

OVERVIEW of the Daf

1) Prohibited wages (cont.)

The Gemara continues its attempt to find support for R' Nachman's position that one hired to break barrels containing nesses wine may keep his wages.

The suggestion is unsuccessfully rejected.

2) Money received for an idol

It was asked whether money an idolater receives for the sale of an idol carries the same restrictions as the idol.

R' Nachman inferred from a statement of Rabbah Bar Avuha that the money is permitted.

R' Nachman's proof is rejected and a Baraisa is cited that supports R' Nachman's ruling.

The Gemara inquires about the difference between the Baraisa's two cases.

R' Sheishes offers an explanation.

This explanation is challenged from a Mishnah.

An exchange ensues that concludes with R' Pappa differentiating between the case of the Mishnah and the case of the Berasisa.

A Baraisa is cited that supports R' Pappa's statement.

3) A resident alien nullifying an idol

It was asked whether a resident alien is able to nullify an idol.

R' Nachman responds that it is logical that he is not able to nullify an idol.

Two unsuccessful challenges to R' Nachman's ruling are presented. ■

REVIEW and Remember

1. What is the source that maintaining kilayim is prohibited?

2. Why did Chazal allow a convert to inherit his idolatrous father?

3. What was the rationale behind R' Nachman's ruling related to a resident alien nullifying an idol?

4. Regarding what matters is a resident alien treated like an idolater?

Distinctive INSIGHT

A convert who inherits idols and prohibited wine

גוי ועובד כוכבים שירשו אביהן וכו' אם משבאו לרשות הגר אסור

Rav Sheishes explains the halacha of the second case of a Baraisa which discusses an idolater who pays back a loan to a Jew. If the idolater tells the Jew that he is prepared to pay back the loan, but he will need some extra time in order to sell his idols to raise the necessary cash, when the idolater later comes with the money, the Jew may not benefit from those funds. Rav Sheishes explains that the reason the money assumes the prohibited status of the idol itself is that once the idolater declared his intention to sell the idol, the Jew himself was interested that the idol retain its value until it is sold (רוצה בקיומו).

The Gemara questions whether the factor of רוצה בקיומו is enough to cause something to be prohibited. The Mishnah (D'mai 6:10) discusses a convert and his brother who remained an idolater, who together inherit an estate from their father, an idolater. Among the items being inherited are idols or wine from idolatry. Before the estate is divided between the convert and his brother, an idolater, the convert may say to his brother, "You take the idols and the wine used for idolatry, and I will take other items, corresponding to their value." Here, the convert has a direct interest that the prohibited items remain intact in order that he receive the full value of permitted items corresponding to the items his brother receives. We see that it is permitted for the Jewish convert to benefit from the value of prohibited items.

The Gemara answers that the case of the Mishnah in D'mai is referring to where the idols are sold as chunks of metal, and the wine is sold as broken pieces of barrels which are saturated with wine. In these cases, the money raised is not due to the idolatrous nature of the idol or wine, but just due to their value as physical objects.

Rav Pappa answers that the inheritance of a convert is treated more leniently. We allow the convert to receive his portion and we ignore the issue of רוצה בקיומו in order that he not be discouraged and return to his former religion.

Based upon our Gemara, the Achronim question the opinion of Rashba (Nedarim 48b) that a person does not inherit items that are prohibited from benefit. Our Gemara, however, discusses the case of a convert who can only divide with his brother before he inherits the idols or pro-

HALACHAH Highlight

Giving "tips" to gentiles

To give them a free gift is prohibited

The author of Teshuvos Be'er Moshe¹ was asked whether it is permitted to give a gentile taxi driver a tip. The basis of the question is the prohibition against giving gifts to idolaters that is mentioned in our Gemara. He answered that it is permitted and draws precedent for his ruling from a ruling in Shulchan Aruch. Shulchan Aruch² rules that one is permitted to give gifts to one's gentile neighbor or acquaintance since the gift is either an expression of appreciation for a kindness that has been done or will be done. From that perspective a gift is part of a larger picture where there is an exchange of gifts or favors and as such it is considered like a sale. Additionally, there is an expectation that a service provider should receive a tip and if one were to not give a tip it would reflect badly on Jews so to promote peaceful relations (דרכי שלום) it is permitted.

Teshuvos Kinyan Torah³ was asked whether it is permitted to give a tip to a worker who did work in one's house. He responded that the prohibition against giving a gift to an idolater does not apply to a gentile who worked in one's

ליתן להם מתנת חנם אסור

(Insight...continued from page 1)

hibited wine, but once he inherits these items, the convert may no longer divide property corresponding to the idols. We see that a convert may conceivably inherit these items which are prohibited from benefit.

Meiri explains that the case may be that the convert inherited these items before he converted, and once he converts he wishes to divide with his brother in a way where he receives permitted items in exchange for his brother's receiving the prohibited items. ■

home. Anything that is given to a worker is considered to be a part of his wages which one is certainly permitted to give to a gentile employee. Teshuvos Shraga Hameir⁴ also permitted giving a tip to a gentile and offered the following rationale. The prohibition against giving a gift to an idolater applies only when one is giving a gift out of the goodness of his heart to do something kind and compassionate to the idolater. If the gift is given to someone who has done something nice and one wishes to express appreciation for that, the prohibition does not apply. Similarly, any time it is evident that the gift or tip is given because that is what is customary the prohibition is not violated. ■

1. שו"ת באר משה ח"ג סי' קי"ז.

2. שו"ע יו"ד סי' קנ"א סעי' י"א.

3. שו"ת קנין תורה ח"ז סי' ס"ז.

4. שו"ת שרגא המאיר ח"ז סי' קנ"ה. ■

STORIES Off the Daf

Relating to idolaters

"לא תחנם..."

On today's daf we find the prohibition of 'לא תחנם.'

A certain Jew was discussing a neighbor, an idolater. It was obvious that he felt great animosity for him, and cursed the man freely, concluding, "ימח שמו." His Jewish friend gently gave him some well-deserved mussar.

He said, "Many people mistakenly believe that we must never see any good or harbor any positive feeling for an idolater. They are unaware that we are obligated to love every creation of Hashem, even idolaters. To quote Rav Chaim Vital, zt"l, in Sha'arei Kedu-

shah: "ויאהב את כל הבריות אפילו נכרי." And one is obligated to love all Hashem's creations, even idolaters."¹

"How about the prohibition of 'לא תחנם'? We cannot give them any free benefit or even praise them. And this applies even to one who is not an idolater, as the Beis Yosef writes explicitly.² Doesn't this halachah contradict Rav Chaim Vital?"

To his surprise the man rebuking him was equal to this difficult question. "No. Rav Yechezkel Levenstein, zt"l, taught his students that the Alter of Kelm, zt"l, was even pained when an idolater died. When this once happened, he sighed and said, 'Now he sees the truth.' And the Alter's son Rav Nochum Zev, zt"l, was also heard to remark that he had developed the sensitivity to feel pained when idolaters

have problems.³

"Of course, although we must love every Jew and even idolater, we must never confuse this with feeling close to him and allowing him to influence us. The Alter of Kelm, zt"l, would say that we must feel very distant in our heart and outlook from such people, even though we treat them with respect and love.⁴ It is for this reason that Hashem made the prohibition of 'לא תחנם.' This enables us to distance ourselves from idolaters and their culture even though we must treat idolaters with dignity and respect as an expression of 'אהבת הבריות.' ■

1. שערי קדושה, פ"א

2. ב"י, יו"ד, סי' קנ"א

3. לאנוש בינה, ע"י שכ"ח

4. פנקס הקבלות ■