



Post Purim - Damage Done While Doing A Mitzvah [#81]

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Today, we're going to be discussing the question of damages done in the midst of a *simchah shel mitzvah*. In midst of joy for a mitzvah, a person damages somebody else's possessions.

Since theres a little bit of a lighter/happier mood and atmosphere, if a person causes damage to somebody else or their possessions, are they exempt or are they liable to pay?

This would apply to the recent Purim *simchah* that we had recently, as well as any mitzvah, such as Simchas Torah, dancing at a wedding, or shaking lulav while going around the bimah. Sometimes someone's lulav can poke someone and hurt or damage them accidentally. The question is, is a person liable for the damage caused while doing the mitzvah?

We're bringing from a *sefer* called *Cases in Monetary Halachah*, by Rabbi Tzvi Spitz. He says over here that any damage which was caused in the midst of involvement in performing a mitzvah is exempt from paying for these damages. According to most opinions, even if the person that was damaged wasn't involved in the *simchah*, but was standing on the side, still, according to most opinions, the person who damages would be exempt from paying any damages. Like we said, this is in all cases of joy of mitzvah such as Simchas Torah, shaking lulav, and at a wedding. If it's in the midst of the joy.

Why do we say in the midst of the joy of the mitzvah? Because if someone causes damage in the middle of a simchas Purim *se'udah*, or something like that, and drops a glass cup, he brings over here that that's not going to be an exemption or a *p'tur*. That's just because a person was not careful and he dropped it, and a person has to pay for damages which he causes. It has to be that through the *simchah*, through the joy/merrymaking, a person damaged. Only in those cases, a person would be *patur*.

As well, if someone intentionally, *chas v'shalom*, planned on causing damage to another person, so even if it happened in middle of the *simchah*, he would not be exempt and he would have to pay for damages in full.

He also brings over here, there's no justification whatsoever for driving while under the influence of alcohol. Even if it was because of Purim or another simcha, whatever the case is, there's no justification for that. If a person would cause damage or drive recklessly for whatever reason, he would be liable to pay for any damage caused.

Another point he makes; it is forbidden to insult or slander any fellow Jewish person through these *simchos*. It doesn't matter what the case is. Usually, these things are planned in advanced [such as a *grammen* on Purim]. People write down these humiliating things. These things are not allowed, even if the person says that he doesn't mind. That's only

because there's social pressure on the person, but he really doesn't want it. However, if, incidentally, a person was offended, let's say it wasn't planned and it did happen in midst of the *simchah*, then he brings over here that a person does not have to ask *mechilah* for that.***

***Please note that these halachos are intended to inform and educate the reader/listener in general. For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly as any small change will greatly affect the final halacha. You can send your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

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