

# BORROWING

by Joshua Kruger

## The Story

"I definitely want that chocolate bar!"

"Look at those jaw breakers!"

Chana and Naomi were standing by the candies at the local supermarket near their school. They had saved up money from their allowance and they were quite excited when they got permission from their parents to stop by the store on their way home from school today.

They counted out their coins.

"Chana, don't you still owe me four shekels from last month? Remember you needed it for pizza day at school? I really need it now so that I can afford that chocolate bar!"

Chana looked up in surprised, "But I didn't borrow the money from you in the end. I thought I needed to, but then I found coins in the bottom of my school bag."

Naomi frowned, "I really don't remember that."

The girls tried to remember what exactly happened but couldn't agree.

## Questions

**Q:** What should the girls do?

**A:** There is a famous halachic rule called *hamotzi mei'chaveiro alav ha'raaya*. If you think someone has something that is yours, then you must prove it. In our story, Naomi thinks that 4 shekels in Chana's wallet belong to her. Naomi must first prove that it really is hers in order to take the money. Perhaps she can find a witness at her school who saw her give the money to Chana? If she can't bring proof, then Chana keeps the four shekels (*Baba Kama* 118a; *Shulchan Aruch Choshen Mishpat* 75:9).

**Q:** What if Chana said that she did borrow the money from Naomi, but that she thinks she paid her back?

**A:** Here the situation is different. Because Chana admits that she took the loan, she now takes the responsibility to ensure that the loan is returned. She must be sure that she returned the money. If she is unsure, she has to pay Naomi 4 shekels (*Baba Kama* 118a; *Shulchan Aruch Choshen Mishpat* 75:9).

**Q:** How is this story related to the parsha?

**A:** Parshas *Mishpatim* deals with laws that are related to borrowing and loaning (*Shemos* 22:13).

## Back to the Story

The grocer heard part of the girls' conversation. He gently told Naomi, "Since your friend denies ever taking the loan, she is not required to give you any money unless you can prove that she did take the loan. I learned this *halacha* with my *chevrusa* a few weeks ago in night seder."

At that moment, Naomi's Aunt Rachel walked into the store to pick up some groceries.

"Naomi!" she exclaimed, "I'm so happy to see you! I have an envelope with your babysitting money. You forgot to take it from my house last week. You left in such a hurry! I've had it in my pocket for a few days and I'm so glad to have run into you!" She pulled out of her pocket a white envelope marked "Naomi" with some jingling coins inside. "Thank you again for babysitting the twins. They had a great time with you. Here is your fifteen shekel payment."

"Thank you!" exclaimed Naomi, "This is perfect timing!"

A few minutes later, the two girls left the store, each with their favourite candy in hand, and a few remaining coins in their pockets. They chewed their treats with big sticky smiles.

(Written by Josh and Tammy Kruger, in collaboration with Rabbi Yehoshua Pfeffer of the Institute for Dayanim)