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Benefiting from *Mitzvot*

The *Mishnah* in *Nedarim* (5:4-5) mentions that if one makes a vow that his friend is “*cherem*” to him, or that he is “*cherem*” to his friend, they are forbidden to derive benefit from common facilities or property within their town. They are however able to derive benefit from facilities of *Olei Bavel*, that is, property that was designated for public use by those who returned to *Eretz Yisrael* from the *Babylonian* exile.

The *Mishnah* continues by mentioning some examples of both properties that are categorized as belonging to ‘*Olei Bavel*’, including *Har Ha’bait* and water cisterns in the middle of the road, and those that are categorized as belonging to the town – such as, the town square, the synagogue and *sefarim*.

The *Ran* understands that the *sefarim* referred to by the *Mishnah* are the *sefarim* which are used for the communal reading which took place at the synagogue. It is for this reason it is forbidden for both the person making the vow and the subject of the vow, as they are deriving benefit from an item that is common (‘belongs’) to the two of them (as members of the community).

Tosfot and the *Rosh* understand that these *sefarim* refer to *sifrei kodesh* purchased with communal funds and are set aside to be used for study by the public.

The *Rashba* (see *Bedek Habayit, Yoreh Deah 224*) however rules that one cannot forbid *sifrei kodesh* to his fellow, because studying from such *sefarim* is a *mitzvah* and the benefit of performing a *mitzvah* cannot be prohibited. This is a concept found in *Masechet Rosh Hashanah* (28a) which introduces the concept of *Mitzvot Lav Lehenot Litnu* (i.e., *Mitzvot* were not given to Israel for the purpose of our deriving benefit from their fulfillment). The *Gemara* states that if one is bound by a vow that he made

prohibiting him from deriving benefit from his fellow, the fellow is permitted to blow shofar (*mitzvah*) for him. Additionally, he may fulfill the *mitzvah* with a *shofar* that he has vowed not to gain benefit from.

According to the way the *Tosfot* and *Rosh* understand our *Mishnah* it seems that the benefit of the *mitzvah* (of studying *Torah*) is being prohibited by the vow - a ruling inconsistent with the *Gemara* in *Rosh Hashanah*!

R’ Avraham Min HaHar solves this apparent contradiction. The principle of *Mitzvot Lav Lehenot Litnu* means that the performance of a *mitzvah* is in and of itself not considered a ‘benefit’ that can be prohibited by a *neder*. The reason is because one is not doing the *mitzvah* for any personal benefit, but rather fulfilling *Hashem’s* commandment. However, if one derives personal benefit from something or someone while fulfilling a commandment – the *neder* is deemed to be violated. Therefore, the case in *Rosh Hashanah* is deemed to be purely the performance of a *mitzvah* (blowing the *shofar*), and since the parties are not gaining any personal benefit they may blow the *shofar* for one another.

However, the case of learning out of *sifrei kodesh* is different. Learning *Torah* is intensely gratifying, and one does gain personal benefit from *Torah* study. This is evident from the fact that a mourner is forbidden to learn *Torah*, and that all people are forbidden to learn *Torah* on *Tisha B’Av*. This is because the study of *Torah* gladdens the heart and spirit, and gives us personal benefit. Since this *mitzvah* is bound with personal satisfaction it is an exception to the general rule of *Mitzvot Lav Lehenot Litnu* and therefore a *neder* is able to render these communal *sifrei kodesh* as forbidden.

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Revision Questions

נדרים ד': ח'- ו': ז'

- If *Reuven* made a *neder* against gaining any benefit from *Shimon* and they were traveling together, and *Reuven* ran out of food, how can *Shimon* go about giving *Reuven* food without breaching the *neder*? (ד': ח')
- If two people share a *chatzer* and make a *neder* against gaining benefit from each other: (ה': א')
 - Explain the debate regard whether they can walk through the *chatzer* to get to there properties.
 - What other case shares this same debate? (ה': ב')
 - What are two thing that they cannot place in the *chatzer*?
- If *Reuven* made a *neder* against gaining any benefit from *Shimon*, when is *Shimon* forbidden from using an olive press that has be rented out by *Reuven*? (ה': ג')
- If one makes a *neder* against entering his friend's house, with what wording of the *neder* would he still be prevented from entering the house even if it was sold to another person? (ה': ג')
- If two people made a *neder* against gaining any benefit from each other, which public property would they be forbidden from entering? (ה': ד')
- Regarding the previous question, what is a possible solution to enable them to enter these properties? (ה': ה')
- Give examples for the following: (ה': ה')
 - *Davar olei bavel*.
 - *Davar shel otah ha'ir*.
- If *Reuven* made a *neder* against gaining any benefit from *Shimon*, then *Reuven* does not have any food to eat, what can *Shimon* do in order to give *Reuven* food? (ה': ו')
- Complete the following rule: (ה': ו')

"כל מתנה שאינה _____ אינה מתנה"
- If someone made a *neder* against cooked food, can he eat roasted food? (ו': א')
- What *neder* would cover anything that is cooked in a pot? (ו': ב')
- What *neder* only includes pickled vegetables? (ו': ג')
- What is implied by the term "*ha'shaluk*"? (ו': ג')
- What is not included by the term "*dag dagim*"? (ו': ד')
- What is debated as being included by the term "*chalav*"? (ו': ה')
- If someone made a *neder* against gaining benefit from a particular piece of meat, when are other foods that are cooked with that meat also forbidden? (ו': ו')
- If someone makes a *neder* against grapes, can he drink wine? (ו': ז')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
24 th December ג' טבת	25 th December ד' טבת	26 th December ה' טבת	27 th December ו' טבת	28 th December ז' כסלו	29 th December ח' טבת	30 th December ט' טבת
Nedarim 6:8-9	Nedarim 6:10-7:1	Nedarim 7:2-3	Nedarim 7:4-5	Nedarim 7:6-7	Nedarim 7:8-9	Nedarim 8:1-2

