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STORYLINE

a pretty penny

By Rabbi Meir Orlian

Halacha Writer for the Business Halacha Institute

"It's going to be really quiet this year on Chanukah," Mrs. Licht said to her husband. "Now that Baruch is married, none of the kids will be home anymore!"

"Actually, my boss just informed me that I have to travel to England," Mr. Licht responded. "I'll also be away for most of Chanukah,"

"You're kidding!" exclaimed Mrs. Licht. "What will I do about Chanukah candles?" "You'll light them," replied Mr. Licht.

"It will feel strange," said Mrs. Licht. "I haven't lit Chanukah candles since I was a child."

"Women are also obligated in the mitzvah of Chanukah candles," explained Mr. Licht. "Usually, the husband includes the wife in his lighting, but when he is not home, she lights (O.C. 675:3 and M.B. 677:9)."

"Baruch and his wife already invited us for

Shabbos Chanukah," said Mrs. Licht. "So at least Shabbos won't be a problem; I'll be with them."

Thursday evening of Chanukah, Mrs. Licht called Baruch. "What can I bring?" she asked. "A roast? Kugels? Salads?"

"We'll take care of the cooking," laughed Baruch. "Just bring yourself! If you want, you can bring Abba's silver menorah."

"I've been lighting it," replied Mrs. Licht. "I'm happy to bring it for Shabbos, though, and have you include me in your lighting."

When Mr. Licht called later that evening from England, his wife said, "I offered to bring food for Shabbos, but Baruch said they would handle the cooking. He asked to bring your menorah. I told him to light it and include me, just like you always include me in your lighting."

"Actually, a guest is different," said Mr. Licht.

"A person can include anyone of his household in his lighting. However, if a guest does not want to light himself and wants to be included, he has to share in the oil."

"How do I do that?" asked Mrs. Licht.

"It has something to do with a penny," replied Mr. Licht. "I'm not sure of the details. Let Baruch speak with Rabbi Dayan."

Baruch called Rabbi Dayan. "My father is in England for Chanukah, and my mother is coming for Shabbos," he said. "If she wants me to include her in my Chanukah lighting, what does she have to do? My father mentioned something about a penny."

"Correct," answered Rabbi Dayan. "The Gemara (Shabbos 23a) teaches that a guest should share in the oil to be included in the lighting of the ba'al habayis. He or she can do this by giving at least a perutah (O.C. 677:1)."

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FROM OUR HOTLINE

Submitted by
A. L. D.

permission to park

I had parked in a legal spot in front of a no parking zone, so I backed out of my spot without bothering to look behind me.
CRASH!

I quickly got out of my car and saw that someone had, in fact, parked there, and I had damaged his vehicle.

Q: Since the owner of the car I crashed

into had no right to park there, am I responsible for the damage to his car? What is the halacha in this case?

A: The Gemara Bava Kamma (48b) discusses liability for damages that occur when both the mazik (damager) and the nizak (the damaged party) have reshus (permission) to be in that location, and also

when neither of them have permission to be in that location (shelo b'reshus).

Chazon Ish (Bava Kamma siman 4 s.k. 2) explains that the term "permission" is not to be defined literally: that the mazik is allowed to be in that location. The principle of "permission" actually includes the behavior of the mazik as well.

In other words, for a mazik to be exempt

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“What’s a perutah?” asked Baruch.
 “A perutah was the smallest denomination that existed in the times of Chazal,” explained Rabbi Dayan. “It was worth the value of 1/40 gram of silver. This is about 2.5 cents nowadays, when silver sells for about \$27 an ounce. The perutah is also the minimal amount for most other monetary matters and claims (B.M. 55a).”
 “That doesn’t seem much!” said Baruch. “What can you buy with 2.5 cents?!”
 “Commodities were cheaper then, relative to silver. The purchasing power of a perutah in those times was close to that of a quarter nowadays,” said Rabbi Dayan. “Nonetheless, since currency in the Torah is based on actual silver, we continue to use the value of silver to define currency for halachic purposes, albeit there is some question about it (See SM”A 88:2).”
 “So I tell my mother to give me a nickel to share in the oil?” asked Baruch. “That’s a little embarrassing!”
 “Not if you explain that she must

share in the oil to be included in your lighting,” replied Rabbi Dayan. “However, the poskim write that you can also grant her a share in the oil as a gift.” (M.B. 677:3)
 “Of course I’m happy to share the oil with my mother!” exclaimed Baruch. “Do we have to do anything special to designate it as a gift?”
 “The common practice is that a guest who eats and drinks at the household table, and whose needs are provided for by the host, can be included in the lighting,” answered Rabbi Dayan. “Just as the host provides all the other needs, he also provides the guest a share in the oil, and he is considered part of the household (Da’as Torah 677:1 citing Gan Hamelech #41; Yechaveh Da’as 6:43).
 “Some say, however, that the ba’al habayis should verbally state that he is granting a share (Misgeres Hashulchan 139:19) or that the guest should pick up the bottle of oil or box of candles with the intention of acquiring a share (Sha’ar Hatziyun 677:9; Az Nidberu 13:47).”

from liability because he had “permission”, he must also behave in a way that is normal and customary. If, however, the mazik had permission to be in a particular location but behaved in a way that was out of the ordinary and could potentially cause damage, it is classified as though he does not have permission to be there and bears liability for any damage that may result.
 Proof to this principle is found in the Mishnah (Bava Kamma 31b-32a) that teaches that if someone was carrying a beam in the street and stopped without warning, causing a person transporting a barrel behind him to break his barrel on the beam, the owner of the beam is liable for damages. Although he had permission to be

transporting the beam in the street, since he stopped suddenly - behavior that is out of the ordinary - he is responsible for damages.
 This principle is the key to answering your inquiry. It is expected that before backing up his car, a person will check around the car to be certain that no one is there. It is negligent for a person to back up without checking first that no one is standing behind his car.
 Therefore, if one backs into another car because he didn’t confirm that no one was behind him, even if it is in a no parking zone, he is liable for the damages. Since he was negligent by backing up without looking behind him, he is considered to have acted lo b’reshus - without permission.

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MONEY MATTERS

business competition week #4

Q: Is there halachic basis to give priority to patronizing Jewish businesses?

A: Toras Kohanim derives from the verse, “When you sell something to your fellow or buy from the hand of your fellow” (Vayikra 25:14), that one should give commercial priority to his Jewish brethren. This halacha is not mentioned in Shulchan Aruch; it is cited by responsa. Poskim debate whether the

law applies if the non-Jew sells for cheaper. Rama (Responsa #10) cites this law to give priority to an edition of the Rambam printed by Maharam Padua over a competing, cheaper edition printed by a non-Jew. He understands from the Gemara (B.M. 71a; Pesachim 21b) that the law applies even if there will be a loss in buying from the Jew. On the other hand, some achronim argue that this law is only “proper advice” (Korban

Ha’eda on Toras Kohanim). Others rule that it applies only when there is no price differential (Maharsham in Mishpat Shalom C.M. 189). Maharam Shick (C.M. #31) also maintains that a businessman does not need to buy from a Jewish supplier who is more expensive, but should do so if it is only an issue of convenience. There is a third, middle position advocated by some achronim, which will be discussed next week, IY”H.

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