

## OVERVIEW of the Daf

1) Teaching Torah to a person who is forbidden by a vow to derive benefit from him (cont.)

The Gemara answers that according to Shmuel the Mishnah is teaching that it is permitted to take money for teaching Scripture but it is not permitted to take money for teaching Midrash.

Rav and R' Yochanan offer alternative explanations of when it is permitted to take money for teaching Scripture.

An unsuccessful challenge is presented to Rav's explanation (the money is for babysitting) of why it is permitted to teach Scripture.

Another unsuccessful challenge to Rav's explanation is recorded that revolves around the issue of teaching new material to children on Shabbos.

The Gemara explains why Rav rejected R' Yochanan's explanation and why R' Yochanan rejected Rav's explanation.

The source of Rav's position that cantillation is of Biblical origin is presented.

A related exposition that relates to unusual language or readings in Scripture is recorded.

Examples of these different categories are noted. ■

## REVIEW and Remember

1. What component of the teaching of Scripture is one permitted to receive payment?  
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2. What are children not permitted to study on Shabbos?  
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3. What are the two reasons children should not study new material on Shabbos?  
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4. Which parts of Scripture are considered Halacha L'Moshe M'Sinai?  
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Today's Daf Digest is dedicated  
לע"נ הרב אביגדור בן הרב שאול אלחנן ע"ה  
Rabbi Victor Amster o.b.m.  
By his children  
Mr. and Mrs. Jeremy Amster

## Distinctive INSIGHT

*Payment rendered for teaching and learning Torah*

כאשר צוני ה' אלוקי...מה אני בחנם אף אתם בחנם

The Torah must be taught free of charge. This is derived from the words of Moshe in this verse (Devarim 4:5), where he mentions that he was teaching the statutes and ordinances "as Hashem, my God, has commanded me." The lesson is just as Hashem instructed Moshe free of charge, so did Moshe teach them further without remuneration. What is interesting is that this particular statement of Moshe was said in the middle of an address which he was presenting to the Jewish people. It begins earlier, at the beginning of Perek 4 in Devarim. Why did Moshe wait until verse 5 before noting that Hashem had taught him without his having to pay? He could have introduced this phrase when he opened his remarks in verse 1, when he said, "Now, O Israel, listen to the decrees and to the ordinances that I teach you to perform..." It would have been quite appropriate for Moshe to insert this lesson at the outset of this particular speech, rather than to wait until verse 5. What can we learn from this?

Toldos Yitzchak (Parashas Vaeschanan) explains that the topics addressed at the beginning of this speech are the prohibitions not to add or subtract from the mitzvos (בל תוסיף ובל תגרע), and the prohibition not to follow the idolatry of בעל פעור. These mitzvos applied to Moshe as much as to anyone else, and it is therefore no wonder that Moshe taught them for free. He had to study them for his own sake, and teaching these laws to others as he studied and reviewed them himself was understandably done without his expecting pay. However, beginning with verse 5 and beyond, Moshe focused on the need for the people to continue to maintain their observance upon entering into Eretz Yisroel, "in the midst of the land to which you come, to take possession of it." It was there that they would be confronted with the corruption and depravity of the Canaanite nations. Moshe knew that he would not personally enter into the land, and his words were aimed to benefit others, rather than himself. Moshe had no personal need to study these laws, and we might have thought that he could expect to be paid for providing a service for others. Yet, it is here that the Torah teaches that he taught them without being paid. This is why this portion of his address is the source from which we learn that a Torah teacher must teach for free.

The words of the Rosh and ר"ן suggest that the prohibition to pay for teaching Torah is aimed at the teacher. In other words, it is not prohibited to pay to learn, but it is rather prohibited to get paid to teach. Rambam (Hilchos Talmud Torah, 1:7), on the other hand, clearly rules that it is prohibited to pay to learn Torah. ■

# HALACHAH Highlight

## Bequeathing the right to publish a sefer

מה אני בחנם אף אתם נמי בחנם

*Just like I taught the Torah for free so too you should teach Torah for free*

Rav Yitzchok Shechibar<sup>1</sup>, the Chief Rabbi of Argentina, inquired whether the right to publish a sefer is something that one can bequeath to his children and they will have the authority to prohibit others from publishing that sefer or perhaps the principle of our Gemara, "Just like I [taught] for free so too you should [teach] for free," indicates that heirs do not have the right to restrict others from publishing a sefer. Rav Ovadiah Yosef<sup>2</sup> began analyzing this question by citing a discussion in Teshuvos Shaarei Deah<sup>3</sup> about whether a bechor receives a double portion of the proceeds that the children will earn when they publish their father's sefer. The inquirer asserted that the right to publish is considered part of the father's assets and as such it is divided amongst the heirs the same way any asset is distributed. Teshuvos Shaarei Deah refuted the different proofs and cited our Gemara as a clear indication of Chazal that Torah is not an asset that one bequeaths to another; therefore, the children should share the proceeds evenly.

Rav Yosef notes that one could refute the proof from

our Gemara. Our Gemara only indicates that when teaching Torah there is a mandate that it should be for free but publishing a sefer is entirely different. There is no source that indicates that one is obligated to put forward the effort to write and publish a sefer and in fact there were many great rabbis who, although they taught Torah to others, never committed their teachings to writing that they should be published. Therefore, one who takes upon himself the task of publishing a sefer should certainly have the right to bequeath that privilege to his heirs so that they should benefit financially.

Although Teshuvos Beis Yitzchok<sup>4</sup> rejects the conclusion that a father can bequeath the right to publish his sefer to his children because the Torah expects a person to be generous with his Torah, nevertheless, the matter is academic since the law of the land prohibits a person from publishing another person's work without permission from the author or his heirs. Consequently, all opinions agree that others cannot publish a sefer written by someone else without first receiving permission. Rav Ovadiah Yosef concurs that on a practical level this is how people should conduct themselves. ■

1. מובא דעתו בשו"ת יביע אומר ח"ז חו"מ סי' ט'
2. שו"ת יבי"א הנ"ל
3. שו"ת שערי ח"א סי' קמ"ח
4. שו"ת בית יצחק חו"ד ח"ב סי' ע"ה ■

# STORIES Off the Daf

## Learning on Shabbos

היינו טעמא דאין קורין בתחילה

A certain wealthy man adopted the practice of learning with intensity all night long on the fifteenth of Adar every year. After several years of this, the fifteenth of Adar fell out on Shabbos. Could he follow this custom even on Shabbos? He asked his Rav, but his local Rav didn't know the answer. So the man decided to consult with the Tzapichis Midevash, zt"l.

The great Rav responded, "It is definitely forbidden to learn on Shabbos with such intensity that one's head hurts. This explains the seeming contradiction between the Siddur of Rav Yaakov Emden, zt"l, which states that it is forbidden to learn iyun on Shabbos, and the Shelah Hakadosh which states that one should learn iyun on Shabbos. The Chidah, zt"l, also argues on Rav Yaakov Emden, stating that in the time of the Pri Chadash talmidei chachamim would indeed learn iyun on Shabbos.

The Rav continued, "However, there is really no argument between them. Rav Yaakov Emden meant intense iyun which can cause one's head to ache. This is not permitted because it is a violation of oneg Shabbos. Lighter iyun, however, is permitted. It is to such study that the Chidah and Shelah are referring. We find a similar concept in Nedarim 37, which states that children are not taught new material on Shabbos because this would take great effort and is so difficult for them that they would not fulfill the mitzvah of oneg Shabbos."

The Minchas Elazar, zt"l, argued, however, and permitted any iyun on Shabbos. He said, "Even if the reasoning of the Tzapichis Midevash is correct, that the halachah prohibiting children to learn new material is brought in Hilchos Melamdim rather than in Hilchos Shabbos shows that there is no problem of intense study disturbing one's oneg Shabbos. Perhaps we hold like the other reason in the Gemara, which states that we only review material that the children have already mastered because they eat heavily and will not be able to focus sufficiently on learning new material!" ■

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