

# Halachically Speaking

Volume 2 Issue 33

Compiled by Moishe Dovid Lebovits  
Reviewed by Rabbi Ben-zion Schiffenbauer Shlita  
Piskei Horav Yisroel Belsky Shlita  
Reviewed by Horav Yisroel Belsky Shlita

## Common Halachos Applicable For Bnei Yeshiva\*

### Sponsored

לרפואה שלמה חנה היה בת מזל לז"נ יענטא בת ישראל חיים לזכר נשמת משה בן יששכר  
בעריש לזכר נשמת יעקב אריה בן שבתי לז"נ חנה שיינדל בת אפרים  
לז"נ משה בן שמואל יהודה לז"נ מירל בת יחיאל צבי  
לז"נ ישראל אפרים בן צבי

It is common practice for someone who is learning in *Yeshiva* to be called a *ben Torah*. Why is it that only *bnei Torah* are given a title, and we do not see a person who is a mathematician being called a *bal cheshbon*? *Horav Yonasson Eibschitz* says a beautiful answer. By showing a person how to live, the *Torah* can transform someone into a different person. In a way the *Torah* has given birth to the person, and therefore he is called a *ben Torah*. Other *chuchmas* are not like this, since they have no connection to the person.<sup>1</sup>

### Walking Four Amos before washing hands

It is brought from the writings of *kabbalah* that upon wakening from sleep one who walks four *amos* without washing his hands is obligated in death.<sup>2</sup> Some say this *inyun* does not apply to someone who went to sleep after *chatzos*.<sup>3</sup> Many *poskim* mention the importance of keeping this *halacha*.<sup>4</sup> However, many *poskim* say that although ideally one should not walk four *amos* without washing his hands, if one is in a difficult situation one

\*Please note although the title is *bnei Yeshiva* these *halachos* apply to everyone not only *bnei Yeshiva*. The reason for the emphasis on *bnei Yeshiva* is because these *halachos* frequently apply to those who learn in *Yeshiva*.

<sup>1</sup> *Lev Eliyahu (Shechiv Lev)* page 351.

<sup>2</sup> *Shulchan Aruch Harav* 1:7, *Yosef Ometz* 16:2:page 31, *Mishnah Berurah* 1:2, *Taamei Haminhagim kuntres achron* 1:page 1, *Da'as Torah* 1:1. The *Eishel Avraham Butchatch* 4:1 says that the *Arizal* is not to be taken literally. The reason not to walk four *amos* without washing one's hands is because of *ruach rah* (*Mishnah Berurah* 1:2, see *Shemiras Haguf V'hanefesh* 54:footnote 1).

<sup>3</sup> *Kaf Ha'chaim* 4:4, *Vayivorech Dovid* 1:3, *Ohr L'tzyion* 2:1:3.

<sup>4</sup> *Magen Avraham* 4:1, *Kesher Hagodel* 1:4, *Ben Ish Chai Toldos* 1:6, *Moreh B'etzvah* 2:60, *Chesed L'alafim* 1:2, *Kaf Ha'chaim Palagi* 8:1, *Chai Adom* 2:1, *Shulchan Hatohar* 1:2, *Da'as Torah* 1:1, *Mishnah Berurah* 1:2, *Kaf Ha'chaim* 4:1, *Toras Yekose'al* 1:1:1, *Bais Boruch* 1:2:1, *Orchos Rabbeinu* 1:page 14:13, 3 additions to 1:page 184:3, *Halichos Shlomo Tefilla* 20:footnote 49, *Minhag Yisroel Torah* 4:2, *Ohr L'tzyion* 2:1:3. Refer to *Shemiras Haguf V'hanefesh* 1:54:1-10, *Avnei Yushfei* 3:1:1 quoting the opinion of *Horav Elyashiv Shlita*. The *minhag* is that women are lenient with this. Children who reached the age of *chinuch* should be careful with this *halacha* (*Vayivorech Dovid* 1:3:pages 47-48, see *Orchos Rabbeinu* 3:page 184:1). Some say the whole concern is when one walks on the ground, but walking on the floor in ones house is permitted (*Vayivorech Dovid* 1:3:page 49). One may wash his hands while sitting on his bed (*Vayivorech Dovid* 1:3:page 48). One may put his feet on the ground before washing his hands (*Vayivorech Dovid* 1:page 48).

can be lenient.<sup>5</sup> Many people are indeed lenient with this *halacha*.<sup>6</sup> A *yira shomayim* should be careful to place a utensil with water near his bed<sup>7</sup> so he will not have to walk four *amos* without washing his hands.<sup>8</sup>

One who has no water within four *amos* should walk a little bit before getting water to avoid walking four *amos* consecutively without washing.<sup>9</sup> If it is possible for someone else to bring water, then this is what should be done if it is not too far.<sup>10</sup>

There is an opinion in the *poskim* that “four *amos*” means one may not walk out of his four *amos* without washing his hands. According to this, one would have eight *amos* to walk before washing his hands.<sup>11</sup>

It can happen that one who is usually *makpid* on this *halacha* has a roommate who is a light sleeper that will be woken up if he washes his hands by his bed. Some *poskim* say that in this situation one can be lenient and not wash his hands near his bed.<sup>12</sup> The same *din* would apply where the *hanhalah* of the *Yeshiva* does not allow one to have water near his bed because it may cause damage to the floor.<sup>13</sup>

One who wakes up in middle of the night to go to the bathroom or to get a child a bottle etc does not have to be *makpid* to wash his hands from a utensil prepared by his bed, since the whole *inyun* only applies where one awakes from sleep and does not intend to return to sleep.<sup>14</sup>

One who sleeps on the top bed of a bunk bed may place the water on the floor next to the bottom bed. This is considered placing the water near his bed, and there is no need to place it on a shelf near the top bed.<sup>15</sup>

Some people are *makpid* not to use water for *netiylas yudayim* of the morning which was not covered all night.<sup>16</sup> The *minhag* of most people is to be lenient in this issue.<sup>17</sup> One should not put the water for *netiylas yudayim* under his bed.<sup>18</sup> If the water was placed there it may be used.<sup>19</sup> While others say the water should not be used in this situation.<sup>20</sup>

<sup>5</sup> Refer to *Sharei Teshuva* 1:2, *Be'er Heitiv* 2, *Mishnah Berurah* 2, *Otzros Yosef* 1:2, *Halichos Chaim* 2:1.

<sup>6</sup> Refer to *Elya Rabbah* 4, *Shevus Yaakov* 3:1:page 1, *Teshuva M'Ahavah* 1:14, *Halichos Shlomo Tefilla* 20:footnote 49, *Ishei Yisroel* 2:footnote 17, *Avnei Yushfei* 3:1.

<sup>7</sup> *Ben Ish Chai Toldos* 1:6, *Moreh B'etzvah* 2:60, *Kaf Ha'chaim Palagi* 8:1, *Kesher Hagodel* 1:4, *Aruch Ha'shulchan* 4:16, *Teshuvos V'hanhugos* 2:1, *Orchos Rabbeinu* 1:page 14:14, 3:page 185:3. This is the custom of *Horav Yisroel Belsky Shlita*.

<sup>8</sup> *Seder Hayom* page 1 (old), *Mishnah Berurah* 1:2.

<sup>9</sup> *Ben Ish Chai Toldos* 1:7, *Birchei Yosef* 1:1, see *Teshuvos V'hanhugos* 1:2 and 2:1.

<sup>10</sup> *Salmas Chaim* 12, see *Toras Chaim* pages 4-5:7. If one has to use the bathroom walking without washing ones hands is permitted (*Eishel Avraham Butchatch*, *Mishnah Berurah* 1:2, *Bais Boruch* 1:2:footnote 1, *Vayivorech Dovid* 1:3:page 48).

<sup>11</sup> *Eishel Avraham Butchatch* 4:page 502, *Vayivorech Dovid* 1:3.Refer to *Bais Boruch* 2:1:footnote 1 who questions how the *Butchatch* can say such a thing.

<sup>12</sup> *Horav Yisroel Belsky Shlita*, see *Avnei Yushfei* 3:1:1 quoting the opinion of *Horav Sheinberg Shlita*, refer to *Sheilas Rav* 2:1:1. This also applies to one's wife (*Avnei Yushfei* *ibid* quoting the opinion of *Horav Greenblatt Shlita* and *Horav Sheinberg Shlita*). In all cases one should try to be so quiet not to wake up anyone (*Horav Yisroel Belsky Shlita*).

<sup>13</sup> *Divrei Chachumim* page 20:6 in the name of *Horav Elyashiv Shlita* and *Horav Sheinberg Shlita*.

<sup>14</sup> *Eishel Avraham Butchatch* 4:1, *Toras Yekose'al* 1:1:2, *Vayivorech Dovid* 1:3:page 49, *Halichos Shlomo Tefilla* 13:16, *Avnei Yushfei* 3:1:2.

<sup>15</sup> *Chelkes Yaakov* 3:152, see *Shraga Hameir* 4:75:2. Refer to *Torah HaYeshiva* 1:5:footnote 8, *Minchas Gidiyon* page 72.

<sup>16</sup> *Horav Yisroel Belsky Shlita*, see, *Hameir L'aretz* 4:17, *Massei Rav* 95, *Kaf Ha'chaim Palagai* 8:11, *Lev Chaim* 1:62, *Masef Lechul Hamachanus* 4:13, *Shemiras Haguf V'anefesh* 44:6:footnote 6 quoting the opinion of the *Chazzon Ish*.

<sup>17</sup> *Sharei Teshuva* 4:7, *Birchei Yosef* Y.D. 116:4, *Shiurei Beracha* 116:4, *Lev Chaim* 1:7, *Aruch Ha'shulchan* 4:16, *Rivevos Ephraim* 4:4, 6:70, 8:491:1, *Shevet Ha'kehusi* 3:224.

<sup>18</sup> *Chinah D'chaya* 59, *Aver Orech* 4:2, See *Minchas Gidiyon* page 92.

<sup>19</sup> *Shraga Hameir* 7:72:7, see 3:26:10.

<sup>20</sup> *Teshuvos V'hanhugos* 2:1, see *Minchas Gidiyon* *ibid*.

### **Waking up to Music**

If possible, one should avoid awaking to music.<sup>21</sup> If it is hard for one to avoid doing so then it is permitted.<sup>22</sup> In summer camp, a P.A. system is often used to wake the camp up. This is permitted even if music is used.<sup>23</sup>

### **Wearing a Tallis for an Aliyah**

A *bochur* who wears *tefillin* and does not wear a *tallis* does not have to put on a *tallis* when he receives an *aliyah*, since the *tefillin* that he is wearing suffices for *kovod tzibbur*. On *Shabbos*, at the *krias hatorah* of *shacharis*, the *bochur* would need to put on a *tallis* when receiving an *aliyah*. At *Mincha* on *Shabbos* since no one else is wearing a *tallis* (except the *ba'al tefilla*), a *bochur* that gets an *aliyah* does not have to wear one either.<sup>24</sup>

### **Using a Siddur or Sefer without Permission**

Many *poskim* say one may not use someone's *sefer* without permission because it might get ruined. This is even despite the concept that people are happy when others do *mitzvah*'s with their property.<sup>25</sup> However, today, the *minhag* is to be lenient and allow someone to use a *sefer* without the owner's permission. The reason is because since there is such an increase in the amount of *seforim* published, one is not *makpid* if someone else borrows his *sefer*.<sup>26</sup> In previous years when this was not the case, many *poskim* were stringent. Some people write in their *seforim* that they are forbidden to be used without permission. Although this is not a correct practice (one should let others use his *seforim*), one may not use such a *sefer* without the owner's permission.<sup>27</sup> The *minhag* is to be lenient with a *siddur* and one may always use someone else's *siddur* if he makes sure to take good care of it.<sup>28</sup> If someone is using a *sefer* which belongs to the *Bais Medrash*, one has no right to take it away until the first person has finished using it (even if the *sefer* is not being actively used at the present time).<sup>29</sup>

Some say one who goes into a *seforim* store to browse may not flip through the pages of the *seforim*.<sup>30</sup> However, the *minhag* is not like this, and even one who is just browsing may look through the *seforim*. The reason is because even if one is only going to browse, chances are if he sees something he likes, he will buy it, so letting the browser look in a *sefer* is a way of being a good businessman.<sup>31</sup>

<sup>21</sup> *Halichos Shlomo Tefilla* 13:18, *Toras HaYeshiva* 1:footnote 11, *Nezer Ha'chaim* page 163:1, *Be'er Sarim* 3:62:3.

<sup>22</sup> *Toras HaYeshiva* *ibid*.

<sup>23</sup> *Toras HaYeshiva* *ibid*:footnote 12.

<sup>24</sup> *Halichos Shlomo Tefilla* 12:20:footnote 29. Some say a *bochur* should always wear a *tallis* when receiving an *aliyah* (*Toras HaYeshiva* 2:footnote 10).

<sup>25</sup> Refer to *Darchei Moshe* 14:2, *Rama* 14:4, *Magen Avraham* 10, *Machtzis Ha'shekel* 10, *Levush* 4, *Shulchan Aruch Harav* 14:13, *Chesed L'alafim* 14:5, *Mishnah Berurah* 16, *Aruch Ha'shulchan* 13, *Kaf Ha'chaim* 31, *Bais Boruch* 11:167, *Oz Nedberu* 7:15:4, 12:65:7. If one ruins the *sefer* he is obligated to pay (*Ateres Zekanim* 4). Some say even those who forbid it, it is 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 Lumo Michshal* 4:page 59).

<sup>26</sup> *Horav Yisroel Belsky Shlita*, see *Lekutei Maharich seder birchos hashachar* 33b (old), *Aruch Ha'shulchan* 14:13, *C.M.* 72:1, *Halichos Shlomo Tefilla* 12:footnote 13, *Mamon Yisroel* page 65:footnote 171 quoting the opinion of *Horav Elyashiv Shlita*. A wife can give a person her husband's *sefer* since it is probable that he is not *makpid* on it (*Aruch Ha'shulchan C.M.* 72:1).

<sup>27</sup> *Horav Yisroel Belsky Shlita*, see *Toras HaYeshiva* pages 275-276:footnote 12.

<sup>28</sup> *Pri Megadim M.Z.* 14:7, *Lekutei Maharich* *ibid*, *Mishnah Berurah* 14:16, *Halichos Shlomo Tefilla* 19:footnote 13. Taking an expensive *machzor* without permission might be different (*Aruch Ha'shulchan* 14:13, see *Lekutei Maharich* *ibid*, refer to *Minchas Elazar* 4:70).

<sup>29</sup> *Shevet Ha'kehusi* 1:342. One should not remove a *sefer* from a *bais medrash* (*Masef Lechul Hamachanus* 14:51, *Oz Nedberu* 11:41:2, *Minhag Yisroel Torah* page 83).

<sup>30</sup> *Sharei Halacha* 3:pages 20-21.

<sup>31</sup> *Horav Yisroel Belsky Shlita*, see *Rivevos Ephraim* 4:221.

### Hat\Jacket

The *Shulchan Aruch*<sup>32</sup> says *chachumim* and their disciples “wrap themselves” when they *daven*. The *Mishnah Berurah*<sup>33</sup> says that one should wear a hat when *davening*. The *poskim* say the same *din* applies to wearing a jacket, even if one is married and wears a *tallis*.<sup>34</sup> Some *poskim* say that since people do not normally wear a hat and jacket in the street, wearing them for *davening* is not necessary.<sup>35</sup> Although, many people are lenient and do not wear a hat and jacket for *davening*, it is proper for a *ben Torah* to wear a hat and jacket.<sup>36</sup> One who normally wears a hat and jacket for *davening*, should not *daven* without them unless there is no later *minyan*.<sup>37</sup>

Wearing the brim of a hat up is generally viewed as a “cool” way to wear a hat. Therefore, one should preferably wear the brim down when he *davens* because doing so shows a more humble and submissive posture.<sup>38</sup> If some wear a hat up because of a *Chasidisha* custom to do so then it is permitted.<sup>39</sup>

### Jacket over the Shoulders

Many times a *bochur* wants to *daven* with his jacket over his shoulders, without placing his hands in the sleeves of the *jacket*. This does not show the proper respect for *davening*, and should not be done.<sup>40</sup>

### The Tefilla before Learning

The *Mishnah*<sup>41</sup> says that *Rav Nechunei Ben Hakunei* said a *tefilla* when he entered and exited the *Bais Medrash*.<sup>42</sup> This *tefilla* is brought in *halacha*,<sup>43</sup> (and is found in virtually all *Gemorahs*). The *Shita Mekubetzes* say that one is not obligated to recite this *tefilla*, and he has the choice to do so if he wishes.<sup>44</sup> Others say this *tefilla* is an obligation.<sup>45</sup> The *Aruch Ha’shulchan*<sup>46</sup> says the *minhag* seems to be lenient in regard to saying this *tefilla*. Nonetheless, it is a *tefilla*, and it is proper that one should indeed say it.<sup>47</sup> Some say reciting the *tefilla* of *Ahava Rabbah* exempts one from saying this *tefilla*.<sup>48</sup>

<sup>32</sup> 91:6, see *Siddur Yavetz seder livisha* page 87, *Chai Adom* 22:8, *Ben Ish Chai Yisro* ibid, *Kaf Ha’chaim* 91:26.

<sup>33</sup> 12, *Ohr L’tzyion* 2:7:13, see *Rivevos Ephraim* 3:1168:4.

<sup>34</sup> *Ishei Yisroel* page 726:94, *N’kuis V’kovod B’tefilla* page 200:197 quoting the opinion of *Horav Chaim Kanievesky Shlita*, *Halichos Shlomo Tefilla* 2:15, *Teshuvos V’hanhugos* 4:26, see *Aruch Ha’shulchan* 91:2, *Lekach Ha’kemach Hachodesh* ibid page 316, *V’alu Lo Ubol* 1:pages 76-77.

<sup>35</sup> *Tzitz Eliezer* 13:13, 14:49.

<sup>36</sup> *Horav Yisroel Belsky Shlita*, see *Teshuvos V’hanhugos* 4:29, *N’kuis V’kovod B’tefilla* page 200:196, *Tzitz Eliezer* 13:13. This was the opinion of *Horav Yaakov Kamenetsky zt”l*.

<sup>37</sup> *Halichos Shlomo* ibid 2:15:footnote 25, *Avnei Yushfei Tefilla* page 54:6. See *N’kuis V’kovod B’tefilla* 11:5:footnote 7.

<sup>38</sup> *Horav Yisroel Belsky Shlita*.

<sup>39</sup> *Horav Yisroel Belsky Shlita*.

<sup>40</sup> *Halichos Shlomo Tefilla* 2:23:footnote 71, *Orchos Rabbeinu* 1:page 27:7, *Mivakshei Torah* 5755:page 243, 3:page 468, *Orchos Rabbeinu* 1:150, *N’kuis V’kovod B’tefilla* page 184:124, *Toras HaYeshiva* page 38:footnote 10, *Shila D’kaita* page 286:3. Placing the jacket over ones shoulder while wearing *tefillin* is allowed according to *Horav Elyashiv Shlita* (*Shila D’kaita* ibid, see *Emes L’Yaakov* 91:footnote 116 who argues).

<sup>41</sup> *Mesechtas Berochos* 28b.

<sup>42</sup> This is the *loshon* of the *Rambam* in *Pirush Hamishnayos* 4:page 57. Refer to *Levush* 8, *Shulchan Aruch Harav* 10, *Rivevos Ephraim* 8:35.

<sup>43</sup> Refer to *Rosh* 4:12, *Rambam Pirush Hamishnayos* 4:page 57, *Shulchan Aruch* 110:8, *Shulchan Aruch Harav* 10, *Kaf Ha’chaim* (*Palagi*) 20:7, *Aruch Ha’shulchan* 17, *Orchos Rabbeinu* 3:page 112:7.

<sup>44</sup> *Berochos* page 18, *Ritva* 28b:page 17b (*Kook*).

<sup>45</sup> *Mishnah Berurah* 36. Refer to *Doleh U’mashka* page 75.

<sup>46</sup> 110:16. Refer to there for the reason. See *Rivevos Ephraim* 5:123, 7:50:3.

<sup>47</sup> *Horav Yisroel Belsky Shlita*.

<sup>48</sup> Refer to *Minhag Yisroel Torah* 110:4.

The *tefilla* may be said even if one is learning by himself.<sup>49</sup> The *tefilla* may be recited while sitting or standing.<sup>50</sup> One who did not say the *tefilla* before beginning to learn may recite it in middle of his learning.<sup>51</sup> If one learns *Chumash* and *Rashi* there is no need to say this *tefilla*.<sup>52</sup> There is no need for young children or woman to recite this *tefilla*. One may recite this *tefilla* on *Shabbos* as it is not a concern of asking for personal needs on *Shabbos*.<sup>53</sup> One who exits the *bais medrash* at night but will still learn before going to sleep should recite the *tefilla* before he goes to sleep.<sup>54</sup>

### ***Pas Shacharis***

Breakfast is a very important meal which fuels up the body after it awakes from a full night's sleep. Although many people do not take the time to eat breakfast in the morning, skipping breakfast can diminish mental performance throughout the day. Breakfast helps a person concentrate, and one will learn better because of it. One who does not eat breakfast will also be more tired during the day. Some adults think that if they skip breakfast they will lose weight; however, this was proven false.

*Chazal* knew the importance of breakfast long before any study was undertaken to study the importance of it.

Before one going to a *Bais Medrash* to learn, it is good<sup>55</sup> to have *pas shacharis*.<sup>56</sup> The *Gemorah* in *Bava Metziah*<sup>57</sup> says *pas shacharis* prevents eighty-three different sicknesses from afflicting a person. The *Tur*<sup>58</sup> says the reason for *pas shacharis* is to strengthen oneself to serve *Hashem* properly.

According to the basic reading of the *Shulchan Aruch* it seems that one should wash for bread every morning in order to have *pas shacharis*.<sup>59</sup> However, many say one is not required to eat bread, and whatever one eats in the morning is sufficient, as long as it is filling.<sup>60</sup> Some say one should be careful to have a food that is *mezonos*.<sup>61</sup> Accordingly, breakfast cereals which are made from the five grains may be used as *pas shacharis* (i.e. Cheerios®, Oatmeal, and Farina).<sup>62</sup> Others say having a coffee in the morning is sufficient.<sup>63</sup> The *shiur* for one who eats is a *k'beitzah*.<sup>64</sup> One who has nothing to eat can drink water.<sup>65</sup> Even one who is traveling should still try to have *pas shacharis*.<sup>66</sup>

<sup>49</sup> *Taz* 8, *Be'er Heitiv* 13, *Elya Rabbah* 16, *Mishnah Berurah* 34-35, *Lekutei Maharich* 1:page 212 (new), *Doleh U'mashka* page 76, see *Pri Megadim M.Z.* 8. Even if one is going to a *daf yomi shiur* he should recite this *tefilla* (*Doleh U'mashka* page 76).

<sup>50</sup> *Elya Rabbah* 17, *Mishnah Berurah* 36, *Kaf Ha'chaim* 61.

<sup>51</sup> *Toras HaYeshiva* page 114:footnote 2.

<sup>52</sup> *Doleh U'mashka* footnote 213.

<sup>53</sup> *Shevet Ha'kehusi* 3:142.

<sup>54</sup> *Machtzis Ha'shekel* 16, *Kaf Ha'chaim* 60, refer to *Mishnah Berurah* 37, see *Toras Hayeshiva* 8:footnote 2. Some say a *maggid shiur* who gives *shiurim* to many different people at different times should say it before every *shiur* (*Yaskil Avdi* 8:hashmutos 5).

<sup>55</sup> Refer to *Shevet Ha'Levi* 4:16, *Divrei Shalom* 4:74:2.

<sup>56</sup> *Mesechtas Bava Metziah* 107b, *Shulchan Aruch* 155:2, *Magen Avraham* 3, *Be'er Heitiv* 2, *Levush* 2, *Aruch Ha'shulchan* 2. Refer to *Bach* 155, *Elya Rabbah* 2, *Chaim Biryim K'halacha* pages 143-145.

<sup>57</sup> 107b.

<sup>58</sup> 155, *Mishnah Berurah* 1, *Kaf Ha'chaim* 26.

<sup>59</sup> *Chucham Tzvi* 15:pages 50-51 (new).

<sup>60</sup> *Eishel Avraham Butchatch* 155.

<sup>61</sup> *Pri Megadim M.Z.* 1, *Kaf Ha'chaim* 23, *Ohr L'tzyion* 2:10:6, *Rivevos Ephraim* 3:590:21, 35.

<sup>62</sup> *Horav Yisroel Belsky Shlita*.

<sup>63</sup> *Eishel Avraham Butchatch*, *Kaf Ha'chaim* 23, *Minhag Yisroel Torah* 155:16. Some say it is *segula* to remember (*Piskei Teshuvos* 155:footnote 58, *Kuntres Zichron Shneur* 70:see 58).

<sup>64</sup> *M.Z.* 155:1, *Kaf Ha'chaim* 29, Refer to *Biur Halacha* "yuchul."

<sup>65</sup> *Kaf Ha'chaim* 29. Refer to *Shar Ha'tzyion* 155:3.

<sup>66</sup> *Toras Haderech* 6:15:page 75.

**Netiylas Yudayim before Hamotzei**

One should not be *mafsik* between the washing of *netiylas yudayim* and the *beracha* of *hamotzei*.<sup>67</sup> If possible, one should be careful not to be *mafsik* the time it takes to walk 22 *amos*, which is about 12 seconds.<sup>68</sup> If one who did wait this *shiur*, he does not have to go back and wash his hands as long as he was not *masiach da'as* from the washing.<sup>69</sup> According to some opinions, if one walked more than the equivalent of 22 *amos* it is a *hefsek*.<sup>70</sup> The *Aruch Ha'shulchan*<sup>71</sup> (and others) holds one may walk to another room after he washes and it is not a *hefsek*.<sup>72</sup> Some say one may talk two or three words after washing, even if they are not needed for the meal,<sup>73</sup> while others are stringent.<sup>74</sup> Some are careful to have the washing area near the eating area,<sup>75</sup> however, the custom of most is not to be concerned with this.<sup>76</sup>

The time of not being *mafsik* starts from after one dries his hands.<sup>77</sup> The *Ben Ish Chai*<sup>78</sup> says looking at a clock on the wall is a *hefsek* between the *beracha* of *al netiylas yudayim* and *hamotzei*. However, today the *minhag* is to be lenient with this.<sup>79</sup>

In a *Yeshiva*, the eating area is often more than a 12 second walk from the washing area. To avoid a concern of *hefsek*, one should not dry his hands until he gets to his seat. The *beracha* may still be made in the place where he washes his hands.<sup>80</sup> Others say to recite the *beracha* at his seat.<sup>81</sup>

A person who is being *motzei* others the *beracha* of *hamotzei* (as is common on *Shabbos*) should wash last to avoid any *hefsek*.<sup>82</sup> If one did wash first, and is now waiting for the other people present to wash, it is not a *hefsek*.<sup>83</sup>

<sup>67</sup> *Tur* 166, *Bais Yosef*, Refer to *Mesechtas Berochos* 52a, *Rosh* 6:31, *Shulchan Aruch* 166:1, *Levush* 1, Some say it is just a *zehiros* not to be *mafsik* (*Taz* 2). To avoid any *hefsek* one should prepare everything he needs before he washes (*Elya Rabbah* 1).

<sup>68</sup> *Darchei Moshe* 1, *Prisha* 2, *Rama* 166:1, see *Drisha* 3, *Machtzis Ha'shekel* 1.

<sup>69</sup> Refer to *Pri Megadim* M.Z. 2, *Elya Rabbah* 1, *Kitzur Shulchan Aruch* 41:2, *Mishnah Berurah* 6, *Aruch Ha'shulchan* 1, *Kaf Ha'chaim* 8, *Sharei Ha'beracha* 1:footnote 138, *Rivevos Ephraim* 2:69. The *Chazzon Ish* (O.C. 25:8) holds one should wash again in this situation. The *Ketzos Ha'shulchan* 37:1 holds the *shiur* is 14 seconds.

<sup>70</sup> *Rama* 166:1, see *Magen Avraham* 3, *Shulchan Aruch Harav* 1.

<sup>71</sup> 166:2, See *Tehilla L'Dovid* 16:2 who agrees with the *Aruch Ha'shulchan* if one has this in mind when he is washing. Refer to *Shulchan Aruch Harav* 1, *Orchos Rabbeinu* 1:page 79:56, *Shevet Ha'Levi* 1:205:166:page 270.

<sup>72</sup> See *Magen Avraham* 3, *Pri Megadim Eishel Avraham* 3, *Shulchan Aruch Harav* 1, *Kaf Ha'chaim* 10, *Sharei Ha'beracha* 1:footnote 138, *Toras HaYeshiva* 6:3:footnote 4. A different building may be a *hefsek* (*Kaf Ha'chaim* 10, *Teshuvos V'hanhugos* 2:118). Our houses are considered one room even if you cannot see the room that you are eating in when you wash (*Aruch Ha'shulchan* 178:10, see *Binyan Sholom* 4:8 in regard to what a person should do in this *inyun* on *Succos*). Refer to *Teshuvos V'hanhugos* 1:169. If the place for eating and washing are in the same building one may dry his hands in a different place than where he washed (*Teshuvos V'hanhugos* 2:118, see *Piskei Teshuvos* 166:footnote 19).

<sup>73</sup> *Shulchan Aruch Harav* 1, see *Mishnah Berurah* 1. One should not talk after the washing before the *beracha*, it is a mistake and many are not careful with this (*Rivevos Ephraim* 1:132).

<sup>74</sup> *Pri Megadim Eishel Avraham* 1, *Elya Rabbah* 1, *Aruch Ha'shulchan* 1, see *Levush* 1.

<sup>75</sup> *Aruch Ha'shulchan* 2, see *Piskei Teshuvos* 166:footnote 10.

<sup>76</sup> *Aruch Ha'shulchan* 2. If one is sitting around without doing anything some say it is not considered a *hefsek* (See *Bach*, *Taz* 1, *Shulchan Aruch Harav* 1, *Mishnah Berurah* 1,5) Nonetheless, one should be careful even in this regard. (*Mishnah Berurah* 2,6, *Aruch Ha'shulchan* 1).

<sup>77</sup> *Bach*, *Eishel Avraham Butchatch*, *Kaf Ha'chaim* 9, *Ketzos Ha'shulchan* 37:badi 2. Some say one may answer to a *beracha* before the drying (*Yabea Omer* O.C. 8:20, *Ohr L'tzyion* 2:11:3, *Rivevos Ephraim* 6:71, *Divrei Chachumim* 10:129, refer to *Kitzur Shulchan Aruch* 41:2, *Be'er Moshe* 5:44). Some say saying *Shalom* after the *netiyla* before the *hamotzei* is permitted (*Rivevos Ephraim* 2:68:9).

<sup>78</sup> *Parshas Emor* 1:2.

<sup>79</sup> *Binyan Sholom* 166:page 3.

<sup>80</sup> *Horav Yisroel Belsky Shlita*, see *Rivevos Ephraim* 6:75 quoting the opinion of *Horav Yaakov Kamenetsky zt"l*.

<sup>81</sup> *Kaf Ha'chaim* 166:10.

<sup>82</sup> *Magen Avraham* 166:1.

<sup>83</sup> *Aruch Ha'shulchan* 2, *Ohr L'tzyion* 2:11:11:footnote 11, *Binyan Sholom* page 16. Refer to *Chazzon Ish* *ibid*.

After washing *netiylas yudayim*, some have the custom to recite “*su yudeichem kodesh*” before reciting any *beracha*.<sup>84</sup> Some *poskim* say one should not do this since it is considered a *hefsek*.<sup>85</sup> Although one who says it after the *beracha* has whom to rely on, *l’chatchilah* one should not recite it after saying *al netiylas yudayim*.<sup>86</sup>

### Learning Mikra at Night

The *Medrash* says that *Moshe Rabbeinu* knew it was day when *Hashem* taught him *mikra* and knew it was night when *Hashem* taught him the *Mishnah* and *Gemorah*.<sup>87</sup> Some say we see from here that one should not read *mikra* at night.<sup>88</sup> Additionally, Based on the writings of *kabbalah*, one should not say *mikra* at night.<sup>89</sup> One who does read *mikrah* at night did not do any *issur*.<sup>90</sup> Some say the reason is because learning *mikrah* at night awakens the *midah* of *din*.<sup>91</sup> If one read the *posukim* with a *targum* this *inyun* does not apply.<sup>92</sup>

Many *poskim* say reading *tehillim* is permitted and is not included in this *inyun* at all.<sup>93</sup> Others only permit one to recite *tehillim* after *chatzos*.<sup>94</sup> Some say it is permitted to read a *posuk* for *rachamim* (and not *limud*).<sup>95</sup>

Many times in *Yeshiva* one only has time to be *maaver sedra* at night. One is permitted to be *maaver sedra* at night if one reads along with it a commentary with the *pesukim*.<sup>96</sup> A *chumash shiur* may be given at night since one is explaining the words and not just reading them.<sup>97</sup> Reciting *pesukim* at a *vacht nacht* is permitted.<sup>98</sup> One may say *mikrah* on *leil Shabbos*, *Motzei Shabbos*,<sup>99</sup> *leil Yom Tov*,<sup>100</sup> *leil Chol Hamoed*, and *leil Yom Kippur*.<sup>101</sup> One is permitted to recite *pesukim* which are customarily recited at *krias shema al hamittah* since they have to do with the nighttime.<sup>102</sup> Similarly, *Eichah* may be recited on *Tisha B’av* night<sup>103</sup> and it is also permitted to read from the *Torah* on *Simchas Torah* night.<sup>104</sup> The *minhag* is to recite *pesukim* of *tehillim* on *Yom Kippur* night.<sup>105</sup>

<sup>84</sup> Refer to *Elya Rabbah* 162, *Kaf Ha’chaim Palagi* 22:1, *Yabea Omer O.C.* 8:20, *Teshuvos V’hanhugos* 1:169, *Shulchan Aruch Hamikutzar* 27:6.

<sup>85</sup> *Massei Rav* 78:page 109, *Chesed L’alafim* 166:1, *Mishnah Berurah* 158:44. Refer to *Igros Moshe O.C.* 2:48.

<sup>86</sup> Refer to *Seder Netiylas Yudayim* 5, *Nemukei Orach Chaim* 158:page 80, *Chesed L’alafim* 166:1, *Lekutei Maharich* 1:page 222 (new), *Kaf Ha’chaim* 166:8, *V’haish Mordechai* pages 360-362 in depth.

<sup>87</sup> *Medrash Tanchuma Ki Sisa* 36:page 591 (new), see *Tanei D’bei Eliyahu* 2:16.

<sup>88</sup> Refer to *Rosh to Rosh Hashanah* 4:14, *Shemiras Haguf V’hanefesh* 84:1-6 in depth.

<sup>89</sup> *Be’er Heitiv* 238:2, *Ben Ish Chai Pekudei* 1:7, *Birchei Yosef* 238:2, *Kaf Ha’chaim* 237:9. One can think about *mikra* at night (*Shevet Ha’kehusi* 6:141).

<sup>90</sup> *Shar Ha’tzyion* 238:1, *Betzel Hachuchma* 4:44.

<sup>91</sup> *Ben Ish Chai Pekudei* 1:7, *Lekutei Maharich* 1:page 287 (new), *Betzel Hachuchma* 4:44.

<sup>92</sup> *Birchei Yosef* 238:2, *Yesod V’shoresh Hu’avodah* 6:2, *Lekutei Maharich* *ibid*, *Da’as Torah* 238:2, *Yabea Omer* 6:30.

<sup>93</sup> *Eishel Avraham Butchatch* 238, *Yosef Ometz* 54, *Masef Lechul Hamachanus* 1:38, *Tzitz Eliezer* 8:2, *Betzel Hachuchma* 4:45, *Orchos Rabbeinu* 1:page 97:131. Refer to *Medrash Rabbah Bereishis* 68:11. In regard to saying *tehillim* for a *choleh* see *Betzel Hachuchma* 4:47, *Halichos Shlomo Tefilla* 8:17:footnote 22.

<sup>94</sup> *Ben Ish Chai* *ibid*, *Lekutei Maharich* 1:page 287 (new), *Levushei Mordechai O.C.* 2:186, *Be’er Moshe* 4:22, *Doleh U’mashka* page 139, See *Nemukei Orach Chaim* 238, *Divrei Yatziv Y.D.* 136.

<sup>95</sup> Refer to *Pri Megadim Eishel Avraham* 238:1, *Betzel Hachuchma* 4:46, see *Tzitz Eliezer* 8:2.

<sup>96</sup> *Horav Yisroel Belsky Shlita*, see *Mivakshei Torah* 3:page 235:5, *Yabea Omer* 6:30:5, *Shevet Ha’kehusi* 6:141. Refer to *Doleh U’mashka* page 154.

<sup>97</sup> *Nemukei Orach Chaim* 238, *Be’er Moshe* 4:22.

<sup>98</sup> *Betzel Hachuchma* 4:44, *Be’er Moshe* 4:22, *Piskei Teshuvos* 238:footnote 26.

<sup>99</sup> See *Be’er Heitiv* 299:14 who argues.

<sup>100</sup> *Horav Yisroel Belsky Shlita*, see *Yosef Ometz* 54, *Ben Ish Chai* *ibid*, *Yesod V’shoresh Hu’avoda* *ibid*, *Levushei Mordechai O.C.* 2:186, *Masef Lechul Hamachanus* 1:38, *Betzel Hachuchma* 4:44, *Be’er Moshe* 4:22, *Tzitz Eliezer* 8:2, *Yabea Omer* 6:30, *Yugel Yaakov* pages 92-93. In regard to *leil shishi* during *shovavim* see *Divrei Yatziv* *ibid*.

<sup>101</sup> *Kaf Ha’chaim* 238:9.

<sup>102</sup> *Betzel Hachuchma* 4:44.

<sup>103</sup> *Betzel Hachuchma* 4:44.

<sup>104</sup> *Ibid*, *Rivevos Ephraim* 2:86.

<sup>105</sup> *Ibid*.

A *Ba'al Koreh* can prepare for *laining* by reading *mikrah* at night.<sup>106</sup> One who has a *seder halimud* every day in *t'nach* and did not finish learning before night may finish the *seder* at night.<sup>107</sup> Some permit saying *mikra* during *bein ha'shmashas*.<sup>108</sup>

### Learning without a *Chavrusa*

The *Gemorah* in *Tannis*<sup>109</sup> says that one should not learn alone. This concept is brought in *halacha* as well.<sup>110</sup> Many times in *Yeshiva* one sees that people learning without a *chavrusa*. How is this possible if it is against *halacha*? Some say the *halacha* was only when there were no *seforim* or commentaries to help in understanding the *Gemorah*. However, since today, there are many *seforim* and commentaries to help one understand the *Gemorah*, there is nothing wrong with learning alone.<sup>111</sup> One who will learn better without a *chavrusa* is permitted to learn alone.<sup>112</sup> In *Eretz Yisroel* one can learn alone according to all opinions because the air of *Eretz Yisroel* makes a person smart.<sup>113</sup>

### *Leil Shishi*

Many *Yeshiva bochurim* have the custom to stay awake the entire Thursday night engrossed in learning *Torah*. The *Arizal* says that one who does so is *zocheh* to great things.<sup>114</sup> If staying up late learning on Thursday night will cause one to be unable to keep the *seder* of the *Yeshiva* the next day, one should not stay awake.<sup>115</sup>

### Adjustable *Shtenders*

There is no concern of *tinkun munei* involved with one adjusting the height of one's *shtender* on *Shabbos*.<sup>116</sup>

### *Chanukah- Dormitory*

There is a discussion in the *poskim* where a *bochur* who sleeps in a dormitory in *Yeshiva* should light *ner Chanukah* - in his room or in the dinning room of the *Yeshiva*. Many *poskim* say that he should light in his dorm room,<sup>117</sup> while others say that he should light in the dinning room of the *Yeshiva*.<sup>118</sup> The custom of many *Yeshivos* seems to be in accordance with the second view.<sup>119</sup>

<sup>106</sup> *Rivevos Ephraim* 3:84.

<sup>107</sup> *Rivevos Ephraim* 8:521:1.

<sup>108</sup> *Betzel Hachuchma* 4:44, *Shevet Ha'kehusi* 6:141.

<sup>109</sup> 7a, see *Rashi* "yichidi."

<sup>110</sup> *Shulchan Aruch Harav Talmud Torah* 4:10.

<sup>111</sup> *Teshuvos V'hanhugos* 1:542. The *Chazzon Ish* was asked why did he learn alone, and he answered because when he learns with other *seforim* it is not considered alone. Even if one learns himself he is fulfilling the *mitzvah* of *talmud Torah*, but when one learns with a *chabura* it increases *kovod shomyaim* (*Biur Halacha* 155 ("v'yikv"))

<sup>112</sup> Refer to *Sefer Chassidim* 940:page 507, *Salmas Chaim* 344 (old) :page 127, *Yugel Yakov* page 327.

<sup>113</sup> *Siddur Bais Yakov* (*Yaavetz*) *bais sulam* page 46.

<sup>114</sup> Refer to *Ben Ish Chai Vayishlach* 1:1:page 40, *Yesod V'shoresh Hu'avoda* 8:1:page 380 (new).

<sup>115</sup> *Dinei Niyur Kol Haleila* page 37:footnote 67.

<sup>116</sup> Refer to *Rivevos Ephraim* 5:264, *Ohr L'tzyion* 2:27:3, *Oz Nedberu* 12:11, *Orchos Shabbos* 8:60:footnote 87 quoting the opinion of *Horav Elyashiv Shlita*, *Meor HaShabbos* 2:32:3:page 617:footnote 162, *Shevet Ha'Levi* 6:32, *Binyan Shabbos* 5:5:pages 45-47, *Shulchan Shlomo* 313:7:page 166, see *Minchas Yitzchok* 9:38.

<sup>117</sup> Refer to *Igros Moshe* Y.D. 3:14:5, O.C. 4:70:3, *Modanei Shlomo* page 112, *Shalmei Moed* pages 202-203, *Halichos Shlomo Moadim* 14:8:footnote 29, *Minchas Yitzchok* 7:48, *Oz Nedberu* 5:38, *Teshuvos V'hanhugos* 3:215:12, *Shevet Ha'Levi* 3:83, *Mekadesh Yisroel* 59:pages 73-74, *Shiurei Halacha* (*Chanukah*) pages 28-29:footnote 41, see *Moadim V'zmanim* 6:87-88, 8:83:page 104.

<sup>118</sup> *Emes L'Yaakov* 677:footnote 591, *Orchos Rabbeinu* 3:Chanukah 92, *Mitzvahs Ner Ish U'Baisa* pages 118-119, *Natei Gavriel* page 43 (old), *Divrei Chachumim* page 172:491 quoting the opinions of *Horav Elyashiv Shlita* and *Horav Sheinberg Shlita*, *Teshuvos V'hanhugos* 2:343 quoting the opinion of *Horav Aaron Kotler zt"l* and the *Chazzon Ish*. Refer to *Chovas Hador* 1:footnote 59 in depth.

<sup>119</sup> *Horav Yisroel Belsky*, see *Rivevos Ephraim* 490:9, 4:163:2.



### **Purim**

In many *Yeshivas* there is a custom on Purim to make a song about the *Rebbeim* or *Roshei HaYeshiva* which may poke fun and embarrass them. This is against *halacha* and must not be done. This is true even if the *Rebbe* says he is *mochel* and does not mind. Grave things are said about those who embarrass someone in public,<sup>120</sup> and all the more so a *talmid chachum*. Many times the *issur* of *loshon hora* or *richeilus* is transgressed as well.<sup>121</sup>

### **Opening the Windows**

Many times in *Yeshiva* there is a person who is cold in the summer and he wants to close the window, or is hot in the winter and wants the window to be open. In the winter the *halacha* is according to the ones who want to keep the window closed and in the summer the *halacha* is like those who want to keep the window open.<sup>122</sup> If it is very hot outside on a particular day in the winter the *halacha* is like a summer day, and if it is very cold on a summer day the *halacha* is like a winter day.<sup>123</sup>

An air conditioner has different *halachos*. One who is afraid he will become sick from the cold air, has a right to turn off the air conditioner even in the summer.<sup>124</sup> This would not apply to a fan since it does not cause anyone to get sick.<sup>125</sup>

### **Taking Care of Yeshiva's Possessions**

One is obligated to make sure the *Yeshiva's* possessions are kept in good condition. Therefore, if one sees the lights on in a room for no reason they should be turned off. Furthermore, it is *ossur* to write on the doors, walls or desks etc. since it is not your property and one would never dream of doing so in his house. The money of the *Yeshiva* is *hekdesh*.<sup>126</sup>

### **Chosson Cigarettes**

The custom for *bochurim* to give out cigarettes when they get engaged is a bad custom and should be stopped.<sup>127</sup>

If you wish to receive Halachically Speaking weekly via email  
for a nominal fee please send your email address to [mdl@thehalacha.com](mailto:mdl@thehalacha.com)

© Copyright 2006 Moishe Dovid Lebovits

All Rights Reserved

<sup>120</sup> Refer to *Mishnah Avos* 3:11, *Gemorah Berochos* 43b, *Gemorah Bava Metziah* 58b. The *Gemorah* in *Mesechtas Shabbos* 119b says *Yerushalayim* was destroyed because of this sin, see *Rambam Hilchos Talmid Torah* 6:11, *Shulchan Aruch Y.D.* 243:6, see 7.

<sup>121</sup> Refer to *Kinyan Torah* 2:125:2, *Yechaveh Da'as* 5:50, *Oz Nedberu* 9:49, *Moadm V'zemanim* 2:191:footnote 2, *Avnei Yushfei* 1:135:page 241, *Toras HaYeshiva* pgs 207-209. *Horav Elyashiv Shlita* says from the fact that you are embarrassing the *talmid chachum* it shows he is *chashov* in the eyes of the *bochurim* and that is why they do it. However, one should not rely on this for *halacha l'masseh* (*Avnei Yushfei* *ibid*).

<sup>122</sup> *Horav Yisroel Belsky Shlita*, see *Mishputei Hatorah* 1:89, *V'ei Lumo Michshal* 4:pages 42-43, see *Mishnayos Peah* 4:1.

<sup>123</sup> *Mishputei Hatorah* 1:page 325.

<sup>124</sup> *Toras HaYeshiva* page 278:footnote 17, *Shevet Ha'Levi* 8:307. This is the opinion of *Horav Yisroel Belsky Shlita*.

<sup>125</sup> *Shevet Ha'Levi* 9:248.

<sup>126</sup> Refer to *Toras HaYeshiva* page 281:footnote 23.

<sup>127</sup> *Be'er Moshe* 6:160, *Doleh U'mashka* page 355.