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## GIFT RAP: WHEN DOES SONEI MATANOS YICHYEH APPLY?

Adapted from the writings of Dayan Yitzhak Grossman

Various news sites have picked up an old story about the Pope donating a Lamborghini he received from the manufacturer to charity:

Back in November 2017, Pope Francis was presented with a brand-new Lamborghini Huracan at the Vatican... The Lambo was auctioned off for charity... Back in 2014, the Pope received a Harley-Davidson, which had the same fate: it was auctioned off for charity.<sup>1</sup>

In this article, we explore the Torah's attitude toward accepting gifts.

The wisest of all men says: "One who gains through greed sullies his home, but one who hates gifts will live (*vesonei matanos yichyeh*)."<sup>2</sup> In several places, the Gemara cites this *pasuk* as an exhortation against accepting gifts:

R' Akiva asked R' Nechunya the Great: By what means did you attain long life?... He said to him: In all my days, I never accepted gifts... (The Gemara explains:) I never accepted gifts—like R' Elazar, who, whenever they sent him gifts from the *nas'i's* household, would

not accept them; whenever they invited him (to a banquet), he would not go. He would say to them: Is it not to your liking that I live? For it is written, "One who hates gifts will live."

R' Zeira, whenever they sent him gifts from the *nas'i's* household, would not accept them. Whenever they invited him (to a banquet), he would go. He explained: They are honored by my presence (so it is giving rather than taking).<sup>3</sup>

Rav Gidel was negotiating to buy a certain piece of land. R' Abba went and bought it. Rav Gidel went and complained about this to R' Zeira, and R' Zeira went and presented the complaint to Rav Yitzchak Nafcha. Rav Yitzchak Nafcha said to R' Zeira: Wait until R' Abba comes to us for the *regel*.

When R' Abba came, Rav Yitzchak Nafcha found him and said to him: If a poor man is casting about, trying to take possession of a cake (*ani hamehapeich bechararah*), and another person comes and snatches it from him, what is the halacha? R' Abba said to

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ACHAREI MOS-KEDOSHIM

NIXED BLESSING

Excerpted and adapted from a *shiur*  
by Rav Ari Stauber

In the fourth year, all its fruit shall be  
sanctified to laud Hashem.

Vayikra 19:24

The Gemara (Brachos 35a) attempts to derive the obligation to praise Hashem with *brachos* from this *pasuk*, though it eventually concludes that the source is the dictates of logic. The halachos of *brachos* include that one may not recite a *bracha* (or say Hashem's name at all) unnecessarily nor recite a *bracha* in cases of doubt.

According to the Gemara (Temurah 4a), there are multiple levels of violation involved in saying Hashem's name unnecessarily. One who does so in a *shvuas shav* (swearing in vain) has violated the prohibition of *lo sisa* (Shmos 20), while one who simply mentions the name for no reason violates the positive mitzvah of *es Hashem Elokecha tira* (Devarim 10). Tosfos (Rosh Hashanah 33a) adds that one who recites a *bracha levatalah* violates *lo sisa* Rabbinically. But the Rambam compares that case to *shvuas shav*, which many *Acharonim* maintain is an *issur deOreisa* (Magein Avraham, R' Akiva Eiger, Tzlach).

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## Under(age) Oath

Q My twelve-year-old son pledged money to tzedakah. Is his pledge binding? If so, is it subject to *hataras nedarim*?

A In general, a *katan* (minor) cannot effectuate a *chalois* (change of halachic status). But with regard to *nedarim* (vows), the Torah validates the *neder* of a *katan* who is *samuch le'ish*, i.e., close to puberty—a year before bar or bas mitzvah—provided the child understands that a *neder* is a Divine matter. After bar mitzvah, a *neder* is binding regardless of understanding (Mishnah,

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<sup>1</sup>Elena Luchian. Pope Francis Once Received a Lamborghini, Donated It, and Kept Driving His Fiat 500. <https://www.autoevolution.com/news/pope-francis-once-received-a-lamborghini-donated-it-and-kept-driving-his-fiat-500-250494.html>

<sup>2</sup>Mishlei 15:27.

<sup>3</sup>Megillah 28a.

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him: He can be called a *rasha*. Rav Yitzchak Nafcha asked him: But why, then, did the master (i.e., you) do this? R' Abba said to him: I did not know (that Rav Gidel was trying to buy it). Rav Yitzchak Nafcha said: Now, too, let the master give it to him. R' Abba replied: I do not wish to sell it to him, for this is the first piece of land I ever acquired, and it is not a good sign to sell one's first piece of land. If he wishes, he may take it as a gift.

Rav Gidel did not go down into the land, for it is written, "One who hates gifts will live." R' Abba did not go down into the land, for Rav Gidel had been negotiating to buy it. Neither this master nor that master went down into the land, and it came to be called "the land of the *Rabanan*."<sup>4</sup>

The Rambam writes:

The completely righteous and men of deeds would not accept a gift from man. Rather, they trust in Hashem, blessed be His name, and not in nobles. And behold it says: "But one who hates gifts will live."<sup>5</sup>

Similarly, the Tur and Shulchan Aruch say that

It is a matter of pious conduct for a person not to accept gifts, but to trust in Hashem that He will give him that which is sufficient for his needs, as it says: "But one who hates gifts will live."<sup>6</sup>

R' Yitzchak Adarbi (the 16th-century Salonikan author of *Divrei Rivos*) cites the Rambam and notes that "it is indeed a daily occurrence that distinguished men do not accept gifts from anyone."<sup>7</sup> R' Shmuel Vosner maintains that the principle of *sonei matanos yichyeh* applies even to gifts from *tzadikim* and from family members, even from one's father.<sup>8</sup>

The halachic literature on this principle is limited. The Chida (R' Chaim Yosef Dovid Azulai) records an incident of a man who planned to sell a sefer Torah in order to raise money to get married (as per the Gemara's rule that a sefer Torah may be sold only to study Torah or to marry a woman<sup>9</sup>). A wealthy, G-d-fearing man told him: "Do not sell the sefer Torah, and I will give you money to marry." He replied, "I do not wish to accept a gift, as it is written, 'But one who hates gifts will live.'" Should he accept the gift in order to avoid having to sell the sefer Torah? The Chida reports that an unnamed great man was uncertain about this, but he himself maintains that the man should certainly accept the gift and not sell the Torah,

based on two arguments:

- Selling a sefer Torah is the subject of an actual prohibition, whereas accepting gifts "is merely something that should ideally be avoided (*zehirus be'alma*) in this generation, and the vast majority of people have their hands extended to happily accept gifts." Thus, because the man has the option of accepting the proffered gift, which is not strictly prohibited, he is not permitted to sell the sefer Torah.
- The Chida establishes that the principle of *sonei matanos yichyeh* does not apply where the gift is given for the giver's benefit. So it does not apply to *tzedakah* gifts, because the reward for *tzedakah* is very great. In our case, the donor who desires to give *tzedakah* as well as to show honor to a sefer Torah is certainly fulfilling great mitzvos, so the recipient may accept his gift without qualms.<sup>10</sup>

Rav Vosner was asked questions about the scope of the principle of *sonei matanos yichyeh* by R' Volf Yakovson (*rav* in Copenhagen, Stockholm, and Yerushalayim). The first question apparently concerned whether Rav Yakovson should accept a gift from an institution on whose behalf he had exerted no effort. Rav Vosner allows this, because the institution apparently benefited from its mere association with Rav Yakovson, so the gift was only compensation for that benefit.

The second question involved an objection by Rav Yakovson's son on the grounds of *sonei matanos yichyeh* to a monthly stipend of 50 Israeli lira that Rav Yakovson was providing his daughter. Rav Vosner justifies that gift as well, on the grounds that we are not concerned about gifts that are "routinely given" between family members. (In light of this, it would seem that his assertion, cited earlier, that the principle applies even to gifts between family members must be limited to gifts that are not routinely given.) He adds that if there is a mitzvah aspect to the gifts, in that they enhance the relationship between father and daughter and facilitate the father's ability to influence his daughter for good, then this is an additional basis for leniency.<sup>11</sup>

R' Moshe Sternbuch reports having heard from a reliable witness that the Brisker Rav (R' Yitzchak Zev Soloveitchik) refused to accept a wedding gift sent to his son after the week of *sheva*

<sup>10</sup>Shu"t Chaim Sh'al cheilek 1 siman 74 as 42.

<sup>11</sup>Sheivet Halevi ibid.

According to the basic idea expressed by both the Chida and Rav Vosner that the principle of *sonei matanos yichyeh* does not apply to gifts that are a mitzvah, why was Rav Gidel unwilling to accept R' Abba's gift of the property? Given that Rav Yitzchak Nafcha had directed R' Abba to transfer the property to Rav Gidel, would not the transfer be considered a mitzvah? The Chida repeatedly describes the mitzvos in his case as "great," perhaps the mitzvah of transferring the property to Rav Gidel was not great enough to eliminate the concern for *sonei matanos yichyeh*. But Rav Vosner is lenient even in a situation that he describes as "rach mitzvah," and it is difficult to see why giving the property to Rav Gidel would not even qualify as "rach mitzvah."

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Nidah 45b; Rambam Hil. *Nedarim* perek 11).

*Aacharonim* discuss whether a *katan* is obligated to fulfill his *neder* while still a minor, or if his obligation only begins afterward. The Chidushei HaGriz

(Arachin 17a) is unsure about this, but the Tzafnas Paneiach (on Rambam *Arachin* 1:15) says the obligation takes effect only after he becomes a bar mitzvah.

In certain respects, a child's *neder* is more stringent than an adult's. On Erev Rosh Hashanah, many people have the minhag to issue a *moda'ah* (disclaimer) to nullify any *nedarim* they might make in the future. While this declaration does not necessarily negate all *nedarim*, it has lenient implications for specific types. But the declaration of a boy below the *nedarim* age of twelve has no validity, and that of a twelve-year-old will not be effective for *nedarim* he makes after he becomes a bar mitzvah (Teshuvos Vehanhagos 3:160).

Regarding *hataras nedarim* (nullification of vows), the Mishneh Lamelech (Nezirus 2:13) questions whether a child's *neder* can be nullified, because all aspects of *hilchos nedarim* may not apply to a child's *neder*. The Binyan Tzion (2:65) rules that *hatarah* does work. The Sheivet Halevi (5:129) agrees with this perspective but expresses some hesitation.

*brachos* with the explanation that "until now, it would have been included in the category of *sivlonos* (gifts to the groom), but now it is a mere gift, and *sonei matanos yichyeh*!"<sup>12</sup>

A final question to consider is whether *sonei matanos yichyeh* is violated by accepting a gift in order to give it away, as may have happened in the Pope's case; I have not seen discussion of this point.<sup>13</sup>



RAV ARYEH FINKEL

<sup>4</sup>Kidushin 59a.

<sup>5</sup>Hilchos Zchiyah Umatanah 12:17.

<sup>6</sup>Tur and Shulchan Aruch C.M. end of siman 249.

<sup>7</sup>Shu"t Divrei Rivos siman 196 s.v. Veliyhas sheharehus nesunah lah.

<sup>8</sup>Shu"t Sheivet Halevi cheilek 6 siman 229.

<sup>9</sup>Megillah 27a; Shulchan Aruch E.H. 12.

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The general rule is *safek brachos lehakel* (we are lenient in cases of uncertainty regarding *brachos*). According to the Pnei Yehoshua, this is due to the general rule that *safek deRabanan lekula* (we

are lenient in cases of doubt in Rabbinic matters). But according to R' Akiva Eiger, it is due to concern about violating *lo sisa*.

In the case of *birchos hanehenin* (*brachos* on benefiting from this world, as on food), *Rishonim* disagree whether the principle

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