

Money; which he benefits from it

ממונא¹ דמיתהני מיניה –

OVERVIEW

The גמרא queried; what is the rule if someone borrowed an item for appearance sake only,² but not to use it; is he considered a שואל or not. The reason he should not be considered a שואל is because perhaps in order to be a שואל one needs to derive benefit from the item borrowed. תוספות explains what this means.

פירוש³ שמשתמש בו:

The explanation of מיתהני מיניה is **that he uses the** item; in this case he is not physically using this item.

SUMMARY

One side of the query is that a borrower must have direct physical benefit from the item, borrowed, not merely an indirect derived benefit.

THINKING IT OVER

Why should one think that there is a difference what type of benefit one is receiving (whether direct or indirect)⁴ in order to be considered a שואל?

¹ In our text the גמרא reads ליה הנאה מיניה.

² See רש"י ד"ה ליראות that he wants people to assume that he is wealthy (he owns this item), so they will lend him money.

³ תוספות may be bothered; why is this considered that he is not deriving benefit from it; he certainly is, for people will trust him and lend him money, since they consider him wealthy; this is definitely a benefit.

⁴ We may understand why not receiving any benefit at all disqualifies him from being a שואל since we assume that the 'reason' a שואל is חייב באונסין is because כל הנאה שלו, but why should we care what type of benefit he receives.