

Expenses Involved in Lost Property

Based on a Naaleh.com shiur by Dayan Shlomo Cohen

If you will suffer a loss by returning someone's property, then there's no obligation to return the lost item. Nevertheless, it's certainly a *chesed* and fitting to do so. The return of lost property is a *mitzvah*, and therefore one may not ask for money. However, there are situations where the finder could claim compensation such as if he suffered monetary loss. A number of conditions have to be applied. If the finder left his work or was late for work because he retrieved someone else's property, he's entitled to some compensation. There is a difference of opinion as to how this is calculated. It depends on what type of work he does, how much he gets paid, how strenuous his work is, and how much he is prepared to get paid in order to not have to work for an hour, which is not necessarily the same as his wages. If he's moving bricks and he would be quite happy to not do this strenuous work in return for a specific sum, that is the sum he should be paid for leaving work to retrieve the lost item. The calculation is difficult to make because it depends on a lot of factors. Therefore, *chazal* established a general rule of thumb that this sum which is called *poel batul* - a worker who isn't doing anything, is half of the person's normal salary.

There are two opinions here. The first opinion says that someone who has a job and leaves it in order to retrieve property can ask for *poel batul*. The second opinion says that in addition to the *poel batul* the finder can add on another sum for the effort involved in retrieving the property. The logic behind this is that the only time you can't charge is if there is an obligation to return the lost item. But in this case the man is working and has no obligation. Therefore, he can ask for an extra sum. The first opinion says, since he has to pay you, it's now as if you have no work to do, so you certainly can't add a charge for the strain of retrieving the property. The second opinion says he could charge but the maximum would be the sum he would've earned if he had continued to work. If the owner is there, you have to tell him straight out that you will be charging an extra sum. After you've made such an agreement, he's obligated to pay you. If the owner isn't present, we presume he would be prepared to pay if he was there, as long as the property is worth more than what he now has to pay. But if the owner was present and you said nothing while you invested effort to retrieve the item, then according to the second opinion you wouldn't

be allowed to add on any extra charge.

According to the first opinion, you can charge like a *poel batul*, the sum you would be losing by not working and what you would be prepared to be paid to not have to work.

According to all opinions, if the owner was present and you made an express condition with him that you would only return the property if you got paid your full wages, then the condition is binding. If the owner wasn't there, we would presume he would agree to such a condition, and you would be allowed to charge him afterwards. *Chazal* say you could also make this condition in front of a *bet din* but the amount you would be allowed to charge would be limited to what you would've earned at work. If the finder is prepared to retrieve the property on the condition that he gets paid an exorbitant amount you would be allowed to agree and afterwards only pay him the normal price for doing such work. This is a special claim called *mashata by chazal*, where the owner could say- I was playing with you when I agreed to such an exorbitant price. If you already paid the sum, you wouldn't be able to get your money back.

Owning Our Actions

Based on a Naaleh.com shiur by Rebbetzin Tziporah Heller-Gottlieb

Mishlei, Chapter 6, verse 29 speaks about what happens when you abandon who you are. The parable given is of a man who abandons his wife for a foreign woman. The disloyalty and betrayal is relevant to any level of who you are, whether it is with thought, speech or action. Mishlei tells us what happens next. "Can a man walk on live coals without scorching his feet?"

The Gra says this refers to the trait of *chemdah*. Can you desire something that is foreign and which is someone else's and still retain your self? A person who acts this way will be in a constant state of inner discontent. The emptiness is going to cause the person to look for something else and he will be burnt because no matter what he finds, he's lost himself. We see this in today's world very

predominantly. Although there is unprecedented prosperity, people are unhappy. They are searching for emotional satisfaction, intellectual credibility, and satisfying interpersonal relationships. People seek out foreign ideologies. The conflict today between traditionalism, basic morality, religious consciousness and the new morality in which the only virtue is tolerance is of course a clash that can't be resolved. If the only virtue is tolerance, that means someone is defining that which must be tolerated and that which must be rejected. There's actually no intellectual credibility here. One of the most grotesque features of this way of thinking is that people want open borders. They want compensation but they want to live safely and these two goals are not resolvable. You can't walk on fire and not burn your feet. It's not possible not to

be disloyal to yourself. You have to discover your own identity.

The Gra says that *chemdah* - wanting something else, is the enemy. If you believe in Hashem, you believe He created your backdrop. When you are continually looking for outside stimulation and external happiness, you don't know yourself any longer. It leaves you with no sense of self.

Taavah is when you look to fill your desire for happiness through your body. The feeling of pleasure may be intense and immediate, but it's short term and shallow. "They will not despise a thief if he steals to sate his appetite, for he is hungry." A person's rage and sense of justification won't be satisfied by stealing. There's ordinary material theft but there's also

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geneivat daat, when you give someone a false picture of who you are to fit the person who you are speaking with or to gain financially or politically. People in high offices who claim to have done things they never did are starving because there's something empty internally in terms of fulfilling their capacity, that isn't sated.

How do you know your capacity? There's a certain level of being that's universal and another level that's specific. The universal part is called *Melech -moach, lev and kovod*. The *moach* is the mind, the navigator that takes in information through the senses. Then it's up to the heart to choose how the mind will interpret

it. You have to decide- Who do I want to be this moment? Your mind which is where you have the capacity to touch your soul, the part of you that's divine like, ideally will try to interpret things in terms of your divine like self. Am I making the world a better place? Am I seeing Hashem's presence in the world and in the people I meet?

Tehillim 104

Based on a Naaleh.com shiur by Dr. Esther Shkop

Barchi nafshi is the *shir shel yom* of *Rosh Chodesh* and is recited after *Shachrit*. In addition, many congregations recite this mizmor every *Shabbat* at *Mincha* from *Sukkot* till *Pesach*.

"...Hashem you are very great, You are attired with majesty and beauty." *Hod v'hadar* share the letters *heh* and *daled*. *Hed* is an echo. Ibn Ezra explains- I look up to the heavens and I try to find Hashem, but He's invisible. Nowhere can you begin to comprehend with your mind's eye Hashem's greatness. At most you can see how He manifests Himself in His wondrous creation. According to the *Malbim*, *hod* is inner beauty and *hadar* is external beauty that radiates outward. *Seforno* disagrees and says *hod* describes Hashem's omnipotence and power and *hadar* is His beneficence and goodness. *Midrash Shocher Tov* tells us that typically a strong heroic warrior isn't envisioned as beautiful. But in Hashem, we can see both strength and power and an incredibly attractive warm glow of beauty.

"You enwrap yourself with light like a garment, You extend the heavens like a curtain." *Redak* says, the solar bodies reflect the light that is Hashem's light -the energy that they emit is actually emanating from Him. Hashem spreads out the heavens like one would spread out a gigantic tablecloth. Hashem is

hidden by the cloak of heaven and by the beauty of the stars and the glow of the sun and moon. "Who roofs His upper chamber with water, who makes clouds His chariot which goes on the wings of the wind." The upper spheres are ceiled off with water which we cannot see beyond. It's as if Hashem's throne is separated by a layer of water. He looks at the movement of the clouds being pushed away by strong winds and envisions them as a chariot upon which Hashem rides.

"He makes winds His messengers, burning fire His ministers. He founded the earth on its foundations that it not falter to eternity. You covered the deep as with a garment; the waters stand on the mountains." Before creation, earth was covered by water as it says in *Bereishit*. This is consistent with geological findings of seashells on top of mountains. "From Your rebuke they fled; from the sound of Your thunder they hastened away." *Malbim* explains, *l'anus* means to run away, *l'chafez* is to rush towards something. They ran away from Hashem's anger and they rushed towards the place that He had assigned them to. "They ascended mountains, they descended into valleys to this place which you had founded for them." This describes mountains going up during volcanic activity where earth rose up and as tectonic plates hit each other there was no longer a flat earth but rather hills, mountain ranges and valleys and deeper valleys to

which the waters could flow. Another commentator says this describes how a typhoon, hurricane or tornado would function, lifting up large quantities of water and bringing them up on top of mountains. We can imagine waters going up mountains and then rushing down the hill into the valley as earth was being formed, land came up and mountains climbed higher and water rushed down as it was separated from land. And so, continents and oceans and seas were created.

"You set a boundary they shouldn't cross, they should not return to cover the earth." This describes the division of land and sea. The tides crash against the rocks and then pull back and again they rise but they cannot return to cover the earth. "He sends the springs into the streams; they go between the mountains." A *nachal* is a wadi carved by water or by movement of land to which the waters can stream down. Some of the waters are frozen inside the mountain and there's also water coming from underneath the ground pressing upwards and pouring down in waterfalls, going down in streams between the mountains. They bring fresh drinking water to all the animals of the field, even allowing wild donkeys to break their thirst. These donkeys were common in deserts in Israel where springs break through from under the ground providing much needed drinking water.