

# Parsha Encounters

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Parshas Shemini - Rabbi Fishel Zlatopolsky

## Justified Anger

"And about the goat of the sin offering Moshe had inquired, and behold it was burned, and he was angry at Elazar and Ithamar..." (Vaikra 10/16)

The Medrash (Sifri 31/21) says that three times in his lifetime Moshe Rabbeinu became angry and invariably, each of these times he made a mistake. He became angry when heavenly manna was left over, and consequently, he forgot to teach the laws of Shabbos. Moshe also became angry at the officers of the army during the war with Midian causing him to forget the laws of purification of vessels. Finally, in our episode when Moshe became angry at Aharon and his sons for not eating the sin offering, he forgot the halacha that only the offerings necessitated by the inauguration service were supposed to be eaten.

The Ohr Hachaim asks that the Medrash seems to imply that before Moshe Rabbeinu became angry he knew the halacha of not eating this offering. In that case what provoked Moshe's anger on Ahron in first place. The Ohr Hachaim concludes that the cause of his anger must have been different. He suggests that Moshe became angry because Aharon apparently had ruled on the matter of these offerings himself, without consulting his rebbi. Once Moshe became angry, he forgot the halacha regarding the offering and inquired why it was burned.

HaRav Chaim Shmulevitz finds this explanation difficult. The Ohr Hachaim himself mentions the

opinion of the Rosh, that indeed one is not allowed to rule in a matter of halacha in proximity to one's rebbi, even if the ruling is only pertinent to oneself. Why, then, was Moshe punished for this forgetfulness if his anger was truly justified? Rav Chaim answers with a powerful lesson. He says that this was not a punishment rather it was a fact of life. Anger, albeit justified, can not coexist with wisdom. The Gemara (Pesachim 66b) says, "When a person becomes angry, wisdom leaves him." In all three instances cited by the Medrash, Moshe's anger was fully justified. He became angry only when he felt *kavod Shamaim* was being slighted. Yet each of these times, Moshe Rabbeinu made a mistake. We are being taught here an important lesson. In truth, none of us want to become angry. When we are angry we do and say things that we would never have done or said otherwise. As Orchos Tzadikim (beginning of Shaar Hakaas) explains, anger is a disease of the soul. Nobody wants to be sick, so why do we become angry? Usually it is because we feel we really **are right**. We even convince ourselves it is nothing personal, "it's the principle." Sometimes we take it a step further saying that we are not fighting for ourselves at all. We are fighting against evil. We are fighting for *kavod Shamaim*. **Our anger is justified! Is it?**

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Parsha Encounters is coordinated by Rabbi Yisroel Langer. For questions ,comments or to subscribe, please email shiur@cckollel.org. To dedicate an issue, please call 773-262-9400

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# Halacha Encounters

## Borrowing and Lending

Rabbi Ephraim Friedman

1. If one lends his friend an article to use for a set amount of time, once the *shoeil* (borrower) has taken the item into his possession the owner can not demand its return prior to the established time.<sup>1</sup> When the time is up, the *shoeil* is no longer allowed to use the item<sup>2</sup> and is obligated to return it to the owner.<sup>3</sup> Until the item reaches the hands of the owner the *shoeil* remains liable for theft or loss but not for *oness*. (*Oness* refers to damage or destruction of the item which occurs through natural causes or accidents which are not the result of any lack of care on the part of the *shoeil*.) Although during the term of a loan a *shoeil* is responsible for any *oness* which occurs to the item, once the term is over and the *shoeil* is no longer allowed to use it, his responsibility is reduced to that of a *shomer sochor* (a paid watchman) which does not include *oness*.<sup>4</sup>
2. If upon lending the item the owner did not commit himself to any specific amount of time, he may demand return of the item at any point.<sup>5</sup> (See below paragraph 6). Although one who lends money for an unspecified period can not demand repayment within the first thirty days, this is true only of money and not of objects which are loaned.<sup>6</sup> Until the owner requests the return of his item, the *shoeil* may continue to use it indefinitely and remains fully liable, even for *oness*.<sup>7</sup>
3. If a *shoeil* no longer wishes to use the item he borrowed and notifies the owner of this, the following halochos apply. In the case of a loan for a specific amount of time, notifying the owner is of no consequence. The *shoeil* remains fully responsible, even for *oness*, until he actually returns the item to the possession of the owner. Once he does return it, he is no longer responsible for anything that occurs to the article even though there is time remaining on their original agreement. If the original loan was not for a specific amount of time, once the *shoeil* notifies the owner that he is finished using the item and is ready to return it, his level of liability is reduced to that of a *shomer sochor*. If subsequently, before actually returning the item, he wishes to resume using it, he is not entitled to do so without receiving the consent of the owner.<sup>8</sup>
4. If the *shoeil* requested to borrow the article in order to use it for a specific job (e.g. he borrowed a ladder to build his succah and cover it with *schach*) the owner can not demand return of the item until

the job is complete.<sup>9</sup> Even if the *shoeil* takes longer to finish the job than the owner anticipated,<sup>10</sup> and even if this occurs because the *shoeil* delays starting the work after borrowing the item, he is still entitled to keep it and use it until the job is complete, as long as it is within reason.<sup>11</sup> Furthermore, if when the *shoeil* borrowed the item he indicated that he will not begin using it for a few days, once the owner lent it to him he can not subsequently require the *shoeil* to return it to him even to use in the interim. The *shoeil*, in this case, is not required to risk the item being stolen or damaged at the hands of the owner once the latter has committed himself to the loan.<sup>12</sup>

5. If one borrows an item for a specific job or for a set amount of time and the item is destroyed in a way that the *shoeil* is liable to pay for, the amount he owes the owner is assessed as what the item would have been worth at the end of the loan. Although in reality the item was worth more at the time that it was destroyed, any depreciation that would have occurred naturally through the work the *shoeil* was entitled to do is not considered a loss which he must pay for.<sup>13</sup> (A Rav should always be consulted to properly implement halachos such as this.)
6. If one borrows an item to work with without specifying a particular job or a set amount of time, the owner must allow him to do at least a minimal amount of work with it before demanding the item's return.<sup>14</sup>

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<sup>1</sup> Shulchan Aruch Choshen Mishpat 341:1

<sup>2</sup> Minchas Chinuch Mitzva 60

<sup>3</sup> Hagahos Drisha U'Prisha C.M. 344:2

<sup>4</sup> Shulchan Aruch C.M. 343:1

<sup>5</sup> ibid. 341:1

<sup>6</sup> SM'A 341:1

<sup>7</sup> Nesivos HaMishpat (Beurim) 341:1

<sup>8</sup> Machneh Ephraim Hilchos Sheailoh 7

<sup>9</sup> Shulchan Aruch C.M. 341:5

<sup>10</sup> SM'A 341:14

<sup>11</sup> Aruch HaShulchan C.M. 341:7

<sup>12</sup> Nesivos HaMishpat (Beurim) 341:11

<sup>13</sup> ibid.

<sup>14</sup> Pischai Teshuvah C.M. 341:1