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# HEMDAT YAMIM

המדת ימים

## PARASHAT HASHAVUAH

Tezaveh 8 Adar 5771

### Hearing the Sound, but of What

Harav Yosef Carmel

One of the *kohen gadol's* garments was the *m'il ha'efod*, a special outer garment that had on its bottom adornments that were called (and apparently looked like) pomegranates with golden bells inside them (Shemot 28:31-33). The Torah says, "They will be on Aharon to serve and [his? / its?] sound will be heard when he comes to the Sanctuary before Hashem and when he exits, and he will not die" (ibid. 35).

One can ask the very simple question: whose (or what's) sound is heard and for what purpose? The Rashbam says that the bells' sound reminded people that they were forbidden to be in the *Mishkan* when the *kohen gadol* went in to for his special service (see Vayikra 16:17). According to this approach, the point is to protect others from dying for being at the wrong place at the wrong time. Ibn Ezra understands that the sound is the voice of the *kohen gadol*, whose prayers are apt to be accepted when he goes about his service with his special clothes; the bells are thus not the main thing.

The Ramban says that it is the bells that can be heard. The Torah goes on to stress that although it is strange for there to be bells on such distinguished garments, it is necessary so that "he should not die." The sound functions to ask permission of Hashem to enter the sanctuary, as we have found the caution one must use before entering the inner quarters of a human king (see Esther 4:11). This idea is reminiscent of the moral advice that *Chazal* (Vayikra Rabba, Acharei Mot 21) give that one should not enter even his own home without warning (our *pasuk* is cited as corroboration). The Ramban provides another possibility: the bells chase out the angels, for otherwise the angels could endanger the *kohen gadol* when he enters.

The Chizkuni understands that the purpose of the bells' sound was to enable those outside to track the *kohen gadol* and thereby be able to have the proper *kavana* according to his progress in the service. One of the Abarbanel's explanations also connects the sound to *kavana*, just that it is to remind the *kohen gadol* that he is in an especially holy place and should thus be extra careful with his thoughts and not die. In another explanation, he says that the sound was testimony to the fact that the *kohen gadol* was moving and thus alive.

Let us end with three additional comments: 1) The Yerushalmi says that the sound served as atonement for the sin of unintentional murderers. Since the death of the *kohen gadol* is the other form of atonement, the bells could thus cause the *kohen gadol's* death to be pushed off. 2) The Kli Yakar says that the bells atone for *lashon hara*, in whose merit people will be spared of death. 3) The Degel Machane Yehuda says that the pomegranate-shaped bells remind us of the sinners in Israel who are filled with *mitzvot* like the seeds of a pomegranate. Hearing that sound, then, is important because any prayer in which Israelite sinners are not involved is not a prayer (see Keritot 6b).

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**Question:** I agreed to collect money for a teacher's gift in my daughter's fifth grade class. We decided that everyone would pay 40 NIS. Most families contributed fully, while some paid partially or not at all. What do I do about money that is unaccounted for? Two examples: 1) My daughter is sure she brought home money from a certain family, but it did not make it to where I am keeping the money. 2) Someone paid in part and says they paid the remainder later, but it appears to us that they never did.

**Answer:** At first glance, you are a *shomer chinam* (an unpaid workman) and thus are responsible for losses that occurred through *peshiya* (negligence). Whether you fit that bill is a judgment call you may be able to make yourself. However, there are additional reasons to exempt you.

It is not clear that there is anyone to whom you are obligated to pay. The teacher, the intended future recipient of the gift, is not owed the money and presumably has no rights to it even after money has been collected. Regarding individual parents, they have presumably permanently transferred money to your discretion, which is to watch the money for the group of parents toward the goal of giving a present, and not to return to anyone. If you were to, Heaven forbid, misappropriate the money, they could collectively require you to return the money to a new representative (see Even Haezel, Sh'eila U'pikadon 5:1). However, in your case, there is no reason to believe that the group as a whole would want to replace you over a few dozen understandably missing shekels.

One could question the above analysis based on the following. The *gemara* (Bava Kama 93a) learns that a *shomer* is obligated to pay as a *shomer* only when he watches something for someone who expects it back, but not if he is watching in order to give to the poor. Yet, the Shulchan Aruch (Choshen Mishpat 301:6) says that if there is a set group of poor recipients, the *shomer* is obligated. Seemingly, this is because those paupers can say that they have a specific claim on the lost money. In your case, then, we might say that the teacher is the clear recipient of the money and you would be obligated to her.

Yet, the cases are different, as the teacher can only hope to receive the money. The parents can change their minds and not give the present (e.g., if the teacher loses favor in the parents' eyes). This is different from the *tzedaka* collector, where once money reaches his hands, it cannot be taken away from those poor people (see Arachin 6a and Shita Mekubetzet, Bava Kama 93). Thus, the teacher would not have a claim (at least if she is not deserving of *tzedaka*). Possibly, the parents as a group could complain that they are not getting the full value of good will from their present (based on Rashi, Gittin 54a, see Machane Ephrayim, Shomrim 16), but presumably they should not have that claim, given that the quality of the present need not change significantly.

In the case where your daughter received money, your daughter, who is a minor, is the *shomeret*, and she is too young to be obligated. However, if you told the parents that they should give it specifically through your daughter, then you would apparently be obligated (see Shulchan Aruch, CM 182:2 and Netivot Hamishpat 340:11). Regarding the case where you are not sure if you ever received the money, according to the strict law, one who is not sure if he was ever obligated to pay is exempt (Shulchan Aruch, CM 75:10).

In the final analysis, it is unlikely that if you were sued, you would have to pay. Therefore since the average person would thank you for your efforts, which are probably worth more than the missing money, and let you off, you are not obligated to replace the money. If the amount is less than your planned contribution, you can certainly have in mind to give it in lieu of payment.

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## Different Types of Good Anger

(condensed from Ein Ayah, Berachot 6:21)

**Gemara:** [Two students of Bar Kapara were sitting before him when foods were brought before them. It was a complicated halachic question as to upon which food one should make the *beracha* and eat first. One “jumped up” first to make the *beracha* on meat.] His friend laughed scornfully at him. Rav Kapara became angry and said: “It is not at the one who made the *beracha* I am angry but at the one who laughed. If your friend appears as one who has never tasted meat before, why do you laugh at him?” Subsequently he said: “It is not at the one who laughed I am angry but at the one who made the *beracha*. If wisdom is not here, is there not advanced age here?” [Rashi- Am I (Bar Kapara) not old? You should have asked me on which one to make the *beracha* first.]

**Ein Ayah:** Anger can exist in two different ways. Anger can be found even in the heart of one who has perfect personal attributes. This is because some things that are immoral in different ways should make one naturally angry. There is also “anger of the face,” about which it is said: “an angry countenance will do good for the heart” (Kohelet 7:3). In the latter case, one decides to be angry, because that is what is appropriate in order to fix a certain behavior, even though naturally he does not feel any anger.

If the anger is one which is so appropriate that no bad attributes can be developed by reacting negatively to the bad act, then it is proper that the anger be in the heart as well as in the face. Such anger is a matter of completeness, as he is unable to stand by calmly as immorality is perpetrated. There are other times, though, when despite the positive purpose for being angry, one who reacts with emotional anger could have it spill over beyond the point it should for one of ideal personality. Then it is proper to show anger only out of choice but not feel it internally.

When one sees an affront being perpetrated against someone else, whether it is to a friend or a student, it is appropriate to allow the natural anger to be felt. However, if a scholar has to assert his authority and uphold his honor that has been slighted, it is a different story. Seeking honor for oneself and feeling slighted when he is not treated respectfully are not essentially good traits. Although at times it may be necessary for a scholar to stand up for his own honor to teach others how they are supposed to behave, it is still not good for the anger in that case to be natural but to be deliberate and external. In that way it does not contradict the mandate to be “very, very humble” (Avot 4:4).

Thus, the different manifestations of Bar Kapara’s anger were raised separately. First he said that he was not angry at the one who made the *beracha*, referring to a natural anger, which Bar Kapara reserved for the one who laughed. Then he said that on the level of deliberate anger, he was angry specifically at the one who made the *beracha*, as logically there was what to be angry about, for he should have consulted with his *rav* on the matter of the proper *beracha* procedure. He said, “if there is not wisdom” to indicate that if he [Bar Kapara] had enough wisdom, it could have caused natural anger, as the *pasuk* says that “with great wisdom comes great anger” (Kohelet 1:18) and “a Torah scholar who gets angry, it is his Torah that is burning in him” (Ta’anit 4a). Rather Bar Kapara said that he was old so that he had calmed to the point that his anger was one of choice, because it was appropriate at the time.

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## Compensation for Withheld Salary

(condensed from Shurat Hadin, vol. VI, pp. 170-175)

**Case:** One (=pl) of several workers of a municipal religious council (=def) who were paid months late is suing def for compensation for the delay. There are two questions to deal with: Can pl "charge" for withheld money? Is there a problem of *ribbit* (usury) if def pays?

**Ruling:** The rule is that if Reuven prevents Shimon from access to Shimon's money, Reuven does not have to pay for what Shimon might have earned (Yerushalmi, Bava Metzia 5:3). However, if Reuven kept Shimon out of his field, he must compensate for lost earnings. The Rama (Choshen Mishpat 292:7) rules that one who watches an object for his friend and refuses to return it when asked must pay for lost revenue. The Shach (ad loc. 15) considers this indirect loss and exempts.

The Chavot Yair (151) distinguishes between cases where one withheld the item after originally receiving it appropriately, in which case it is *gerama* (indirect damage) and exempt, and where he originally took it improperly, in which case it is *garmi* (semi-direct damage) and he is obligated. He makes another distinction between where it is easy to profit from the object, in which case he must pay, and where it requires some wisdom, in which case it is not clear that the profit would have been obtained. Another distinction depends on whether the withholder used the money, in which case he is obligated (see Netivot Hamishpat 292:13). If the person who took it did not return it due to *oness* (factors beyond his control), he is certainly exempt, as even when one does *garmi* by accident without *oness*, there is a *machloket* whether he is obligated (see Shach, Choshen Mishpat 386:1, who exempts).

In our case, there are no grounds for obligating def. There was no stipulation of payment for withholding; def did not use the money; it is not clear that pl would have gained from the money; def withheld the money because there was none available.

Now let us discuss if it is permitted for def to appease pl by paying more or whether that is a violation of *ribbit*. The Pitchei Teshuva (Yoreh Deah 161:1) cites a *machloket* between the S'ma and the Shvut Ya'akov, with the latter saying that compensating for paying late is forbidden. However, it is possible that his strict ruling is only in regard to a case where the obligation was from a loan, where the full prohibition of *ribbit* applies. The Chatam Sofer (VI, 26) distinguishes between the subjects, as unlike loans, where the Torah was concerned with the welfare of the borrower, regarding employment, the Torah is more concerned for the worker. The Darchei Teshuva (YD 161:12) adds that it is warranted to appease the worker to compensate for violating the sin of paying late. The Chavot Yair, on the other hand, says that it is still *ribbit*. If def had withheld the money wantonly, we could say he has a moral obligation to compensate, which might make it not considered *ribbit*. However, since this is not the case here, def does not have a moral obligation to pay and doing so may be *ribbit*.

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