

שבת קודש פרשת קרח | מסכת נדרים דף לה'

This week's newsletter is dedicated חיה ריסא ע"ה בת ברוך בענדיט יבלח"ט

**INSIGHTS FROM
OUR CHABUROS**

**The nature of benefiting from a
קונם**

**אמר ליה תניתוה—מקום שנוטלין עליה שבר תיפול הנאה להקדש, למימרא
בי הקדש**

The Gemara had presented a question whether an object declared as a קונם has the sanctity of a קרבן and the law of מעילה should apply, or is a קונם simply a name we give to an object which is declared as prohibited to someone just like a קרבן, and that מעילה would not apply.

Rav Nachman proves to Rava from our Mishnah that there is a condition of מעילה for a קונם. We learned that if Reuven declares that he may not provide benefit to Shimon, it is still permitted for Reuven to return to Shimon an object which he lost, and which Reuven found. The Mishnah added that if the conditions were such that one who returns a lost object was to receive money upon completing this mitzvah, then Shimon must take the reward money and give it as a gift to the Beis Hamikdash. If Reuven would return it for free, this would result in Shimon receiving benefit from Reuven, which is prohibited in this case. (See Distinctive Insight to Daf Digest for Nedarim 33 for a full explanation of this halacha). Because the Mishnah insists that the money be given to the Beis Hamikdash, we see that the prohibited benefit has some aspect of being the property of the holy, and consequently, מעילה should apply.

ר"ן explains that the proof is based upon the wording of the Mishnah which states that the money should be "given to the Beis Hamikdash," and it does not say that "the money should be cast into the Dead Sea." The typical expression used in a Mishnah when something is prohibited from benefit is that it should be "cast into the המלך." It must be, he notes, that the nature of קונמות is not simply that it is prohibited from benefit, but that it assumes some aspects of an actual קרבן, and that מעילה applies. The truth is, however, that Shimon may take the money and destroy it by tossing it into the המלך, as long as he derives no benefit from it, but the manner in which the Mishnah teaches this halacha is designed to teach us this added insight. Rosh, however, explains that the fact the Mishnah recommends that the money be given to the Beis Hamikdash teaches that Shimon may not destroy the money. The nature of a קונם is that it assumes the status of a קרבן and they are the actual property of the holy. This, then, is the proof of Rav Nachman that מעילה applies, as the item is owned by הקדש.

קובץ explains that ר"ן and Rosh argue about the basic nature of the sin of מעילה. Rosh holds that it is due to one's stealing from הקדש. Therefore, he explains that the question of our Gemara was whether the object is owned by הקדש. ר"ן understands that מעילה is prohibited due to one's benefiting from הקדש, or its equivalent (a קונם).

POINT TO PONDER

The Gemara asks if someone says this loaf of bread should be קונם on his colleague and then gives it to him as a present, who is מועל. Since there is no change in the ככר why would there be any מעילה? In the same way that he can hold it on behalf of הקדש so can his colleague.

Response to last week's Point to Ponder:

The Gemara says that if someone says that his loaf of bread should be אסור on his friend and then gives it to him במתנה, we need to understand what he wanted to accomplish. Why can't we say that he meant pleasures which don't involve eating bread, like smelling it or warming his hands from the hot loaf?

דבר שאין בו שיעורים קובץ explains that these types of benefits are considered נדר and since נדרים are only חל on a חפצא they would not be included in a נדר.

**STORIES
OF THE DAF**

The partners

באיסורא לא ניחא לי

There were once two friends who were moderately successful in business and worked well together as a team. They agreed to split everything that came their way while doing skilled labor or business. Even any loss or damage incurred while trying to make a profit would be split by both partners regardless of who inflicted the actual damage or loss. Unfortunately, one of the partners was unscrupulous and stole an expensive object from a wealthy member of the community. He was caught while making his getaway and received a thrashing and some of his property was damaged. The would-be thief tried to collect half the cost of the damages from his partner but met with very strong opposition. His partner was horrified that he had attempted to rob and refused to pay him a penny. "You cannot designate someone to be your legal emissary when it comes to sin," was his constant refrain.

This strange question was brought before the Rashba. "Although their agreement was definitely binding, in this particular case the partner need not pay. First of all, stealing was most likely not included in their deal. It seems more than likely that the innocent partner never meant to make a pact with this devil if he had known the mischief he had in mind. Secondly, their agreement explicitly stated, 'while engaged in skilled labor or business.' Finally, even if he sent him to steal, the general rule is: אין שליח לדבר עבירה!"

The Rashba concluded, "Nedarim 35a discusses one who pronounced a ban against the enjoyment of a loaf upon another person, according to the opinion that there is me'ilah on konamos. If the person unaffected by this ban gave the loaf to the man upon whom the konam was pronounced, how could he transgress me'ilah? Since he didn't know the loaf was prohibited to him he can say, 'I only wished to acquire what is permitted not what is prohibited.' The innocent partner can say the very same thing. 'I only wanted to make the partnership for the permitted not the forbidden!'"

HALACHA HIGHLIGHT

Teaching Torah to someone who may not benefit from you

מדורש הלכות ואגדות אבל לא ילמדנו מקרא ומלמדו

You may teach him Midrash, halachos and aggados but you may not teach him scripture.

The Mishnah teaches that amongst the different activities that one is permitted to perform for a person who may not benefit from you is to teach him Torah. This halacha, however, does not apply to all areas of Torah. The Mishnah draws a distinction between the teaching of scripture (מקרא), which is prohibited, and the teaching of the oral law, which is permitted. The reason¹ teaching scripture is prohibited is that halacha allows a person to receive payment for teaching scripture; thus if one teaches and does not charge for the lesson he is providing the student with a benefit, i.e. the money he saved by not paying tuition. In contrast, since one is not permitted to charge money for teaching oral law, when one teaches the person who may not benefit from you he has not benefited in a monetary way so the vow has not been violated. Shulchan Aruch² adds that nowadays that it is permitted to charge even for the teaching of oral law it would be prohibited to teach any Torah to someone who may not benefit from you.

Shulchan Aruch³ rules that even regarding the portions of Torah that one is permitted to teach it is prohibited for the subject of the vow to ask to be taught Torah. The reason, explains Aruch Hashulchan⁴, is that when one complies with a request to teach Torah one is acting as the agent (שליו) of the other and that itself is a benefit. Rema⁵ cites dissenting opinions who maintain that it is permitted to ask to be taught Torah. The rationale for the lenient position, suggests Aruch Hashulchan⁶, is that mitzvos were not designed to provide physical benefit (מחלות לא ליהנות) and thus teaching Torah, even when asked, is not in violation of the vow. Aruch Hashulchan⁷ adds that it is certainly prohibited to teach someone who may not benefit from you secular studies or a trade since one is certainly permitted to charge for these activities.

1. שר"ע יו"ד סי' רכ"א סע' ב'
2. שר"ע שם
3. שר"ע שם
4. ערוה"ש שם סע' כ"ה
5. רמ"א שם
6. ערוה"ש שם
7. ערוה"ש שם

MUSSAR FROM THE DAF

Mind, heart, and soul

ומלמדו מדורש הלכות ואגדות

The Mishnah teaches that if someone takes a neder prohibiting another person from deriving benefit from him, the one who made the vow (madir) is nevertheless permitted to teach the other (mudar) Midrash, halachos, and aggados. Why isn't the Torah learning hana'ah? After all learning Torah brings tremendous joy and satisfaction to a person shouldn't that count as giving someone a benefit? The Ran answers that we apply the principle of "mitzvos lav leihanos nitnu" — mitzvos were not given for personal pleasure. Therefore, even though learning Torah is pleasurable, that pleasure is not halachically considered hana'ah. However, Rabeinu Avraham ben Hahar challenges the Ran's view. He agrees that for all other mitzvos we say "mitzvos lav leihanos nitnu", but he argues that Torah is different. In fact, Torah was given leihanos — to bring pleasure. Learning Torah is meant to be an experience of deep ta'anug (spiritual delight) (הקדמה) and עיין אגלי טל, where they discuss this idea.

At first glance, this seems contradictory. Isn't Torah learning also a mitzvah — perhaps the greatest mitzvah of all? If so, why is it treated differently than other mitzvos when it comes to hana'ah? This question touches on the essence of what Torah really is. Torah learning is not meant to be a selfish indulgence, a kind of spiritual entertainment. It is avodah. But it is a unique form of avodah, one that engages the entire human being — mind, heart, soul. And that is precisely why it brings a unique form of joy. Each morning, in the blessing "V'ha'arev na" we ask Hashem not just to help us learn Torah, but to make it sweet. The word "ha'arev" shares a root with both sweetness and mixing, hinting that Torah becomes truly sweet when it mixes deeply within us—when it's internalized and transforms us from the inside. When a person learns Torah this way fully engaged emotionally, intellectually, and spiritually — the Torah becomes part of his very being. That is the ta'anug, the spiritual pleasure that Hashem desires from us. We learn from Rabeinu Avraham ben HaHar that deriving pleasure from learning Torah is not only permissible, but something we should actively strive for.

PARSHA CONNECTION

In this week's daf the גמרא, discusses a מקריב כהן on behalf of someone who he vowed will not have הנאה from him. The status of כהנים was challenged by קרח in this week's Parsha. The Possuk (במדבר פרק טז פסוק ב) says that קרח came with 250 heads of communities: ויקומו לפני משה ואנשים מבני ישראל חמשים

ומאתים נשיאי עדה קראי מועד אנשי-שם. Why does the Possuk split up קרח דתן and 250 אנשים? Why not simply say קרח דתן ואבירם

The 250 אנשים explains that the 250 community heads did not initially join in confronting קרח. They were concerned that since קרח and משה רבינו are close relatives, maybe they will settle matters between themselves and end the מחלוקת. If that were to happen the 250 will end up in a difficult situation versus משה רבינו, since they picked a fight with משה, and will suffer his wrath without קרח. They therefore waited to see how the conversation between קרח and משה unfolds. As soon as they realized that this rift was real and will not go away they joined the "fight". This is why the Possuk separates them into two groups.

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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