

15.4.1

32b (משנה א) → 33b (משום ליפרע)

מי שהלך למדינת הים ועמד אחד ופרנס את אשתו חנן אומר איבד את מעותיו נחלקו עליו בני כהנים גדולים ואמרו ישבע כמה הוציא ויטול אמר רבי דוסא בן הרכינס כדבריהם אמר רבן יוחנן בן זכאי יפה אמר חנן הניח מעותיו על קרן הצבי: כתובות יג.

- I **הנאה** מודר (distanced by a vow) for food and for **משנה א**
- a *food*: may walk on his property
- i *author*: ר"א who doesn't allow **איסור הנאה** in cases of **ויתור**
- 1 *Therefore*: even walking on his property – which most people naturally allow, is prohibited
- b *Food*: he may also lend him non-food vessels (e.g. tools)
- i *however*: may not lend him sieve etc. but may lend him garments and jewelry
- ii *challenge*: food vessels aren't "food"
- iii *answer*: he prohibited "הנאת מאכל"
- 1 *challenge*: perhaps this means that he won't chew wheat and put it on his wound (i.e. direct benefit of food)
- 2 *answer*: he stated "any benefit that leads to food"
- 3 *implication (רב פפא)*: even a basket or an animal on which to bring the food is prohibited
- 4 *question*: what if he wants to borrow a horse to ride or a ring to wear (so that he'll look wealthy and will be invited to a meal or be given a better portion) or to use his land as a shortcut to get to a meal
- (a) *answer*: our **משנה** permits borrowing jewelry etc. –
- (i) *must be*: case where he is using it to "show off" and gain food → permitted
- (b) *rejection*: could be a case where he wants to borrow it without that ulterior motive
- (i) *if so*: it doesn't need to be stated
- (c) *answer*: parallel construction – food vessels - **אסור**, garments/jewelry- **מותר**
- II **משנה א**: where vessels are rented out (rather than lent), he may not borrow even non-food vessels
- a *implication*: food vessels may not be lent even if they aren't generally rented out –
- i *authorship*: ר"א (as per above)
- III **משנה ב**: **מודר הנאה** paying debts on behalf of the **מודר הנאה**
- a he may pay his **מחצית השקל**
- b he may pay his debt
- i *implication*: paying someone's debt is akin to "chasing a lion away from his door" – i.e. preventing the creditor from harassing the debtor, but not a real benefit
- ii *authorship*:
- 1 **רב הושעיא** *it is חנן* (see **משנה** **כתובות יג** above) – if someone voluntary pays another's debt, he has no claim
- 2 **רבא**: it could even be **רבנן** (i.e. consensus) our case is a loan taken out without a due date, so that the debtor has nothing "hanging over him" that this fellow has alleviated
- (a) *note*: **רבא** chose to describe this unusual circumstance, to maintain the **משנה** as **הכל דברי**
- (b) *and*: **רב הושעיא** maintained it to be **חנן** (only), since he would consider that a loan taken out **ליפרע** (lit. "not to be paid back") would be prohibited as a precaution against paying a loan that did have a due date.
- (i) *Parenthetical note*: **חנן** follows **הלכה**:

וכן הפורע שטר חובו של חבירו שלא מדעתו אפילו היה החוב על המשכון אין הלואה חייב כלום ונוטל משכונו בחנם והרי אבד זה הנותן את מעותיו שמא היה הלואה מפייס את המלוה ומוחל לו **רמב"ם הלכות מלוה ולוה פרק כז**

- c he may return his **אבדה**
- i *note*: if the local custom is to pay someone for his efforts in returning the **אבדה** (and the **מדיר** wants to forgo that payment, thus creating the **הנאה** for the **מודר**), the value goes to **הקדש**