhhot Talmud Torah - the blessing is also not mentioned here. Rambam instead is describing a life-long path of Torah growth, from the child who is taught by his father to the Gadol beYisrael - the great teachers and leaders of our people who personify Torah. The chapter of "praise for Torah" (Chapter 3) is rightfully placed where the child is now approaching Talmud Torah on his own terms and deciding how sincerely to make the commitment to becoming a Ben Torah in the fullest sense of the word.

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