



שבת קודש פרשת בהעלותך | מסכת נדרים דף לג'

This week's newsletter has been dedicated לע"נ הרב יעקב בן ר' קים משה יצחק

INSIGHTS FROM
OUR CHABUROSReceiving payment or a reward
for returning a lost object

ומחזיר לו אבידתו, מקום שנוטלין עליה שכר תפול הנאה להקדש

The Mishnah presents the details of a person, Reuven, who issued a neder not to provide benefit to another person, Shimon. The Mishnah rules that Reuven may still return a lost object of Shimon to its owner. This is not considered as if he is providing a benefit to Shimon, who had lost his item, because all he is doing is to give him back his object which he already owns, and he is not giving him anything new. Shitta Mikubetzes explains that this halacha is only valid if Reuven does not have to search and toil in retrieving the object. If he exerts a significant effort in finding and returning the object, the benefit to Shimon is substantial, and this would be prohibited. The Mishnah mentions that there were places where a reward was paid to anyone who found a lost object and returned it to its owner. What was the nature of this reward? There are differing opinions among the Rishonim to explain this.

ר"ן notes that the financial gift was actually remuneration for any lost productivity which the finder might have experienced in dealing with the finding and returning of the object. This is in accordance with the Gemara (Bava Metzia 30b) which rules that any lost wages which the finder suffers must be reimbursed by the owner of the object. Rambam (in his Commentary to the Mishnah) explains that the Mishnah is referring to a custom of some communities to pay a reward to someone who did this mitzvah. Our Mishnah rules that Shimon, the owner, must pay this money as a donation to the Beis Hamikdash. Actually, there really should not be any problem with his giving the money to Reuven, as the only prohibited benefit is from Reuven to Shimon. Yet, ר"ן explains that if Reuven does not want to take this money, then Shimon cannot simply keep it for himself. This would constitute his getting his object back without paying the reward money, which would mean his realizing a benefit due to Reuven. Therefore, in this case, the money should be given to the Beis Hamikdash.

Tiferes Yisroel notes a practical difference between the two explanations we have presented, that of ר"ן and Rambam. According to ר"ן, the words of the Mishnah which read שנוטלין עליה שכר refers not to a specific place where payment is given for returning objects, but it rather refers to a condition—where the finder experienced a loss of wages, etc. Rambam, however, learns that it refers to those places where a reward was given for returning objects. The rule of the Mishnah applies in such places, but not in others.

POINT TO PONDER

The Gemara brings a מחלוקת between בני כהנים גדולים and חנן regarding someone who provides food to someone else's wife while he is away. How can we understand the position of חנן? At the end of the day he benefited him, so why shouldn't he pay? If someone makes improvements to someone else's property without his consent he still gets paid.

Response to last week's Point to Ponder:

The Gemara says that השטן adds up to 364 indicating that he is in control every day of the year except יום כיפור. The word שטן is 359, so why is the "ה" counted even though it's not part of his name?

The מהרש"א explains that wherever the שטן is mentioned it's always with a ה. For example in the beginning of איוב it says גם השטן. This is why the ה is included.

STORIES OF THE DAF The
firefighter

אלמא אברוחי ארי בעלמא הוא ושרי

A fire broke out in Metz during the year 1689. It started in one house but quickly spread to virtually all the other houses near the Jewish quarter. One man lived on the top floor at the end of a street. He realized that the only way the fire could spread to his house was via the adjacent rooftops. With great foresight he demolished the parts of his roof that were in danger of connecting his house to the inferno and saved his home.

After the fire, this man demanded that the two families living below him pay their fair share of the cost of repairing his roof. Much to his surprise, however, they refused to pay a penny. "Thank you so much for saving our houses from destruction. However, we owe you nothing. This situation parallels one who chased a lion away from his friend's property. In Nedarim 33 it states that the owner of the saved property need not pay his benefactor, so although you have our thanks and warmest admiration, unfortunately we can not afford to help pay to repair your roof. You have money, fix it yourself!"

This case was brought before the Shvus Ya'akov, zt"l, the Rav of their town. After hearing both sides, he ruled, "All three tenants must split the cost of repairing the roof. The case of 'chasing away a lion' in which one need not pay is only if the lion may not have destroyed the property. If it is fairly obvious that the property would have been destroyed if not for the actions of the savior, he should be compensated for whatever his quick-thinking cost him. The Shvus Yaakov concluded, "Since we find in Bava Kama 60 that fire is halachically sh'chiach, a common cause of likely damage, they must all share the cost of the roof."

HALACHA HIGHLIGHT

Sending clothing for mishloach manos

אמר רבא באומר הנאה המביאה לידי מאכלך עלי

Rava said it refers to where one prohibited any benefit that could lead to food.

Terumas Hadeshen¹ was asked whether one fulfills the mitzvah of mishloach manos by sending a friend clothing. He responded that since the primary purpose of the mitzvah of mishloach manos is to have food for the Purim meal, it is logical that one would not fulfill the obligation of mishloach manos by sending clothing. Additionally, we never find the term מנות used in reference to clothing, only in reference to food. Since Terumas Hadeshen maintains that one will only fulfill the mitzvah of mishloach manos with food it is logical that the mitzvah is not fulfilled by sending money either².

Teshuvos Halachos Ketanos³ disagrees and rules that anytime the item received can be immediately transformed into cash to use towards the purchase of food, the mitzvah of mishloach manos is fulfilled. One proof that he brings is our Mishnah that distinguishes between a vow not to derive any benefit from a friend and a vow against deriving food benefit. The Gemara explains that included in the restrictions against deriving food benefit are those items that are used for food preparation. Accordingly, the same guideline could be used for mishloach manos, and any item that could be sold and the proceeds used for food preparation could be used for the mitzvah.

Other authorities⁴ challenge this proof because the Gemara challenges the Mishnah's ruling that vowing against food includes kitchen utensils. Why should kitchen utensils be included in the vow against food? The Gemara answers that the Mishnah refers to where the vower declared that he is prohibiting any benefit that could lead to a food benefit. From this it is evident that when referring to food only food is included rather than food-related utensils. Therefore, since the term "manos" refers to food rather than other objects, the mitzvah will be fulfilled only when one sends food. Mishnah Berurah⁵ rules in accordance with Terumas Hadeshen that one fulfills the mitzvah of mishloach manos only with food and not by sending clothing.

1. שו"ת תרומת השדשן סי' קי"א
2. ע' מטה משה סי' תתרט"ו
3. שו"ת הלכות קטנות ח"ב סי' קס"ג
4. ע' ערך השלחן (טייב) אר"ח סי' ס"ג
5. מ"ב סי' תרצ"ה ס"ק י"ט.

MUSSAR FROM THE DAF

Small acts, big impact

ר"ן - אבל רבנן דפליגי עליה סברי דכל היכא דלא אסר עליו אלא הנאתו כה"ג לא מקרי הנאה דכיון דמידי דלא קפדי בה אינשי הוא אין זה קרוי נהנה מחבירו

The Gemara discusses a case where one person prohibits themselves from receiving hana'ah (benefit) from another. The question is: what kinds of benefits fall under this prohibition? Rabbi Eliezer holds that even benefits people typically don't mind sharing, such as letting someone walk through their yard or giving away extra produce that a person would have given to anyone—are still considered hana'ah and are therefore forbidden. The Rabbanan disagree. The Ran explains that they reason that only benefits which one is generally makpid (particular) about—things that one does not usually give freely—are considered true hana'ah. If the giver doesn't care and would give it to anyone, it is not seen as a personal benefit to the receiver. But what is the deeper idea behind the Rabbanan's position?

Rav Dessler (Kuntres Hachessed) offers a profound insight into the nature of love (ahavah). He explains that the root of the word אהבה (ahavah) comes from the word "הב" – to give. Love is born from giving. The more I give of myself, especially when I give something that costs me, something meaningful—the more I am expressing love. And the more the receiver senses that the gift was personal and sacrificial, the more they feel loved and valued. This idea also clarifies the view of the Shagas Aryeh. He explains that the hana'ah in the Gemara according to the Rabbanan is not just about receiving material benefit from another's property, it's about receiving benefit from the other person themselves. When someone gives something that truly matters to them, they are not just giving a gift; they are giving themselves. And it is precisely this personal giving, this act of love, that the Rabbanan identify as the essence of true hana'ah. In relationships—whether with family, friends, or Hashem, it is not the grand gestures that define love, but the personal ones. The moments when we give what is hard to give, when we offer what we usually keep for ourselves, those are the acts that build true connection, and those are the acts that count as real hana'ah in the eyes of the Rabbanan.

PARSHA CONNECTION

In this week's daf, the Gemara discusses someone who makes a נדר that they will not derive food related pleasure from someone else. This week's parsha contains the story of the מתאוננים who complained about the food in the מדבר. The Possuk (במדבר פרק יא פסוק ד) in the beginning of the story says: והאספסף אשר בקרבו

התאוו תאוו וישבו ויבכו גם בני ישראל ויאמרו מי יאכלנו בשר. Rashi explains that בני ישראל refers to the ערב רב, who started to complain and then incited בני ישראל to join them. The double wording of התאוו תאוו is assumed by most מפרשים to be referring to the food, with some explaining that they were missing the "craving for food" in addition to the food itself. (Similar to one who complains about a lack of appetite). The Possuk (במדבר פרק יא פסוק י) then says the following: וישמע משה

אתהעם בכה למשפחתיו איש לפתח אהלו ויחראף ה' מאד ובעיני משה רע. The people were crying at the entrance to their tents and the הקב"ה got very upset and in the eyes of משה it was bad. How is it possible that the הקב"ה was very upset, yet משה wasn't as upset, like it says רע, and not חרון which is a very strong anger? The אלשיך explains that when they started complaining they were complaining about two things at once, the food and the relatives which now became אסור to them (see "למשפחותיו" explanation on the word "רש" explanation on the word "רש"). Because they were embarrassed to complain about the עריות they initially only talked about the מן, but the double wording of "התאוו תאוו" is telling us that they had a dual agenda. This is why it says, מאד, because the הקב"ה who knows everyone's thoughts, knew all along that they were complaining about עריות. On the other hand, משה didn't initially understand their dual complaint and this is why he only realized when he heard them crying and he got upset, but not to same extent as the הקב"ה.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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