



Rambam Hilchot Talmud Torah

Rabbi Yitzchak Etshalom

Part 1

1. Women, slaves and minors are exempt from Talmud Torah. However, regarding a minor, his father is obligated to teach him Torah, as it says: "And you shall teach them to your sons to speak them" (Devarim [Deuteronomy] 11:19) A woman is not obligated to teach her son; because anyone who is obligated to study is obligated to teach.

Q1: Why does Rambam begin the entire discussion with a declaration of who is exempt from this Mitzvah? This is certainly atypical of Rambam's style.

YE: Mitzvat Talmud Torah can be seen as two independent obligations: An obligation to learn how to do Mitzvot - what Rabbi Aharon Lichtenstein refers to as "operative learning" - and the intellectual pursuit of Torah. However, there is room to distinguish: Whereas you certainly are fulfilling Mitzvat Talmud Torah when you study how to put on Tefillin or what is a clear distinguishing feature in a lost item (Siman Muvhaq) - these are also part of the Mitzvot of Tefillin and Hashavat Avedah (returning lost items). In other words, not only am I obligated to wear Tefillin, but, just as I am obligated to acquire or borrow a pair of Tefillin in order to fulfill the Mitzvah, in the same way, I am obligated to learn how to do it in order to fulfill it. Learning Hilkhos Tefillin is a necessary vehicle for fulfilling Mitzvat Tefillin, hence the learning is an extension of that particular Mitzvah.

On the other hand, "non-operative" learning - i.e. the study of concepts, discussing non-Halakhic issues, rejected opinions, etc. - is pure and simple Mitzvat Talmud Torah. The clearest indication of this distinction is in regards to the obligation of Talmud Torah. Women are clearly exempted (BT Kiddushin 29b - and right here in Talmud Torah 1:1) - yet the Poskim (Halakhic decisors) agree that women are obligated to learn the details of the Halakhot that apply to them. Even in the most right-wing circles, where women are not given access to most of Torah sheBa'al Peh, they are taught Hilkhos Shabbat, Kashrut and, at the appropriate time, Hilkhos Nidah.

Now, when we look at the "pure" Mitzvah of Talmud Torah, we find that not only in the first Halakha, but throughout the beginning of the first chapter, Rambam concerns himself with teaching as opposed to learning. Here is the thesis: Mitzvat Talmud Torah is essentially a participation in *Mesorah* (transmission of the tradition) (look carefully at the verse quoted in 1:2- more on that later). The bottom line of Mesorah is not just receiving - but transmitting to the next generation. Even more - our rabbis are fairly caustic towards those who learn but do not teach - I believe it is because they become the last link in one particular off-shoot of the chain of Mesorah. If the bottom line of learning is teaching, then all becomes clear. Rambam begins the Halakhot by declaring who is



responsible for participating in this component of Mesorah - the intellectual transmission of tradition: By defining who is out, the nature of the chain - and, as argued above, the nature of the learning becomes clear. By exempting women, Rambam has made it clear that this is not the "operative" study of how to keep Mitzvot, but something else entirely.

Q2: We should look into - and discuss - the exemption of women from this Mitzvah. Much has been written on it, but "Ein Beit Midrash B'lo Hiddush" (Hagigah 3) - it is impossible for students to study without a novel idea coming out...

YE: The exemption of women here is best explained by the Rov, who wrote quite a bit on the different Mesorot - the Mesorah of intellectual, cognitive Torah, of the fathers, and the Mesorah of emotional and valuating Torah of the mothers. This citation is found on the Shamash gopher site and at our website under "Rav Soloveitchik z"tl: Two Chains of Tradition".

Q3: Is the obligation mentioned here essentially upon the father or upon the son? Do we have a communal obligation to teach the children of single mothers, of non-observant (or non-Jewish) fathers etc.? That is the case with B'rit Milah (see BT Kiddushin 29b) - what about here?

YE: In trying to compare this with B'rit Milah, it depends on how we understand that obligation. Are we obligated to include our male children in the B'rit - and Mesorah - or are they obligated to participate in it? This seems to be a dispute among the Rishonim (see Ritba, Ran and Tosafot on Kiddushin 29a) - but, if the Mitzvah of B'rit is basically on the child, that is because each individual must join the covenant -the Torah merely makes it "easier" and more of a Mesorah-oriented act by "temporarily" commissioning the father. If that is the case, though, then it is unlike this Mitzvah of Talmud Torah - where it is the father who is obligated to produce, strengthen and insure the next link in the chain of tradition.

Q4: On the last statement there are two problems: Obviously (it would seem), the mother cannot be held responsible to teach her son, since she was not obligated to learn, we will assume that she didn't do so. In addition, Rambam's wording is odd; he explains her exemption by defining the obligation - but the wording would have (seemingly) worked better if he had said: *sheRAK* instead of *sheKOL* - i.e. "Because only one who is obligated to learn is obligated to teach" - why does he simply state the obligation without the exclusive RAK, which would have made the whole sense clearer?

YE: The last question is now easily answered: One who is obligated to learn is obligated to teach - this is not just an arbitrary or coincidental connection - it is inherent in what we are trying to accomplish: One who is obligated to learn is, by definition, obligated to pass on that learning. By exempting women from learning on this level of intellectual



Mesorah, we are clearly exempting them from teaching on this level - if they are not a receiving link, they cannot grasp the next one.

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