



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Nedarim Daf Lamed Daled

MACHZIR LO ES AVEIDASO

- There is a machlokes between **R' Ami and R' Assi**. One says that Shimon may return a lost object to Reuven only when it is Reuven who may not benefit from Shimon, because Reuven is actually not benefitting from Shimon. However, if Shimon may not benefit from Reuven, he may not return a lost item to Reuven, because he is benefitting in that if a person asks him for tzedaka while he is returning the item, he will not have to give anything to tzedakah, based on the fact that he is busy doing another mitzvah (this is referred to as the "perutah of **R' Yosef**"). That is a benefit, and he therefore may not return the item. The other one says that in either case he can return the item, because the case of the perutah of R' Yosef is not common.
  - **Q:** Our Mishna says that in a place where one who returns a lost item normally gets paid, in this case the money will have to be given to hekdesch. Now, according to the first view (of either **R' Ami or R' Assi**) that when Shimon may not benefit from Reuven he may not return a lost item to Reuven, how could it get to a case of having to give the money to hekdesch, since he can't return the lost item altogether!? **A:** The Mishna is talking about a case where Reuven is assur to benefit from Shimon, and Shimon is refusing to take the money. The Mishna teaches that Reuven may not keep the money (that would be considered as benefitting from Shimon) and he therefore must give the money to hekdesch.
  - **Others** teach the machlokes between **R' Ami and R' Assi** as follows. One says, Shimon may return the lost item to Reuven only when it is Shimon who is assur to benefit from Reuven, because the case of the "perutah of **R' Yosef**" is uncommon. However, if Reuven is assur to benefit from Shimon, Shimon may not return an item to him, because Reuven thereby benefits from Shimon. The other one says that even in this second case he may return the item to Reuven, because the return of a lost item is not called a true benefit.
    - **Q:** The Gemara asks, according to the view that the Mishna is saying that when Reuven is assur to benefit from Shimon, Shimon may not return a lost item, and it is only where Shimon is assur to benefit from Reuven that he can return the item, why can't Shimon accept the money? It is simply in return for the time he spent finding the item and is not considered to be a benefit!? **A: Kashyeh.**
- **Rava** said, if there was a hefker loaf of bread and someone said, "That loaf should belong to hekdesch", and he then took the loaf to eat it, he is oiver me'ilah for the entire value of the loaf. However, if he took it to give as an inheritance to his sons, he is oiver me'ilah only for the value of the "toivas hana'ah" (the amount of benefit he gets from the appreciation of his sons for doing so).
  - **Q: R' Chiya bar Avin** asked **Rava**, if someone tells his friend, "My loaf of bread should be assur to you", and he then gives it to him as a gift, does he then become mutar in the bread (does the transfer of ownership nullify the neder)? On the one hand he said "**my** loaf of bread", and since it is no longer his, it should no longer be assur. On the other hand he said "should be assur to **you**", which makes this loaf like hekdesch on the friend forever. **A: Rava** said, it is assur even after he gives it over as a present, because that must be what was meant when he said "to **you**". Clearly it is assur before he gives it to him, because it is not yet his. He must have meant for it to be assur even when he gets it. If he didn't mean for this to encompass the case of when he gets it as a gift, what else

could he have meant – that if Shimon steals it it should be assur? He wouldn't plan to worry about such a case.

- **R' Chiya bar Avin** said, it may be that he meant that it is assur to him even if he invited Shimon to come and eat, he may still not eat from the bread. However, if it is gifted to Shimon, it may be that it becomes mutar in that case.
- **Q:** A Braisa says, if Reuven asks Shimon to lend him an item (a cow, an ax, etc.) and Shimon responds "this item should be assur on you if I have more than one of these" (in trying to show that he truly has only one of these items and therefore can't lend it out), and it then turns out that he has more than one of them, the Halacha is that during Shimon's lifetime this item is assur to Reuven. However, if Shimon were to die, or if it was given to Reuven as a gift, it would be mutar. This refutes the Halacha of **Rava!**? **A: R' Acha the son of R' Ika** said, the Braisa is discussing where it was first given to a third party, who then gave it to Reuven. In that case **Rava** would agree that it is permitted.
  - **R' Ashi** said, we can see this from the wording of the Braisa as well. The Braisa says "or if it was given to him as a gift" and doesn't say that Shimon gave it to him as a gift.