

from one's business activities. Included in the restriction is reading documents that relate to business. This even includes a list of guests for a meal. However, one limited exception is to draw lots at the table to determine which family member should get which portion. For example, one might draw lots on the different parts of chicken. The reason to do it this way is to avoid jealousy. There is a debate whether one may also draw lots for portions of different sizes. The poskim debate which way to rule on this. The Talmud says clearly, that the same type of activity is forbidden to non-family members on *Shabbos*. Moreover, it is forbidden during the week, due to the restrictions on *kubia*. The reason it is permitted within the family is that it is considered a game to teach them that this is an unfair business practice. They will learn from losing the draw, that one can lose and be miserable. The opposing view (which is generally followed) maintains that on the contrary, this will accustom them to the practice.

This gives rise to a question about games that involve fake money. The poskim forbid such games for money or chips, that will be paid up after *Shabbos*. They permit such games for no stakes at all. When using fake money, it is obviously only a fun game. However, since there is a 'transaction' for 'money', the poskim forbid it. One reason is that the metal of the chips or fake money has intrinsic value as well. It is something like a token or even recalled currency. This raises the question, what if the medallions are made of worthless paper or plastic? What if one creates his own ticket or point system with cheap plastic coins? There is another reason they forbid money games. It has the appearance of a transaction that is forbidden on *Shabbos*. It is also *uvda dechol*, mundane week-day activity. What if the competition for points is only played on *Shabbos*? What if it is done to encourage the children to *daven*? The poskim forbid point games, since there is a chance that the score will be written down.

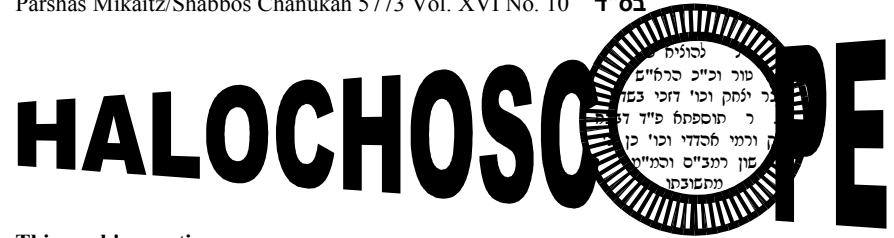
The Talmud also allows lots to be drawn to divide the *korban* portions. This is slightly different to a *mitzvah*-motivation point system. Eating the portions of a *korban* is a *mitzva* in its own right. We model the concept of bidding or drawing lots for *aliyos* and the like on this. The poskim forbid using cards for this as well. However, our case does not necessarily fall into the same category. It seems that a distinction may be drawn between *dreidel*, which is not a *mitzvah*, and motivational prizes for *mitzvos*, which are a valid educational tool, and have a *mitzvah* connection. Even so, since the tickets or counters are used, it would seem to be forbidden. [See *Shabbos* 148b-149b, Poskim. Tur Sh Ar OC 322:6, commentaries. ShSh"K (1st ed.) 15:21-22. Nishmas *Shabbos* VI:410-411.]

In conclusion, one may not play *dreidel* for any type of gain on *Shabbos*. A reward system based on points should not be used on *Shabbos*.

On the Parshathe brothers looked at each other in amazement. [Yosef knocked on his goblet and read out the names according to age, seeming to divine them. Rashi] .. and Binyamin was given five times the portions .. [43:35-36] Why was Yosef not concerned that this would arouse jealousy? Perhaps, since he was using his goblet as a divining tool, they would accept it, similar to a father drawing lots to share out the portions to avoid jealousy.

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This week's question:

May children play with nuts or plastic medallions as counters in a *dreidel* game, on *Shabbos*? May one award these medallions as "points" on *Shabbos*? These can be traded for prizes of different levels later on.

The issues:

A) *Dreidel*

B) Playing *dreidel* on *Shabbos*; Awarding prizes for points on *Shabbos*

A) *Dreidel*

Playing *dreidel* on *Chanukah* is not a *mitzvah*. According to many poskim, it is not even a valid *minhag*. Those early poskim who do not condemn it, do not consider it a definitive *minhag* for *Chanukah*. Nor do they clearly justify it. They grudgingly accept it, provided that it be played only on these days, and not in the presence of the *nairos*. It is later commentators, mostly in a non-*halachic* context, who defend it as a valid *minhag* on *Chanukah*. [A *minhag* based on chance like this is more relevant to Purim, the meaning of which is "drawn lots".] Nonetheless, it has become accepted as a *Chanukah* pastime.

The name of the game, *dreidel*, Yiddish for a spinning top, seems to be recent. The *dreidel* is, of course, much more than a simple spinning top. The original word used by the Talmud and the earlier poskim is *kubia*, a cube or die, (dice in the plural). It is a game in which the die is spun, rather than thrown.

Generally, the Talmud has a dim view of a *mesachek bekubia*, one who plays dice for money. He, along with other forms of gamblers, is listed as one of those Rabbinically disqualified from testifying in a *bais din*. There reason is debated. In one view, it is considered a form of robbery. The loser surrenders his money to the winner. Although he agreed going in, he never really expected it. This reluctance means that the money was never given wholeheartedly. Therefore, it is considered gained through "robbery", on a Rabbinical level. A robber is Scripturally disqualified. Apart from the specific disqualification written in the *passuk*, there is a logical reason as well. One ready to use force to take money from another illegally is suspected of being willing to take payment to testify falsely. By this reasoning, one who gambles is not trying to gain money dishonestly. However, from the perspective of the loser, it is unfair at the time it is taken. Due to the reluctance mentioned, there is a debate on whether he is legally entitled to the money. This type of agreement might be included in *asmachta*, literally 'relying on the unlikelihood'. For example one might commit himself to an unreasonable amount of money based on something he never expects to happen. Furthermore, it is likely to be beyond his control. This type of agreement is debated by the Talmud. Those who maintain that it is not binding could extend it to betting. The loser (and the winner) thinks that he will not

lose. In one view, there is a lack of full consent. In the other view, the loser must have understood that his expectation of winning was not definite. He nonetheless agreed to play. Some poskim maintain that the entire issue only arises if the loser is compelled to pay money from his pocket. If the parties put a fixed amount of money on a board or table owned collectively, and only agree to play for that money, the acquisition can take place. The same applies when they place chips in the middle. This makes it similar to participating in a lottery. As long as it is occasional, it is permitted.

The other view in the Talmud maintains that the player does not have a productive occupation. He is not an upstanding citizen. He is suspected of being unrealistic, and out of touch with reality. His testimony will reflect that. Therefore, if the gambler is also occupied in a meaningful and productive job, but gambles as a pastime, he is not disqualified. The poskim debate which view to follow.

Finally, the entire concept of games for their own sake is considered *moshav laitzim*, a preoccupation with aimless distractions. Pursuit of distractions with no intellectual value is called a council of scoffers. This usually refers to a gathering of people who scoff at the Torah. Even if one does not participate, he may not sit at such a convention. This is derived from the Scriptural *mitzvah, al tifnu el ha'elilim*, literally, do not stray after the dieties. This includes refraining from reading silly literature, and certainly that which has a negative influence. Luck and chance games are certainly included in this.

The early sources indicate that there was some free time on *Chanukah*. The Talmud calls *Chanukah Yomim Tovim*, indicating that they are true festivals. This would mean that work is forbidden. However, there is ample evidence that while this might have been an early institution, it was never meant to be observed this way for all time. In addition, the words can also mean “Good Days”. The Talmud also qualifies the statement by saying that they were festivals for thanksgiving, implying that this is the extent of the festivity. Accordingly, *Chanukah* is not a holiday when work is forbidden. Nonetheless, there are certain *minhagim* that relax work during these days. The best known is that women refrain from household chores while the lights are burning. There are also records of giving children some time off their studies. This might have been initiated to give more feeling of a holiday to a festival that had limited ritual activity. From some sources, it appears that the attraction of this pastime was not limited to *Chanukah*. Rather, as a result of an attempt to regulate it, it became associated with *Chanukah*.

At some stage, there began a practice of using this free time to play games. The common non-action games in ancient times included skill and chance games, most often played for money. They included rolling games like marbles, tossing games like 'knuckle-bones' and jacks, board style games, like *nedarshir* (French *echech*, also known as chess), *klafim*, parchment card style games that might also use the hard skins and shells of fruits, and dice. There were also gambling games like pigeon racing. Of these, the games that left most to chance were dice and some types of cards. The others had some element of skill, including pigeon racing. The Talmud discusses the confidence either party could have due to his having trained his bird. On *Chanukah*, the games of dice and cards were the most popular, possibly because they appealed to the lowest common denominator. With little skill needed, all ages could participate.

The poskim of the times were divided on the “*minhag*”. Some condemned it on a number of fronts. It bordered on the issue of robbing, depending on how it was played. It could certainly affect the way people viewed money, earning and other people's property. It was frivolous. It wasted good money and good time, especially due to its addictive nature. It could lead to inappropriate associations. In all of these respects, nothing has changed! Others seem to have justified the pastime as a way to enjoy oneself, provided that it was limited to days of enjoyment. It was seen as a type of *oneg 'Yomtov'*, for non-*Yomtov* days on which *tachanun* was not recited, *Chol Hamoed*, *Rosh Chodesh*, a wedding day, a *bris milah* day and *Chanukah*. In one source, one could even play on the evening following *Chanukah*, since the day had begun without *tachanun*. As such, it would seem that the stakes in this situation would be low, with little need for an adrenaline rush due to high stakes.

In later times, the *kubia* took on the name *dreidel*, possibly as an attempt to disassociate it from the gambling dice. There are various theories on how the lettering on each side came into existence. Some maintain that it has symbolic significance, while others maintain that it is a Hebraic or Yiddish version of a European spinning die. It is probably a combination of the theories. Given the origins of the “*minhag*”, it would be surprising to find that it had deep symbolic significance. On the other hand, if the justifiers had intended it as a positive form of *oneg*, they might have merged it with a known symbolism. When the game is not played for money, some objections to it are neutralized. Nonetheless, playing chance games is discouraged even when playing for fun, under the *moshav laitzim* category. Familiarity with it can lead to an addiction as well. Ironically, some point out that some of the most popular types of *Chanukah* games were introduced by Greeks, or other assimilationists, to distract Jews from Torah-study. Perhaps this lends some credence to the legend that the Jewish clandestine study groups played these games when the Greeks came to snoop. It would then be a historic twist of irony that we resurrect their games to celebrate our victory.

[Note that the symbols on a regular deck of cards originated in the occult and other pagan sources. Those are objectionable in themselves. This is compounded when they are routinely used by diviners to practice their 'profession'. All authentic *avoda zara* is linked to forces of *tumah*, defilement, that are manipulated by sorcerers. Indeed, the word used by the Talmud for card games, *kesamim*, is the biblical word for tools of trade of the sorcerer.] [See Shabbos 148b-149b Eruvin 104a [Rif 38b, Shiltei Hagiborim 3] Rosh Hashanah 22a Kesubos 61b Baba Metzia 48b 66a etc. Baba Basra 168a 173b Sanhedrin 24b-25b Avoda Zara 18b, Poskim. Rambam Edus 10:4, commentaries. Mahari Veil 135 Mahari Bruna 136 Leket Yosher p. 153. Tur Sh Ar OC 307:16 338:5 670:BHL Ar Hash 9 YD 179 CM 34:40 207:13 etc. (Ar Hash 23) 370:3 etc., commentaries. Chavos Yair 126. Raishis Chochma, Kedusha 13. Machane Yisroel 21. Bnai Yisoschor Kislev 2:16. Taamei Haminhagim 849. Chagim Umoadim, Mihagei Chanukah. Halochoscope I:13.]

B) Dreidel on Shabbos

On *Shabbos*, commercial activity is restricted. Under very limited conditions, one may transfer items. The Rabbinical prohibition is based on concern that one might come to write a record of the transaction. It is also included in a Prophetic injunction to refrain