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PAY CUT: MAY A MOHEL CHARGE FOR HIS SERVICES?

Adapted from the writings of Dayan Yitzhak Grossman

VINnews reports:

Veteran mohel R' Emmanuel Meshulam z"l passed away suddenly in the middle of a brit milah ceremony. He had served as a mohel for over forty years, performing circumcisions for thousands of infants throughout the years without taking any remuneration for his efforts.

On Wednesday at noon, he arrived as usual to perform a brit milah celebration at a hall near Bilu Junction, adjacent to Rechovot. Just moments before performing the mitzvah, he suddenly collapsed. Emergency medical teams arrived at the scene and performed prolonged resuscitation efforts. He was evacuated to Kaplan Medical Center but sadly passed away, returning his soul to his Creator at the age of 89...

R' Emmanuel Yechia Meshulam z"l was the son of Rabbi Yosef Meshulam z"l, the former Chief Rabbi of the Yemenite community in Rechovot... For many years, he worked as a manager at Bank Leumi in the Sha'arayim neighborhood of Rechovot, while concurrently performing thousands of circumcisions.

After retiring, he devoted himself entirely to his life's mission—circumcising infants without any financial compensation. "I do everything for the

sake of Heaven," he would always say...¹

Not accepting compensation for bris milah is not merely a matter of personal piety—of "doing everything for the sake of Heaven"—but is apparently mandated by halacha. This article and a follow-up discuss the halachic mandate and some possible dispensations therefrom.²

As discussed here a couple of years ago,³ it is generally prohibited to charge for doing a mitzvah. The Mishnah states:

If one takes his fee for judging, his verdicts are void; for testifying, his testimonies are void; for sprinkling or for consecrating *chatas* water, his water is like cave water and his ashes are like the ashes of an ordinary burning.

The Gemara explains:

From where do we know these laws? Rav Yehudah said in the name of Rav: For the *pasuk* says: "See I have taught you statutes and laws as Hashem, my G-d, commanded me." Just as I was taught the Torah by Hashem for free, so too, you were

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¹Yehuda Dov, Veteran Mohel Collapses During Ceremony—And His Newly Qualified Pupil Completes The Bris. VINnews. <https://vinnews.com/2025/05/21/veteran-mohel-collapses-during-ceremony-and-his-newly-qualified-pupil-completes-the-bris/>

²This is part of a broader discussion of the parameters of the issue to charge for doing mitzvot, the many contexts in which it is nevertheless common practice, and the various justifications for this that have been offered. These articles will focus on the particular question of charging for bris milah. Cf. R. Yossi Sprung, *Ha'im Mutar Lemohel O Lerofei Lidrosh Sachar Al Bris?* Parshas Lech Lecha 5780 and Mohel—Netiles Sachar Al Bris Milah (Din-She'ol Ess Harav).

³Cash for Kidneys: May One Sell His Organs? Part 1. Apr. 27, 2023.

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Dedicated by Mr. Avrohom Yaakov Ganz



PARSHAS BEMIDBAR

DEAR DAIRY

Excerpted and adapted from a *shiur* by Rav Yosef Jacobovits

The Rama (O.C. 494:3) writes that it is customary in many places to eat both dairy and meat on the first day of Shavuot. He explains that eating meat after dairy in the same meal requires that the bread on the table be replaced with a new loaf, and doing this symbolizes the *shtei halechem*, the *korban* of two loaves brought on Shavuot in the *Bais Hamikdash*.

The Mishnah Brurah (15) adds that the minhag is to bake the challah for the dairy meal with butter. This is puzzling, because it is forbidden to bake dairy bread (Shulchan Aruch Y.D. 97:1). The answer is that the Shulchan Aruch (ibid.) permits baking dairy bread where it is either in a small quantity or of a different appearance from regular bread, so the Mishnah Brurah must mean that one should bake small challos or make them look different from standard challos.

When eating dairy and meat at the same meal, the Mishnah Brurah (16) says that one need not recite *Birkas Hamazon* between them. Rather, he should clean his mouth out by eating and drinking pareve items to avoid potential *basar bechalav*. Some are stricter

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Upon Reflection

Q May one gaze at a rainbow indirectly, using a mirror?

A The Mishnah in Chagigah (2:1) says: "Whoever has no regard for the honor of his Maker deserves to have never come to the world." According to one view in the Gemara (16a), this refers to someone who gazes at a rainbow, as the rainbow is used in Yechezkel (1:28)—in the transcendent haftarah of *ma'asei merkavah* that we read on the first day of Shavuot—to describe the majestic sight of *kvod* Hashem, so it is disrespectful to stare at it. The Gemara says that doing so may result in the dimming of one's

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taught the Torah by me for free.⁴

This would seem to apply to the mitzvah of milah. Indeed, the Rashba sharply criticizes a mohel who demanded payment for a bris and refused to perform it unless he was paid what he asked:

This mohel, how different he is in his profession from the progeny of Avraham Avinu! Throughout our regions, a poor mohel seeks out the father of the son to perform *chesed* with him, that he should give him his son to *mal* gratis, and he sends many friends in order to be rewarded with the mitzvah. But this one—where there is no other professional in the city but him—refuses to *mal* until the father begs door to door and gives the money to him; he is virtually demonstrating that he is not among the progeny of Avraham Avinu. We must reprimand him copiously, for he does not desire mitzvos...⁵

This position of the Rashba is codified by the Rama.⁶ Curiously, the Rashba makes no mention of the Mishnah and Gemara above, and instead he condemns the mohel on other grounds. Moreover, the Rashba and the Rama explicitly refer to a mohel who refuses to perform a bris unless he is paid. They do not necessarily object to a mohel just requesting compensation or accepting it when freely offered.

The Rambam seems to take for granted that earning a living as a mohel is entirely unobjectionable. He discusses the case of a poor man, a *dayan* and *ben Torah*, who earned his living from bris milah. A physician who had a quarrel with the *dayan* performed a bris within the *dayan's* territory and donated his fee to the poor, declaring "I do not need this." The Rambam sharply criticizes the physician on a variety of grounds, including improper competition (*yoreid le'umnus chaveiro/masig gvul reieihu*), but he seems entirely supportive of the *dayan's* practice of milah for pay,⁷ though he doesn't discuss why. Beginning about a couple of centuries ago, *poskim* have offered a variety of justifications. The remainder of this article discusses one of the most basic of these, and the follow-up will *iy"H* discuss some of the others.

COMPENSATION FOR UNEMPLOYMENT (AGAR BETEILA/SECHAR BATALAH)

The Gemara carves out one major exception to the Mishnah's prohibition against charging to do a mitzvah:

Karna would take an *istira* (a small coin) from the non-labile party and an *istira* from the liable party, and then judge for them...

(The Gemara asks:) And even if he takes it in the form of a fee, is it permitted? But we learned in a Mishnah: If one takes his fee for judging, his verdicts are void.

These words apply to a fee for deciding the *din*; Karna would take *agar beteila* (compensation for unemployment).

But is *agar beteila* permitted? It was taught in a *breis*a: Despicable is the *dayan* who takes payment to judge, but his decision is valid...

These words apply when the *dayan's* unemployment was not evident, but Karna took compensation for unemployment that was evident. For he would regularly be hired to smell the stock at a storehouse of wine, for which they would pay him a *zuz*.

As in the case of Rav Huna: When a lawsuit was brought before him, he would say: "Give me a man who will draw water in my stead to irrigate my fields, and I will judge for you."⁸

Some *poskim* have accordingly proposed the dispensation of *sechar batalah* as a justification for mohalim charging. The Sho'eil Umeishiv (R' Yosef Shaul Natanson) writes:

Why should we reprimand the mohel (who charges for his services)? On the contrary, in a large city we can say that they receive *sechar batalah*, because he may have to be idle most of the day due to this mitzvah, and they sometimes travel to villages and need to spend Shabbos or Yom Tov there, and they are forced to be idle for many days...¹⁰

Similarly, the Aruch Hashulchan writes:

I have heard about a certain large city with many Jews and few mohalim, where the mohalim refuse to *mal* because it disrupts their livelihoods, that the city leaders (*tuvei ha'ir*) hired one mohel who would not engage in any other livelihood and would receive a fixed stipend for every milah, and it is as though he is hired to the inhabitants of the city to *mal* their sons. This is very proper, particularly in these times, may Hashem have mercy.¹¹

The obvious limitation of this approach is that it would seem to apply only where a mohel has an "evident" opportunity to generate income that he is forced to give up in order to perform a bris. (The Sho'eil Umeishiv's reference to the need to spend Shabbos and Yom Tov in villages is thus somewhat puzzling, because Jews—with some exceptions, such as chazanim, caterers, and babysitters—do not generally work on those days.) This point is made by the Sdei Chemed (R' Chaim Chizkiyahu Medini); he notes that the Sho'eil Umeishiv seems to maintain that because a bris sometimes disrupts the mohel's work, that justifies him charging always. But the Sdei Chemed himself rejects this and limits *sechar batalah* to those occasions that the bris actually disrupts the mohel's work.¹²

Similarly, the Nehar Mitzrayim (R' Refael Aharon

⁴Bechoros 29a.

⁵Shu"t HaRashba cheilek 1 siman 472.

⁶Shulchan Aruch Y.D. 261:1. Cf. Birkei Yosef ibid. os 3.

⁷As we have noted elsewhere (e.g., here), this teshuvah of the Rambam is one of the earliest known examples of the use of the term "*hasagos gvul*" in the sense of improper competition.

⁸Teshuvos HaRambam (Blau: Yerushalayim 5720, Volume 2) siman 273 p. 521.

⁹Kubos 105a.

¹⁰Hagahos Yad Shaul to Shulchan Aruch ibid., cited in Sdei Chemed [cheilek 8] Ma'areches Rosh Hashanah siman 2 end of os 17 sv. Shuv hisagti Sefer Ashlei Ravvelei Im Hagahos Yad Shaul (p. 309).

¹¹Aruch Hashulchan ibid. se'if 6.

¹²Sdei Chemed ibid.

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eyesight.

This halacha is codified in the Shulchan Aruch (O.C. 229:1) with the qualification that what is forbidden is a long gaze rather than a brief glance. The Magein Avraham (225:20) adds that gazing is only forbidden if one contemplates the rainbow's form and appearance. (The exact parameters of these guidelines are difficult to ascertain.)

The reflection of a rainbow is equivalent to the rainbow itself (Ruach Chaim ibid. 2, by R' Chaim Palagi). R' Yitzchok Ziberstein (Chashukei Chemed, Chagigah ibid.) cites his brother-in-law R' Chaim Kanievsky, who permits gazing at a photograph of a rainbow.

The *bracha* for a rainbow is not recited on a reflection, but it may be made when a rainbow is viewed through a window (Yalkut Yosef 229:1).

The Chayei Adam (63:4) cites a sefer, whose name he cannot recall, that says that informing others of the presence of a rainbow is considered *motzi dibah* (spreading slander), as the advent of a rainbow implies that the generation is worthy of destruction and is saved only by the grace of Hashem (see Bereishis 9:14). While the Mishnah Brurah (ibid. 1) concurs, others suggest that it is important for people to be informed and take the matter to heart (Bris Kehunah, *ma'areches* kuf, 3). R' Ovadiah Yosef supports this view (Yalkut Yosef ibid. fn. 1).

Ben-Shimon) strongly opposes charging for milah in general, but he concedes a limited dispensation where it disrupts the mohel's livelihood or entails expenses:

But if the bris is in another city in which there is no mohel, and he goes from city to city to *mal* and is disrupted from his work for a day or two in order to go and return, and there are also travel expenses and the like—in situations such as these, he may take *sechar batalah* and expenses.¹³

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and divide their meat and dairy foods into separate *seudos*, based on the Zohar. They also wait an hour between the meals, as the Zohar says one must wait "*sha'ah*

achas" between dairy and meat. The exception to this rule is hard cheese (as noted by the Mishnah Brurah himself), after which most wait six hours (see Rama Y.D. 89:2), though some *poskim* maintain that halachic hard cheese does

not exist today (R' Aharon Kotler, R' Shmuel Kamenetsky). Others hold that parmesan cheese and the like do qualify as hard cheese (R' Moshe Heinemann).

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