

## ISSUE 227: SPOTPOG II & III, SPACE SAVING I & II & HONORING PARENTS

### SPOT POG II & III

In Issue 226 we discussed the [SpotPog](#) app. where you earn points by giving your spot over to a fellow spotpogger.

Failure to act courteously with a fellow pogger can result in a low credit rating and compromised rights of app usage.

Points (Pogs) entitle you to information on available spots the next time you are looking for a spot.

We left off with some questions:

- ❖ *If you SpotPogged someone, drove up to his/her spot and found someone else waiting for the spot, may you jump ahead of him/her claiming that you SpotPogged?*
- ❖ *What should one do if he/she arranged to SpotPog someone and sees his/her father passing by looking for a spot for himself?*

### What is the Law?

Please email us with your comments, questions, and answers at [weekly@projectfellow.org](mailto:weekly@projectfellow.org)

### Spot Pog II & III

#### The Answers:

- As of the writing today, you should not jump in front of the car who got there first.
- You should give the spot to your father.

### Detailed Explanation

**SpotPog II & III** could invoke the following Halachos:

A Jew is required to adhere to common courtesy even when Halachic Law technically permits a particular activity [[RSRH Devarim 33:29](#)].

1. Once **A** extends a significant effort into pursuing a piece of real-state, purchase, job opportunity, it is evil for a **B** to interfere with the **A**'s pursued opportunity.

**II Ani Hamehapech Becharara: Tortious Interference**

2. Instead, **B** is required to permit **A** to choose to consummate the pursuit and rather bother

## ISSUE 227: SPOTPOG II & III, SPACE SAVING I & II & HONORING PARENTS

him/herself with attempting to pursue an alternative opportunity.

3. Significant effort includes (1) reaching a verbal agreement to carry through with the deal (2) the opportunity is "already in the first one's net."

4. According to the strict letter of the law, **B** may attempt to overtake **A**'s pursuit if the opportunity is one of a kind the likes of which **B** cannot find an alternative.

5. Nonetheless, it is virtuous for one aspiring for holiness to permit the **A** to consummate the pursuit even when no alternative exits for **B** to pursue for him/herself [Choshen Mishpat 237, Shulchan Aruch HaRav Ani Mehapech 13].

### III Kibbud Av: Honoring Parents

1. Honor your father and mother [Shemos 20:12]

2. One must be very careful regarding the honor and awe of one's parents [Y.D. 240: 1].

3. A child is required to find a quality within his/her parent(s) in which the parent is unique, focus on it and develop an internal respect for the parent as a result of that attribute [R. Chaim Shmulevitz zt"l].

4. Kibbud Av is rooted in gratitude to them for providing you with life and its opportunities [Sefer HaChinuch 33].

5. When given a tablecloth, the recipient shows the benefactor how he/she uses it well and expresses his/her gratitude. The recipient does not return it to the benefactor. That's *ingratitude*!

6. Similarly, gratitude requires that a child must use the life that his/her parents gave him/her and make the best of him/herself and revere his parents, care for them even at an inconvenience, show them respect and not disrespect them. Gratitude for giving him/her life does not include giving up the life parents gave him/her in order to serve them.

This concept can be seen through the following Halachos amongst more [Rav Yitzchak Berkovits].

7. Honoring one's parents includes serving them and helping them with their physical and emotional needs. It is imperative to serve them gracefully and in a kind and respectful manner [Y.D. 240: 4].

8. A child is required to bother and inconvenience himself/herself and forfeit potential financial gains and opportunities in order to involve himself/herself in caring for his father provided that he has enough for himself for that day.

If by serving the father, the child will not be able to feed him/herself, or the child will be forced to accept charity to support himself, the child is henceforth exempt from busying himself with caring for his father [Y.D. 240: 4].

9. The Poskim explain that this concept is not limited to finances. A child is not required to jeopardize his physical or emotional well-being, spiritual development, marriage etc. to care for his parents [Maharik shoresch 166: 3, Y.D. 240: 25].

10. Similarly, if the father can afford it, the son is not required to spend money on his father's feed. Instead, the father pays for the food, the child bothers himself and forfeits opportunities in order

## ISSUE 227: SPOTPOG II & III, SPACE SAVING I & II & HONORING PARENTS

to care for father as well as paying for the means of getting to his father.

### Applications

Let's return to the dilemmas:

We emailed these "ethical" questions to the CEO of SpotPog.

*(BTW surprise! little did we know, but the CEO Davens in Fifth Avenue Synagogue!)*

The details he provided in his response below have Halachic ramifications.

*"As a practical matter we ask users to understand that all swaps will not be completed and the app provides for failed transactions.*

*The most common incident will be where another comes to the parked car and demands that he was there first and entitled to the spot irrespective of the anticipated swap. We ask that users not get into fights over spots and just assume that most, not all, swaps will be successful."*

### II

So it seems that even Mr. SpotPog agrees that SpotPog swaps are merely anticipated. We would

argue therefore that the guy who pulled up first would be considered the *mehapech* and potential SpotPogger should yield to him/her even if he/she does not "demand" it like Mr. SpotPogger insinuated. (It could be that this could change in a few years if most people begin using SpotPog.)

### III Now for your father:

It seems clear that you must give the spot to your father and fail the transaction even at the expense of losing a point which could result in you having to trouble yourself a little more at some later point to find a spot.

A child is required to trouble themselves to give his/her parents their needs. Moreover, not giving it to your father is not only a lack of respect, but it's disgraceful.

We would not assume under general circumstances that risking having to circle for a spot at a later time (because you forfeited an opportunity to earn a Pog) is a sufficient enough loss to be considered like someone who does not have food to eat that day or whose involvement in serving the father would jeopardize his/her well-being.

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## SPACE SAVERS I

**A G** parked on a free city spot. He pulls out and puts a chair in the spot with the hope that people will respect that he worked so hard to clear the

❖ *May B A park in the spot?*

space, and as a result not park in there. **A G** hopes to return in nine hours after work and park again in that spot. Shortly thereafter, **B A** drive by.

## ISSUE 227: SPOTPOG II & III, SPACE SAVING I & II & HONORING PARENTS

### What is the Law?

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#### The Answer:

#### It Depends upon the Neighborhood. See Detailed Explanation

#### Detailed Explanation

**Space Savers I can invoke the following Halachos.**

#### *Ani Hamenakef B'rosh Hazayis*

[Note: This is more stringent level than a standard **Ani Hamehapech**: the regular laws of Tortious Interference we discussed above]

**A poor man who risks his life to climb a tree and shake down the olives for himself. The olives fall down below. One may not pass under the tree and take them even if there are no other olives available** [Mishna Gittin 5:8 ].

1. When **A** has extended extreme levels of effort, it is forbidden to interfere with A's pursuit even if no alternative exists.
2. There could be three different classifications of "extreme measures of effort" [Nachlas Tzvi Choshen Mishpat 237]
  - a) "**A**" has slightly endangered his/her life with the pursuit thereof [Sh"ut Maharshal 36].
  - b) "**A**" overcame great obstacles and is sure to obtain the article etc. barring unforeseen interferences [Mas'as Binyamin 27].
  - c) "**A**" invested significant resources in his/her pursuit thereof. [Maharik].

Thus, if **B** encounters a phenomenon whereby **A** either slightly endangered his/her life in the pursuit thereof, overcame great obstacles and/or as a result of his/her pursuit is rationally fairly certain that he/she will obtain the pursued opportunity, **B** must not interfere with **A**'s pursuit.

#### Application

Digging out a spot for two hours in the frigid winter definitely meets the criterion of overcoming great obstacles, at times investing significant resources and even endangering one's life at times, so really **B** should respect **A**'s efforts in digging out a spot for himself and not park in the spot **A** dug out even if other spots are hard to come by.

But does **A** rationally rely that when he/she returns after work that he/she will find the spot still empty?

#### *That depends on the type of neighborhood...*

So in a neighborhood where it is not irrational for **A** to assume that people will respect his/her efforts, it is forbidden for **B** to take the spot (provided that local civic enforced laws allow Space Saving).

In a neighborhood in which it is not so rational to assume that the spot will still be available, **B** should still not be permitted to interfere and not allow **A** to fill it later, because **A** still risked his/her life to obtain it and/or invested significant resources to free the spot.

## ISSUE 227: SPOTPOG II & III, SPACE SAVING I & II & HONORING PARENTS

However, there is another reason why **A** would be permitted to park in the spot that **B** dug out in a neighborhood where it is not so rational for **A** to assume that the spot will be empty upon his/her return.

What will be if **B** respects **A's** efforts and desists from parking in the spot? Will **A** still get it? No!

Because, someone else not bound by the Torah's laws will fill it instead!

In such a situation, we will allow **B** to fill the spot. The purpose for **B** not to park there is so that **A** should reap the benefits of his/her toil.

If **A** is not going to get it anyway - what virtue is there in not parking there and allowing someone not bound by the Torah's code to fill it instead [MaHarshdam].

### Another Consideration:

If there is a possibility that parking in that spot

will create a Chillul Hashem, it is categorically forbidden to park there.

Note:

There are in fact customs in various cities regarding what they call "Space Savers".

In Boston after the Blizzard of 2015: Mayor Walsh announced:

Mayor Walsh says if you spend 10 hours shoveling out your parking space, its yours for a couple days. #blizzardof2015

Thus, in Boston 2015 one would be required to respect the space saver's attempt.

However; The Cambridge Police had something else to say:

@pbugbee Space savers are illegal in Cambridge. @CambridgeDPW will confiscate any space savers.

... So before you act:

Know your Halacha as well as Local Expectations



## SPACE SAVERS II

❖ *May you park in between two spots to save one for your married children?*

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