



שבת קודש פרשת פינחס | מסכת נדרים דף לה'

INSIGHTS FROM
OUR CHABUROS*A prophet must be strong,
rich, wise and humble*

אמר רבי יוחנן אין הקב"ה משרה שכינתו אלא על גבור ועשיר וחכם וענין

Moshe Rabbeinu had ten names. The name "Moshe" was given to him by the daughter of Pharaoh. The Midrash (Vayikra Rabba I:3) tells us that G-d loved this name more than the other nine. Why does the Torah specifically use this name that was given to him by the daughter of Pharaoh, and why was it so special to Hashem? There are two ways to interpret this. The Midrash in Shemos Raba explains that when Moshe was found by Pharaoh's daughter, she was in the middle of immersing herself in the Nile, as a mikvah (technically a נְעִיץ), to become Jewish. Since she risked her life to become a Jew out of total love and devotion, G-d rewarded her by having the leader of the Jewish people be known by the name that she had chosen.

Another unique aspect of the name "Moshe" is highlighted by the Ksav Sofer. He cites our Gemara in Nedarim 38a, which tells us that for one to have prophecy, he must be a strong, wealthy, wise, and modest person. These were all qualities which Moshe possessed. Although prophecy is appropriate for one who is wise and modest, why does the person need to be strong or wealthy as well? The Maharsha explains that when one is poor or weak, he is naturally modest, for there apparently is no reason for him to be haughty. However, when a person is wealthy or mighty, he may be inclined to become haughty. This is a person who has the all important job of overcoming his Yetzer Hara. His Yetzer Hara is telling him how great he is, yet he should realize how low he is compared to G-d. When one accomplishes this, then he merits that the Shechina should rest upon him. The name of "Moshe" represented the fact that Moshe grew up in the house of Pharaoh and was surrounded with wealth and strength. Yet, as we know, Moshe was the most modest person to ever live. This name best represents the deserving nature of Moshe, and is why Hakadosh Baruch Hu preferred to use this name over the other nine.

PARSHA CONNECTION

In this week's daf the Gemara discusses a mature girl who gets married on her own. (Without her father's help). פרשת פינחס contains the amazing story of who the צדקניות were and only married men who were appropriate for them. The Passuk says: וְתִקְרַבְנָה בָנוֹת צִלְפַּחַד בִּן־חֹפֶר בִּן־גֹּלֵד בִּן־מְכִיר בִּן־מְנַשֶּׁה לְמִשְׁפַּחַת מְנַשֶּׁה בֶן־יוֹסֵף וְאֵלֶּה שְׁמוֹת

and בְּנוֹתֵינוּ מַחֲלָה נָעָה וְחָגְלָה וּמִלְכָּה וְתִרְצָה (במדבר פרק כז פסוק א) explains that מְנַשֶּׁה בֶן־יוֹסֵף is mentioned even though it just said מְנַשֶּׁה בֶן־יוֹסֵף to tell us that they liked ישראל, just like their forefather יוֹסֵף. The obvious question is how do we know that they liked ישראל? Maybe they were only interested in getting some real estate and would have been fine with getting land even if it wasn't in ישראל? The לִיקוּטֵי יְהוּדָה writes, that they were not concerned about inheriting the property that their father took out from מצרים (ביצת מצרים) which shows that they loved ישראל.

The לִיקוּטֵי שְׁמַעוֹנִי אֹת תִּשְׁעִיג writes that they approached מֹשֶׁה רַבֵּנוּ when the rest of בְּנֵי יִשְׂרָאֵל were saying נִפְטָר מֵאֲהָרֹן, which happened after מֹשֶׁה רַבֵּנוּ said everyone else wants to go back to מצרים and you are asking about נַחֲלָה in ישראל? It must be because you love אֶרֶץ יִשְׂרָאֵל.

STORIES
OF THE DAF*The gift of
Torah*

עד שנתנו לו במתנה

There was a certain well-known Rav who passed away, leaving behind a wealth of Torah writings. When they read the will, the children were taken aback. Their father ordered them not to print his responsa since people can easily err in the proper application of shailos and teshuvos. The father's will concluded, "This may be why we follow the decisions of the Rosh found appended to the Gemara if they contradict his teshuvos." Since the father had been well known for his halachic acumen, the teshuvos could help many people. On the other hand, how could they disobey their father's explicit instructions? The heirs consulted with the Netziv, zt"l.

The Gadol responded, "Firstly, we prefer the psakim of the Rosh only because of a mesorah from his son Rav Yehudah. The Maharach writes that the reasoning behind this is most likely that the decisions were written after the teshuvos and are the final conclusions of the Rosh. On the contrary, I believe that halachic writings are more likely to be correct usually, since one receives a special siyata d'Shmaya when one paskens. The Netziv explained, "In Nedarim 38 it says that at first Moshe would learn Torah and forget it until Hashem gave it to him as a gift. Torah is a gift to everyone. It is certain that your father's portion is his. Perhaps he can also choose to withhold his writings? That is an incorrect analysis, however. It is only his to give it to whoever he wants, but it is not his to withhold. This is surely no better than terumah which one has the right to give to the kohen of his choice, but not to withhold from any kohen altogether. So too, Torah is given to the mechadesh to give over in his name. Not to withhold."

The Netziv concluded, "In my opinion, you and your brothers should take upon yourselves the burden of printing your father's teshuvos, and Hashem will surely help you in this holy endeavor!"

HALACHA HIGHLIGHT

Returning a lost item to a dayan

וזן את אשתו ואת בניו אע"פ שהוא חייב במזונותיהן

And the vower may support his [the subject of the vow] wife and children even though he has an obligation to support them

There were once two litigants who came to Beis Din for their hearing and before the proceedings began one of the litigants returned a lost object to one of the dayanim to fulfill the mitzvah of *השבת אבידה*—returning a lost object. The question then arose whether that dayan is now disqualified from presiding over the case. Rav Elchonon Tikochinski¹ asserted that the dayan is still qualified to preside over the case and based his position on a ruling of the Tumim². Tumim ruled that any activity that is permitted for two parties, who are prohibited by virtue of a vow from benefiting from one another, is certainly not prohibited as a bribe since bribes are treated more leniently. Consequently, since the Gemara Nedarim (33) ruled that it is permitted, despite a vow prohibiting benefit, to return lost objects it must certainly not be considered a bribe to return a lost object to a dayan.

The Chelkas Yaakov³ disagreed with this conclusion and presented his argument in two steps. First of all, out of piety and stringency the dayan should recuse himself from the case. The reason is that the Gemara in Kesubos (105b) gives numerous examples of rabbis who recused themselves from cases when one of the litigants did something for them, even when it was nothing more than giving the dayan property that was rightfully his anyways.

Secondly, it could be argued that even halacha mandates that the judge recuse himself. One reason is that Rav Tikochinski's understanding of Tumim is faulty since Tumim's comment that bribes are more lenient than vows is only true for a bribe that is given after the trial (*שוחד מאוחר*) since it is only Rabbinically prohibited but a bribe given before the trial that violates the Biblical prohibition certainly demands that the dayan recuse himself. Additionally, Chelkas Yaakov argues that it is inconceivable that all the activities that people prohibited by a vow may do for one another should not constitute a bribe. Our Gemara rules that a person prohibited from benefiting from his friend is still permitted to financially support his children. Is it possible that if one of the litigants would financially support the judge's children that the judge would remain impartial? In conclusion, Chelkas Yaakov rules that the judge should not preside over this case.

1. מובא דעתו בשו"ת חלקת יעקב ח"מ סי' א'
2. תומים סי' ל"ד ס"ק י"ח
3. שו"ת חלקת יעקב הנ"ל

MUSSAR FROM THE DAF

Making gashmiyus essential to Avodas Hashem

רבי אליעזר אומר: זן את הטמאה

The Mishna discusses a case where it is assur for Reuven to receive *hana'ah* (benefit) from Shimon due to a *neder*, the discussion is whether Shimon can feed Reuven's animals. The concern is that feeding someone's animal may be considered giving them benefit, which would violate the terms of the *neder*. In the Mishna R' Eleizer says Shimon can feed Reuven's animal if it is a non kosher animal. The Ran then distinguishes between different types of feeding. If Shimon gives Reuven's non-kosher animal more food than it needs in order to fatten it, Rabbi Eliezer would permit it. This is because the animal is intended for labor and not for eating, and overfeeding it actually causes it to work less effectively. The owner does not benefit—in fact, he may even be at a disadvantage—so it is not considered *hana'ah*. However, if Shimon feeds the animal only the basic food it needs to live, that would be assur, because enabling the animal to survive and continue working is clearly a benefit to Reuven. According to the Ran, this is Rabbi Eliezer's position, and he explains that overfeeding such an animal is not productive, it weakens the animal rather than strengthening it.

This teaches a deep lesson. One might assume that giving more is always better and always helpful. But we see from here that giving more than necessary can actually be counterproductive. When the animal receives more than it needs, it becomes pampered and works worse. Only when it receives exactly what it needs can it perform its function properly. The same is true in our own lives. If a person has more *gashmiyus* than they need—more comfort, food, money, or luxury—it does not necessarily help them in their *Avodas Hashem*. It can actually weaken their spiritual strength, make them more sluggish in their service, and distract them from their purpose. So what should a person do if they are blessed with more than they need? The key is to change how they view it. If they see the abundance in their life as simply "extra," it may remain in a category that hinders their growth. But if they look at everything they've been given and ask themselves how it can be used for their mission—to support Torah, help others, bring more *kavod Shamayim*—then the "extra" becomes essential. It becomes part of their life-force and their *Avodah*. When a person reframes abundance as something necessary for their *tafkid*, it inspires rather than hinders.

POINT TO PONDER

The Gemara says that in the beginning משה רבנו learnt the Torah and forgot it until it was given to him as a gift. The Gemara is referring to the 40 days that משה spent in שמים with הקב"ה. Since the הקב"ה was going to give him the Torah as a gift why wait until the end of the 40 days? Why not give it to him right away.

Response to last week's Point to Ponder:

The Gemara says that משה מסיני are עיטורי סופרים. Why is it הלכה? Isn't every detail included in the Torah which משה רבינו received at סיני?

The Gemara writes that of course everything was given to משה at סיני but the Gemara is referring to the way that certain stories are described. For example אברהם spoke to the מלאכים in Arabic but in the Torah it's all told in Hebrew.

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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