

HALACHICALLY SPEAKING

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{ TOPIC }

SUMMER HALACHOS PART 1



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► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky zt"l*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, zt"l* on current issues.

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SUMMER HALACHOS PART 1

Summer is a time of relaxed schedules and relaxed locations, and people are faced with many halachic questions on a regular basis. Although these questions can arise all year, they are much more prevalent during the summer months, hence the title, “Summer Halachos.”

Wearing *Tzitzis* When Playing Ball

When Jews play ball, some men wear their *tzitzis*, others take them off right before the game, and others do not bother putting them on altogether. Does one have to wear *tzitzis* when playing ball?

One who does not wear *tzitzis* is put in *cherem* by *Shamayim*.¹ *Tosafos*² says that one should do what he can to make sure to wear *tzitzis*.

The custom is that males wear a *tallis kattan* all day.³ The *Mishnah Berurah*⁴ maintains that one should not walk four *amos* without *tzitzis*.⁵ One who does not wear *tzitzis* is not transgressing an *issur per se*, but it is the will of Hashem that we wear *tzitzis*.

Some maintain that one should wear *tzitzis* even if he is

1. *Maseches Pesachim* 113b.

2. *Maseches Pesachim* 113b “v’*ein*.”

3. *Aruch Hashulchan* 8:2, *Tzitz Eliezer* 8:4, *Yechaveh Da’as* 4:2. Refer to *Maseches Brachos* 47b.

4. 8:1.

5. See *Halichos Shlomo Tefillah* 3:2.



hot and uncomfortable.⁶ According to this, it is preferable to have a separate pair of *tzitzis* when playing ball.⁷

Some mention one can be lenient and remove his *tzitzis* when playing ball, since he will be uncomfortable.⁸ Nonetheless, it is preferable not to look for loopholes in relation to wearing *tzitzis* (one should wear *tzitzis* walking to and from the pool as well),⁹ and one should not excuse himself from the mitzvah throughout the hot summer months.¹⁰

Some *poskim* say that one is permitted to wear a *tallis kattan* directly on his body, without the separation of an undershirt. This is not considered a disgraceful act since it is the *derech*.¹¹ Harav Yisroel Belsky *zt"l* holds that since a *tallis kattan* is set aside for a mitzvah, one should choose a *beged* that is worn in a respectful manner. Therefore, one should not wear it directly on his skin. Even so, if one feels the need to remove some clothing on a hot day, he may wear the *tzitzis* on his skin rather than not wearing the *tzitzis* at all.¹²

6. Refer to *Tzitz Eliezer* 14:49-2. See *Halichos Shlomo Tefillah* 3:footnote 25.

7. Harav Yisroel Belsky *zt"l*.

8. *Yagel Yaakov* page 166:footnote 268, *Doleh U'mashkeh* page 27, *Ashrei Ha'ish* 1:2:23, *Nezer Hachaim* pages 164-165. See *Yad Moshe* page 3.

9. *Shulchan Halevi* (Hebrew) page 8. See *Minchas Osher* (Torah) 4:30:2. In camp when walking to the shower house at night with a robe one does not have to place *tzitzis* on top of the robe (Harav Yisroel Belsky *zt"l*). Refer to *Habayis Hayehudi* 8:page 280.

10. Refer to *Tzitz Eliezer* 14:49-2. One can tuck his *tzitzis* into his pants when playing ball, since this is for a short period of time and it is a bother to him (*Yagel Yaakov* page 166, *Ashrei Ha'ish* 1:2:23).

11. *Halichos Shlomo Tefillah* 3:11, *V'ein Lamo Michshal* 10:page 55, *Vayishma Moshe* 2:page 14 quoting the opinion of Harav Elyashiv *zt"l*, see *Maseches Tzitzis* page 10. Refer to opinion of Harav Chaim Kanievsky *shlit'a* quoted in *Daas Noteh* 2:page 91:181.

12. See *Rivevos Ephraim* 4:15:1 which is only lenient if it is on a hot day, *Minhag Yisrael Torah* pages 74-75 which explains the reason not to wear the *tzitzis* directly on the skin. Refer to Refer to <http://www.yutorah.org/lectures/lecture.cfm/815094/>

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Mesh Tzitzis

A popular way to beat the heat is mesh *tzitzis*, which are much cooler than cotton or wool *tzitzis*. Are they recommended?

Mesh *tzitzis* are made with nylon or other synthetic materials. There is a discussion in the *poskim* if synthetic material is obligated to have *tzitzis*.¹³ One argument is that it is not considered a garment since it is not woven like a regular garment.¹⁴ Others disagree with this point, as the item has the appearance of a garment.¹⁵

Some maintain that a see-through garment, such as mesh, is not considered a garment at all.¹⁶

It would seem that one who wishes to wear some sort of *tzitzis* when playing ball may wear mesh *tzitzis*, but no *brachah* should be recited.¹⁷

Wool Tzitzis vs. Cotton

One who normally wears wool *tzitzis* does not have to

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13. Refer to *Levush* 10:4, *Aruch Hashulchan* 9. See *Igros Moshe* O.C. 2:1, *Teshuvos V'hanhagos* 5:3, *Mesoros Moshe* 2:pages 7-9, *Divrei Yatziv* O.C. 3, *Mahari Shteiff* 28, *Tzitz Eliezer* 12:3, *Har Tzvi* O.C. 1:9, *Ohr Ltzion* 2:2:3, *Kovetz Teshuvos* 1:1, *Gevuras Eliyahu* 1:7-8, *Yalkut Yosef* 9:9, *Even Yisrael* 9:1, *Vayitzvar Yosef* 1:2, *Halichos Shlomo Tefillah* 3:16, *Beis Yitzchak* 1:pages 96-100, *Yalkut Yosef* 1:9:9, *Da'as Noteh* page 134:265, *Lehoros Nossan* 2:1-4, *Melumdei Milchamah* pages 263-265, *Kuntres Dvar Halachah* page 27:35, *Shulchan Halevi* (Hebrew) 1:page 9.

14. *Shulchan Aruch Harav* 10:7.

15. *Vayitzvar Yosef* 1:2, *Az Nidberu* 7:52-54, *Teshuvos V'hanhagos* 1:34, 5:3. Some permit only for children under nine years old (*Teshuvos V'hanhagos* 5:3).

16. Opinion of Harav Schachter *shlit"a* as quoted on www.yutorah.org. See *Shulchan Halevi* (Hebrew) 1:page 9, *Lehoros Nossan* 2:1-4.

17. Refer to *Ohr Ltzion* 2:2:3, *Yalkut Yosef* 1:9:page 123:footnote 9, *Minchas Osher* (Torah) 4:30:3. In regard to undershirt *tzitzis* see *Even Yisrael* 9:1.

do so in the summer when it is very hot,¹⁸ although it is still preferable to wear wool in the summer as well.¹⁹

Using Someone's *Tefillin* without Permission

When one travels he may have forgotten his *tefillin* and the question is if one is permitted to borrow *tefillin* without permission.²⁰

One may borrow someone else's *tefillin* once in a while, but not on a constant basis.²¹ One should be careful not to remove them from their location, and to wrap the *tefillin* just as he found them. Otherwise, the owner might mind and it would be a mitzvah which came through an *aveirah*.²²

There is an opinion in the *poskim* that today's *tefillin* are very expensive, and the owner might mind if one borrowed them without asking, since it is very easy to make them *pasul* if they are mishandled.²³

Using a *Sefer* (or *Siddur*) without Permission

In the summer, people do not always have their regular *sefarim* available.

18. *Igros Moshe* O.C. 2:1.

19. *Igros Moshe* O.C. 1:2, 2:1, 3:1, *Y.D.* 5:20, *Halichos Shlomo Tefillah* 3:footnote 25, *Teshuvos V'hanhagos* 1:18, 5:8. See *Minchas Osher* (Torah) 4:30, opinion of Chazon Ish *zt"l* quoted in *Shilhei D'kaita* page 31. This is permitted even on Shabbos when one may be hot while wearing *tzitzis* and it is not considered carrying (*Igros Moshe* O.C. 3:1).

20. *Rama* 14:4, *Levush* 4, *Shulchan Aruch Harav* 12, *Shulchan Hatohar* 14:1:1:footnote 1, *Aruch Hashulchan* 14:13. Refer to *Ben Ish Chai Vayeira* 1:14, *Miyum Hahalachah* 1:11. See *Tirosh V'yitzhar* 10.

21. *Bach* 14, *Shulchan Aruch Harav* 12, see *Drishah* 2. Refer to *Me'asef L'chol Hamachanos* 14:50.

22. *Shulchan Aruch Harav* 12, *Me'asef L'chol Hamachanos* 14:50.

23. *Yufei Lelev* 5:25:1, *Tzitz Eliezer* 12:7, opinion of Harav Elyashiv *zt"l* quoted in *Beis Hillel* 34:page 22, *Minchas Osher* 4:31. Refer to *V'ein Lamo Michshal* 9:pages 118-119. In any case, if the owner removes the *tefillin* from you because he does not want you to wear it one did not recite a *brachah l'vatalah*. See *Minchas Elazar* 4:9.

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Many *poskim* say that one may not use someone's *sefer* without permission because it might get ruined. This is despite the concept that people are happy when others do mitzvos with their property.²⁴ However, today, the *minhag* is to be lenient regarding *sefarim*, as they are readily available and are not expensive.²⁵ In previous years this was not the case, and many *poskim* were stringent.

Some people write in their *sefarim* that they may not be used without permission. Although this is not a correct practice (one *should* let others use his *sefarim*), one may not use such a *sefer* without the owner's permission.²⁶ The *minhag* is to be lenient with a siddur if one makes sure to take good care of it.²⁷

Some say that one may not flip through the pages of *sefarim* while browsing in a *sefarim* store.²⁸ However, the *minhag* is to be lenient. The owner is willing to allow this, as

24. Refer to *Ritva Maseches Bava Metzia* 29b, *Beis Yosef* 14, *Darhei Moshe* 14:2, *Rama* 14:4, *Magen Avraham* 10, *Machatzis Hashekel* 10, *Levush* 4, *Pri Megadim M.Z.* 7, *Shulchan Aruch Harav* 13, *Chessed L'alafim* 14:5, *Mishnah Berurah* 16, *Aruch Hashulchan* 13, *Kaf Hachaim* 31, *Beis Baruch* 11:167, *Az Nidberu* 7:15:4, 11:41:2, 12:65:7. If one ruins the *sefer* he is obligated to pay (*Ateres Zekeinim* 4). Some say even those who forbid it, mean only to learn from it on a constant basis (refer to *Mekor Chaim* 14:page 88, *Sdei Chemed mareches samech* 6). If a *sefer* is out in the open it is a sign one is not *makpid*, and one is permitted to use it (*V'ein Lamo Michshal* 4:page 59). Refer to *Eishel Avraham Butchatch* 14.

25. Harav Yisroel Belsky *zt"l*, see *Likutei Maharich Seder Birchos Hashachar* 33b (old), *Aruch Hashulchan* 14:13, *C.M.* 72:1, *Teshuvos V'hanhagos* 2:717, *Halichos Shlomo Tefillah* 12:footnote 13, *Mamon Yisrael* page 65:footnote 171 quoting the opinion of Harav Elyashiv *zt"l*. A wife can give a person her husband's *sefer* since it is probable that he is not *makpid* on it (*Aruch Hashulchan C.M.* 72:1). Refer to *Rama C.M.* 292:20.

26. Harav Yisroel Belsky *zt"l*, see *Toras Hayeshivah* pages 275-276:footnote 12.

27. *Pri Megadim M.Z.* 14:7, *Likutei Maharich* *ibid*, *Mishnah Berurah* 14:16, *Halichos Shlomo Tefillah* 19:footnote 13. Taking an expensive *machzor* without permission might be different (*Aruch Hashulchan* 14:13, see *Likutei Maharich* *ibid*, refer to *Minchas Elazar* 4:70).

28. *Sha'arei Halachah* 3:pages 20-21.

there is a chance that the person will find something that he likes and will make a purchase.²⁹

An interesting question was posed as to whether one is allowed to look at a *sefer* he receives in the mail with an offer to buy it, but he has no interest in buying it.

All opinions would permit this, since the seller knows that the person has to look through it to see if he will buy it. If one does not even want to open it to buy it but wants to keep it anyway, he should ask his *rav*.³⁰

No Hat

It is very common for one to come to shul and realize that he forgot his hat. He may not borrow someone else's hat without permission. This cannot be compared to borrowing *tefillin*, since it is not part of the mitzvah of *davening*.³¹

Sleeves Rolled Up while Learning

In the hot summer days there is no issue with wearing short sleeves³² when learning,³³ or rolling up long sleeves.³⁴

Wearing Shorts When Playing Ball

It is a pious act not to wear shorts in public, even if they

29. Harav Yisroel Belsky *zt"l*, see *Rivevos Ephraim* 4:221.

30. *Olas Yitzchak* 2:255.

31. Opinion of Harav Chaim Kanievsky *shlit"l* quoted in *Halichos Chaim* 2:page 19:7.

32. For a discussion on this see *Shilhei D'kaita* pages 32-35. See *Igros Moshe Y.D.* 3:47:3, *Toras Hayeshivah* 23:3. Refer to *Da'as Noteh* 1:page 49:112-113.

33. *Salmas Chaim* 6. See *Toras Hayeshivah* 23:page 308.

34. *Rivevos Ephraim* 7:265. See *Da'as Noteh* page 49:112-113, *Piskei Halachos U'bein Hazmanim* pages 20-21. Some say it is a pious act to wear a jacket when learning (*Teshuvos V'hanhagos* 1:545, see *Vayishma Moshe* 1:page 276). In regard to whether one needs to wash his hands when touching areas above his elbow see *Yechaveh Da'as* 4:8, *Nekius V'kavod B'tefillah* page 16.

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cover the knees. If one is very hot and uncomfortable, he may wear shorts even above the knee.³⁵

Holding Objects in Hand during *Davening*

People use their phones as a replacement for a siddur while *davening*, especially when they are traveling and do not have a siddur with them.

One may not hold objects in his hand while he is *davening* (*Pesukei D'zimrah*, *Krias Shema*³⁶ and *Shemoneh Esrei*).³⁷ Since he is afraid of dropping them,³⁸ he cannot concentrate properly for *Shemoneh Esrei*.³⁹ Others say that even without the concern of dropping it, one should not hold any item in his hand since he is standing before Hashem.⁴⁰

Holding a siddur is permitted since one uses it for *davening*, so it will not disturb concentration.⁴¹

It is preferable that one not clip his cell phone to his belt during *davening*, even if it is set to vibrate.⁴² When it vibrates, he will inevitably look at the phone, which will obviously disturb his concentration during *davening*.⁴³ In any case it is best not to use your phone which has a siddur since it is

35. See *Divrei Chachamim E.H.* page 254:41. In regard to wearing shorts during *davening* see *Yaskil Avdi 7:kuntres achron* 1, 8:24:3, *Halichos Shlomo Tefillah* 2:15, *Yagel Yaakov* page 168. Refer to *Igros Moshe Y.D.* 3:68:4. In regard to short sleeves and *davening* see *Rivevos Ephraim* 2:3, also see *Toras Chaim* page 33:6. If one touches the area usually covered under one's shorts see *Yechaveh Daas* 4:8.

36. *Mishnah Berurah* 96:1.

37. *Maseches Brachos* 23b, *Rambam Hilchos Tefillah* 5:5, *Shulchan Aruch* 96:1.

38. *Magen Avraham* 1, *Shulchan Aruch Harav* 1, *Ben Ish Chai Yisro* 1:12.

39. *Rashi Maseches Brachos* 23b "lo."

40. See *Shulchan Aruch Harav* 1, *Aruch Hashulchan* 1, *Kaf Hachaim* 1, *Tzitz Eliezer* 14:49.

41. *Shulchan Aruch* 96:2.

42. It goes without saying that cell phones with ringers are forbidden in a shul (*Sha'arei Toras Habayis* page 184:footnote 35:1).

43. *Sha'arei Toras Habayis* page 184:footnote 35:2. See *Osher Chanan* 3-4:7.

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inevitable that an email or text will come during *davening* and one will look at it.

Running from Shul

Many times in the summer, children run to eat breakfast or play sports when *davening* is over.

It is a mitzvah to run to shul,⁴⁴ as this shows a drive (or a love)⁴⁵ and a desire to do a mitzvah⁴⁶ (this applies to all mitzvos).⁴⁷ This only applies until one reaches the door of shul. One should not run in the shul itself (and certainly not during *davening* either),⁴⁸ since one must act with trepidation and fear.⁴⁹

One should not run when exiting shul. This behavior shows disrespect to the shul (or *beis midrash*),⁵⁰ as he indicates that waiting around in shul is a burden.⁵¹ One should not take large steps either.⁵² In addition, standing at the entrance of shul to leave more quickly is not respectful either.⁵³

There is only a problem if one is leaving shul for his personal affairs, but one may run out of shul to learn Torah.⁵⁴

44. *Maseches Brachos* 6b, *Rambam Hilchos Tefillah* 8:2, *Shulchan Aruch* 90:12, *Chayei Adam* 17:4, *Shulchan Aruch Harav* 90:13. See the *Tzalach Maseches Brachos* ibid on this topic.

45. *Levush* 90:12.

46. *Aruch Hashulchan* 16. See *Kaf Hachaim* 86.

47. *Chayei Adam* 17:4, *Aruch Hashulchan* ibid. Refer to *Yalkut Yosef* 90:pages 181-182 in depth regarding the reason for this halachah.

48. *Lekach Hakemach Hachadash* 90:79.

49. *Elyah Rabbah* 13, *Magen Avraham* 90:24, *Mishnah Berurah* 40.

50. *Maseches Brachos*, *Rambam* and *Shulchan Aruch* ibid.

51. *Mishnah Berurah* 43.

52. Ibid.

53. *Lekach Hakemach Hachadash* 90:81.

54. *Maseches Brachos* ibid, *Pri Megadim Eishel Avraham* 90:26, *Mishnah Berurah* 43. Refer to *Maharsha Maseches Brachos* ibid. See *Elyah Rabbah* 14. So too, to run home

Davening in a Shul Other Than Yours

In the summer, people often find themselves *davening* in a shul with a different *nusach*.⁵⁵ For which parts must one conform to the shul, and for which parts may he keep his usual *nusach*? There is an *issur* of “*lo siggodidu*,”⁵⁶ which means that there should not be two customs in one place.⁵⁷ Rashi⁵⁸ explains that the reason for the *issur* is that there should not seem that there are two versions of the Torah. The Rambam⁵⁹ learns that the purpose is to prevent arguments.⁶⁰ Originally, immigrants to a new community adopted the customs of that community. However, today there are very few true communities still intact, as most cities contain a mixture of many communities. Therefore, one should keep to his *nusach* of *davening* (see below).⁶¹

***Kedushah*:** One should recite the *Kedushah* of that shul.⁶² This is true even if he does not say *Kedushah* out loud.⁶³ Others say that it depends on his practice: if he usually says *Kedushah* out loud, then he should follow the *nusach* of the shul, but if he normally says it quietly then he may say his usual *nusach* of *Kedushah*.⁶⁴ One reason is that the

on the Pesach night to start the Seder quickly (*Haseder Ha'aruch* 1:31:1).

55. Refer to *Bris Avraham* 1 in great depth.

56. See *Maseches Yevamos* 13b.

57. *Igros Moshe* O.C. 4:34. See *Avnei Yashpei* 1:14.

58. *Maseches Yevamos* 13b “*lo*.”

59. *Hilchos Avodah Zarah* 12:14.

60. *Igros Moshe* O.C. 4:34.

61. *Ibid* 4:33. Refer to *Yabia Omer* O.C. 6:10.

62. *Rivevos Ephraim* 6:35.

63. *Igros Moshe* O.C. 2:23, *Minchas Yitzchak* 7:5, *Rivevos Ephraim* 2:44, 7:281:1. See *Yabia Omer* O.C. 6:10:4, *Yechaveh Da'as* 3:6.

64. *Halichos Shlomo Tefillah* 5:23. Refer to *Avnei Yashpei* 1:14 quoting the opinions of the Steipler *zt”l* and Harav Elyashiv *zt”l*, *Yaskil Avdi* 8:17:3.

differences between *nusach Sephard* and *Ashkenaz* relating to *Kedushah* do not impact the main part of *Kedushah*.⁶⁵

Shemoneh Esrei: One can say his usual *nusach* for *Shemoneh Esrei*, and it is considered *davening* with a *minyan*.⁶⁶

Pesukei D'zimrah–Birchas Krias Shema: *Nusach Ashkenaz* has a different order for *Pesukei D'zimrah* than *nusach Sephard*.⁶⁷ Since it is normally recited aloud,⁶⁸ it would not be proper to say it differently than the order of the shul.⁶⁹ However, one may use his *nusach* if he says it quietly.⁷⁰ Nonetheless, if it is not hard he should follow the *nusach* of the shul.⁷¹ The custom is not like the latter opinion and one may say *Pesukei D'zimrah* as he wishes,⁷² but it is preferable to recite it quietly.

Barchu: There is a difference in custom regarding bowing by *Barchu*. Sephardim do not bow by *Barchu*,⁷³ while Ashkenazim do bow.⁷⁴ If a Sephardi is in a place where they bow he does not have to bow with them.⁷⁵

Aleinu: The custom of *nusach Sephard* is to say *Aleinu*

65. *Halichos Shlomo Tefillah* 5:footnote 39.

66. *Igros Moshe* O.C. 2:23. See *Igros Moshe* O.C. 2:104.

67. Refer to *Maharam Shick* O.C. 43, *Yabia Omer* O.C. 6:10:3, *Ohr L'tzion* 2:5:1, *Orach Yisrael* 2.

68. Refer to *Eishel Avraham Butchatch* 58.

69. *Igros Moshe* O.C. 2:23.

70. Opinion of Harav Chaim Kanievsky *shlit"a* quoted in *Nekius V'kavod B'tefillah* page 117:footnote 13. See *Mishnah Berurah* 101:7 which mentions one should say *Pesukei D'zimrah* quietly.

71. *Igros Moshe* O.C. 2:23. Refer to *Banim Chavivim* pages 274-275.

72. *Halichos Shlomo Tefillah* 2:23, opinion of Harav Elyashiv *zt"l* quoted in *Avnei Yashpei* 1:14:2. See *Beis Avi* 3:10.

73. Refer to *Shulchan Aruch* 113:3, 281:1, *Mekor Chaim* 57:1, *Shulchan Hatohar* 57:1.

74. *Aruch Hashulchan* 57:1, 113:6, *Rivevos Ephraim* 1:47. Refer to *Banim Chavivim* pages 306-307.

75. *Ohr L'tzion* 2:5:13.

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after *Ein K'Elokeinu*,⁷⁶ while *nusach Ashkenaz* recites it after *Ashrei U'va L'tzion*.⁷⁷ One should say *Aleinu* with the *tzibbur*.⁷⁸

Tachanun: The customs for *Ashkenaz* and *Sephard* differ regarding *Tachanun*.⁷⁹ *Nusach Ashkenaz* does not say *vidui* and *yud-gimel middos*, and on Monday and Thursday they say *V'hu Rachum* first and then fall on their arms. One should follow the custom of the shul where he is *davening* now.⁸⁰ Therefore, one who *davens Sephard* and now finds himself in an *Ashkenaz minyan* should not say *vidui* (if he will be banging his heart) and *yud-gimel middos*, and should say *V'hu Rachum* first on Monday and Thursday.⁸¹ A person who *davens Ashkenaz* who finds himself at a *Sephard minyan* should say *vidui* and the *yud-gimel middos*.⁸²

Kaddish: The custom of *nusach Sephard* is to say “*v'yatzmach pirkunei* etc.” in *Kaddish*.⁸³ One who *davens nusach Sephard* and finds himself in a *nusach Ashkenaz minyan* may still recite *Kaddish* as he normally does.⁸⁴ Others say that he should follow the custom of the shul,⁸⁵ but this

76. *Banim Chavivim* pages 369-370.

77. *Banim Chavivim* pages 369-370.

78. *Halichos Shlomo Tefillah* 5:23, *Avnei Yashpei Tefillah* page 76:9 quoting the opinion of Harav Elyashiv zt”l.

79. Refer to *Banim Chavivim* pages 324-325.

80. *Rivevos Ephraim* 7:47:1, *Halichos Shlomo Tefillah* 5:footnote 38. See *Teshuvos V'hanhagos* 4:29. Refer to *Tefillah K'hilchasah* 4:14:footnote 26 which brings a lenient opinion, *Olas Yitzchak* 2:275.

81. *Igros Moshe O.C.* 4:34, *Ohr L'tzion* 2:9:1, *Yagel Yaakov* page 74, *Vayishma Moshe* 2:page 63. Refer to *Toras Hayeshivah* pages 58-60.

82. *Igros Moshe O.C.* 3:89.

83. *Banim Chavivim* page 296.

84. *Ohr L'tzion* 2:5:11. Refer to *Rivevos Ephraim* 2:44.

85. Opinion of Harav Chaim Kanievsky *shlit”a* quoted in *Nekius V'kavod B'tefillah* page 118:footnote 21.

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is not the overwhelming practice.⁸⁶ The *shatz* should say Kaddish like the custom of the shul (see below).⁸⁷

Davening Together with the Shatz: One who is reciting *Shemoneh Esrei* together with the *shatz* during *chazaras hashatz* may say it in his personal *nusach*.⁸⁸

Baruch Hashem L'olam: Some say *Baruch Hashem l'olam* during the weekday Ma'ariv,⁸⁹ while others do not.⁹⁰ One need not say it with the *minyan* unless he is the *shatz*.⁹¹

Windows in a Shul

There is a custom that a shul⁹² should have twelve⁹³ windows⁹⁴ (facing Yerushalayim).⁹⁵ There are numerous reasons given for this. Some say that by seeing the heavens through the windows one will have more concentration.⁹⁶ Others say that they serve to provide fresh air,⁹⁷ or light.⁹⁸

The Rambam⁹⁹ says that the above halachah does not

86. Refer to *Banim Chavivim* pages 295-296.

87. *Avnei Yashpei* 1:14:4.

88. *Ibid* 1:14:3.

89. Refer to *Shulchan Aruch* 236:2.

90. Refer to *Kaf Hachaim* 236:12, *Massei Rav* 68, custom in Eretz Yisrael (*Teshuvos V'hanhagos* 1:88).

91. *Igros Moshe* O.C. 2:102, *Rivevos Ephraim* 8:331, *Nekius V'kavod B'tefillah* page 197, *Teshuvos V'hanhagos* 1:88. See *Beis Avi* 4:13.

92. See *Ohr Dovid* 2:4.

93. Based on the *Zohar*. Some opine that they can have even more than twelve (see *Yaskil Avdi* 4, *De'ah V'seichel* 1).

94. *Shulchan Aruch* 90:4. Refer to *Maseches Brachos* 31a, 34b.

95. *Rambam Hilchos Tefillah* 5:6, *Shulchan Aruch* 90:4. See *Pri Megadim Eishel Avraham* 90:4, *Kaf Hachaim* 90:20.

96. Refer to *Aruch Hashulchan* 6. See *Yalkut Yosef* 90:footnote 7 which goes through the different reasons.

97. *Beis Yosef* 95.

98. See *Ohr Dovid* 2:4.

99. *Responsa* 141.

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apply in a shul, but only when one *davens* in his home. Others do not make this distinction.

The same is true if one *davens* alone in his house – he should have an option to look at the window.¹⁰⁰

There is no actual need to look at the windows while *davening*; rather, they are there to help those who find their concentration faltering.¹⁰¹

The windows in the shul may face any direction, not necessarily east.¹⁰²

Many question why many shuls do not have twelve windows in the front. One explanation is that the rationale for these windows is irrelevant today. We have electric lights and climate control. Furthermore, tall neighboring buildings block the view, and passing airplanes might actually become a distraction. Therefore, one may *daven* in a shul that does not have windows facing the sky.¹⁰³

House *Minyan*

It is too common in a bungalow colony or summer home community to have a house *minyan* on Friday night and Motza'ei Shabbos when no *sefer Torah* is needed. (Some do this all year round even with the *sefer Torah* as opposed to going to a shul – we will not discuss this).¹⁰⁴ We will discuss below why going to a shul to *daven* is the preferred method.¹⁰⁵

100. *Mishnah Berurah* 8.

101. *Aruch Hashulchan* 7.

102. *Mishnah Berurah* 9. See *Be'er Heitiv* 2, *Birchei Yosef* 1.

103. *Ohr Dovid* 2:4.

104. For a detailed discussion see <http://www.torahmusings.com/2014/03/house-minyanim/>, *Journal of Halachah and Contemporary Society* 46:pages 41-59, *Avnei Yushfei* 8:7:1-2. Refer to *Rama C.M.* 162:7, *Mishnah Berurah* 150:2. In regard to the question if one has a shul close by and one further away can he go to the shul that is further away or is it considered like passing over a mitzvah, see *Yechaveh Da'as* 2:9, *Yaskil Avdi O.C.* 2:5, 3:3, *Har Tzvi O.C.* 53.

105. For more on this see www.swdaf.com.

איך ללמוד להלכה של אמות של הלכה בלבד... (ברכות ט)

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)

The Gemara¹⁰⁶ says that *tefillah* is only accepted in a shul.¹⁰⁷ This is also codified in halachah.¹⁰⁸ The *Meiri*¹⁰⁹ explains that this is due to the fact that one is able to concentrate better in a shul.

The Gemara says that one who has a shul in town and does not go is called a bad neighbor,¹¹⁰ and it causes his children to be exiled.

Davening with a large group is preferred. This is referred to as *b'rov am hadras melech*.¹¹¹

Another issue with *davening* in a home *minyan* is that one does not have a set place for *davening*.¹¹² The *Aruch Hashulchan*¹¹³ comments that one should only change his seat when there is a great need to do so.

At many house *minyanim* there are mirrors on the wall, and one is not supposed to *daven* facing a mirror.¹¹⁴

This has a negative impact on the shuls, since the smaller *minyanim* affect the entire shul atmosphere.

Furthermore, the same room that is used for a house *minyan* is also used for various forms of entertainment and levity; certainly not a place ideal for *davening*.

106. *Brachos* 6a.

107. *Rambam Hilchos Tefillah* 8:1, *Rosh Maseches Brachos* 1:7, *Rif Maseches Brachos* 4a. Refer to *Lechem Mishnah Hilchos Tefillah* 8:1 on this.

108. *Tur O.C.* 90, *Bach, Shulchan Aruch O.C.* 90:9.

109. *Maseches Brachos* 6a.

110. *Davening* in a home with ten people does not give one the name of a bad neighbor (*Sha'arei Teshuvah* 90:17). Some mention you need a reason to *daven* at home even with a *minyan* not to be labeled a bad neighbor (*Chayei Adam* 17:4).

111. *Magen Avraham O.C.* 90:15. See *Chayei Adam* 17:1, *Mishnah Berurah* 27-28.

112. *Maseches Brachos* 6b.

113. *O.C.* 90:23.

114. 90:71. Glass in which one can see his reflection may have the same status as a mirror (*Vayishma Moshe* 1:page 41, *Ohr L'tzion* 2:7:11). It is preferable not to *daven* opposite pictures either (*Vayishma Moshe* 1:page 42, *Ohr L'tzion* 2:7:12).

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Harav Moshe Shternbuch *shlit"á* says that as long as people will attend the shul *minyan*, they may not have a house *minyan*.¹¹⁵

With all of the above, it does happen that one usually *davens* in a shul, but can be called for a house *minyan* to help out someone who is ill and can't walk, or someone who is not feeling well. In this situation one should *daven* there to help with a *minyan* and there is no issue of not fulfilling *b'rov am...*¹¹⁶

Kissing Children etc. in Shul

May a father kiss his child in shul, or a *ba'al simchah* kiss his guests and friends? This is very relevant in the summer where little kids can walk to shul by themselves in the bungalow colony.

The halachah is clear that one is not allowed to kiss his children (small or big)¹¹⁷ in shul.¹¹⁸ This is in order to instill in our hearts that there is no love like the love we should have for Hashem.¹¹⁹

There are those who prohibit kissing even if it is not during *davening*.¹²⁰ However, others are lenient.¹²¹

115. *Journal of Halachah and Contemporary Society* 46:page 53.

116. Opinion of Harav Elyashiv *zt"l* quoted in *Tefillah K'hilchusah* 8:footnote 9, *Ashrei Ha'ish O.C.* 1:page 116:1, opinion of Harav Ephraim Greenblatt *zt"l* quoted in *Journal of Halachah and Contemporary Society* 46:page 53.

117. *Sefer Chassidim* 255, *Orach Ne'eman* 98:5.

118. *Rama* 98:1. Some extend this to the women's section as well (*Gam Ani Odeicha* 8). Also see *Adnei Paz* 4:4, *Osher Chanan O.C.* 1:11. Refer to *Ben Ish Chai Vayikra* 1:11.

119. *Rama* *ibid*.

120. Refer to *Chayei Adam* 17:16, *Kitzur Shulchan Aruch* 13:1, *Orach Ne'eman* *ibid*. See *Lekach Hakemach Hachadash* 98:3*, *Sha'arei Yosher* 3:37:1.

121. Refer to *Beis Yisrael* (Edlin) 1:9.

איך ללמוד הלכה בלימודי אמות של הלכה בלימודי (ברכות ח)

כל השנה הלכות בכל יום מובטח להשתדל לא עולם הפא... (מדד עב)

If a child hurts himself in shul, it is permitted to console him with a kiss.¹²²

It is apparent that if one wishes to honor his friend or relative with a kiss it is permitted after *davening*.¹²³ As such, it was the custom of many *gedolim* to kiss their *talmidim* in shul after saying a nice *pshat*.¹²⁴

Based on the above it would be permitted to kiss a *ba'al simchah* on the hand, but not on the face, especially during *davening*.¹²⁵

Hugging or other expressions of love may be permitted in a shul.¹²⁶

Tevilas Ezra – Nine Kavin

Many men are careful to use the *mikvah*, but have a hard time keeping this *minhag* in the bungalow.¹²⁷ Does using a shower help?

The Gemara¹²⁸ records that Ezra enacted a *takanah*¹²⁹ that one who emits *keri*¹³⁰ is required to go to the *mikvah*. One may not learn before going to the *mikvah*, and his *Beis Din*

122. *Piskei Teshuvos* 98:footnote 69, *Sha'arei Yosher* 3:37:4.

123. Refer to *Beis Yisrael* (Edlin) 1:9, *Archosecha Lamdeini* 2:10. See *Be'er Sarim* 2:17.

124. Refer to *Beis Yisrael* *ibid*, *Orach Ne'eman* *ibid* in footnote, *Be'er Sarim* *ibid*.

125. *Vayevarech Dovid Hilchos Kibbud Av V'eim* 65.

126. *Sha'arei Yosher* 3:37:5.

127. See *Ahalech B'amitecha* page 277 in the footnote if one usually goes to the *mikvah* after being with his wife and now is in a place where there is no *mikvah* if he should avoid being with his wife.

128. *Maseches Bava Kamma* 82a, *Rosh Maseches Bava Kamma* 7:19. See *Maseches Brachos* 22a-b.

129. *Maseches Brachos* 22b.

130. Why this was only enacted for *keri* and not other *tumos*, see *Rashi Maseches Brachos* 22a "m'kan," *Ha'eshkol* 2, *Rambam Hilchos Tefillah* 4:4. Some suggest since the *tumah* of *keri* comes from inside the body and willingly as opposed to other *tumos* (*Min Hashamayim* 5).

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added a restriction on *davening* as well.¹³¹ Most say that the enactment by Ezra was for both *davening* and learning.¹³² This is known as *tevilas Ezra*.

Although many are lenient regarding using the *mikvah*, some maintain that one still needs to pour nine *kavin* on his body before he *davens*.¹³³ Most opinions maintain that even nine *kavin* is not required.¹³⁴ In any case, if one wishes to pour¹³⁵ nine *kavin* he may do so, since¹³⁶ it was easier to do this then to go to a *mikvah*.¹³⁷

The water must flow over the entire body.¹³⁸ Therefore, one should stand straight and fold his hands loosely on his chest so the water can run over the entire body.¹³⁹ There is no need for water to get under the feet.¹⁴⁰ It is not sufficient to get wet, lather up, and rinse. Rather, one should pour water on his body continuously.¹⁴¹

The calculation of nine *kavin* is a dispute. Some say that it

131. *Rambam Hilchos Tefillah* 4:4, *Krias Shema* 4:8, *Shulchan Aruch O.C.* 88:1, *Chayei Adam* 1:3:37. Refer to *Kesef Mishnah* on *Rambam Hilchos Tefillah* 4:4, *Turei Even* on *Rambam, Pri Chadash O.C.* 88. Refer to *Pnei Yehoshua Maseches Brachos* 22a. This is even though we are *tamei* today anyway from other impurities (*Teshuvos V'hanhagos* 4:34).

132. *Shulchan Aruch O.C.* 88:1.

133. *Bach O.C.* 88, *Beis Yosef O.C.* 88, *Rambam Hilchos Tefillah* 4:6, *Elyah Rabbah* 2, *Mishnah Berurah* 4, *Chayei Adam* 1:3:37. See *Otzros Yosef* 5:2.

134. *Rosh Maseches Bava Kamma* 7:19, *Ohr Zarua* 1:117, *Tur O.C.* 88, *Beis Yosef O.C.* 88, *Shulchan Aruch O.C.* 88:1, *Shulchan Aruch Harav* 1, *Aruch Hashulchan* 3.

135. *Beis Yosef O.C.* 88, *Chayei Adam* 1:3:37, *Kaf Hachaim* 6.

136. *Maseches Brachos* 22a-b, *Tosafos* 22b "v'leis."

137. *Shitah Mekubetzes Maseches Brachos* 22a.

138. *Meiri Maseches Brachos* 22a, *Sefer Chassidim* 828, *Pri Megadim M.Z.* 1, *Eretz Tzvi* 88.

139. *Mishnah Berurah* 4. See *Kaf Hachaim* 7.

140. *Eretz Tzvi* 1:89.

141. *Taz O.C.* 88:1, *Matei Ephraim* 606:14.

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is fifteen quarts of water,¹⁴² while others say it is twenty-four quarts.¹⁴³ Practically, the *shiur* ranges from 16-32 liters.¹⁴⁴

Shower

With the advent of modern plumbing, it is very easy to take a shower with the right amount of water. This is according to those who are lenient and do not require going to the *mikvah*, or if going to the *mikvah* is not possible (one is not near a *mikvah*, etc.).

Most *poskim* say that showers suffice as nine *kavin*.¹⁴⁵

As mentioned, nine *kavin* ranges from 16-32 liters. Depending on the water pressure, a four-minute shower can use anywhere from 53-76 liters of water. Some water-saving showerheads use 33-38 liters. Therefore, one should make sure to stay in the shower with water running on his head for a couple of minutes.

Feeding Animals Human Food

In the summer when going to parks etc., one frequents upon birds and sea gulls. Birds and sea gulls are attracted to

142. *Elyah Rabbah* 2, *Be'er Heitiv* 1, *Mishnah Berurah* 4.

143. *Mishnah Berurah* 4. See *Birur Halachah* 88:pages 179-181.

144. *Minchas Yitzchak* 4:21.

145. Refer to *Chelkas Yaakov Y.D.* 118-119, *Minchas Yitzchak* 3:15, 4:21, 28:8, *Divrei Yatziv Likutim* 13, *Leket Hakemach Hachadash* 88:9, opinion of Harav Ovadiah Yosef *zt"l* quoted in *Otzros Yosef* 2:5:page 23, *Yaskil Avdi O.C.* 5:13:3, 7:page 317, *Emes L'Yaakov* 88:footnote 108, *Divrei Chachamim* page 195:55, *Shevet Halevi* 1:24, *Kinyan Torah* 1:33, *Beis Baruch* page 413, *Yesodo Yeshurin* 4:page 264, opinion of Satmar Rebbe *zt"l* quoted in *Vayevarech Dovid* 1:105, *Neusin* page 302, *Pri Hasadeh* 4:149, *Kovetz Halachos L'meonos Hakayitz* pages 234-235:18, *Vaya'an Yosef* 1:45, 95:2, *Tiferes Adam* 28. See *Shaarei Halachah U'minhag* 1:37, *Kochvei Yitzchak* 3:55, *Rivevos Ephraim* 1:60, 2:42, 48:70. For those who argue see *Mishneh Halachos* 3:1-6, 5:19-22, 6:23, *Am Mekadshei Shevi'i* 2:page 193:76, *Da'as Noteh* 1:page 231, *Teshuvos V'hanhagos* 1:123, opinion of Harav Elyashiv *zt"l* and Harav Nissim Karelitz *shlit"a* quoted in *Nekius V'kavod B'tefillah* page 73:footnote 14, page 178:94, *Vayishma Moshe* 2:page 29, *Massei Ish* 5:page 32, *Derech Sichah* 2:page 434, *Halichos Chaim* 2:page 91:174. Some quote Harav Moshe Feinstein *zt"l* as being stringent; see *Mishneh Halachos* 3:1. However, in *L'Torah V'hora'ah* 7:page 25 he is lenient. Harav Yisroel Belsky *zt"l* was stringent.

humans while looking for food. One should be careful of the following if entertaining the thought of giving them food.

Food that is fit for human consumption may not be fed to animals or birds.¹⁴⁶ Others permit it.¹⁴⁷ If there is no other food, one may feed his animals human food.¹⁴⁸ This might explain why many use bread to feed the birds.¹⁴⁹ Food that will not be eaten may be given to animals or birds.¹⁵⁰ Crumbs that are smaller than a *kezayis* may be given to birds.¹⁵¹ Raw food and food which is not fully cooked may be given to animals.¹⁵² If an animal will die if it is not fed, one may give it human food.¹⁵³ Some say that human food may be given to one's own animals.¹⁵⁴ It is questionable whether food that is forbidden to a Yid may be given to animals.¹⁵⁵ One should not

146. *Maseches Ta'anis* 20b, *Magen Avraham* 171:1, *Elyah Rabbah* 171:1, *Mishnah Berurah* 11, *Aruch Hashulchan* 5, *Kaf Hachaim* 1. One reason is because treating food with disrespect shows one does not want the goodness Hashem showed him by giving him food, and another reason is because the Torah does not want us to waste our money (*Rashi Maseches Ta'anis* 20b "ein"). *Tosafos* in *Maseches Beitzah* 23b "v'ein" says the reason is because we are concerned that one may come to trap the animal he is feeding.

147. Refer to *Elyah Rabbah* 171:1, *Sdei Chemed Mareches Mem* 1:1:page 3, *Mishnah Berurah* 11, *Sha'ar Hatzion* 13, *Beis Yitzchak* 1:79, *Da'as Torah* 171:1.

148. *Meiri Ta'anis* *ibid*, *Machatzis Hashekel* 1, *Mishnah Berurah* 11, *Sha'ar Hatzion* 13.

149. *Machatzis Hashekel* *ibid*, *Mishnah Berurah* *ibid*.

150. *Pardes Yosef Chayei Sarah* page 156, *Birchos Hashem* 3:footnote 161, *Piskei Teshuvos* 171:8. Therefore, food which will be thrown out may be given to animals (*Even Pinah* 1:7).

151. *Chayei Adam* 45:5, *Piskei Teshuvos* 171:8. Refer to *Vaya'an Dovid O.C.* 1:28 which permits the throwing of leftover bread to birds.

152. *Sho'el U'meishiv* 2:72, see *Beis Dovid* 1:13.

153. *Ketzos Hashulchan* 39:12:badei 30, *Piskei Teshuvos* 171:8, see *Eitz Hasadeh* 22:footnote 11.

154. *Pardes Yosef Bereishis* 24:19:page 398 (new), *Ksav Sofer O.C.* 33, *Minchas Yitzchak* 3:45, see *Eitz Hasadeh* 22:footnote 12.

155. Refer to *Eitz Hasadeh* 2:footnotes 14-15 in depth, see *Sdei Chemed* *ibid*:page 4.

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give bread to an animal if the *brachah* of *Hamotzi* has been recited on it.¹⁵⁶

***Bentching* after a Long Meal**

It is common in camp or at a large meal that the talking and singing extend for a long time after the food is eaten. One may *bentch* as long as he feels hungry, even if the talking extended more than seventy-two minutes.¹⁵⁷

Eating before Minchah

In the bungalow colony, especially on Sunday, it is common to have a barbeque late in the afternoon. The meal often lasts until nearly sunset. Is it permitted to eat so close to Minchah?

The mishnah¹⁵⁸ says that one should not start a haircut close¹⁵⁹ to Minchah. So too, he should not enter the washroom,¹⁶⁰ a tannery,¹⁶¹ start to eat,¹⁶² start to judge,¹⁶³ and other activities. The reason is that maybe the person will get involved in these activities and forget to *daven*.¹⁶⁴ This is brought in *Shulchan Aruch*¹⁶⁵ as well.

156. Refer to *Magen Avraham* 167:42, *Taz* 18, *Ben Ish Chai Emor* 1:12, *Darhei Teshuvah* Y.D. 61:82, *Mishnah Berurah* 97, *Kaf Hachaim* 171:7.

157. Harav Yisroel Belsky zt"l.

158. *Maseches Shabbos* 9b.

159. This is a half hour before the times of Minchah (*Beis Yosef* 232, *Magen Avraham* 4, *Mishnah Berurah* 7).

160. See *Magen Avraham* 5, *Mishnah Berurah* 8, 21, *Aruch Hashulchan* 8-9.

161. *Magen Avraham* 6, *Mishnah Berurah* 9, 21, *Aruch Hashulchan* *ibid*.

162. *Maseches Brachos* 28b.

163. See *Magen Avraham* 7.

164. *Maseches Shabbos* 9b, *Rashi Maseches Shabbos* *ibid* "ad," "lo," *Magen Avraham* 8.

165. *O.C.* 232:2.

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

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Eating – the Opinions

The Gemara¹⁶⁶ discusses two possible ways of understanding the mishnah, which did not address what kind of eating is prohibited and to which Minchah it is referring.¹⁶⁷ (The mishnah also did not discuss what aspects of the other activities are prohibited.)¹⁶⁸ There are two different *zmanim* in relation to Minchah.¹⁶⁹ One is known as *Minchah gedolah*,¹⁷⁰ about seven and half hours after the day has begun.¹⁷¹ The other *zman* is *Minchah ketanah*,¹⁷² nine and half hours after the day has begun.¹⁷³

One opinion holds that one may not have a large meal such as a wedding, *bris milah* meal,¹⁷⁴ or *pidyon haben*,¹⁷⁵ near *Minchah gedolah*. However, a small meal (which is a regular person's meal)¹⁷⁶ is allowed. Others hold that even a small meal near *Minchah gedolah* is not allowed,¹⁷⁷ while some do not even allow a small meal near *Minchah ketanah*.¹⁷⁸

166. *Shabbos* ibid.

167. *Mishnah Berurah* 5.

168. Ibid.

169. Refer to *Yechaveh Da'as* 4:19.

170. *Maseches Shabbos* 9b.

171. *Rashi Minchah Gedolah* ibid.

172. *Maseches Shabbos* ibid.

173. *Rashi Minchah Ketanah* ibid, *Magen Avraham* 4, *Mishnah Berurah* 7. See *Shulchan Aruch* 233:1.

174. *Mishnah Berurah* 11.

175. Ibid 24.

176. Ibid 11.

177. *Maseches Shabbos* 9b, *Tosafos "b'taspores," Rosh Maseches Shabbos* 1:18, *Beis Yosef* 232, *Shulchan Aruch* 232:2. Refer to *Aruch Hashulchan* 11 which says this opinion is not possible to accept. See *Beis Yosef* 232 quoting the opinion of the Rif. See *Rambam Hilchos Tefillah* 6:5. Refer to *Mishnah Berurah* 5. See *Aruch Hashulchan* 12.

178. See *Beis Yosef* 232 quoting the opinion of the Rabbeinu Tam.

איך על להקב"ה בעולמו אלא י
אמות של הלכה בלבד... (ברכות ח')

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

The *Shulchan Aruch*¹⁷⁹ rules that even a small meal close to *Minchah gedolah* is forbidden.¹⁸⁰

The Rama¹⁸¹ rules that one may eat a large meal near *Minchah gedolah* but only a small meal near *Minchah ketanah* (this is because one will be reminded to *daven* – see below) (see footnote for custom of many Sephardim).¹⁸² One should be stringent and not have a large meal close to *Minchah gedolah* (see below).¹⁸³ However, ONLY a small meal near *Minchah gedolah* is permitted.

If He Began

If one began any of the above activities within a half hour of *Minchah gedolah* or *Minchah ketanah*¹⁸⁴ he does not have to stop to *daven*,¹⁸⁵ as long as there is still time in the day to *daven*.¹⁸⁶ If it reaches the point that there would be no time to *daven*¹⁸⁷ then he must stop right away¹⁸⁸ and *daven*.¹⁸⁹

Leniency

Many are lenient in regard to eating close to Minchah.

The leniency is based on the fact that a custom existed to have a *shamash* call people to come to shul. This way they

179. O.C. 232:2.

180. Refer to *Ohr L'tzion* 2:15:1 which says the custom is to be lenient with this.

181. 232:2.

182. The *Kaf Hachaim* 34 says this is the *minhag ha'oloa* (even for Sephardim). Nonetheless, if one is stringent one will have *brachah* (ibid).

183. This is even with a *shamash* telling you to go to shul since with large meals getting drunk is an issue (*Mishnah Berurah* 30).

184. *Tosafos Maseches Brachos* 28b “*kivan*,” *Taz* 3, *Aruch Hashulchan* 20.

185. *Maseches Shabbos* 9b, *Tosafos* “*v'im*,” *Rosh* 1:18, *Beis Yosef* 232.

186. *Rosh* ibid, *Shulchan Aruch* 232:2, *Rama*, *Mishnah Berurah* 13, 15, 16.

187. *Aruch Hashulchan* 20.

188. Even if there is a lot of time left to the day (*Magen Avraham* 11).

189. *Shulchan Aruch* 232:2.

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would not forget.¹⁹⁰ This *heter* would only apply for a small meal near¹⁹¹ *Minchah ketanah*.¹⁹²

The *heter* above only applies if one actually *davens* in shul,¹⁹³ and only if he leaves as soon as he is summoned. Otherwise, it has no value.¹⁹⁴ The reality today is that we do not have this concept of a *shamash* and this *heter* should not apply.¹⁹⁵ The *Aruch Hashulchan*¹⁹⁶ says that the Gemara only prohibited eating close to *Minchah ketanah* because it held like the opinion that the time of *Minchah* is until *plag haminchah*, which is about one hour and a quarter before *shkiah*. However, we hold like the majority opinion that the end of the time for *Minchah* is when it gets dark. Therefore, there are no restrictions until close to nightfall.

Minyan

Many *poskim* opine that we are lenient today since we are used to *davening* in a shul. Therefore, there is no concern that one might forget to *daven*. One who does not *daven* with a *minyan* would be required to *daven* first if he wishes to eat within a half hour of *Minchah ketanah*.¹⁹⁷

Shomer – Watchman¹⁹⁸

There are many places in halachah where we have the

190. 232:2, see *Magen Avraham* 8.

191. Or even after *Minchah ketanah* as well (*Aruch Hashulchan* 14, see *Mishnah Berurah* 232:26, *Shevus Yitzchak* 2:23:pages 281-282).

192. *Mishnah Berurah* 29.

193. *Magen Avraham* 8, *Mishnah Berurah* 28. See *Shevus Yitzchak* 2:23:pages 285-286.

194. *Mishnah Berurah* 29.

195. *Aruch Hashulchan* 15, *Beis Baruch* 33:17.

196. 15.

197. *Aruch Hashulchan* 16, *Kaf Hachaim* 29, 34, *Igros Moshe O.C.* 4:99:1, *Ohr L'tzion* 2:15:1, *Toras Hayeshivah* 5:5, *Shemiras Shabbos K'hilchasah* 56:12, *Beis Avi* 4:20. See *Shevus Yitzchak* 2:23:6.

198. Refer to *Shevus Yitzchak* 2:23:pages 286-287.

concept of *shomer* – someone to watch and make sure you *daven* etc.¹⁹⁹ There is a discussion if this can be applied here as well.

Some *poskim* opine that if one has someone who will remind him to *daven* then he may eat a small meal²⁰⁰ even within a half hour close to *Minchah ketanah*.²⁰¹ For example, even a person's wife who is eating with her husband can remind her husband to *daven* and then he may eat.²⁰² Another family member would work as a *shomer* if they are not eating.²⁰³

Alarm Clock

The *poskim* discuss whether setting an alarm clock would help like a *shomer* to remind someone to stop eating and refrain from doing other activities when the time for *Minchah ketanah* has arrived.²⁰⁴ It seems that this works only if one has the tendency to act once the alarm goes off and not to snooze the alarm.²⁰⁵

Mixed Seating in a Camp Dining Room

In summer camps it is very common for the head staff to have a separate dining room where both men and women sit together at separate tables. Since the people are there for the entire summer, it would seem that the proper thing would be

199. For a discussion on this see *Maseches Sukkah* 26a, *Gittin* 28b, *Shulchan Aruch O.C.* 275:2-3, *Shulchan Aruch Harav* 275:4, *Mishnah Berurah* 89:34, 235:17, 489:23, 692:16.

200. Refer to *Az Nidberu* 9:45.

201. Refer to *Ketzos Hashulchan* 26:badi 15, *B'tzel Hachachmah* 3:88, 93, *Ohr L'tzion* 2:15:1, *Beis Baruch* 33:18.

202. *Ohr L'tzion* 2:15:1.

203. Refer to *Ben Ish Chai Vayakhel* 1:13.

204. Refer to *Chai Moshe* 232, *Shevus Yitzchak* 2:23:pages 287-288.

205. *Chozen Yeshuos* 70:22, *Ohr L'tzion* 2:15:1, *Shevus Yitzchak* 2:23:page 287 quoting the opinion of Harav Shlomo Zalman Auerbach *zt"l*, *Ashrei Ha'ish O.C.* 1:page 274:5.

כל השומה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

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to have a *mechitzah* separating the tables from each other.²⁰⁶ However, this is not very practical and indeed the custom is to be lenient in this regard.²⁰⁷

Separate Bunks

In many bungalow colonies, there are not enough children to have separate bunks for day camp. Is it permitted to place both males and females in the same bunk?

The *Meiri*²⁰⁸ says that men and women should be taught separately when going to school to learn a profession. Many *poskim* say that this also applies to *limudei kodesh*, and boys and girls must be taught separately.²⁰⁹ Harav Moshe Feinstein *zt"l*²¹⁰ maintained that even very young children should be taught separately. However, if it is hard to have separate classes for the very young, one can be lenient.²¹¹

Family Seating

It is very common in the summer for many couples to eat lunch together. When one invites men and women guests to his house the custom is not to require a *mechitzah*. Rather, in this situation the men and women should be seated at opposite ends of the table.²¹²

Hearing Girls Singing in a Bungalow

There is a discussion in the *poskim* if when girls *daven* in school they should lower their voices so that they cannot

206. *Vayevarech Dovid* 2:121;page 7, *Pri Tamarim* 9;pages 144-145.

207. Harav Yisroel Belsky *zt"l*.

208. *Maseches Kiddushin* 80b;page 352. In the footnote *ibid* he questions why this is not brought in the *Rambam* or *Shulchan Aruch*.

209. *Shevet Halevi* O.C. 1:29, *Yabia Omer E.H.* 4:4, 10:23.

210. *Igros Moshe Y.D.* 1:137.

211. *Igros Moshe* *ibid*.

212. Harav Yisroel Belsky *zt"l*, see *Aruch Hashulchan* 529:7.



be heard by men passing by outside.²¹³ The same is true for girls who go on a trip with a Jewish male driver,²¹⁴ for a playgroup teacher at home whose singing will be heard,²¹⁵ and a woman in a bungalow colony who is singing in her bungalow. In these situations it would be preferable for men who pass by to distance themselves from the singing. Where this is not practical, the woman should either lower her voice or refrain from singing until the men have left the area.²¹⁶

Playing Ball

Sports are a staple in many camps and bungalow colonies, and even adults indulge. Playing ball is a healthy outlet. Children, and even adults, cannot spend all of their day learning, and playing ball can reenergize them and help them learn better.²¹⁷

213. *Beis Avi* 3:32.

214. Refer to *Salmas Chaim* 92, *Halichos Bas Yisrael* 6:footnote 7, *V'ein Lamo Michshal* 1:page 111:2, *Halichos Shlomo Tefillah* 20:footnote 20, *Chut Shani Shabbos* 3:page 217 which says even in front of a non-Jewish bus driver. Refer to *Oz V'hadar Levushah* page 469 which is lenient if the driver is a non-Jew.

215. *Ibid.* Refer to *Halichos Shlomo Tefillah* *ibid* in regard to a woman singing while work is being done in her house by a male. Refer to *Oz V'hadar Levushah* page 471.

216. Harav Yisroel Belsky *zt"l*. Refer to *Hakhel* Summer Issue 5763.

217. Refer to *Chai Halevi* 3:31, *Kovetz Halachos L'meonos Hakayitz* [Harfenes] page 36. When summer arrives, people like to take time for recreation, including hikes, sports, and other activities. What does halachah state about leisure? (For an article on this see www.torahmusings.com.) The *Shulchan Aruch* (*Y.D.* 246:25) says that if one is able to learn and does not, it is a disgrace to Hashem. However, we all know that we need to rest our minds, and constant learning is not attainable for the masses. There are stories of *gedolim* who were told to stop learning in order to air out their minds (as described in www.torahmusings.com). Taking a nap in order to strengthen oneself is permitted (*Shulchan Aruch O.C.* 231:1) even though napping is *bitul Torah* (*Rashi Maseches Sukkah* 26b "lishon"). The *Shulchan Aruch* (*O.C.* 231:1) brings a *pasuk* (*Mishlei* 3:6) that says that one should do all his actions for the sake of Hashem (*Maseches Brachos* 63a) whether eating, playing ball, etc. However, excessive leisure should be avoided since it provides no benefit. After an exhaustive day of learning and working, a person might need to unwind and air out his mind. This is permitted as long as he does not extend it into many hours of wasted time. In

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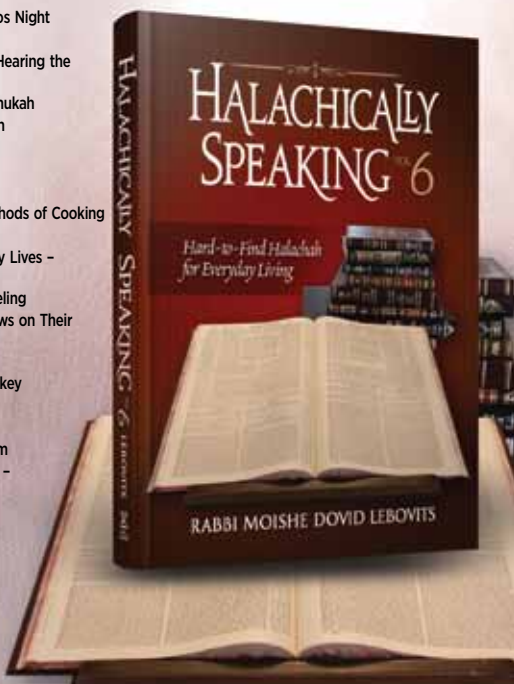
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many bungalows, people talk for hours on end. This is not right. The *Tiferes Yisrael* (*Maseches Avos* 6:5) does say that a little schmoozing is permitted for relaxation, but not too much (refer to *Piskei Teshuvos* 155:4).



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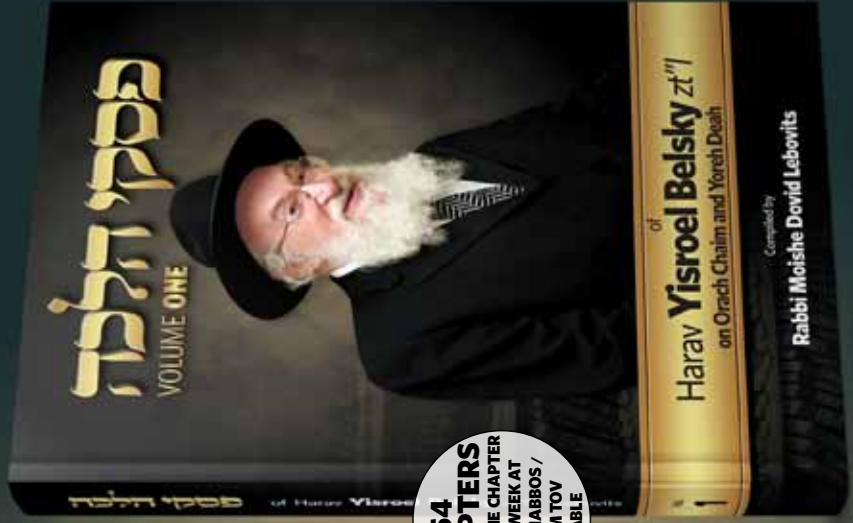
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