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STORYLINE

the value of a mitzvah

By Rabbi Meir Orlan

Halacha Writer for the Business Halacha Institute

"Mazal Tov!" Rabbi Dayan wished his nephew, Avraham. "It's a pleasure for me to share in your bar mitzvah."

Rabbi Meyer, the boy's father, came over. "We would love to have you deliver a Dvar Torah in honor of the simcha," he said.

Before bentching, Rabbi Dayan took the mike and said: "Avraham, I would like to give you a lesson in the value of a mitzvah. How much is a mitzvah worth?"

"Infinite," Avraham answered.

"The true value of a mitzvah is, in fact, inestimable," said Rabbi Dayan. "However, there is a halacha that helps put things into a pragmatic perspective. Have you heard of the mitzvah to cover the blood of a bird that is slaughtered (kisui hadam)?"

"Yes," said Avraham.

"Excellent!" exclaimed Rabbi Dayan. "While anyone can cover the blood, the primary ob-

ligation – or better, the primary privilege – of this mitzvah is incumbent upon the person who slaughtered. The Gemara (Chulin 87a) relates that a person once slaughtered a bird, but someone else came and covered the blood. What do you think happened?"

"I guess he was thanked," Avraham replied. "No!" declared Rabbi Dayan. "Since he covered the blood without the first person's permission, Rabban Gamliel fined him asara zehuvim, ten gold coins, because he stole the person's opportunity to do a mitzvah! Moreover, a mitzvah like bentching (grace after meals) is worth forty zehuvim, because there are four blessings!"

"This is one of the most important messages to a bar mitzvah boy," concluded Rabbi Dayan. "While mitzvahs are obligations, they are privileges of great value. If you have the opportunity to do a mitzvah and lose it, it's

a real loss; if someone took the opportunity from you, it's like he stole from you. As a bar mitzvah, you now have the privilege to do many mitzvahs. Mazal Tov!"

"Thank you for your inspirational words," said Rabbi Meyer. "Can you give us a sense of how much asara zehuvim are worth in dollars?"

"The amount has to do with the value of gold and silver; with current prices, it's worth over \$1,000," answered Rabbi Dayan. "However, from examples in the Gemara it seems that ten gold coins then had the purchasing power of about \$7,500 nowadays. Just think, each time we miss out on a mitzvah, we've lost \$7,500! We miss bentching, we've lost \$30,000! Nowadays, beis din cannot enforce payment of this fine, but if the aggrieved party grabs the money, he is entitled to keep it (C. M. 382:1)."

Rabbi Meyer then announced: "We now call

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FROM OUR HOTLINE

Submitted by
R. T.

two boys and a bicycle

My 14-year-old son, Aharon, found a twenty dollar bill. He asked me if he was obligated to look for the owner. I told Aharon that there was no obligation to try to return the money (see C. M. 262:6). A local school was having a Chinese auction, and he wanted to use the money to buy tickets to win a bike. I agreed. He took his 10-year-old brother, Moshe, with him and generously bought a ticket for each of them with the money he'd found. As it

turned out, Moshe's ticket won the bicycle! Aharon was upset, since it was his money that purchased the ticket. I would prefer that they share the new bicycle.

Q: Can I make that demand of Moshe, since it was his ticket that was chosen?

A: The Mishnah in Bava Metzia (12a) states that objects found by minor children belong

to the parent, but not objects found by his adult children. The Gemara (12b) explains that the terms "minor" and "adult" do not refer to the age of the child; rather, children who are financially dependent on their parents are considered minors, and those who are financially independent are considered adults. The reason Chazal say that objects found by a dependent child belong to his father was the concern for an appropriate

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STORYLINE CONTINUED

upon the bar mitzvah boy to lead the bentching."

Before he had a chance to begin, the voice of his older cousin, Shlomo, rang out, "Rabbosei nevareshch..." Everybody answered: "Yehi shem Hashem mevorach..." Before Avraham could collect his wits, Shlomo completed the zimun and continued to recite each blessing aloud. After bentching, Avraham leaned over and grabbed Shlomo's hat.

"I'm holding this until you pay me forty zehuvim!" he said.

"I'm going to take you to a din Torah," Shlomo shot back.

"Go ahead," said Avraham. "Rabbi Dayan's right here!"

The two boys marched over to Rabbi Dayan, Avraham clutching Shlomo's hat securely.

"Avraham took my hat," said Shlomo.

"Shlomo snatched my mitzvah of leading the bentching," retorted Avraham. "I'm holding his hat in lieu of the forty zehuvim he owes me."

"I see we have a pair of budding scholars here," smiled Rabbi Dayan. "What Shlomo did was undoubtedly wrong, since

Avraham was honored to lead the bentching. However, Tosfos (B.K. 91b; Chulin 87a) relates that someone was called to the Torah, but another person came and read instead. Rabbeinu Tam ruled that the second person does not have to pay ten zehuvim, because the first person answered 'Amen' to his blessings, which some consider even greater than making the blessings. Tosfos further reasons that all of Israel are equally obligated to read the Torah, unlike the obligation to cover the blood, in which the one who slaughtered has priority. Therefore, even if the person who was called to read already grabbed payment, he must return it."

"Here, too, Avraham answered 'Amen' to Shlomo's blessings, and the mitzvah of bentching publicly with a zimun is equally incumbent upon everybody," concluded Rabbi Dayan. "Therefore, Shlomo does not have to pay Avraham the ten zehuvim, although he should appease him, and Avraham should return his hat (Aruch Hashulchan 382:5; see also Shach 382:4)."

FROM OUR HOTLINE CONTINUED

relationship between parent and child (Sema 270:2 citing Rashi). A father who voluntarily provides financial support for his child may become resentful if that child keeps objects that he finds. Accordingly, since the money was found by your dependent child, it became your asset, even though he is above bar mitzvah. Furthermore, although you told your son that he could use the money to purchase auction tickets, the money is still yours. Your son's right to use the money to purchase tickets is like all other objects that you own and give him permission to use. As such, both the ticket and the prize belong to you. In fact, even if you would have given the found \$20 to Aharon as a gift, the ruling here would be the same. Generally, a gift given to an adult son belongs to the son even if he is dependent on his father's support. In

such a case, in contrast to a found object, there is no concern that the son's keeping the object would negatively affect the relationship. Only if the gift was given to a minor (a child under 13) does the object belong to the parent, but for a different reason: an adult child is usually capable taking care of a gift by himself; as such, the gift was given to him to own. A minor might not use the present in a sensible way; we therefore assume that the present was given for the parent to own and keep an eye on it (Rema 270:2, Sema (270:8). Thus, if your older son would have received the money from you as a gift and then, in a charitable mood, pass it as a present to his younger brother, you would acquire it again, similar to all gifts given to a minor. As a result, you have the right to decide how it shall be shared (see R' Akiva Eiger ibid).

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MONEY MATTERS

payment of wages week #4

Q: I hired someone to paint four rooms. He gave me a bill for \$1,200, but I remember the agreed-upon price as being \$1,000. What do we do?

A: To avoid disagreements of this sort, it is advisable to get a written quote. In this case, however, there is no evidence to resolve the dispute. Since the painter claims \$1,200 and the homeowner admits that he owes \$1,000,

the homeowner is modeh b'miktzat (he admits partially to the claim). The homeowner must pay \$1,000 and take a severe oath in court that he does not owe the remaining \$200 (SM"A 89:17). However, most batei din refrain from imposing oaths nowadays and encourage reaching a compromise instead. If the homeowner does not recall if he agreed to \$1,000 or \$1,200, he must pay \$1,200. This is because he is unable to

take the severe oath in which he is obligated (C.M. 75:13). However, if the homeowner already paid \$1,000 or is prepared to pay immediately, the nature of the oath is subject to a dispute beyond the scope of this column (see C.M. 89:4 and Shach 89:10).

Furthermore, in this case, if the homeowner does not remember, he cannot be made to pay the extra \$200 - but it is meritorious for him to do so (C.M. 75:9 and Shach 88:36).

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the Business Halacha Institute's inaugural dinner and accompanying journal commemorating the first anniversary of Business Weekly

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