

## OVERVIEW of the Daf

### 1) Clarifying the Mishnah (cont.)

The Mishnah's second ruling, that food-related utensils are included in a vow against food, is challenged.

Reish Lakish suggests an explanation for the Mishnah.

This explanation is successfully challenged and Rava offers an alternative explanation.

R' Pappa enumerates utensils included in the category of food-related utensils and proceeds to inquire about other utensils.

Our Mishnah is cited to demonstrate that the utensils in the second category are permitted.

This proof is refuted and the matter remains unresolved.

2) **MISHNAH:** The Mishnah adds an additional ruling to the previous Mishnah.

### 3) Clarifying the Mishnah

R' Ada bar Ahavah infers from the Mishnah that it represents the opinion of R' Eliezer.

4) **MISHNAH:** The Mishnah enumerates different benefits that are permitted for one who is prohibited from deriving benefit someone else.

### 5) Clarifying the Mishnah

The Gemara infers from the Mishnah that repaying another's debt is the equivalent of chasing away a lion and does not constitute actual benefit.

R' Hoshaya asserts that this aligns the Mishnah with the position of Chanan.

Rava demonstrates how the Mishnah could reflect even the opinion that disagrees with Chanan.

The opinions of Chanan and those who disagree are recorded.

The Gemara explains why Rava does not explain as R' Hoshaya and why R' Hoshaya does not explain as Rava.

### 6) Returning lost objects

R' Ami and R' Assi disagree about the exact conditions when it would be permitted to return a lost object when there is a vow against benefit. ■

## Distinctive INSIGHT

*Receiving 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 מקום 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. ■

# HALACHAH 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 Hadeshen<sup>1</sup> 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 either<sup>2</sup>.

Teshuvos Halachos Ketanos<sup>3</sup> 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 authorities<sup>4</sup> challenge this proof because the Ge-

# REVIEW and Remember

1. According to R' Pappa, what items are included in the category of items that bring food benefit?
2. What activities is one permitted to perform for a friend who may not receive benefit from your property?
3. What is the dispute between Chanan and his colleagues?
4. Explain פרוטה דר' יוסף.

mara 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 Berurah<sup>5</sup> 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) או"ח סי' ס"ג
5. מ"ב סי' תרצ"ה ס"ק י"ט

# STORIES Off 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, ז"ל, 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." ■

