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## Mishnah with a Twist [20]

### Someone Who Takes Payment for Judging... Insights into Mishna Bekhorot Chapter 4:5 & 6



#### Background to Our Story

##### Tractate Bekhorot

Bekhorot ("Firstborns") is a tractate in Seder Kodashim ("Order of Holy Things") that discusses three categories of firstborns: a woman's firstborn son, the male firstborn of a kosher domesticated animal, and a male firstborn donkey. The Torah assigns a sacred status to each of these and requires them to be consecrated - either through transfer to a priest, redemption, or sacrifice, depending on the firstborn and the circumstances. Bekhorot discusses details of this process, such as determining whether an animal is a firstborn in questionable cases and blemishes that disqualify a firstborn animal from being sacrificed in the Temple.

##### The Firstborn of a Kosher Animal



The Schottenstein Edition of the Mishnah Elucidated. ArtScroll/Mesorah Publications. Volume 15. Introduction to Bechoros.

The law of bechor applies to three species of kosher animals: cows, sheep, and goats. These are the only animals fit to be offered on the altar (Devarim 15:19).

The bechor of a cow, sheep, or goat acquires sanctity at birth and is automatically consecrated to be brought as a korban (sacrificial offering) in the Beis HaMikdash (Temple); see Vayikra 27:26 with Ramban. Nevertheless, there is a mitzvah for the owner of the flock to declare it sanctified as a bechor (Arachin 29a). The owner himself does not bring the bechor to the Beis HaMikdash. Rather, he gives it to a Kohen (Bamidbar 18: 18).

What the Kohen does with the bechor depends on whether it is an unblemished [literally, perfect] animal, or a blemished animal.

##### Unblemished Bechor

If the animal is unblemished, it is brought by the Kohen as a korban in the Beis HaMikdash. The bechor is in the category of kodashim kalim, korbanos of lesser holiness. After it is slaughtered in the Beis HaMikdash and its blood is applied to the Mizbei'ach, only certain of

its fats and organs [known as emurin] are burned on the Mizbei'ach, while the bulk of its meat is awarded to its owner [the Kohen]. This meat may be eaten anywhere within the walls of Jerusalem from the day of its slaughter through the next day.

Unlike other kodashim kalim, however, the meat of the bechor may be eaten only by Kohanim, their wives, children, and their Canaanite slaves (Zevachim 5:8).

### **Blemished Bechor**

Like any korban, a bechor that has a permanent blemish is disqualified from being offered on the Mizbei'ach. Like all blemished korbanos, it therefore falls to a lesser state of holiness [disqualified korbanos] which, subject to certain restrictions, may be slaughtered and eaten outside the Beis HaMikdash as ordinary meat [chullin]. Generally, disqualified korbanos of this kind must be redeemed before they may be slaughtered outside the Beis HaMikdash, with the proceeds being used to purchase a replacement korban. The blemished bechor, however, is an exception to this rule in that it may be slaughtered outside the Beis HaMikdash without redemption. Thus, when a bechor becomes blemished, the Kohen who owns it may slaughter it and eat it anywhere. Similarly, if the bechor is born blemished or becomes blemished before being given to a Kohen, it must still be given to a Kohen; it then becomes his property, and he may slaughter and eat it. The meat of the blemished bechor may be eaten even by non-Kohanim, and even by a tamei person or an idolater (Mishnah 5:2; see there for another opinion).

When the Beis HaMikdash stood, a bechor had to be consumed within the first year of life - if unblemished as a korban, and if blemished as the Kohen's meat (Devarim 15:20-22). The destruction of the Beis HaMikdash has made offering a bechor impossible. Thus, nothing can be done with an unblemished bechor, and it must be left to roam until it develops a blemish. Once blemished, it may be slaughtered and eaten.

### **Temporary and Permanent Blemishes**

There are two types of blemishes: a temporary blemish and a permanent one. Neither temporarily nor permanently blemished animals may be offered on the Mizbei'ach (Vayikra 22:20). However, a temporarily blemished animal becomes once again fit for offering once the blemish heals. For a bechor to be permitted for slaughter outside the Beis HaMikdash, its blemish must be a permanent one. Before any blemished bechor can be declared permissible for slaughter, it must be shown to an expert, in blemishes. This person must possess a superior knowledge of both the laws of animal blemishes, and the medical nature of blemishes. He must also receive permission from the Nasi, in Eretz Yisrael before he can render decisions on blemished bechoros (see Sanhedrin 5a-b). If the blemish is an obvious one [such as a blinded eye or a severed leg], and no expert is available, the animal may be shown to a panel of three laymen who may grant permission for its slaughter (Mishnah 5:5; see there for another opinion).

The expert who examines the blemish must also determine whether the blemish developed naturally or was inflicted by a person. An animal may not be slaughtered on the basis of a blemish that was intentionally inflicted (Mishnah 5:3). Therefore, any blemish that may have been inflicted by man requires the testimony of a reliable witness to establish that it was not intentionally inflicted.

### **Ila of Yavne (or Ila'ah of Yavne)**

#### **◆ AI Overview**

Ila of Yavne (or Ila'ah of Yavne) was a Talmudic sage active during the period following the destruction of the Second Temple. He is recognized in the Talmud as a renowned expert in determining whether an animal is blemished, a skill essential for identifying if a firstling animal could be slaughtered outside the Temple.

## Issar (Assarion)

### ◆ AI Overview

The assarion (plural: *assaria*) was a low-value bronze or copper coin used throughout the Roman Empire, particularly in the Greek-speaking Eastern provinces during the 1st–3rd centuries CE. Often translated as a "penny" or "farthing" in the New Testament, it was equivalent to 1/16th of a Roman denarius.

## Dinar (Denarius)

### ◆ AI Overview

The denarius was the primary silver coin of the Roman Republic and Empire for roughly 500 years, from its introduction around 211 BCE until it was largely replaced by the double denarius (antoninianus) in the 3rd century CE. It was a foundational piece of currency, often representing a day's wages for a laborer or soldier, and is one of the most widely collected ancient coins today.

## Large and Small Animals (Cattle and Sheep/Goats)



## The Ritual of the Red Heifer (Parah Adumah)

### ◆ AI Overview

The ritual of the Red Heifer (*Parah Adumah*) is a unique purification rite described in Numbers 19 designed to cleanse individuals from the most severe form of ritual impurity: contact with a human corpse.

### The Ritual Process

Historically, the ceremony was performed by a priest outside the Temple "camp," often on the Mount of Olives:

1. Slaughter: The heifer is slaughtered in the presence of a priest, and its blood is sprinkled seven times toward the Temple entrance.
2. Incineration: The entire carcass—including skin, flesh, and blood—is burned on a pyre.
3. Additive Elements: During the burning, the priest throws cedarwood, hyssop, and scarlet wool into the flames.
4. Creation of the "Water of Purification": The resulting ashes are collected and mixed with "living" spring water (historically from the Pool of Siloam).
5. Application: To purify a person, a clean individual sprinkles this water on the impure person using a bunch of hyssop on the third and seventh day of their purification process.

## The Priestly Offering (Terumah Gedolah)

### ◆ AI Overview

In the context of biblical tithes, Terumah Gedolah ("Great Offering") is a specific portion of the harvest that Israelites were commanded to give to the *Kohanim* (priests).

- Sanctity: This offering is considered holy and can only be eaten by priests and their families while they are in a state of ritual purity.
- Amount: While the Torah does not specify a fixed amount, the Sages recommended a "generous" eye of 1/40th of the crop.

### **The Text: Mishna Bekhorot Chapter 4:5 & 6**

הנוטל שכרו להיות רואה בכורות, אין שוחטין על פיו, אלא אם כן היה ממחה כאילא בַּיבנה, שהתירו לו חכמים להיות נוטל ארבעה אסרות בבהמה זקה, וששה בגסה, בין תמים בין בעל מום: הנוטל שכרו לדון, דיניו בטלים. להעיד, עדותיו בטלין. להזות ולקדש, מימיו מי מערה ואפרו אפר מקלה. אם היה כהן וטמאהו מתרומתו, מאכילו ומשקו וסכו. ואם היה זקן, מרכיבו על החמור. ונותן לו שכרו כפועל:

In the case of an individual who takes payment to be one who examines firstborn animals to determine whether they are blemished, one may not slaughter the firstborn on the basis of his ruling, unless he was an expert like Ila in Yavne, whom the Sages in Yavne permitted to take a wage of four *issar* for issuing a ruling concerning a small animal and six *issar* for issuing a ruling concerning a large animal. They permitted this provided that he would be paid whether it turned out that the firstborn was unblemished or whether it was blemished.

In the case of one who takes his wages to judge cases, his rulings are void.

In the case of one who takes wages to testify, his testimonies are void.

With regard to one who takes wages to sprinkle the purification waters of the red heifer upon one who contracted impurity imparted by a corpse, and one who takes wages to sanctify those waters, the halakhic status of his water is that of cave water, and the status of his ashes is that of mere burnt ashes.

If the one examining the firstborn, or the judge, or the witness, was a priest, and the one who requires his services rendered him impure and prevented him from partaking of his *teruma*, that person must provide the priest with food, drink, and oil for smearing on his body from his own non-sacred property. And likewise, if the one examining the firstborn, or the judge, or the witness, was an elderly person, the one who requires his services transports him on a donkey.

And in all these cases, although it is prohibited to take wages, the one who requires his services gives him his wages like the wages of a laborer, as he was unable to perform his usual labor that day.



### Explaining the Text

What's going on here? (The sequence of events)

### Comprehension and Analysis Questions

**Bonus ?** Why aren't we allowed to slaughter a firstborn if the expert who examined it took payment for his work?

**Bonus ?** Why would an expert take money to examine a firstborn?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

Answer 3 \_\_\_\_\_

**Bonus ?** Why did the Sages make an exception with experts like Ila of Yavne?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

Answer 3 \_\_\_\_\_

**?** Why do the Sages declare void the ruling of a judge who takes money to judge?

**?** Why do the Sages declare void the testimony of a witness who takes money to testify?

**?** Why do the Sages declare invalid the purification process using the red heifer ashes if the person preparing the waters and sprinkling them took payment for his work?

**?** "If the one examining the firstborn, or the judge, or the witness, was a priest, and the one who requires his services rendered him impure and prevented him from partaking of his *teruma*, that person must provide the priest with food, drink, and oil for smearing on his body from his own non-sacred property." Why?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

**?** “And likewise, if the one examining the firstborn, or the judge, or the witness, was an elderly person, the one who requires his services transports him on a donkey.” Why?

**?** Why did the Sages allow for expert examiners, judges, witnesses, and preparers of purification waters to receive wages like the wages of a laborer?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

### **“The Twist” – Or the Lessons We Can Learn from This Text**

- !** Pragmatic honesty: fighting corruption without killing the system.



Honesty and pragmatism intersect by viewing truth as a practical, actionable tool for navigating life, rather than just an abstract concept.

While honesty involves telling the truth and acting in good faith, pragmatism evaluates the value of that truth based on its utility, workability, and ability to foster trust, solve problems, and promote flourishing in relationships and society.

The Torah enjoins us to uphold an uncompromising approach against corruption, bribery, and distortion of justice.

The Rabbis, throughout the generations were charged with applying these uncompromising principles to real life challenges. They asked themselves: How do we make sure we have a “good supply” of reliable judges, experts, witnesses, and specialists without compromising their integrity and the integrity of their work?

Our text shows the “practical approach” of the Sages in dealing with the above challenge. Their solution, with some adjustments, is the one who allows us to pay not only rabbis, cantors, ritual slaughterers, scribes, and mohalim, but also politicians, comptrollers, accountants, lawyers, and doctors, among others.

# Appendix

## How is that Rabbis are Allowed to be Paid?

### ◆ AI Overview

Traditionally, rabbis were not paid for their religious services because the Torah was to be taught for free, following the example of Moses. However, as the role became more specialized and time-consuming, Jewish law established several legal mechanisms to allow for compensation.

### Legal Justifications for Payment

**S'char Batala (Compensation for Lost Time):** This is the primary legal basis for a rabbi's salary. It is not considered payment for "performing a mitzvah" but rather compensation for the time they *cannot* spend working in another profession because they are dedicated to communal service.

**Havla'ah (Swallowing/Absorbing):** To allow payment for work done on Shabbat (when business transactions are normally forbidden), the Shabbat portion of the salary is "absorbed" into a larger monthly or annual contract. This treats the payment as a single fee for a long-term commitment rather than an hourly wage for holy days.

**Professionalization:** By the 15th to 19th centuries, the lack of pay led to conflicts of interest (e.g., rabbis being supported by wealthy family members), prompting a move toward formal employment contracts and salaries to ensure communal independence and dignity.

### Modern Payment Structures

**Congregational Salaries:** In the U.S. and Canada, most pulpit rabbis are employees of their synagogue, with salaries set by a board of trustees and funded by member dues and donations.

**Government Funding:** In Israel, communal rabbis (typically Orthodox) are often civil servants whose salaries are paid by the state through the Chief Rabbinate or local religious councils.

**Specialized Roles:** Many rabbis work in non-pulpit roles such as teachers in Yeshivas, hospital chaplains, or Kashrut (kosher) inspectors for the food industry.

**Additional Benefits:** Compensation packages often include a tax-exempt housing allowance (parsonage), health insurance, and retirement contributions.