



Parshas Eikev 5771

August 20, '11
Volume X Issue 18

May a chazzan or shofar blower receive money for his mitzvah?

The difference between a chazzan and a babysitter is that the chazzan is performing a mitzvah. The *Beis Yosef* brings a *machlokes Rishonim* as to whether one may receive *s'char Shabbos*¹ for performing a mitzvah. The reason for approval is because receiving *s'char Shabbos* is only an *issur d'raban* and when involving a mitzvah *Chazal* did not prohibit it. The reason for non-approval is because, after all, one **is** receiving *s'char Shabbos*.

What is the halacha?

The *Mechaber* writes² that one may not receive *s'char Shabbos* for performing a mitzvah and then adds that there is an opinion who permits it. The rule when learning the *Mechaber* is that **סתם ויש אומרים הלכה כסתם**, which means that when he writes the first opinion without mentioning who says it and then writes an opinion saying that "there are those..." the *halacha* is in accordance with the first opinion, which would mean it is forbidden.

The *Rama* adds that when the chazzan is hired for the entire year there is no problem because he is paid globally for chazzanus performed during the week as well. If he only officiates on Shabbos and Yom Tov it will not help that he is hired for the entire year.

The *Mishna Berura* however writes³ that the custom was to hire the chazzan for the Shabboses of the year.

As mentioned, since there is a viable solution to pay him for work done during the week, it is preferable to do so.

The same would apply to a shofar blower.

Although he only blows on Rosh Hashana, nevertheless it is advisable to have him blow occasionally during Ellul and pay him globally. It is noteworthy that even according to the lenient opinion one does not merit a sign of *b'racha* from money received from Shabbos work (unless paid globally).⁴

Is a doctor permitted to receive money for making a house call?

The *Mishna Berura* writes⁵ that a midwife may surely take *s'char Shabbos* for answering a call on Shabbos because it is payment for the sake of saving a life.⁶ A doctor and a nurse are in the same category and they may also take *s'char Shabbos* for making a house call.

Does a doctor see a siman b'racha in pay for work done on Shabbos?

It would seem from the *Mishna Berura*⁷ that payment received for healing a Jew is not part of the *machlokes* of *s'char Shabbos* and therefore one would see a *b'racha* in the payment. However, Rav Tzvi Pesach Frank says that receiving payment for healing and for performing a mitzvah are on par with each other and even if one is permitted to receive *s'char Shabbos* for healing, one will not see a *siman b'racha*.⁸

According to Rav Chaim Brisker (mentioned in the previous sheet) it is permitted, but as mentioned it is a *machlokes haposkim*.

¹ Pay for work done on Shabbos, as explained in the previous shiur.

² *Simon* 306:5

³ *Simon* 306:24.

⁴ M"B 306:23.

⁵ *Simon* 306:24.

⁶ PM"G Mis"Z 4.

⁷ Who cites the *Elya Raba* who quotes the *K'neses HaG'dolah*.

⁸ See the SS"K 28 footnote 147.

Am I permitted to donate money on Shabbos to the shul etc?

First we must understand the nature of the prohibitions that are involved with donating money to shul on Shabbos and then see whether they can be overcome.

The first problem would seem to be mentioning money on Shabbos.

The *Mechaber* says ⁹ that it is permitted to discuss heavenly matters on Shabbos, which includes donating money to charity. Not only may one discuss on Shabbos whether certain poor people are in need of money and how much, one may even state the amount one intends to give them. All this is under the umbrella of **חפצי שמים** – heavenly matters, which one may deal with on Shabbos.

But is there not a problem of donating an item to a shul etc?

The *Mechaber* writes ¹⁰ that one may not dedicate an item to the *Beis Hamikdash* on Shabbos, ¹¹ and the *M"b* explains that the *issur* involved is that it is similar to buying and selling. This is because dedicating (**מקדיש**) an item to the *Beis Hamikdash* automatically activates the transaction and the dedicated item becomes the property of the *Beis Hamikdash*.

The same would apply to donating an item to a shul then, would it not?

Yes and no. The *Magen Avraham* ¹² says that (according to the *Beis Yosef*) it is prohibited to donate a specific item to a shul on Shabbos because it is similar to dedicating an item to the *Beis Hamikdash*.

He continues however that the *Kol Bo* says that one may donate an item to shul, and the *Magen Avraham* explains the difference between donating to the *Beis Hamikdash* and to shul saying that an item belonging to the *Beis Hamikdash* belongs only to the *Beis Hamikdash* and therefore dedicating an item to *hekdes* (the property of the *Beis Hamikdash*) involves a complete transaction,

whereas an item belonging to a shul belongs to the public as well and therefore when dedicating an item to a shul one has not accomplished a complete transaction being that the donor still owns a share in the item (together with the rest of *Am Yisroel*).

Which opinion is the halacha?

The *Shulchan Aruch HaRav* ¹³ writes that people do dedicate items to shul, but he concludes that one should dedicate it before Shabbos and bring it (where there is an *eiruv*) to shul on Shabbos or declare on Shabbos that it has been donated to the shul. The *Mishna Berura* reiterates this *p'sak*. ¹⁴

This would not be a problem with money would it?

This problem does not exist with money or with non-specific items, i.e one may say on Shabbos that he will dedicate a *paroches* to the shul because one is not dedicating a specific ready-made article. The same applies with money. One may say that one intends donating \$100 to the shul because no transaction takes place and mentioning the money is not a problem, as stated, because it is for a *tzedakah*. ¹⁵

Orchos Chaim LaRosh

כוון בתפילתך, כי התפילה היא עבודת הלב.

It is interesting to note that in the second paragraph of *Shemone Esre* we say **רופא חולים**, *Hashem* heals the sick, and in the middle section of *Shemone Esre* we ask *Hashem* for *refuah*, what is the main difference between the *berachos*? Besides the obvious that the first one is praise and the second a request, there is a major difference how they are expressed. The first one is with joy and relief that one has found the best and most efficient doctor in the world, the second is with a cry – please help!!

⁹ *Simon* 306:6.

¹⁰ *Simon* 339:4.

¹¹ The *Mechaber* says (**אין מקדישין**), but I find it hard to translate that word.

¹² *Simon* 306:11.

¹³ *Simon* 306:14.

¹⁴ *M"b Simon* 306:27

¹⁵ *M"b Simon* 306:27.

One may receive and distribute these weekly shiurim by calling or writing: Office 99 Rechov Bayit Vegan, Yerushalayim, Phone Numbers: U.S. and Canada 732-370-3344 Israel 972-3-616-6340

South Africa 076 187 1451 UK 44-020-8731-6666 Australia 61-296835626 Switzerland 0114143 333 0288

• e-mail: shabbosweekly@shemayisrael.com, or www.shemayisrael.com,

weekly sponsorships are available as well.

If you would like to send a question to Rav Ostroff, you can write to him at shabbosweekly@shemayisrael.com.

Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive *p'sak*.