

Heichal Hatorah newsletter



Heichal HaTorah
Melbourne

פרשת פנחס

MINCHA 4:53pm

followed by Kabbolas Shabbos

Shabbos Candle Lighting: not after 4:53pm

Shkio Sunset 5:11pm

Netz / Sunrise 7:36am

SHACHARIS 8:45am

Bochurim Minyan 9:15am

Sof Zman Krias Shma 10:00/9:18am

Sof Zman Tefilla 10:47/10:19am

שבת מברכים חודש מנחם אב

Seder Limud 3:45pm

MINCHA 4:45pm

Seudas Shlishis 5:10pm

Boys Seudas Shlishis 5:10pm

Shkio Sunset 5:12pm

MARIV/ Motzei Shabbos 6:13pm*

Havdolo/Avos Ubonim 6:30pm

Avos Ubonim Speaker 7:20pm

*It is recommended to wait an additional 12 minutes before

melocho as noted by Rav Moshe Feinstein (Igras Moshe OC

4:62)

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CARING FOR ONE'S MOST PRECIOUS ASSET

Analysing the story of Pinchos and Zimri which overlaps the two parshios of Bolok and Pinchos, it seems quite clear that Pinchos's main feat was the tremendous Kiddush Hashem that he performed by taking action against Zimri and Kosbi. Their despicable public performance was a terrible chilul Hashem (especially when a *nosi* was involved), and when no one else took the initiative to take action, Pinchos gathered the courage and audacity to stop the proceedings and punish these reshoyim. An added bonus by product of his deed was that the *mageifo*, which was killing Jews as a result of Hashem's anger, came to a halt. Obviously, even if there had been no *mageifo*, Pinchos's accomplishment would have nevertheless gained headline news and

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לע"ב

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he would have been deserving of a just reward.

However from the first few *pesukim* of this week's Parsha, it seems otherwise. The Torah states that the reward of *brisi sholom* was given in lieu of 'heishiv es chamosi' 'turning back Hashems' anger'. There is no mention of the 'main' aspect of his vengeance, the remarkable Kiddush Hashem. This cries out for elucidation as why was the reward granted in lieu of the secondary feature and not the primary one?

The Steipler Gaon in his *sefer al hatorah 'Birchas Peretz'* resolves this difficulty with a principle based on the Gemoro in Meseches Kiddushin (40). The Gemoro expounds on the possuk which describes two types of *tzaddikim*, a *tzaddik tov* and a *tzaddik lo toiv*, a 'good *tzaddik*' and a 'not good *tzaddik*'. But what is a 'not good *tzaddik*'? The Gemoro explains that a *tzaddik* who is good 'to *shomayim* and to mankind' is a *tzaddik toiv* but where the *tzaddik* is only for *shomayim* ie '*mitvos bein odom lomokom*' but has no interest and no effect to mankind, although a *tzaddik*, is deemed a *tzaddik lo toiv*. Consequently, a *tzaddik toiv* takes delivery of *peiros* 'fruits of their investment' on this world in addition to the principal reward in Olam Habo, while the *tzaddik lo toiv* receives reward in the world to come but no 'fruits' on this world. We find a similar idea in the mishna (Pe'oh 1:1) we recite daily immediately following our *birchas hatorah* which lists *mitzvos bein odom la'chaveiro* as those that receive '*peirosei'hem be'olam hazeh*' in addition to '*vehakeren kayemes le'oloam habo*'.

Accordingly, an act of Kiddush Hashem, as great, noble and powerful a mitzvah that it is, does not merit any 'fruits' on this world due to its '*bein odom lomokom*' characteristic. Therefore Pinchos could only be rewarded on this world (with *be'risi Shalom*) for the *bein odom lachaveiro* component in his action, hence the *pesukim*'s mention that his reward was owing because of halting the *mageifo*

and not the Kiddush Hashem.

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Although Pinchos's single act of Kiddush Hashem incorporated these two groups of mitzvos, *bein odom la'mokom* and *bein odom la'chaveiro*, this is not often the case. Generally they do not overlap, as most mitzvos *bein odom la'mokom* do not converge on any of the mitzvos belonging to the *bein odom la'chaveiro* group. However there is a mitzvo which one is able to perform on a daily basis and incorporates both groups of mitzvos - the mitzvo of chinuch. The Torah obligates parents to ensure that their children follow in the ways of Hashem. A parent is commanded to instruct, educate and direct their offspring to live a life of Torah and Mitzvos. While doing this *bein odom la'mokom* obligation, one has at the same time performed a *bein odom la'chaveiro* mitzvo as well. Helping another Jew with their *ruchnius* is no less a *chesed* than helping them with their *gashmius* and obviously one's child is no different than a stranger.

In today's 'busy' world, one struggles to find sufficient time for this most important mitzvoh. A Shabbos meal, both night and day, is a golden opportunity to convey important *hashkofos* and insights to the family. A little preparation, with a good story and *vort*, will go a long way - more than one can imagine. This 'chore' need not be left until 'late' shabbos afternoon, rather can be primed and rehearsed from the beginning of the week. Our children are by far our most important and precious asset and putting in the effort is well worthwhile investment. Subsequent to focusing on this double mitzvoh, one will merit the best of both worlds - firstly '*peirosei'hen be'olam hazeh*' followed by '*hakeren kayemes le'olam habo*'.

Gut Shabbos

Rav M Donnebaum

Our children are by far our most important and precious asset and putting in the effort is well worthwhile investment.

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every Thursday
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of a greatgrandson

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delivered by the Rav
on Motzei Shabbos**

Laws of Berochos on 'Secondary' foods

Ikar and Tofel

by Rav M Donnebaum

I recently discovered the practise of tasting food on erev Shabbos¹ and I have begun to enjoy a scoop of cholent upon returning from work before becoming embroiled in the pre-Shabbos preparations. However at this point in time, the meat, potatoes, beans and barley have not yet transformed into the typical stew-like form that I am familiar with at Shabbos lunch. Does this influence the berocho I must make?

This past Shabbos my wife served an appetising desert comprising of vanilla ice cream topped with kiwi. I was tempted to nibble on one of the kiwi slices before enjoying the ice cream, but I was unsure of the correct berocho in such a case and so I refrained from doing so. I know that if I ate them together I would only make a 'shehako'². Would the halocho be different if I had wanted to eat the kiwi slices that were decorating the chocolate cake? Will this impact on the berocho achrona?

My kids always ask me the question – what berocho or how many berochos does one recite on ice cream in a cone? I'm truly embarrassed to say "I don't know"!

In line with my diet I have a yogurt for breakfast and a bowl of sliced fruit for lunch. In order to 'spice' up the yoghurt in the morning, I place some fruit in the yoghurt (e.g. blueberries, diced apple) and I often 'pour' some yogurt over the bowl of fruit during lunch. Do these 'mixtures' have identical berochos?



Cholent - Cooked and Well Done It is not uncommon to encounter a situation involving the laws of *ikar v'tafel* when a variety of foods are combined into one dish³. A common example is a bowl of cholent that contains a mixture of meat, potatoes, beans and barley. The Shulchan Aruch⁴ explains that in such a scenario a *berochko* is made only on the food item that is *ikar* thus exempting the food that is *tafel* from a *berochko*. In the case of a cholent containing barley that has sufficiently coagulated to form a thick stew, a *mezonos* would be made as a result of the primacy of '*mezonos*'⁵. This would exempt the dish from any other *berochos* that would otherwise have been required⁶. The Biur Halacha⁷ comments that this is also the case where the components of a mixture retain independent forms, such as where a cholent still has a soup-like texture. A single *berochko* will still suffice according to the ruling of the Mishna Berura⁸. On the other hand, one who wants to satisfy the opinion of the Chaye Odom⁹ should mash the potatoes, beans, meat and barley into a solid mixture. According to the Chaye Odom, a mixture of foods that are individually noticeable warrant separate *berochos*. However by mashing the foods into a solid mixture, the sole *berochko* of *mezonos* will exempt all the ingredients. Alternatively both a *mezonos* and a *ha'odoma* can be made on other food items¹⁰ in order to exempt both food types in the cholent. Rav Vosner follows the ruling of the Chaye Odom¹¹.

Fruit Salad A fruit salad, in which the majority of the sliced fruit is *ho'etz* and the minority *ha'adoma*¹², would have a similar *halocho* to the previous scenario where a single *berochko* of *ho'etz* will suffice according to the accepted *halocho*. However in this case there is more reason to be stringent

1 Mishna Berura (250:2) cites the reason as to ensure the food is suitable for eating, thus allowing sufficient time to make any necessary adjustments before Shabbos begins. See also Machzor Vitri who quotes a Yerushalmi that ascribes inherent value to tasting Shabbos food on erev Shabbos.

2 OC Siman 212:1

3 The **Mishna Berura** (250:1) refers to **4 scenarios in which the laws of *ikar v'tafel*** - primary and secondary foods - will arise. These may be remembered by the acronym '*TeRaCheM*': 1) '*Tav*' = Tikkun - where a food item (even bread in certain circumstances) is eaten purely to facilitate the consumption of another primary food item; 2) '*Reish*' = Roiv - where a food is the majority of a mixture; 3) '*Ches*' = Chashuv - where the food is preferred; 4) '*Mem*' = Mezonos - where the food is of a type over which a *mezonos* (or hamotzi) is made. **Another important rule** concerning *ikar v'tafel* is that the berocho on the *ikar* exempts the *tafel* only in one of the following situations; a) *tafel* must be mixed in – me'urev, b) *tafel* must be in front of – lefonov, c) one has in mind to eat the *tafel* – (be) da'ato d) the *tafel* is regularly eaten with this *ikar* - rogil or e) during a Kevias seudo. Generally when none of the above are present, one makes a Shehakol on the *tafel* (MB 212:4).

4 OC 212.

5 Provided that there is a generous amount of barley i.e. that in most spoonfuls there will be some barley.

6 Similarly, an '*al hamichya*' would suffice as a *berochko achrona*, although a *K'zayis* barley must have been consumed '*b'cheday achilas peras*'. If a *K'zayis* of the cholent mixture (but not a *K'zayis* of barley) was consumed '*b'cheday achilas peras*', the *berochko achrona* would be a *bore nefoshos*. In truth, there is much discussion regarding the tziruf for a *berochko achrona* – see Shaarei berocho

7 Ibid d"h "*im haikar meorav*"

8 MB and Biur Halocho beginning siman 212 based on the Derech Chayim (18) and Pri Megadim (intro to *birchas hanehenin*).

9 51:13, 54:9

10 There is a discussion amongst the Poskim (beyond the scope of this article) in regard to removing a piece of each type from the mixture in order to say its individual *berochko*. See Mekor Haberocho p 182 and Vezos Haberocho p94. Rav Y M Rubin (Vezos Haberocho p357) brings a simple proof from the fact that the Biur Halocho suggests the solution of blending/mashing the different food types together, rather than removing each type from mixture to make its own *berochko*.

Vezos Haberocho p95 raises the idea of separating the *tafel* for a short while from the mixture before eating it, thereby giving it a new, independent identity.

11 Shevet Halevi 7:27:3

12 Where the pieces are large enough that only one piece can be scooped up at any one time, it is not considered a 'mixture' and the rules of *ikar v'tafel* do **not** apply.

and recite the respective *berochos* on *other* food items¹³. In addition to the view of the Chaye Odom, the Shulchan Oruch Horav¹⁴ is of the opinion that the foods must be cooked/baked together for the rule of *ikar v'tofel* to take effect (with regard to *roiv* - where one food type is the majority of the mixture). **Tofel before the Ikar** While the matter is fairly straightforward where one eats the *ikar* first (or at the same time as the *tofel*), in the event that one changed the order in which the foods are consumed, i.e. eating the *tofel* first¹⁵, there are **3 opinions** with respect to the correct approach: 1) Rema; 2) Mogen Avrohom; and 3) Beis Yosef/Gr"o. The **Rema** is of the opinion that the *berochos* is always dropped to a *shehakol*. Thus in the case of a kiwi topping ice-cream or cake, a *shehakol* would be made on a kiwi that was picked off and eaten, notwithstanding that a *ho'etz* would normally be made. The rationale is that a *berochos* must be made - as one benefits from its consumption - however as it is being consumed only as a secondary item to the primary food, a *shehakol* is sufficient¹⁶. On the opposite extreme, stands the view of the **Beis Yosef** and the **Gr"o**¹⁷. Their opinion is that in such a case, it can no longer be viewed as a secondary food. Therefore it will retain its usual *berochos*, which in the case of a kiwi is *ho'etz*. The middle stance is that of the **Magen Avrohom**, who differentiates between the case in which the *berochos* of the *ikar* is a *shehakol* and where its *berochos* is of another kind. Where the *berochos* of the *ikar* is *shehakol*, such as in the case of the kiwi-topped ice cream, a *shehakol* would ordinarily suffice for both the ice-cream and the kiwi topping. This remains true even where the kiwi is being eaten first, as a *shehakol* on the kiwi will exempt the ice cream as well. In the case of a kiwi that has been removed from a chocolate cake however, since the *berochos* of *mezonos* is unsuitable for kiwi (when eaten alone) and cannot be made on the kiwi, therefore its usual *ho'etz* is said. As a result of the differing views, the Mishna Berura advises one to **avoid eating the *tofel* item before the *ikar***¹⁸.

Practically Speaking The Mishna Berura¹⁹ states that where the *tofel* is *chaviv* - valued - one always makes the food's usual *berochos*. It is likely to assume that where one eats the kiwi before the cake or the ice-cream, it is often²⁰ because they value the unique taste of the kiwi, not because they are attempting to mask the flavour of the ice-cream, or somehow make it more palatable. As such, a kiwi that had been removed and eaten prior to the ice-cream or cake that it had previously adorned, would usually require its standard *berochos* of *ho'etz*.

Herring & Ice Cream

The Mechaber, describing an example of *ikar v'tofel*, cites a case of bread that is eaten together with very salty fish in order

to make the fish palatable. The Mishna Berura²¹ comments that where one also desires to eat the bread because they are hungry, the bread will not be considered a *tofel* (even where the fish is the more sought after food) and a *hamotzei* must be made. The same would be true of a biscuit/cracker that was eaten along with herring at a kiddush for the purpose of satiation. See footnote below²². This is generally the case nowadays, since our crackers are flavoursome and will often be independently eaten²³. The crackers described in the Shulchan Oruch²⁴ on the other hand, were not consumed for their taste, but rather to avoid dirtying one's hands²⁵.

This same rule applies to an ice cream in a cone. Although the cone is a '*mezonos*', the ice cream does not necessarily become a *tofel* to it. On the contrary, a cone often serves only as a receptacle for the ice cream. This is the case **only** where the cone is of a bland type. Where the cone is tasty, sweet, etc., it requires its own *berochos* of *mezonos* as well²⁶, since we assume that one's intention is for the cone as well. This seems to be the case with most cones nowadays.

Cereal Dilemma

Another common example of *ikar v'tofel* is where one mixes yoghurt together with fruits e.g. blueberries. The *halocho* is as follows: if one's intention is to eat the yogurt and the fruits are included to add flavour then the *berochos* is recited on the yoghurt alone. However, if the intention is to eat the fruit, and the yogurt is added for extra flavour, the *berochos* is recited on the fruit. If there is no specific intention, one follows the *roiv* (majority).

Solution when in Doubt The Poskim²⁷ discuss whether one is able to 'limit' the extent of their *berochos rishono*. For example, may one have in mind that their *berochos* will only include one food and not another? Likewise with regard to mitzvos, may one have in mind that a *berochos* should only exempt a particular item of this mitzvah, or that it should only extend for a certain period of time? Although this may otherwise involve the *issur* of *berochos she'eino tzericho*, this is allowed by many Poskim²⁸ in a situation of *sofek berochos*, as it will not be considered *she'eino tzericho* due to the doubt involved.

As a result, in a situation where there is a *sofek* whether the second food is considered a *tofel*, one may have in mind at the time of the *berochos rishono* that they only want the *berochos* to include the *ikar* and thereafter make another *berochos* on the *tofel*.

13 Derech Chayim (18) and Pri Megadim (introduction to *birchas hanehenin*)
 14 202:13-23, 204:17, 212:5. Seder Birchas Hanehenin 7:19. The Kitzur Shulchan Oruch (Misgeres Hashulchan 54:6) is of the opinion that the Shulchan Oruch Horav was referring only to solids mixed into liquids, but agrees with respect to two solids e.g. a fruit salad.
 15 This discussion is only relevant to a *tofel* eaten *before* the *ikar*. No *berochos* required on *tofel* eaten alone after the *ikar* MB 168:46
 16 Although the exceptional sefer on *berochos Sha'arei Berochos* 15:20 fn35 seems to 'indicate' otherwise, following discussion with the author it was agreed that this was not the case and the information above is correct.
 17 Cited in Shaar Hatzion 212:24
 18 This view is also promoted in the Derech Chaim.
 19 212:11
 20 Alternatively one might just be 'trying' the kiwi, or eating it without any specific intention.
 21 Siman 212:3. See the Shaar Hatzion (9) for the scenario in which the M" B would consider the bread to be a **true *tofel*** and thus exempted from a separate *berochos*.
 22 Note that in the case of a '*mezonos*' eaten with the salty fish, it appears that **two *berochos*** - *mezonos* and *shehakol* are required. There appears to be a distinction between bread and other *mezonos* foods. Bread is *kovea seuda* and most foods eaten thereafter are included in the original *berochos* of *hamotzei*. This would not be the case with other food types. See MB 212:13 and 168:45. See also Ketzos Hashulchan 58:7 and fn 8.
 23 MB 212:13. It would seem that during a kiddush on Shabbos morning where one is required to eat a *kezayis* of '*mezonos*' to meet the requirement of *kiddush b'makom seuda*, there is more reason that one 'must' eat the '*mezonos*' with the intention of 'satiation' and not merely as a holder. (RK)
 24 OC 212:2
 25 Additionally, see MB 212:5 where he cites from the Achronim in the name of the Shlo that it is difficult to ascertain one's 'true' intention in the consumption of '*mezonos*' with whisky. Perhaps the same applies to a cracker with herring as well.
 26 See footnote 22 above
 27 See Pri Chodosh YD 19, MG"A end OC 639 , Sharei Teshuvo OC 8:15,
 28 A full discussion on this topic is beyond the scope of this article, but the Biur Halocho 25:5 sv *ve'tov* quotes RAK"E who suggests this idea with regard to the *berochos* on tefillin. The Pri Megadim (intro to *berochos* 10 and Mishbetzos Zohov 211:2) rules likewise. See also Sedei Chemed (Asifias Dinim *Berochos* 1:4), Sharei Berochos 10 fn34 and Piskei Teshuvos 202 fn150.

BUSINESS WEEKLY



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CASE FILE

Rabbi Meir Orlian
Writer for the Business Halacha Institute

לע"נ הרב אהרן בן הרב גדליהו ע"ה

'BUY COFFEE, I'LL PAY EXTRA!'

customer.

Sruli turned to his neighbor, Chaim, who also shopped at that store, and asked whether he planned to buy the coffee.

"Nobody in our house drinks coffee," replied Chaim.

"When you shop," said Sruli, "I'd be happy if you bought a case of coffee. I'll give you \$110 for it."

"I'm willing to buy the coffee," replied Chaim.

Chaim bought the coffee. Sruli came to pick up the case and offered him the \$110.

"I'm not sure that I can take the extra \$10," said Chaim.

"Why not?" asked Sruli. "I told you initially that I would pay you \$110 for the coffee."

"I only laid out \$100," replied Chaim. "I'm concerned that the extra \$10 would represent *ribbis*."

"What *ribbis*?" asked Sruli. "You didn't lend me anything!"

"I laid out money for you," replied Chaim. "That's like a loan."

"Who's to say that you laid out money for me?" countered Sruli. "You bought the coffee from the store for \$100 and I'm buying it from you for \$110. Furthermore, you deserve \$10 for your effort on my behalf. I'm not giving the \$10 because you laid out the money."

"I perceive that I bought the coffee for you, on your behalf, not for me," replied Chaim.

"Thus, I did lay out the money for you. I'm happy to do it as a *chessed* and not take money for the effort."

Sruli called Rabbi Dayan and asked:

"Is there an issue of *ribbis* when paying someone more than he paid to buy something for me?"

"Although *ribbis* applies primarily to loans," replied Rabbi Dayan, "money laid out by an agent for his sender is considered a loan. Thus, if Chaim serves as your agent to buy the coffee on your behalf, there is concern of *ribbis* in paying him extra.

"On the other hand, if Chaim does not serve as your agent, but rather bought for himself and you subsequently buy from him, there is no issue of *ribbis*, since there is no loan.

"How can we ascertain whether Chaim acts as an

Sruli was an avid coffee drinker. His local supermarket was having an unbelievable sale on coffee, selling a case for \$100, with a limit of one per

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לע"נ ר' שלמה ב"ר ברוך וזוג' מרת רייכלה בת החבר יעקב הלוי ע"ה ווייל

STOLEN SILVER

Q: A number of years ago, I stole a large sum of money along with some silver objects, which I then sold at a low price.

I have now done *teshuvah*, and I want to know how much I must pay for the items I stole – the amount they were worth when I stole them, or their current value? (The price of silver has risen dramatically since then.)

Furthermore, the victim of my theft claims that since he invests his money, I caused him a significant loss of potential investment earnings by stealing the cash. Am I responsible to compensate him for that loss?

A: In your question, you considered the value of the silver objects you stole at only two possible times: when you stole them, and now. But there's also a third time when the value of the silver is relevant in determining how much you are required to repay: the time you sold the items.

In *Halachah*, only two of these times are relevant: the time of the theft and the time when the stolen goods were no longer available for return, which, in your case, is when you sold them. The *halachah* is that you have to pay the higher of the two values.

But this applies only if you were directly responsible for the goods not being available because you sold or damaged them. If they got lost or ruined on their own, you are required to pay the amount they were worth when you stole them regardless of whether their value increased or decreased later. (*Shulchan Aruch*, C.M.354:3 with *Sma* 5 and 362:10. Cf. *Shitah Mekubetzes*, B.K. 66a, who rules that selling it is not akin to damaging it; see also *Afikei Yam* 21:11.)

There are two different approaches for the underpinning logic for this *halachah*. The *Ketzos Hachoshen* (34:3) explains that a thief becomes liable for the object he stole as soon as he removes it from the owner's property. Therefore, if it later increases in value, and it gets lost or ruined and he can no longer return it, he is obligated to pay only

סוף זמן קריאת שמע

please note the earleir sof zman krias shma
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CASE FILE

agent? Two indicative 'rules of thumb' are: Can the parties retract and refuse to follow through with the final transfer? Who would bear the loss if an *ones* (act of G-d) occurred and the coffee was ruined while in Chaim's hands?

"If Chaim acted as an agent, he initially acquired the coffee on your behalf. Thus, neither party can retract, and any uncontrollable loss would be yours. On the other hand, if Chaim purchased for himself and resold to you, the parties could retract in certain situations, and uncontrollable loss would be his" (C.M. 200:12).

"This can be reflected in the terminology used. If you say, 'Buy coffee and I'll pay you \$110 for it,' this indicates that Chaim is buying and selling at a profit, which does not entail any *ribbis*.

"On the other hand, saying: "Buy the coffee for me and I'll pay you back," indicates that Chaim is your agent; you would then not be allowed to pay him extra.

"Even so, if you say, 'I'll pay you an extra \$10 for your effort,' you clarify that the extra is for the effort extended, not the money laid out. Provided that the extra amount is reasonable for the effort, it is permitted even if Chaim serves as your agent, since you are repaying him only the principal that he laid out for the coffee, with a separate payment for his effort.

"Alternatively, if you gave Chaim \$110 ahead of time, he does not lay out anything and there is no issue of *ribbis*."

"One can question the ethics of asking others to buy a sale item limited to one per customer," concluded Rabbi Dayan, "but when the neighbor is doing a shopping there anyway, it would not seem a problem."

Verdict: It is prohibited to pay someone extra for money that he laid out for you, but you can buy the item from him, pay him explicitly for his effort, or give him money ahead of time.



MONEY MATTERS

Based on writings of Harav Chaim Kohn, shlita

BAR METZRA #25 (Bordering Property) Woman

לע"נ ר' יחיאל מיכל ב"ר חיים זצ"ל ח"י בת"ר שמואל חיים ע"ה

Q: A self-supporting woman bought or sold a property. Can the *bar-metzra* claim the property?

A: *Chazal* did not grant the *bar-metzra* rights to take the property that a woman bought, because she does not have someone to toil on her behalf and it could be difficult for her to acquire an alternate property. This applies when the woman is not married or has her own money and is not serving as a front for her husband to evade the *bar-metzra*'s claim (C.M. 175:47; Sma 175:83).

[B'e"H, we will discuss next week the rule of a husband and wife who bought jointly, as is common.]

Some say that *bar-metzra* rights were also not granted when someone bought from a woman, to encourage people to buy from her without concern. Here also, some limit this to a woman who does not have a husband to help her, and only post-facto, after she sold, but initially she should sell to the *bar-metzra* (Rama 175:47; Sma 175:87; Pischei Choshen 11:42[101]).



BHI HOTLINE

the amount it was worth at the time he stole it. As long as it is around, however, the thief is obligated to return it as is, so if he destroyed it or sold it, he is liable for the higher value, because we view it as though the increase in value occurred in the possession of the owner, and the thief is liable as a *mazik* for having damaged it at its more valuable price.

The *Nesivos* (34:5) explains that the thief is required to pay the higher price because it is considered as though he committed two acts of theft – one when he removed the item from the owner's property, and another when he sold or destroyed it. When the thief first took the item, it was still considered the owner's even while it was in the thief's property. His second act of destroying or selling it makes it impossible for it to ever be returned to the owner, so he is responsible for the higher of the two values at the times of these two acts of theft.

In your case, you must pay your victim the value of the silver at the time of the theft, unless the value had risen before you sold it, in which case you must pay the higher value. (Although we cited *Shitah Mekubetzes's* differentiation between sale and damage of the stolen object, if the thief does not know to whom he sold it and has no way to retrieve it and return it to the owner, he is considered a *mazik* and must pay the higher value.) You are not liable for more than one of these values even if the price of silver has gone up dramatically since then and the victim cannot buy the same object for the amount you are giving him.

Regarding the victim's claim that by stealing his cash, you prevented him from investing that money, there is no absolute imperative in *Halachah* for you to compensate him for that loss, because a thief is only required to pay the amount he actually stole (also see *Shach* 292:15).

Sefer Chassidim (598) writes, however, that *latzeis yedei Shamayim* (to avoid Heavenly justice), if a thief did not return the money he stole within a short time of when he stole it, he should repay the additional amount he caused the victim to lose, considering how much he would likely have earned during that interval from investing it. (He adds that *latzeis yedei Shamayim*, he should also compensate the victim for the pain he caused him.)

The problem we face is: How do we estimate the value of the silver when you sold it so that we can determine how much you owe the victim?

We will discuss this question in next week's column *iy"H*.

For questions on monetary matters, arbitrations, legal documents, wills, ribbis, & Shabbos, Please contact our confidential hotline at 877.845.8455 or ask@businesshalacha.com



wander WORLD

BUILT-IN FILTER



How do koalas survive?

The koala's diet consists almost exclusively of eucalyptus leaves. It is interesting to note that all eucalyptus leaves are toxic, so much so that these leaves are inedible to most animals. The koala, however, has a unique digestive system and is able to eliminate toxins without incurring damage to itself. Out of the other six hundred types of eucalyptus leaves, the koala is able to eat around thirty-five of them (these are less toxic than the others). Despite the koala's poor eyesight, it is able to distinguish which eucalyptus leaves are less toxic than others by their scent. By using its keen sense of smell, the koala is able to weed out the good from the bad.

Adapted from Exploring the Wild World of Animals & Birds (Israel Bookshop Publications)

life

LESSONS

A DEBT REPAID

Adapted from Touched by a Story by Rabbi Spero, with the permission of the copyright holders, Artscroll/Mesorah Publications, Ltd. (Artscroll)

At 65, Naomi suddenly fell deathly ill. Her seven children left their families to be with her. One son, Yisrael, was a doctor, and stayed with her in the ICU.

One night at 2 am, a stranger dressed like a *yeshivah bachur* entered the room and asked if he could say Tehillim. Yisrael agreed, wondering if he was from an organization. The man opened a Tehillim and prayed as if his own mother were ill. After 40 minutes, he stood up to go. "What's your name?" Yisrael asked.

"Shmuel Levovitz."

"Why did you come here in middle of the night?"

"I have children; I'm only free when everyone is sleeping at home." Without further detail, he left the ICU. Soon after, Yisrael noticed his mother improving. Was it Eliyahu Hanavi? he wondered.

The next day, his brother Nachshon came to visit. Yisrael told him what had happened. "Did you say his name was Shmuel?" Nachshon asked. "In 2008, I asked you for some money for a young couple in Yerushalayim whom you didn't know. Ima and Abba and some of the kids raised money to lighten the burden. That money was for Shmuel and his wife!"

Slowly, the details came back: the family had helped Shmuel through tough times. Years later, Shmuel heard that their mother was sick, and wanted to show appreciation. With all his daytime hours booked, he chose to forgo sleep and come at night.

Most people would have said "It would be nice, but I have no time." But Shmuel came—and a week later, Naomi left the hospital on her own two feet.

stranger

THAN FICTION

RUSSIA, BEFORE AND AFTER

by Rabbi Dovid Sapirman, Dean, Ani Maamin Foundation

The Haskalah was the Russian version of the Reform movement. It is difficult to grasp the amount of harm it inflicted on the loyal, pious Jewish community.

In a three-volume work entitled *Zichron Yaakov*, Rav Yaakov Lipschitz records the history of the Maskilim and their effect on Russian Jewry, from 1840 until the Russian Revolution in 1917. Rav Lipschitz was the right-hand man of the *gadol hador*, Rav Yitzchak Elchanan Spector of Kovno. The book carries an extraordinary amount of *haskamos*, attesting to its accuracy. By recording the history of the era, counteracting the Maskilim's propaganda, Rav Lipschitz performed a great service. This column is drawn from his work.

Until the 1840s, the Jews of Russia knew nothing of Reform or enlightenment. Their lives were saturated with *mitzvos* and Torah study. Children went to *cheder*. There were *yeshivos* for older *talmidim*. Most lived in small *shtetlach*, each with a *rav* who was a genuine scholar. The *beis midrash* was the center of their lives. Many Jews sat and learned all day. At night, working people would join them, and the study halls became so crowded it was hard to find a seat.

The *shtetl*-dwellers would regularly travel to bigger cities for inspiration, staying with local residents and sharing their food. They slept wherever they could find a place. Just as no traveler ever said of Yerushalayim, "this place is uncomfortable for me," so too were people happy to share their small homes.

The Czarist authorities recognized the Kehilla, the local community governing bodies, as the highest authority among the Jews. They had no interest in the internal affairs of the Jewish people, and gave the Kehilla the necessary authority to judge and even punish whomever they saw fit. *Rabbanim* served as teachers, leaders, and role models. Generally, they were great *talmidei chachamim* and men of fine character. The Jews had no secular leaders; the *rabbanim* would advocate for their needs to the government.

However, collecting *tzedakah* to support the *chadarim*, *yeshivos* and community institutions all had to be done in secret, away from the jealous eyes of the government. No activities not supervised by the government were allowed to take place, but due to the rampant corruption, it was near-impossible to receive a license or permission for anything without paying a heavy bribe. The community could not function this way, and so all operations were done behind the scenes. Generally the Jews worked in harmony, successfully running their own affairs independently.

To be continued...



wander WORLD

HIGH KOALITY



Where do koalas live?

Koalas are sedentary animals, occupying a fixed home range. These vary in size, depending on the amount of food available in each area; home ranges are smaller in areas with an abundance of food, as the koala has no need to travel as far. The koala can eat about two and a half pounds of leaves a day, which is quite a lot considering that its average weight is between 20 and 25 pounds.

As long as the koala is high up in the trees, it does not have many predators to be concerned about. Its few predators include pythons and large birds of prey, such as eagles and owls. The koala usually lives 10 to 15 years in the wild.

Adapted from Exploring the Wild World of Animals & Birds (Israel Bookshop Publications)



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