

Kehillah #49



THE PERTINENT PARASHA

Chanuka: From Survival to Thriving

Rabbi Yehoshua Pfeffer | Rav of Kehillat Ohr Chadash, Ramot, Jerusalem

“For the miracles and for the redemption and for the mighty acts and for the salvation and for the wars that You have done for our forefathers in those days in this season.”

It makes sense to thank Hashem for His redemption, salvation, and all He did for our forefathers. But why are we thanking Hashem for the wars themselves? Is there something good about wars?

The question is all the stronger concerning the Chanuka wars, which were anything but total victories. As *I Maccabees* details, these spanned several years and included impressive victories alongside harsh defeats. Some of our bravest and finest were lost in battle.

Why are we thanking Hashem for this? Surely, our gratitude should focus on salvation rather than wars.

The answer to this question emerges from the essence of the Chanuka

celebration, enshrined in the kindling of Chanuka lights.

In contrast with Torah festivals, which occur in the summer season and in the middle of the Jewish month when the moon is full – in times of light – Chanuka occurs in the depth of the winter and around the changing of the Jewish month. It is a time of darkness.

Unlike Torah festivals, when we celebrate the miraculous intervention of divine salvation, Chanuka celebrates salvation by the divine guidance latent in human works. There was no open miracle that granted us victory over the Seleucid Greeks. We fought hard, and by the grace of Hashem, we won.

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THE PERTINENT PARASHA



Our celebration reflects the unique nature of the Chanuka festival. No light descends from above. We kindle our own candles. Yet, their light is "holy." Hashem resides therein – in our own works, though they be human and imperfect.

Though we cry when we make all-too-frequent visits to Har Herzl, we know our spirit will not be broken. We will prevail!

Thus, we thank Hashem for the wars themselves. As we know from our present reality, wars are anything but pleasant. They involve heroic sacrifices and tragic losses. It is a torrid time replete with emotional peaks and troughs.

Yet what a privilege it is to be fighting a war! How much gratitude we must give Hashem for the fact that we can fight! How deeply must we appreciate our ability to take arms and engage in combat against the evil forces that threaten our existence.

As we wage war, we know that Hashem is among us. As the Torah tells us, our camp is holy – just as our

Chanuka lights are holy. Hashem is present in both.

Purim, the other rabbinic festival, celebrates Jewish survival. We internalize the eternity of the Jewish nation, even when things are bleak and the end seems imminent. Ultimately, the Jews will survive.

By contrast, Chanuka celebrates the move from passive survival to active thriving, the transition from a "Noah's Ark" weathering the storm outside to a lighthouse that lights up our surroundings – the Chanuka lights that illuminate the public space outside our homes.

The festival of the Holocaust, if such an expression can be used, is Purim – the festival of Jewish survival. Somehow, we survived. But the festival of the State of Israel, as Herzl wrote in *The Menorah*, is Chanuka, when we transition from survival to thriving.

As we engage once again in the wars of the Jews, the echoes of Chanuka reverberate in our ears. Though we cry when we make all-too-frequent visits to Har Herzl, we know our spirit will not be broken. We will prevail! Though we are enveloped in darkness, we know our inner light – the holy light of Chanuka, the holy light of our brave soldiers – will win the day.

Bayamim hahem. Bazman hazeh.



Hashkafically Speaking

The Challenge of Unity

Rabbi Yaacov Haber – Rav of Kehillas Shivtei Yeshurun, Ramat Beit Shemesh

Yaakov thought he was finished. He had enough. His struggles with his brother Esav, his fight for the *berachos*, his wearisome effort of building a family, and working for Lavan had taken a lifetime. Yaakov wanted to settle down, relax a bit, live in Eretz Yisrael and devote himself to Torah study. He had served his time. "*Bikesh Yaakov leishev beshalva.*" But it was not meant to be. Destiny had it different.

I imagine that at age of 108 Yaakov felt that the tribulations of life were behind him. His life's battle had been Esav. The thorn in his side had been Esav. There were many aspects to the challenge, and he worked through it all valiantly. What Yaakov didn't realize was that it wasn't over yet. Retirement in Israel was not yet an option. There was another challenge yet to come, a challenge that was perhaps deeper and more difficult than the first. Esav represented a challenge from the outside; now Yaakov had to contend with a challenge from the inside. Yaakov built his family, provided them with protection from Esav, and gave them a home, but now his own children started to fight.

Throughout history the Jewish

people have always had two kinds of challenges. One kind is the challenge of antisemitism, inquisitions, holocausts, and more. These are the Esav challenges. But then there was always the Yosef

Esav represented a challenge from the outside; now Yaakov had to contend with a challenge from the inside.

challenge. Sibling rivalry. After we were safe and comfortable could we get along? Yaakov couldn't imagine this latter problem but it was real. *Kafatz alav rogo shel Yosef.* It hit him like a ton of bricks. He straightened out the outside problem but now he had to worry about the inside.

The central problem facing the Jews today is the war between the brothers. There is no safe haven from it. It's rampant in the State of Israel. It plagues the various Jewish groups in the USA. It's prevalent in our own Orthodox community. A Conservative rabbi bemoaned to me that the problem



Hashkafically Speaking



with Orthodox Jews is that they only talk to themselves. I told him they do not! I wish we would talk to ourselves.

Chanuka is a story about division among Jews. The issue wasn't as much about Greeks as it was about Jews acting like Greeks. Arguments about how to deal with the new world order abounded. How should halacha be applied? What should be our relationship with the Greeks? What language should we speak? Should we teach mathematics and philosophy to our children? Judaism had to be reexamined and redefined in the

light of Greek culture. It was this disunity that brought about the defilement of the Beis Hamikdash. The real miracle of Chanuka was that we got back together. After centuries of dissension, with strong leadership and *ahavas Yisrael* we won the war. We went back into the Beis Hamikdash and we lit the Menora. We stayed in Jerusalem for another two hundred years until we fought again among ourselves and Jerusalem was destroyed.

On Chanuka the world saw the light that we can shed if we can only work together.

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Working to Finance Chanuka Lights

Rabbi Asher Meir | Torah and Policy Researcher

The *Shulchan Aruch* (*Orach Chaim* 671:1) opens the laws of Chanuka lights with the ruling that even a person dependent on charity needs to ask (borrow) or beg or sell his clothing, if necessary, to obtain oil for lighting.

This requirement is exceptional. In general a person who can't afford to perform a positive commandment is exempt. Shlomo Hamelech (*Mishlei* 3:9) urges us, "Honor Hashem with your wealth"; the *Yerushalmi* (*Pe'ah* 1:1) infers: "If you have [means] you are obligated in all of [the positive commandments mentioned]; if you lack, you are not obligated in any."

Wine for the four cups on Pesach is another exception to the poverty exemption. There, the *Shulchan Aruch* (*Orach Chaim* 472:13) rules that a poor person should sell his clothes, borrow, or hire himself out to obtain the wine required.

Working for hire to obtain funds is mentioned as a requirement for the four cups, but not for Chanuka lights. The *Olas Shabbos* (671:1) infers that there is no requirement to go to work to finance Chanuka lights. He suggests the following distinction: the poor person can experience the public display of

the Chanuka miracle through the Chanuka lights of neighbors, which are displayed outside.

However, the poor person at his own Pesach Seder will not have the opportunity to see the four cups of his neighbors. Obtaining his own wine is the only possible way for

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him to publicize the miracle; hence, there is a higher level of obligation to obtain the necessary means, namely, to hire himself out.

The *Maamar Mordechai* questions this reasoning based on two comparisons. First, Chanuka lights have budgetary precedence over wine for kiddush (*Shabbos* 23b), and the four cups include the kiddush wine. Furthermore, *Chazal* (*Bava Basra* 110a) teach





MEKOM AVODA



that earning money, even in a demeaning or demanding job, is better than accepting charity, which the *Shulchan Aruch* requires for Chanuka lights. He concludes that one is obligated to work for hire to finance Chanuka lights. And so rules the *Mishnah Berura* (671:3).

To this latter objection the *Olas*

Chazal exhort us to prefer working over accepting charity, but this is not an obligation. In fact, one is permitted to accept charity if the only alternative is a job which is beneath his dignity.

Shabbos can answer that *Chazal* exhort us to prefer working over accepting charity, but this is not an obligation. In fact, one is permitted to accept charity if the only alternative is a job which is beneath his dignity (*Nikdash Bitzedaka* 232).

The *Olas Shabbos* could further note that the Gemara in *maseches Shabbos* cited by the *Maamar Mordechai* explains that Chanuka lights have precedence over

kiddush wine because of *pirsumei nisa*, publicizing the miracle. This very explanation could lead us to the conclusion of the *Olas Shabbos*: that a higher level of *pirsumei nisa* implies greater budgetary priority. (It would follow that someone with no Jewish neighbors would be required to hire himself out according to the *Olas Shabbos*.)

The simple understanding of the *Olas Shabbos* is that the difference between Chanuka and the four cups is a question merely of levels: there is more of a need for *pirsumei nisa* on Pesach, when the poor person doesn't see the *pirsumei nisa* of others, than at Chanuka, when he does. So the effort required to do the mitzva is greater on Pesach. But perhaps we can suggest a more fundamental distinction: the difference between publicizing the miracle to ourselves and to others.

Publicizing the miracle to others is likened to an obligation to others. In general, halacha does not obligate people to go to work to fulfill such obligations. For example, a person is obligated to sell non-essential clothing to pay debts, but is not obligated to hire himself out to pay debts (*Shulchan Aruch, Choshen Mishpat* 97). We will discuss this exemption in more detail next week.





MEKOM AVODA



But publicizing the miracle to ourselves is a basic human need, *dei machsoro*. Thus a person is obligated to make every possible effort to obtain the funds, including going to work, just as a person needs to make every effort to ensure that he and his family have what to eat and what to wear, and is certainly required to work if there is no alternative.

Thus, on Pesach the poor person has to even hire himself out so that he can participate in the unique personal *pirsumei nisa* of the four cups. But on Chanuka, the basic human need is fulfilled by seeing the Chanuka lights of others. An impoverished person lacks only the public aspect of the mitzvah, a kind of debt to others, and doesn't have to hire himself out for that.

The difference between the public and private aspects of *pirsumei nisa* on Chanuka is also evident in the two levels of our obligation to light: In normal times we put the Chanuka lights outside to publicize to all the world. But when mitzvah observance is challenged, we put the lights inside to remind ourselves (*Shulchan Aruch, Orach Chaim* 671:5).

The two aspects are also found in the story of Chanuka. At the time of the Maccabim, the spiritual

level of the Jewish people reached perhaps unprecedented lows. The Rambam (*Megillah VaChanuka* 3:1) writes that the Greeks "nullified" the religion of the people of Israel. Although at first the Chashmona'im were unsuccessful in spreading the

The *Olas Shabbos's* fine distinction reminds us that cultivating our own *emuna* has special importance, as it is a prerequisite for spreading *emuna* among others.

light of Torah outward, inwardly their *emuna* continued to burn brightly. Their unshaken faith was a kind of miracle in itself. Eventually, Hashem's revealed miracles helped them to project the light of their faith outward, to overcome those who sought to nullify our religion, and to restore the nation's commitment to Torah.

The *Olas Shabbos's* fine distinction reminds us that cultivating our own *emuna* has special importance, as it is a prerequisite for spreading *emuna* among others.



PARASHA AND PARNASSAH

The Road to Professional Greatness

Rabbi Tzvi Broker – Career Coach and Director of Pilzno Work Inspired

In my experience working with professionals, I have the opportunity to meet with different personality types of workers. While some people are content with being an employee, others are highly driven to make it to the top and take on leadership roles where they can use their talents to drive change in an organization or company. Often these high achievers can experience challenges when still on the early rungs of the professional ladder. Senior managers aren't born overnight, and getting there can take years of learning the ropes and getting experience in their field.

In this week's *parasha* Yosef teaches high achievers the Torah's way to reach the top. We are introduced to Yosef as a visionary. He understood he was destined for greatness and shared his vision with others even to his own detriment. Yet Yosef's path took an unexpected turn and he found himself working as a slave without a future. We might have expected that Yosef would be filled with disappointment and bitterness. After all, how could it be possible to show up motivated to do such a job that was so far from his ideal and misaligned with his capabilities? Yet Yosef does the

opposite. In every position, he is accountable, excels, and earns the trust and respect of his managers. What was the result?

The Midrash (*Shir Hashirim Rabba* 1) tells us: "Rabbi Pinchas said in the name of Rabbi Shmuel the son of Abba: A person who serves their master properly will be redeemed. Where do we see this? From Yosef: because he served his master [Potiphar] properly, he was redeemed [and brought before Pharaoh to work as his viceroy]."

The Midrash sees the story of Yosef as an explanation of a verse in *Mishlei* (22:29): "Have you seen a man who is engaged in his work? He will stand before kings; he will not stand before poor men." Simply put, the message is that the result of unwavering dedication is being promoted.

Hashem saw within Yosef the true trait of leadership: he was guided by his own internal moral compass and values irrelevant to the position he was filling.

How did Yosef achieve this? His secret was his *emuna*. Whatever position Hashem put him in, he would do it fully engaged. This mindset enabled him to be fully





PARASHA AND PARNASSAH



present in his current job without getting stuck on how he wasn't in his dream job. He was able to maintain a positive attitude and be sensitive to those he interacted with. He was able to notice the butler's unsettled face on a seemingly insignificant day at the office. Ultimately, it was this "insignificant interaction" that planted the seeds for his being raised to the leadership role he was destined for.

As we keep our aspirations high for our ideal *parnassa* situation, let's learn from Yosef to take one step

at a time. With *emuna* in Hashem that each job we find ourselves in is part of the journey, we can approach each task with joy and accountability.

Rabbi Tzvi Broker is a career coach and runs the Work Inspired Chabura, a learning program for professional men to explore topics in parnassa. A new series - "Work How Hashem Intended" is starting December 24th. Join in person, via zoom, or get recordings. Contact pilznworkinspired@gmail.com for more info.

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Taking Interest

A Possible Leniency regarding *Heter Iska*

Rabbi Shloimy Muller

Talmid of Rav Pinchas Vind *shlita*, founder of the Beis Horaah L'Inyanei Ribbis

We've been discussing the relatively common issue of taking a loan for someone else and passing it on. As we explained, this presents a real problem of *ribbis*, because the first borrower is lending his money with interest to the second party, who only receives the principle of the loan.

While in theory, this issue is as equally problematic in Eretz Yisrael as in *chutz laaretz*, there is a leniency that would only apply in Eretz Yisrael, where a standard loan from the bank needs to be covered by a reputable *heter iska*.

If the official borrower knows that since his loan is covered by a *heter iska*, his loan is an investment, and therefore he passed it on as such, and the second borrower is aware of this as well, even if they did not sign a *heter iska*, then there may be room to rule that they are included in the *heter iska* and therefore they are not in violation of *ribbis*.

However, there is an important caveat: This is true only when both parties are somewhat knowledgeable about *ribbis* and aware that they might need a *heter iska*. If they never thought that it was necessary, we cannot say the

loan is subject to the conditions of the *heter iska*.

This is one of the instances where even the basic knowledge of a *heter iska* can make all the difference between permitted and prohibited, and a safe and secure "loan" versus a costly mistake.

In *chutz laaretz*, though, where a bank loan is not usually subject to a *heter iska*, this *heter* would obviously not apply.

Here's another case in point. Let's say two sets of parents each commit to giving their engaged couple fifty thousand dollars within a year of the marriage. Then the parents realize that they cannot lay out the money and ask the couple to borrow the sum from the bank, which they will repay. Many people may not realize that unfortunately what has really happened is that the parents have borrowed money from their children with interest. (In essence what has happened is that the couple used their own money to pay their parents' debt and required the parents to repay them via the bank, principle plus interest.) Here too the *heter iska* between the bank and the children may save the day.



BIOGRAPHY & LEGACY

Rabbi Yitzchak Isaac HaLevi Herzog

Rabbi Dov Loketch – Rabbi of Agudas Yisrael Mogen Avraham, Detroit

Last week we described Rav Herzog's efforts to maintain the Jewish character of the State of Israel. This week we'll discuss his dedication to preserving peace in the midst of controversy while at the same time refusing to compromise his principles.

A Peaceful Warrior

One of the hallmarks of Rav Herzog's leadership was the careful balance between being an *ohav shalom verodef shalom*, a unifying figure who sought to bridge the divides between different camps, and his staunch and unflinching adherence to principle.

After the passing of Rav Isser Zalman Meltzer in the autumn of 1953, Rav Herzog delivered a eulogy during which he was heckled by a number of yeshiva students who felt he was unworthy of the honor of eulogizing the great *rosh yeshiva*. Rav Herzog did not respond. He later received a letter of apology from the *rosh yeshiva* of Yeshivas Sefas Emes denouncing the disgraceful behavior of these students. A similar incident occurred when Rav Herzog attended the funeral of Rav Eliyahu Dessler at the Ponevezh Yeshiva, where Rav Dessler had served as *mashgiach*. A number of men tried to assault Rav Herzog. The mayor of Bnei Brak, Rav Yitzchak Gerstenkorn, later sent a letter to the chief rabbi expressing his regret over this unfortunate

incident. Whenever he encountered such hostility, Rav Herzog retained his composure and did not react.

When a number of rabbanim met with him and urged him to respond to those who disparaged him, Rav Herzog vehemently refused. He said, "The Jews have a long history from which we must learn. The worst epochs in our history were always when we fought among ourselves. Fighting among brothers has always brought our people only destruction and devastation. My place will not be among those who bring conflict." He declared, "Under no circumstances will I aid and abet this divisiveness in our camp."

Rav Herzog remained silent in the face of personal attacks but did not remain silent when he felt grave errors of judgment were being made. Shortly after the declaration of the state, a number of rabbinic figures involved in the Mizrachi party advocated for the reestablishment of the Sanhedrin, the supreme body of halachic authority which had existed during the times of the Beis Hamikdash. Rav Herzog strongly





BIOGRAPHY & LEGACY



opposed the idea, which he felt was irresponsibly unrealistic.

He wrote, "Should a group of seventy-one rabbis in Israel declare themselves to be the great Sanhedrin, the vast majority of rabbis in the Diaspora would vehemently protest. And how would we benefit from this? In our current situation, it would be better if the Sanhedrin were not established."

Beyond the pragmatic obstacles, Rav Herzog noted that the reconstitution of the Sanhedrin would require the reintroduction of *semicha*, the formal chain of ordination begun by Moshe Rabbeinu and which was disrupted during the times of the *Tanna'im*. The idea of reinstating *semicha* sparked a fierce controversy in Eretz Yisrael in the sixteenth-century, during the times of Rav Yosef Karo, as many felt that this could not be done before the final redemption. Rav Herzog's opposition to the restoration of the Sanhedrin met with harsh criticism from some religious Zionist supporters of the plan.

He did, however, establish Heichal Shlomo, which was to serve as a global spiritual center in Jerusalem.

This move evoked the harsh criticism of the Brisker Rav, who likened it to a Reform temple. The grief caused by these verbal attacks adversely affected Rav Herzog's health, which had already been deteriorating.

Regarding the sensitive issue of conscripting yeshiva students to the IDF, Rav Herzog advocated for their exemption, but maintained that in emergency situations – such as during the 1948 siege of Jerusalem – a partial conscription of yeshiva students should be authorized.

He wrote an essay at that time in which he stated:

We face an imminent siege, and we must enlist all the manpower at our disposal.... Measures must be taken, however, so that, G-d forbid, the existence of the yeshivos is not jeopardized, not even for a short time. . . . And so, in my opinion, the yeshiva heads must come to an arrangement for a partial conscription when the situation requires it...

The majority of yeshivos have already been criticized by noble people with good intentions who claim that the yeshivos are disconnected from society and are not interested in building up the land. I vociferously reject all such claims . . . However, in an emergency such as we are currently facing, the complete and utter refusal of the yeshivos will reinforce such talk and will result in an actual denunciation by the masses.

Next week we will continue with a similarly explosive issue.



How Much Anxiety Is the Right Amount?

Rebbetzin Ilana Cowland

Relationships Coach and author of *The Moderately Anxious Everybody*

My husband and I were talking. We do that a lot. Highly recommended for marriage, by the way. Well, he asked me, as if I have any idea, is this war a Chanuka war or a Purim war?

The Chanuka war is the one wherein they try to kill our spirit, so we fight with our bodies. And the Purim war is the opposite. They try to kill our bodies so we fight for our spirit.

I'm learned enough in the mandate of Hamas to be able to answer that question. This one is a two-for-the-price-of-one war. They are fighting to quell our existence and our values. So that means we have to fight on both fronts. When we win, we'll be eating doughnuts and hamantaschen – may it be soon. (Hopefully, that'll just be the dessert table after we're done with the sacrifices in the Beis Hamikdash.) But we're getting ahead of ourselves here.

For a war on so many fronts, what are we supposed to be feeling? How much anxiety is the right amount or the wrong amount?

There are those who are paralyzed. Debilitated. Frozen. Hysterical. We

know that's too much anxiety. You don't achieve anything if you're that incapacitated. But does the answer lie in the other extreme? Should we be seeking to reach a level of *emuna* so high that we transcend all fear and hesitation? Is there a level of *bitachon* that is inappropriately high for the times in which we find ourselves?

Do we ever hear of our matriarchs being so okay with their barrenness that they just made challa and accepted Hashem's will? We do not.

Pondering this question took me on a walk down Jewish history lane. How odd that our greatest moments in Jewish memory are all so distinctly preceded by Jewish trauma. There was no giving of the Torah before the exile in Egypt. There was no acquiring Eretz Yisrael before the



death of Moshe Rabbeinu. There wasn't a State of Israel without the Holocaust. Was there ever a soul born into this world without the travail of birth? Or a soul born into the World to Come without the travail of death? Why does celebration always need to be accompanied by tragedy?

It's us. We are the problem. It's not our fault necessarily, just our nature. We have this tendency to make the story about ourselves. We forget G-d regularly. Throughout history, we have needed to go through a breaking down of the character in order to make room for the author. When Jews are broken down, that's when we break open. Well, that's the idea. We don't always achieve it personally, but we have achieved it communally. Because what, I ask you, would be the point of Hashem inflicting pain on us if we decided we were too holy to feel it?

When the Jews were in Egypt, they cried out. Nowhere does it say they meditated their way through it and were fine. They were not fine. They were in anguish. And it was the cries of anguish that Hashem heard before redeeming us.

Do we ever hear of our matriarchs being so okay with their barrenness that they just made challa and accepted Hashem's will? We do not. They cried and they davened, and they davened and they cried. Because that was the plan. There would never have been a Yitzchak nor a Yaakov had their mothers just accepted things.

Because when the pain with which we are inflicted is divine – i.e., unequivocally from *Hakadosh Baruch Hu*, with no other possible explanation – the pain that it exacts is also from *Hakadosh Baruch Hu*.

Just like the prayers of Adam brought the rains that watered the earth to bring forth blessing, so too the tears of our people will bring forth blessing. Of course, there's no such thing as too much *emuna*. But there is such a thing as misdirected *emuna*. You have to know when it's time to cry, when it's time to pray, when it's time to act, when it's time to accept. The trauma that we are all experiencing calls for the correct response. It's not just that it's human to feel pain. It's that when we feel the pain the way we are supposed to, it's also divine.



Damages and the Smooshed *Sufganiya*

Josh and Tammy Kruger

The Story

It was the first night of Chanuka. After lighting their *chanukias*, the children of the Cohen family had a delicious dinner that included their mother's special latkes. Avishai and Eliyah began to play with their dreidels.

"Wow! Mine spun for 15 seconds," said Avishai. "Think you can do better, Eliyah?"

Eliyah wound up his dreidel and spun it as hard as he could. Unfortunately, he spun it a little too hard. All of a sudden, his arm knocked over the cup of water next to him. The boys stared at the puddle on the floor.

"Better clean it up," said Avishai.

"In a second," replied Eliyah. "First let me have another try at the dreidel."

A little while later, after Eliyah had several tries spinning the dreidel, their sister Talya entered the dining room.

"Look, everyone. Mom bought us *sufganiyot* for dessert! There is one for each of us in the – WHOA!"

As Talya was speaking to the boys, she slipped in the puddle of water and came crashing down with her *sufganiya* in her hand. The boys rushed over to help her up.

"Are you all right?" asked Avishai. "Eliyah spilled water on the floor. I told him to clean it up immediately, but he wanted to wait until he had another turn with the dreidel."

"I'm fine," said Talya, "but my *sufganiya* is completely ruined. This is your fault, Eliyah. Mom only bought one *sufganiya* for each of us. You should give me yours."

"What?" said Eliyah. "How many times has Mom told us, 'Watch where you are going'? You should have been more careful."

They entered the kitchen to find their mother.

Discussion

Q: What is the connection between our story and the *parasha*? (It's a bit tricky.)

A: Damage that is done by a non-movable object, such as a puddle, falls under the halachic category of damages known as *bor* – "pit"

in English (*Shemos* 21:33–34). Our *parasha* tells the famous story of Yosef being thrown by his brothers into a pit.

Q: What other categories of damage are there?

A: There are four prototypes/*avot* of damage. They are:





PARASHA HALACHA FOR THE SHABBOS TABLE



Shor – damage done by an animal to other animals or people

Shen – damage done by an animal to people's property

Bor – damage done by someone's non-movable object

Esh – damage done by someone's object that is moving

Q: Does it make a difference what type of category a particular damage falls into?

A: Yes. Whether or not the person responsible has to pay the victim depends on whether the damage is most similar to a *shor*, *bor*, *shen*, or *esh*.

Q: Is Eliyah required by halacha to give Talya his *sufganiya*?

A: No. When damage is done by a *bor*, the person responsible only has to pay for permanent damage that was caused to the victim's body (*Pischei Choshen, Nezikin* 7:8). They are not required to pay for damage that was caused to the victim's property (*Choshen Mishpat* 410:19–21). Eliyah is not required by halacha to replace his sister's *sufganiya*. Nevertheless, there are some *poskim* who believe that it is proper practice to pay for objects damaged by the *bor* (*Pischei Choshen, Nezikin* 1:1, 9:53).

Back to Our Story

Mrs. Cohen discussed the relevant halacha with her children.

"I guess I really should have been more careful," said Talya.

"Well, whether I have to or not, I would like to give you

my *sufganiya*," said Eliyah. "I'm sorry that I wasn't more sympathetic right away."

"What's all the noise about?" asked their four-year-old brother, Ariel. "Wow! Look at that cool smushed *sufganiya*. Can I please have it?"

"Looks like everyone will get to have their cake and eat it, too," laughed Mrs. Cohen.

Written by Josh and Tammy Kruger, in collaboration with Rabbi Yehoshua Pfeffer, based on two articles by Rabbi Meir Orlan entitled *Banana Split* and *Banana Split Repealed* at <http://www.businesshalacha.com>.

Le'ilui nishmas Frumit bat Yosef, Edith Nusbaum, a"h.

