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PARSHA ENCOUNTERS

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Parshas Terumah ✍️ Rabbi Dovid Rokach

Give and Take

In describing the *mishkan*, the *Torah* emphasizes the many precious materials that were collected for its construction:

And this is the terumah you shall take from them, gold, silver, copper . . .

(*Shemos* 25:1) It is difficult to understand how such magnificence fits the purpose of the *mishkan*. Indeed, the *Ramban* explains that the *mishkan* allowed the *shechina* and *kol Hashem* of *har Sinai* to remain present among *klal yisrael*. (*Shemos* 25:1) Yet *har Sinai* was chosen specifically because of its humble stature. (*Sotah* 5a) Why was the opposite criteria used to design the *mishkan*, which filled the very same role?

Rav Shimon Schwab *zt"l* questions what purpose is served by *tefilah*, given that *Hashem* has no need for our praise and requests. (*Rav Schwab on Prayer* 117-119) He explains that the relationship between *Hashem* and *klal yisrael* follows a cycle, where *Hashem* relates to us in a way that mirrors our behavior towards Him. When we exert ourselves through *tefilah* to praise *Hashem* and express our trust in Him, *Hashem* responds by coming closer to us and satisfying our requests in proportion to our own efforts. As it states in *Tehilim*, “give strength to *Hashem*”—the strength that we put into our *avodas Hashem* causes *Hashem* to exercise the same strength for our benefit. (*Tehillim* 68:35)

A similar concept is found in connection with the *mishkan*. The *Kli Yakar* points out that the *pesukim* discussing collection of materials for the *mishkan* avoid the term “giving,” and instead, refer only to “taking.” (*Shemos* 25:3) For example, “and you shall take for Me a *teruma*.” (*Shemos* 25:3) Several *medrashim* on this *pasuk* describe how the *shechina* seeks to be together with the *Torah* in this world and that the *mishkan* therefore provides a place for the *shechina* to rest. By contrib-

uting to the *mishkan*, *klal yisrael* was able to participate in bringing the *shechina* closer. As explained above, it is not merely incidental that constructing the *mishkan* provides a place for the *shechina* to rest—contributions made by *klal yisrael* caused a proportional response from *Hashem*. The language of the *pesukim* therefore reflects that what appeared to be an act of “giving” materials for the *mishkan* was in fact an act of “taking” a closer presence of the *shechina*.

By instructing that the *mishkan* be constructed in a magnificent manner, *Hashem* gave *klal yisrael* a greater opportunity earn the presence of the *shechina* by exerting ourselves to provide the necessary precious materials and skilled craftsmanship. A humble site was preferred for *kabalas haTorah* because this event was conducted by *Hashem* alone. The *mishkan*, however, was constructed by *klal yisrael*, and was therefore subject to the principle that *Hashem* responds in proportion to our own efforts. The sacrifices made by *klal yisrael* to build a magnificent structure made it possible for *Hashem* to reciprocate with an even greater presence of the *shechina*.

The cycle of *Hashem's* relationship with *klal yisrael* continues beyond the two steps identified above. After we make our efforts for *avodas Hashem* and receive *beracha* in response, we are then able to make use of these blessings to exert ourselves even further for *avodas Hashem*. As the *pasuk* states in connection with the *mitzvah* of *bikurim*.

And you shall rejoice in all the good Hashem your G-d has given to you and your household, you and the levi and the ger among you.

(*Devarim* 26:11) May we be *zoche* to give of ourselves for *avodas Hashem* and receive unlimited returns.

Rabbi Rokach learns regularly at the kollel.

HALACHA ENCOUNTERS

Hashovas Aveida (Part 2)

Rabbi David Greenberg

Q. If one finds an embroidered scarf on Western Ave., what should one do?

A. The majority of passersby in that area are non-Jewish and therefore one may assume that the scarf was lost by a gentile. Based on this assumption, one is not obligated to return the scarf, and he may keep it. It is praiseworthy to create a Kiddush Hashem by publicizing the find and returning it to its owner.

Q. If after publicizing that a lost object was found, no one comes to claim it, what may the finder do with it?

A. Once a person is in a situation that obligated him in the mitzvah of Hashavas Aveida, he must safeguard the lost item until the advent of Elyahu HaNavi. However, many poskim have written that after a significant waiting time, if the owner has still not claimed his possession, one may follow the following formula: The finder should safely record all the pertinent details related to the find such as the date and location of where the item was found. He should include any simanim (distinguishing details) that are apparent on the article as well. In addition to this, the finder should get an appraisal of the value of the item, either by using its comparative value in the market or by asking three people who are familiar with the value of such items, and record this as well. He may then take possession of the lost object and deal with it as he pleases. If the owner ever comes to claim it, and it is no longer extant, the finder will pay the value, as recorded, to the owner. An exception to this procedure is when the lost article is a rare item or has clear sentimental value which cannot be replaced. In such cases, one must continue to safeguard the original item. (IG" M sim. 45 C.M. vol. 2)

Q. When may one keep a lost item which is assumed to have been lost by a Jew?

A. One may only keep a lost object if one found it **after** the owner had already given up hope of ever getting it back (yish). There are times when one may assume that the owner would surely have had yish upon realization of his loss. An example of this is if one loses an item in an area where the majority of passersby are not Torah observant and would probably not care to return the item. Another case would be if the item has no simanim with which the owner could reclaim it. Nevertheless, even in such instances, unless the owner is known to have realized his loss before the finder picked it up, the finder is obligated in hashavas aveida. (B.M. 22b) If the lost article has clearly been lost for a long period of time i.e. it's rusty, or the item was very heavy or valuable, one may assume that the owner realized his loss and hence had yish before the finder spotted it.

There is a dispute amongst the contemporary poskim if one may assume that lost cash would be realized by the owner immediately. Many poskim are of the opinion that regardless of the amount of cash found, one is allowed to keep it. (IG" M Y.D. vol 4 sim. 23, also quoted in the name of the Chazon Ish.) HaGaon R' Elyashiv Shlita is quoted as saying that only a significant amount, i.e. a twenty dollar bill, would be noticed immedi-

ately by the loser. (Halachos of Other People's Money pg. 169)

Q. If one finds a "simanless" item in a shul or yeshiva, what must he do?

A. These places are frequented by Torah scholars who's words are trusted and can therefore claim lost items- even without a siman. Therefore, in such a situation, one is obligated to publicize the find and safeguard the item on the chance that a Talmid Chochom will come forward to claim it. Hanging the lost object on the bulletin board for the owner to find is disregarding one's responsibility.

Q. If the owner presses the finder to accept a reward, may the finder accept it?

A. When it is made clear to the owner that there is no obligation to reward the finder, and the owner wishes to bestow a gift as a token of appreciation, many poskim permit the finder to accept it. However a pious individual will donate the reward to tzedaka so as not to benefit from his mitzvah in this world. (Teshuvos V'Hanhagos vol 3 sim. 463)

Q. What may an institution do in order to avoid the pile up of unclaimed lost items?

A. An institution may post a notice clearly stating that anyone entering their premises does so with the understanding that items remaining in the building after a specific amount of time become the property of the institution. It may be assumed that all visitors have seen and agreed to the conditions set in the notice. (IG" M G.M. vol 25, 45)

Q. If one finds a lost object in a Jewish store, who may keep it and who has the responsibility to return it if necessary?

A. Although a store may be privately owned, because it's open to public traffic, it has the status of an ownerless area with regard to lost items. Therefore, the obligation of hashavas aveida as well as the opportunity to keep the item under the aforementioned conditions falls on the finder. If the object was found in an area which is exclusive to the proprietor, then it belongs to the proprietor. A store owner may post a policy about lost items in his store similar to an institution.

Q. If one discovers that his coat is missing from a public coatroom and a similar one is in its place, may he take it?

A. Although generally one may not use a found item without permission from its owner, when items are switched, some poskim say that it is customary for people to allow others to use their items. Of course, one must try to locate the owner through posting a sign etc. However, if it turns out that the owner of the coat was not the one who switched with you, he must be asked if he wants compensation for the use of his coat. (IG" M O.C. vol 5 sim 9) However other poskim disagree and hold that this custom does not apply to expensive items such as coats. It would be preferable if every institution would instill a policy where it is made clear that all who hang up their coats in the coatroom must allow their coats to be worn by others if the coats are mistakenly switched.

Rabbi Greenberg learns full-time at the kollel.