

Some Mohelim pay the child's parents for the opportunity to secure the great merit of the mitzvah.

VOL #20
SHEVAT 5783

מילתים במילת



Paying a Mohel

One of the fundamental principles of *Torah* observance is that one may not charge a fee to perform a *Mitzvah*. Nevertheless, the *Gemara* rules that while a person may not charge for performing a *mitzvah*, he may collect *s'char batalah* (the amount he could have earned by working during that time) and *s'char tircha* (compensation for the effort and trouble required to perform the *mitzvah*, including any necessary travel fees).

The *issur* to charge a fee is not restricted to the *mitzvah* of teaching *Torah* as described in the *Gemara* in *Nedarim* (37a). There is clear consensus amongst the *Rishonim* and *Acharonim* that the same applies to the performance of *mitzvos* (See *Ramban-Toras HaAdam, Inyan HaSakanah & Yoreh Deah* 336:2). Therefore, a physician may not charge a direct fee for medical treatment or advice, but only *s'car batalah* or *s'car tircha*. The same should apply to a *mohel*, which is the subject of this article.

It was considered a great honor and merit to serve as a mohel and the mohelim would trudge from city to city and to distant places for the merit of circumcising Jewish children.

The earliest source that discusses whether a *mohel* may charge for performing a *Bris Milah* is the *Teshuvos HaRashba* (1:472). The *Rashba* fiercely criticized a certain *mohel* who refused to perform a *milah* without pay. The *Rashba* clearly rules that a *mohel* should not charge a fee for the *mitzvah* of performing a *Milah*. However, there are scenarios that the father or the *beis din* must assume the responsibility. The *Rashba's* ruling is cited by the *Rema* in *Yoreh Deah* (261:1). See the *Gra* (ibid. 7) and *Pischei Teshuva* (ibid.4) who discuss the Ruling of the *Rashba*.

Today, there are various customs amongst *Mohelim*. Some are extremely careful to fulfill this *halacha* to the letter,

and do not accept any remuneration for their services. There are even some who pay the child's parents for the opportunity to secure the great merit of the *mitzvah*. Other *mohelim* will accept payment, although they will not demand it. Some hint to the parents about the possibility of payment or suggest to them that they support *Torah* scholars or other needy people who are dependent upon them. However, there are *mohelim* who charge a fixed fee for their services without which they will not accede to performing the *bris milah*.



המשגיח הנאמן הצדיק רבי דן פגל שליט"א בסנדקאות בברית היספורית לרך הנולד אחרי 34 שנות ציפייה

There are various justifications offered for this approach:

See the *Aruch HaShulchan Yoreh Deah* (261, *se'if* 6) who tells of a community that found an excellent resolution to the issue of compensating *mohelim*.

Rav Ben Tzion Abba Shaul Zt"l (cited in *Milah Sh'leimah* p. 453) offers a justification for a *mohel* to demand compensation, he maintains that it is only prohibited to demand payment for performing a *mitzvah* when the *mitzvah* is brought to him. However, he is under no obligation to go to the location where a *mitzvah* can be performed. Therefore, a *mohel* may charge a fee for the *tircha* of traveling to that location.

Rav Elyahsiv Zt"l suggested three additional reasons why a *mohel* is permitted to accept payment for his services.

1. If there are a number of *mohelim* who are available, a *mohel* can charge a fee on account of the fact that the parents have chosen him in particular for the *mitzvah* above all of the other *mohelim*. His fee isn't the charge for the *milah* itself but for his distinct expertise.
2. A *mohel* is only obligated to perform a *milah* on the eighth day of baby's life. If he so wishes, he may choose to do so a few minutes after *neitz hachama* or a few minutes before *shkiah*. Parents who ask he arrive at a certain time of day may compensate the *mohel* for the associated *tircha* in needing to arrive at a specific time.
3. Aside from performing the *milah*, the *mohel* usually comes to check on the baby on one of the day following the *bris*. He also makes himself available to the parents for advice during those days. His fee can be attributed to those services and not to the *milah* itself.

R' Ahron Leib Shteinman Zt"l was once asked whether paying a *mohel* on the day of the *bris* fulfills the *mitzvah* of "*b'yomo titen s'charo*"? R' Shteinman replied, "I see an upside down world. In Brisk, the *Mohel*, R' Nassan would pay for the merit of performing a *bris milah*; today the opposite occurs (*K'ayal Taarog* pg 120). The *sefer Bris Avraham* relates that in Europe before the war it was unheard of for a *mohel* to ask for money for performing a *milah*. On the contrary, it was considered a great honor and merit to serve as a *mohel* and the *mohelim* would trudge from city to city and to distant places for the merit of circumcising Jewish children.

Regardless, a *mohel* is certainly permitted to charge for his travel cost and for the surgical equipment (such as bandages, ointments and medications).

{ADAPTED FROM MEDICAL HALACHA ON THE PARSHA-RABBI YOSEF SPRUNG WITH RABBI YISRAEL MEIR MALKA}

A Holy Bagel – מעשה שהיה כך היה

Binyomin was sitting at a *Bris* enjoying his bagel & lox when the *Baal Simcha* got up to speak. He had named his son *Gedaliah* and wanted to share with the guests the reason he gave his son that name. *Binyomin* expected to hear the typical speech, which would relate the attributes of the grandfather, great-grandfather, uncle, or some other relative for whom the baby was named.

However, that's not what I heard. The father said, "I named the baby *Gedaliah*, not because it is a name in our family, but rather because something amazing happened with the birth of this baby.

I had the plan of action all ready and set to go to the hospital the moment my wife would tell me it was time to go to the hospital. From previous experiences, I know that there is not much time between our arrival in the hospital until the arrival of the baby into the world. I put the Lakewood hospital address into my Waze and knew that it was only a six-minute ride from where I lived. So, on the night my wife told me that she was ready to have the baby, I was ready. I put her suitcase in the car and we headed to the familiar hospital on River Avenue in Lakewood. It was the hospital my son had been born a decade ago. I calmly and confidently walked through the emergency entrance with my wife by my side and told the receptionist why we were there. And that is when I got the shock of my life.

She said "I'm sorry sir, but we no longer deliver babies at this location. You have to go to Long Branch. That was a drive of at least a half hour.



I didn't understand. This was a hospital. Why couldn't they deliver a baby? But the woman told me that they hadn't been offering that service for several years and weren't equipped for it. I didn't know this, because we had moved out of town after my first child was born and had only recently moved back. Everyone else naturally assumed that we knew this bit of important information, and so no one actually discussed with us what hospital we were going to.

At this point, there was nothing to do but drive to Long Branch and hope for the best. But my wife didn't think she'd make it. We decided to call *Hatzolah*, and they agreed to transport her in an ambulance. Meanwhile, I called our doctor and he offered to drive toward us in case he was needed. Well, my wife turned out to be right. We were not going to make it to the hospital. The *Hatzolah* driver pulled into a rest stop and amazingly, our doctor met the ambulance in time to deliver a healthy baby boy. We then continued to complete the trip to the hospital, where we were greeted with a big *mazel tov* from the staff.

Later that night, I reviewed the day's events and the awe and the amazement fully hit me. I thought I was in control. I had everything planned out, but then *HASHEM* showed me that He was the one in charge and he put all the pieces in place. I was suddenly overcome with an awareness of how great *Hashem* is and my feelings were like they say in Hebrew "ה' הוא 'נדרול'" and that is how I thought of the name *Gedaliah*-*Hashem* is Great. I always want to remember that moment in my life when my feeling of *Hakaras Hatov* was so strong. I never want to stop thanking *Hashem*. The father then continued to say- When *Hashem* does something incredible for you, don't keep it to

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yourself. Rather, let people know what you were going through and how *Hashem* made a miracle and saved you from your troubles. By thanking *Hashem* publicly for his kindness you are sanctifying his name. Thank you all for coming and participating in our *Simcha*."

Binyomin walked away from the *Bris* with a new appreciation of how important it is to see *Hashem* in our own lives. This father could've been upset that he made such a mistake or how could it be that nobody gave him the information that he needed. Instead, he felt the *simcha* of how he was being guided by *Hashem's* "hand", working out all the details of his situation. It was a lesson to see all the good that we have in our lives and realize that we too must thank *Hashem* for our gifts- All this from a Bagel & Lox sandwich at a *bris*. That is one holy bagel!



Mila Mysteries

צוה or צוה ?

In the *nussach* of the *Bracha* that we make by a *Bris* "אשר קידש ידיר מבמין", we say "צוה להציל ידידות שארנו משחת, למען בריתו אשר שם בבשרנו" (שבת דף קל"ז ע"ב, שו"ע סי' רס"ה ס"א) This is a *tefillah* to *Hashem* that He command that the *neshamah* of the baby be saved from *Gehinnom*, as whoever has a *bris* does not enter *Gehinnom*. (ע' רש"י שם). There are different *minhagim* about the pronunciation of "צוה". Some *poskim* say one should say "צוה" with a *patach* under the *tzadi* since it is a *tefillah* for the future. (רמב"ם, בה"ג, ש"ך סי' רס"ה סק"ה ועוד פוסקים).

However, it seems that there was an old *minhag* to say "צוה" with a *chirik* under the *tzadi* i.e., in the past tense. (עומר הל' מילה ה"ד בשם רב האי). (נאון, סידור בעל התניא וכו' הגר"י קניבסקי וצ"ל בארחות רבינו ה"ג עמ' קנ"ה)

Therefore, some explain it to mean that as reward for us accepting the *mitzvah* of *bris milah* upon ourselves, *Hashem* already commanded that the *neshamah* be saved from *Gehinnom*. (שו"ת שאילת יעב"ח ח"א סי' קמ"ו).

Lmasseh, someone whose *minhag* is to say "צוה" has *poskim* to rely on.

What about saying both "צוה" and "צוה"? Some do in fact have the *minhag* to say both to satisfy both versions. But the *poskim* point out that there is no sense in saying both of them together since the particular word that is used affects the rest of the *tefillah's* meaning, and the *tefillah* can't mean both simultaneously. They would need to say the whole paragraph twice (ע' הליכות שלמה תפילה פכ"ג סל"ט).