

# FREE GIFTS

by Rabbi Daniel Travis

*...take a gift for the Viceroy - a little balm, a little honey, gum resin, pistachio nuts and almonds.*  
(Bereshith 43:11)

The nature of a gift is determined by the sender, the receiver, and the occasion. As Viceroy of Egypt, Yosef was one of the most famous people in the world - after all, his idea had saved everyone from starvation. Obviously he would not be influenced by money, so an expensive gift was not necessary. A small gift of choice items was appropriate.<sup>1</sup>

Today a gift is generally viewed as a "nice gesture," but this was not always the case. During the time of the Gemara it was customary for a wedding guest to send money to the family making the wedding to help defray the costs. This money was termed "Shoshbinayoth," and was not altogether a "gift." The recipient was obligated to give back the same amount if the giver in turn invited him to a wedding. This custom was so firmly established that if the recipient did not reciprocate in kind, he could be called to beith din.<sup>2</sup> Nowadays we have no such custom; nevertheless it is proper for a guest to give a wedding gift.<sup>3</sup>

Reuven, who had a daughter, would often send gifts to Shimon, who had a son. Shimon feared that perhaps Reuven had a shidduch (match) in mind, and this was his reason for sending the gifts. Shimon was not interested in the match, and he discussed the matter of the gifts with a Rav. The Rav said that since Shimon was poor, perhaps Reuven's intention was merely to help him out, in which case he was permitted to keep the presents. However, if Reuven ever asked Shimon about his son, Shimon must tell him that he would not permit a match between their children, and he must not allow Reuven to think that he is considering the idea, for that would constitute deceit.<sup>4</sup>

If we receive a book in the mail, are we obligated to return it, or is the book considered a gift? The answer depends on who the sender was. If the book was sent by a publisher or organization with a request that we buy it, then we are not obligated to send it back, nor are we required to send a donation. Paying for the postage and returning the book may be commendable, but it is considered beyond the letter of the law. If we choose not to return the book, however, we may not use it without paying for it. If a year has passed from the time we were sent the book, and there was no communication from the sender during that time, we may assume that the sender will no longer claim the book, and we may consider it ours and make use of it. If, on the other hand, it was the

author himself who sent the book, we can assume that it is a gift, and that the author sent it in the hope that the recipient would send a donation in return. In this case we may use it immediately, even if we have no intention of sending a donation.<sup>5</sup>

*Footnotes:*

<sup>1</sup> Seforno on Bereshith 43:11.

<sup>2</sup> Shulchan Aruch, Even HaEzer 60.

<sup>3</sup> Heard from Rav Zvi Spitz.

<sup>4</sup> Sefer Chasidim, 513.

<sup>5</sup> Rav S. Wagschal, Torah Guide to Money Matters, pp. 5-6.

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