



## OVERVIEW of the Daf

- 1) **MISHNAH (cont.):** The Mishnah continues discussing the issue of taking money to examine a bechor.
- 2) **Payment for examining a bechor**

The reason one may take more money for examining large animals than small animals is explained.

The reason one may take money for examining even what turns out to be an unblemished bechor is explained.

The Gemara teaches that an expert may take payment for examining an animal only once.
- 3) **MISHNAH:** The Mishnah begins with a list of mitzvah-related activities for which one may not be paid. The Mishnah teaches what happens if one causes a kohen to become tamei while performing one of the above-mentioned activities.
- 4) **Taking money to perform a mitzvah**

R' Yehudah in the name of Rav cites the source for the restriction against taking money for performing a mitzvah.

A Baraisa is cited that echoes this same exposition.
- 5) **Taking money for sprinkling parah adumah ashes**

A contradiction between our Mishnah and another Mishnah is noted concerning taking money to sprinkle parah adumah ashes.

Abaye resolves the contradiction.

The Gemara proves this resolution correct.
- 6) **A kohen becoming tamei**

The Gemara explains why the kohen was permitted to make himself tamei to assist the person in need of his services.

A second explanation for why it is permitted for the kohen to become tamei is presented.
- 7) **Receiving a fee as a laborer**

A Baraisa explains the Mishnah's intent that one may be paid as a laborer.

(Continued on page 2)

## REVIEW and Remember

1. What is the halacha that applies for one who accepted money to adjudicate?  
.....
2. Is one permitted to accept payment for sprinkling or consecrating chatas water?  
.....
3. Why is it prohibited to purchase a deer from one who is suspected of inflicting a blemish on a bechor?  
.....
4. What is אריג?  
.....

## Distinctive INSIGHT

### Accepting a salary for performing mitzvos

מנהגי מילי? אמר רב יהודה אמר רב דאמר קרא וכו'

The Mishnah ruled that it is prohibited for a person to take wages for his service to judge, to act as a witness, or to blend the waters of a parah adumah. The Gemara identifies the verse in Devarim (4:5) as the source for this halacha. Moshe Rabeinu said, "Behold, see that I have taught you statutes and laws." We learn that this means that Moshe was informing them that just as he served the Jewish people without being paid, so too, all community services should be fulfilled following his example and salaries should not be taken.

Rashi explains that the verse in Devarim is referring only to not taking money for judging or for teaching Torah. According to Rashi, where is the source not to take money for all the other services mentioned in the Mishnah?

Machane Ephraim explains that Rashi understood that it is obvious that a person would have to judge or testify or mix the parah adumah waters without pay, as these are necessary and obligatory tasks. Teaching Torah to others outside one's own sons, however, is not an obligation, when a person wishes to learn for himself. If someone avails himself to study with and teach others we might have thought that pay would be appropriate. This is why the verse teaches us that no pay should be taken for this.

Mahar"i b. Lev explains that Rashi is indicating that in regard to teaching the only issue is not to take a salary. This is something where the only concern is that it must be done for free. In regard to the other activities mentioned in the Mishnah taking money would undermine one's participation. One who accepts money would have his judgments become disqualified and his testimony would no longer be credible.

Cheishek Shlomo says that the verse in Devarim only teaches us not to take money for teaching and learning Torah, and not for other mitzvos. The halacha not to take money for testifying is only rabbinic, and so is the restriction not to take money for other mitzvos.

The Rishonim offer many explanations why nowadays we say that one who teaches Torah may accept a salary. Tosafos says that it is permitted for one to accept a salary for learning Torah is he has no other vocation or pursuit other than learning. Also, if someone is able to support himself, but he agrees to abandon his wage-earning skills in order to teach, he may be paid a salary in lieu of his willing to not work. Furthermore, we may say about one who teaches children that he is not paid for the teaching itself, but rather for his service of watching and guarding the young children. Also, he is paid for teaching the sounding of the ta'amei hamikrah, and not for the translation and meaning of the words. This aspect of teaching does not have to be for free. ■

# HALACHAH Highlight

## Providing free health care

מה אני בחנם אף אתה בחנם

Just like I was taught Torah for free, so too, you were taught Torah for free

**S**efer Chassidim<sup>1</sup> teaches that one is not permitted to take money for teaching another person how to be a doctor. The only money that one may collect for teaching medicine is for the effort involved in teaching as well as reimbursement for the expenses involved in obtaining and administering medicine. Ramban<sup>2</sup> also writes that a doctor may only collect money for the effort that he invested and reimbursement for the time that he would have been engaged in another wage-earning profession. However, one may not accept payment for the administration of treatment to a patient. The reason is that administering treatment is comparable to restoring a person's body and the Torah instructs one to restore a person's body. Since there is a mitzvah to restore to another person his body, that activity is included in the exposition cited in our Mishnah that teaches that just as God taught Torah for free, so too others must teach Torah and perform other mitzvos without compensation for those activities. However, it is permitted to accept payment for the effort and the cost of obtaining and administering the treatment since that is comparable to the Gemara's ruling that one may charge a fee for delivering the parah adumah ashes and their sanctification.

Aruch HaShulchan<sup>3</sup> explains in practical terms what halacha allows a doctor to charge for treating a patient. A doctor is permitted to charge for his wisdom and learning. This means that a doctor is able to charge for his expertise and knowledge that the patient should take a particular medication. Since prescribing

(overview...continued from page 1)

Abaye further clarifies this matter.

8) **MISHNAH:** The Mishnah discusses restrictions that apply to a kohen who is suspected of inflicting blemishes onto bechoros.

9) **Clarifying the Mishnah**

The Gemara explains why one may not purchase a deer from one who is suspected of inflicting a blemish on a bechor.

The reason it is permitted to purchase tanned hides from someone who is suspected of inflicting a blemish on a bechor is explained.

The point of dispute between Tanna Kamma and R' Eliezer is explained.

A phrase in the Mishnah is clarified.

The Mishnah's reference to garments is clarified.

10) **MISHNAH:** The Mishnah discusses restrictions that apply to one who is suspected of planting during shemittah.

11) **Clarifying the Mishnah**

The term אריג in the Mishnah is explained.

12) **MISHNAH:** The Mishnah discusses restrictions that apply to one who is suspected of selling terumah as chullin.

13) **Clarifying the Mishnah**

R' Shimon's ruling in the Mishnah is explained. ■

medication is not the direct administration of treatment, it is permitted. The effort the doctor invests for which he may also charge refers to the cost of transportation to the patient in order to examine his condition and oversee his treatment. Writing a prescription to the pharmacy is also included in the effort the doctor invests for which he is permitted to charge a fee. ■

1. ספר חסידים סי' רצ"ה.

2. תורת האדם שער המיחוש ענין הסכנה ד"ה ולענין שכר רפואה.

3. ערוה"ש יו"ד סי' של"ו סעי' ג'. ■

# STORIES Off the Daf

## New Students

למדתי אתכם

**T**oday's daf discusses teaching Torah. Rav Moshe Shapira explains that today's world of kiruv is a new chapter that needs to be understood in its own context. For example, although the Shulchan Aruch writes that a rebbe must instill fear in his students—for this purpose he may not eat with them or be overly familiar with them—today is very different. When dealing with young people who need to be drawn closer, following such halachos will only cause an unhealthy distance between

student and rebbe.

Another example of a complex kiruv issue was faced by a certain maggid who would travel around Eretz Yisrael encouraging our estranged brothers to draw closer to God. He wondered what to do with those who are distant but could be persuaded to take on some new religious practice. Most would only be willing to take on a single mitzvah, and pushing for more would only serve to destroy any willingness to advance. The question was: which mitzvah comes first?

Rav Yosef Shalom Eliyashiv replied to the query as follows. "It doesn't matter too much what they start with. But try to find a d'oraisa mitzvah that you think will make the greatest impact on them. Speak

and encourage them to take on this mitzvah."

The heads of Hidabrut, the famous kiruv organization in Eretz Yisrael, also had a kiruv conundrum. When a person is at the point where he will either take on wearing a kippah or tzitzis, which is more important?

Rav Eliyashiv's response will surprise many. "It is better to convince him to begin wearing a kippah. Although tzitzis is obviously a Torah commandment, wearing a yarmulke is superior since a man who wears a yarmulke feels especially Jewish since he publicly associates himself with religious Jews."<sup>1</sup> ■

1. וישמע משה, ע"י תל"ב ■