

CHABAD LUBAVITCH OF CHAUTAUQUA

23 Vincent Avenue Chautauqua, NY 14722 T: (716) 357 - 3467 W: www.cocweb.org E: rabbi@cocweb.org

Everyday Talmudic Ethics – Week 2 – 2020

1. If there's a governmental decree in the town that the teachers can't teach, it is considered a “regional disaster” and the teachers should still be paid in full. (Mordechai in Talmud, Bava Metzia 343)
2. The MaHaRa”m of Rotenburg opined that if there's a governmental decree in the town that the teachers can't teach, it is considered a “regional disaster” and the loss is the owners (parents)... I am in agreement with this opinion. (Rama, Choshen Mishpat 321:1)
3. The land owner is considered the “employee” ... if they evacuated due to atmospheric changes, it is considered “misfortune beyond his control” (ones) and it is the loss of the worker or the teacher. (Rama, Choshen Mishpat 334:1).
 - a. This opinion of the Mordechai only applies if majority of the town ran away because of a crisis but if only a minority runs away then the employee isn't entitled to payment. (Shach, Choshen Mishpat 334:3)
 - b. A worker or teacher is hired to perform a specific job. He is required to be available and ready to do that job. If he is, then despite any external duress such as a makas medinah (i.e. the river dried up) he has fulfilled his responsibilities. The Maharam of Rothenburg only discusses when the student flees. However, if the teacher flees due to an epidemic then the teacher forfeits his wages for that time. (Arukh HaShulchan, Choshen Mishpat 334:10)
4. The ruling of the Mordechai applies only to a teacher and not to other employers since a teacher is paid for “sachar betela”. (Netivot 334:1)
5. I disagree with Rema that the teacher should receive his full salary. If neither the owner/student nor the teacher could anticipate the epidemic, why should the student have to pay the full wages? Rather, when Maharam of Rothenburg says that the loss is on the owner, he doesn't say that the whole loss is on the owner. Rather, he bears part of the loss by paying half wages. In this way, they share the burden of this unforeseen development. (Sm”e, Choshen Mishpat 321:6)
6. In the case where the loss is the owners (parents), the teacher should be paid the full salary and not merely as an idle laborer. Because “if they don't work, they get weak”. (Rama, Choshen Mishpat 335:1)
7. And Rava says: With regard to this one who hires laborers to perform a specific task and the task is completed by midday, if he has another task that is easier than the first one, he may give it to them. Alternatively, if he has other work that is similar to the first one in difficulty, he may assign it to them. But if he has other work that is more difficult than it, he may not assign it to them, and he gives them their full wages.
8. Why must he pay them their full wages? Let him pay them for the additional time at most as an idle laborer. The Gemara answers: When Rava said his ruling in this case, he was referring to workers of Mehoza, who become weak if they do not work. These laborers were accustomed to steady, strenuous work, and therefore sitting idle was difficult, not enjoyable, for them. (Talmud, Tractate Baba Metzia 77a)

9. Rabbi Tzaddok would say: ...Do not make the Torah a crown to magnify yourself with, or a spade with which to dig. So would Hillel say: one who make personal use of the crown of Torah shall perish. Hence, one who benefits himself from the words of Torah, removes his life from the world. (Ethics of our fathers 4:6)
10. This teaches us that even in a place where one takes payment for teaching, for teaching Bible it is permitted to take payment, but for teaching midrash it is not permitted to take payment. In what way is midrash different from Bible, that one may not take payment for teaching it? Based on that which is written, which Moses said to the people: "And the Lord commanded me at that time to teach you statutes and laws" (Deuteronomy 4:14), and also that which is written: "Behold, I have taught you statutes and laws, as the Lord my God commanded me, that you should do so in the midst of the land where you go in to possess it" (Deuteronomy 4:5), God said: Just as I teach you for free, without payment, so too you also shall teach for free. There should be no difference between Bible and midrash, and Bible too, like midrash, should be taught for free.
11. Rav said: As Bible is typically taught to children, one who teaches Bible takes payment for watching the children. And Rabbi Yoḥanan said: He takes payment for teaching punctuation of the text with cantillation notes. (Talmud, Nedarim 37a)
12. In a place where it is customary to receive a wage for teaching the written Torah, one is permitted to do so. However, it is forbidden to take a wage for teaching the Oral Law, as [implied by Deuteronomy 4:5]: "Behold, I have taught you laws and statutes, as God commanded me." [Our Sages teach that Moses was implying:] Just as I learned at no cost, so, too, have you been taught from me at no cost. Teach the coming generations in a like manner. Teach them at no cost as you have learned from me." [Nevertheless,] if a person cannot find someone to teach him at no cost, he must pay for his studies, as [implied by Proverbs 3:23]: "Buy truth." May he charge to teach others? We learn [*ibid.*]: "but do not sell." Thus, it can be derived that it is forbidden to charge to teach Torah even though one's teacher charged to instruct him.
- a. **However, it is forbidden to take a wage for teaching the Oral Law** - In his commentary on *Nedarim*, *ibid.*, Rabbenu Nissim quotes the Jerusalem Talmud, which allows a teacher of Torah to receive compensation for the fact that were he not to teach, he could occupy himself in another profession which would yield him profit. The *Hagahot Maimoniot* develops this matter further, noting that *Ketubot* 106a relates that the Temple treasury would pay people to instruct the priests regarding the laws of ritual slaughter. He also notes that authors of works of Torah scholarship are allowed to demand pay for their services. These ideas are quoted as halachah by the *Shulchan Aruch* and the Ramah (*Yoreh De'ah* 246:5). (Maimonides, Talmud Torah 1:7)

Chabad Lubavitch of Chautauqua's only source of funding is donations from private individuals.

Please be generous, donations are tax deductible.

[Click here to donate](#)