

Halachically Speaking

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The Will of Rav Yehuda Hachasid

Sponsored

לרפואה שלמה חנה חיה בת מזל
לז"נ יענטא בת ישראל חיים לז"נ משה בן יששכר בעריש לז"נ יעקב אריה בן שבת
לז"נ אלכסנדר זושא בן אברהם שלום הכהן

Rav Yehuda Hachasid was born in Speyer in 1150 and died in Regensburg in 1217. He was one of the main teachers of the *Chassidei Ashkenaz* and received much of his knowledge from his father *Rav Shmuel Hachasid*.¹

It is generally accepted that the person who wrote the will was *Horav Yehuda Hachasid Shapiro*, who was the author of the *Sefer Chassidim*. He was also a *talmid* of one of the authors of *Tosfas*, and was the *Rebbe* of the *Maharam M'Ruttenberg* who was the *Rebbe* of the *Rosh* and the *Mordechai*.² Some say all the items in the will were written through *ruach hakodesh*.³ Some *seforim* write that none of the *Neviyim* came to the level of *Rav Yehuda Hachasid*.⁴ Many people are very careful with all the items listed in the will.⁵ Some say one who is not careful with the items in the *tzavah* will have to give a *din* and *cheshbon*.⁶ The reason why the will is generally not really brought in *Shulchan Aruch* is because the dangers mentioned in the *Shulchan Aruch* and *Gemorah* are real dangers, while the items in the will are not real dangers, but things which one must distance himself from.⁷

Who is the Will for?

Many *poskim* say the will is meant for all of *klal yisroel* and does not only apply to *Rav Yehuda Hachasid's* descendants,⁸ while other *poskim* say that the will was only meant for his descendants.⁹ *L'maseh*, one should adhere to the will even if he is not a descendant, unless a specific item in the will says it only applies to his descendants.¹⁰

¹ Refer to *Shemiras Haguf V'hanefesh* pages 78-79.

² Refer to *Shivim Temarim* pages 1-1b, *Toldas Rabbeinu Yehuda Hachasid*. He also taught the author of the *Or Zerua* and the *Smag*.

³ *Milei D'chasedusa* page 39.

⁴ *Shulchan Hatohar* *ibid*.

⁵ *Yufei Leleiv* 3:Y.D. 240, *Nishmas Kol Chai* Y.D. 42, *Chaim B'Yad* 24, *Aruch Ha'shulchan* Y.D. 389:5, *Shemiras Haguf V'hanefesh* 1:page 83 quoting the opinion of the *Belzer Rebbe* *zt"l*.

⁶ *Shulchan Hatohar* 260:3.

⁷ *Shiva Enayim* Ein 3.

⁸ *Shiva Enayim* Ein 2, *Pri Temarim* page 133:1, *Mekor Chaim* 35:page 98, *Devar Moshe* 1:58:page 126, *Tzemech Tzedek* E.H. 143:page 152, *Shemiras Haguf V'hanefesh* page 84, footnote 3, *Pesach Habayis* 2:pages 36-37, see *Igros Moshe* E.H. 1:4, 3:133.

⁹ Refer to *Nodeh B'Yehuda* E.H. 79, *Chasam Sofer* Y.D. 138, *Divrei Chaim* E.H. 1:8, *Arugas Habosem* Y.D. 118, *Divrei Torah* 2:19.

¹⁰ *Shivim Temarim* page 169.

Mitzvah

If one is doing an action for a *mitzvah* and the will of *Rav Yehuda Hachasid* says not to do it because of danger then one should not do the action. In this situation we do not say that the merit of the *mitzvah* will protect one from harm.¹¹

Closing Up Windows and Doors

Rav Yehuda Hachasid maintains that one should not completely close up the opening of a window (or door) so that the *sheidim* should be able to go out. One is permitted to close up a window if he makes a little hole in the wall covering the opening.¹² The *inyun* is only if one is completely closing the opening with building material, and one is permitted to fill the hole with soft and non-permanent material.¹³ This *inyun* also applies to a *shul*.¹⁴ Once a hole is made in the covering it can be covered on both sides.¹⁵ Alternatively, one may place a piece of furniture in front of the hole to cover it.¹⁶

Some say the *inyun* only applies if one removed the molding and side posts of the window (or door), and if these items were not removed then closing up the window is permitted.¹⁷

Based on this *inyun*, some are of the opinion one should not change the location of the windows in his house.¹⁸ One who buys a house from a *goy* does not have to go around the house checking for windows which were closed up.¹⁹

A window which is never opened may be closed up and there is no concern of danger.²⁰

It is permitted to close up a window if one will open another window within four *amos* of the original window's location.²¹ Others are not sure if this helps.²² If there are two windows next to each other, one may close up one of them, since the *sheidim* will be able to exit from the second window.²³

One who has an open porch with windows is permitted to covert it into an indoor porch.²⁴

¹¹ Shiva Enayim Ein 5, see Maharam Brisk 1:29, Kaf Ha'chaim Y.D. 116:121, Yechaveh Da'as 5:46, Shemiras Haguf V'hanefesh pages 86-88.

¹² Item on Will #20. Refer to Sefer Chassidim 1146, Ben Ish Chai Pinchus 2:17, Taamei Haminhagim Lekutim 74 (Kuntres Achron), Halichos Olom 7:page 221. Refer to Sefer Habayis 17:2:footnote 3 in depth if it is a danger for the one who closes the window or door or the one who lives in the house. The size of the hole can be very small (Halichos Chaim 2:page 115:231).

¹³ Horav Yisroel Belsky Shlita.

¹⁴ Mekor Chesed 30, Chaim B'Yad 25:page 32, Yosef Ometz 37:1.

¹⁵ Tzemach Tzedek on the will, Kaf Ha'chaim Y.D. 116:122, Kinyan Torah 7:65, Shevet Ha'Levi 6:111:12, Shevet Ha'kehusi 4:325:2, Divrei Shalom 5:piskei halachos 161, see Toras Yeko's seal 15, Sefer Habayis 17:4.

¹⁶ V'Ein Lumo Michshal 5:page 106:16.

¹⁷ Milei D'chasidusa 20, Shivim Temarim 23:pages 59-60.

¹⁸ Sefer Chassidim 461, see Sefer Habayis 17:6.

¹⁹ Chakal Yitzchok 46:page 154, Bais Avi 2:69, Sefer Habayis 17:3.

²⁰ Horav Yisroel Belsky Shlita. One who wants to close up a window may not place small square windows (which do not open) in the windows place. This is very common today and people are unaware that is not permitted.

²¹ Horav Yisroel Belsky Shlita.

²² Refer to Sefer Habayis 17:footnote 1.

²³ Horav Yisroel Belsky Shlita. Refer to Shivim Temarim page 59.

²⁴ Shevet Ha'kehusi 5:141.

Moving an Oven

One is not allowed to remove an oven from its place since doing so is putting himself in danger.²⁵ The reason is because *sheidim* are underneath an oven and when one moves the oven one is starting up with the *sheidim*.²⁶ This item in the will is brought down by many *poskim* and one should adhere to it.²⁷ Some say an oven may be moved if one did not cook on it for a while.²⁸ It would seem that one may move an oven to fix it.²⁹ This *inyun* does not apply to radiators which are built into the wall.³⁰ Some say if an oven was only used for cooking (and not baking) then one may be lenient.³¹ Some suggest one who has to move an oven should sell it to a *goy*, and then buy it back from him after it is moved.³² There is an opinion in the *poskim* that says the whole concern of moving an oven applies if one will sleep in the empty space where the oven used to be.³³

Many *poskim* say one may not even move an oven to use the space for a *Yeshiva*.³⁴

One may remove an oven if he will put a different oven in its place.³⁵ Based on this one who is remodeling a kitchen may remove the oven to replace it with another one. However, it would be forbidden to change the place of the oven in the kitchen.³⁶ If the entire inside of the house is demolished, it would seem that moving the oven to a different spot is permitted.³⁷

Some *poskim* say one may move an oven if he removes an *amah* of ground from underneath it.³⁸ Others are lenient and say one is only required to remove a *tefach* of ground from underneath the oven.³⁹

There are *poskim* who say the danger is only for the one who actually removes the oven, and there is no danger to the renter or owner of the house,⁴⁰ while others disagree with this.⁴¹ In any case, since this involves danger, one who is not unsure if a particular case is included in this part of the will should consult a competent *Rav*.

Marrying Someone with the Same name as One's Parent

One of the most famous items in *Rav Yehuda Hachasid's* will is the *inyun* for a girl not to marry a boy who has the same name as her father, and a boy not to marry a girl who has the same name as his mother.⁴² This item in

²⁵ Item On Will # 49.

²⁶ Refer to Sefer Habayis 18:footnote 2. Furthermore, a oven that bakes is like a tree that makes fruits, and just as one cannot chop down a fruit tree he cannot get rid of an oven (Mekor Chesed 66). Some say it may not apply to a *goy's* oven (Sefer Habayis 18:4:footnote 2).

²⁷ Yosef Ometz 37:1, Ben Ish Chai Pinchus 2:17, Nishmas Kol Chai Y.D. 42:page 43, Kaf Ha'chaim Y.D. 116:120, Halichos Olom 7:page 221.

²⁸ Mekor Chesed 66, Zichron Yehuda 2:159, Milei D'chasidusa 49.

²⁹ Milei D'chasidusa 49, Yad Yitzchok 3:109, Tlumas Lev Y.D. 1:19.

³⁰ Bais Shearim 193, Milei D'chasidusa 49, Tzemach Tzedek on this will.

³¹ Milei D'chasidusa 49, Divrei Yoel 1:52.

³² Bais Shearim 193.

³³ Darchei Teshuva 116:45, Darchei Chaim V'sholom 866:page 319.

³⁴ Ben Pores 2:11, Maharam Brisk 1:29, Shivim Temarim 58, see Maharsham on the will, Bais Dovid Y.D. 56.

³⁵ Refer to Milei D'chasidusa 58, Sefer Habayis 18:footnote 18.

³⁶ Shemiras Haguf V'hanefesh page 220.

³⁷ Maharsham 2:90, Shemiras Haguf V'hanefesh 18:footnote 19 in depth.

³⁸ Divrei Yoel 1:52, Divrei Shalom 5:135.

³⁹ Bais Shearim 193, Atzei Chaim Y.D. 13, Zichron Yehuda 2:159.

⁴⁰ Refer to Ohel Moshe page 73, Sefer Habayis 18:footnotes 11-12.

⁴¹ Bais Shearim 193, Darchei Teshuva 116:45, Tlumas Lev Y.D. 1:19.

⁴² Item on will #22, see Sefer Chassidim 477, Lekutei Maharich 3:page 741 (new). Some say if one does not listen to this will the marriage will not be successful (Yosef Ometz 37:3:page 55b, Chazzon Yeshaya page 94). A *chosson* may have the same name as his mother-in-law and a *kallah* the same name as her father-in-law. For example, if both the chosson and his mother-in-law are Simcha (Darchei Teshuva Y.D. 116:56, Shemiras Haguf V'hanefesh 171:2:footnote 2).

the will is discussed at length by many *poskim*.⁴³ Many say the *inyun* not to marry a girl with the same name as one's mother is more stringent than the *inyun* of a girl not marrying a boy with the same name as her father.⁴⁴

The Reasons

One of the reasons for not marrying someone with the same name as one's parent is because of *kibud av v'eim*. One whose spouse has the same name as a parent will not be able to call the spouse by first name in front of the parent since it would appear that the parent is being called by their first name.⁴⁵ Furthermore, one would not be able to name a child after one's parents, since their spouse has the same name.⁴⁶ (Based on this reason, *Sefardim* can be lenient because they have the custom to name their children after living people).⁴⁷ One should not marry someone with the same name as a parent even if they agree not to use the name when calling each other.⁴⁸ Other *poskim* say the reason is because of *ayin hara*,⁴⁹ or other danger.⁵⁰

The Opinions

There are a number of *poskim* who say this item in the will is only for *Rav Yehuda Hachasid's* descendants, and no one else has to be concerned with this.⁵¹ However, most *poskim* say one should adhere to this item in the will,⁵² and this is the *minhag ha'olom*. One who wants to go against this item in the will should speak with a *talmid chachum*.⁵³

Changing Names

If one of the names are changed then the *shidduch* may continue.⁵⁴ It would seem there is no difference if the parent or child changes their name.⁵⁵ Some say the name only needs to be changed a little. For example, if both the mother and *kallah* are named *Rivka*, it would be enough for one of them to be called *Rivkala*.⁵⁶ According to some *poskim* if the *Chosson* is called "*Rav*" *Yosef* or the mother-in-law is called "*Rabbonit*" without being called by her first name, the *inyun* does not apply.⁵⁷

Some say one who realizes the name of the boy she is going to get engaged to is the same as her father's (or vice versa) should change a name to avoid the *inyun* before getting engaged.⁵⁸

⁴³ Refer to Ben Ish Chai Shoftim 1:28, Yufel Leleiv E.H. 4:62:11, Milei D'chasedusa 23, Mishnas Elazar 2:29, Divrei Yisroel E.H. 2:12, Zekan Aaron 2:60, Otzer Haposkim 2:47:11, Nesuin K'hilchosom 2:63. Some say this din applies to a stepfather as well (Zichron Yehuda 2:156, Nesuin K'hilchosom 2:92).

⁴⁴ Tzemech Tzedek E.H. 143, Minchas Yitzchok 7:109, Otzer Haposkim 2:47:2, Taamei Haminhagim 939:footnote 3:page 401, Chazzon Yeshaya page 99.

⁴⁵ Even Harosha 31, Shem M'Shimon E.H. 6, Mekor Chesed 33, Zichron Yehuda 2:146, Sdei Chemed chosson v'kallah 7:page 20, Minchas Elazar 3:13, Otzer Kibbud Av V'eim 97:page 156.

⁴⁶ Torah Temimah Vayishlach 32:4:page 148, Yismach Lev 1:page 7.

⁴⁷ Otzer Haposkim 2:47:4, see Yabea Omer E.H. 2:7:7, Ve'alu Lo Yeibol 1:page 128:17.

⁴⁸ Minchas Elazar 3:13.

⁴⁹ Pri Hasadeh 1:69:page 31, Otzer Kibbud Av V'eim 97:page 156, Chazzon Yeshaya pages 94-95.

⁵⁰ Shivim Tamarim 26-27, Nesuin K'hilchosom 2:763.

⁵¹ Refer to Nodeh B'Yehuda E.H. 79, Zichron Yehuda 2:149, Igros Moshe E.H. 1:4, Teshuvos V'hanhugos 1:731, Keroei Shmo page 246, see *ibid*:page 239 quoting the opinion of Horav Chaim Kanievesky Shlita.

⁵² Refer to Igros Moshe *ibid*, Divrei Yoel 2:115, Teshuvos V'hanhugos 1:731, see Yabea Omer E.H. 2:7 in depth, Nesuin K'hilchosom 2:65, Moreh Horim V'kebudam 6:26.

⁵³ Opinion of Horav Fisher zt"l quoted in Keroei Shmo page 237. Refer to Teshuvos V'hanhugos 1:731:3.

⁵⁴ Item on will #23, see Chazzon Yeshaya pages 102-103.

⁵⁵ Mekor Chesed 35.

⁵⁶ Sdei Chemed chosson v'kallah 9:pages 25-26, Zichron Yehuda 2:149. Others are stringent (Chazzon Yeshaya page 100).

⁵⁷ Refer to Maharsham 5:28, Sheilas Shalom 2:243, Zichron Yehuda 2:146, Tirosh V'yitzar 214:page 382.

⁵⁸ Refer to Mekor Chesed 33, Maharam Brisk 1:129, Levushei Mordechai E.H. 44, Kinyan Torah 2:126, see Minchas Elazar 7:109, Otzer Haposkim 2:47:13.

Three Identical Names

Some say the *inyun* only applies if *Reuvain* has a son-in-law whose name is *Reuvain* and his son-in-law's daughter wants to marry a person whose name is *Reuvain*.⁵⁹ One should not rely on this *heter* as most *poskim* disagree with it.⁶⁰

Multiple Names

A *chosson* who has two first names may marry a girl whose father matches one of them. For example, a *chosson* named *Reuvain Yaakov* could marry a girl whose father's name is only *Reuvain* or only *Yaakov*.⁶¹ The same applies where the *chosson's* name matches one of the father-in-laws two names. The same concept would also apply to a *kallah* and her mother-in-law.⁶² Although some *poskim* hold the person does not have to be called by both names,⁶³ the custom is that the person has to be called by both names.⁶⁴

Nicknames

The *Chazzon Ish* says the *inyun* only applies to the name one is actually called by, and not the name given at the *bris* etc.⁶⁵ Therefore the *inyun* may not apply to a *chosson* who has the same name as his prospective father-in-law but is called by a nickname. For example, two people can have the name Moshe, if one is called Moses or Mark.⁶⁶

Name Added because of Sickness

There is no concern with this if one has the same name as his father-in-law because a second name was added (*Rafuel, Chaim* etc.) when he was sick.⁶⁷

A Forgotten Name

One whose name was forgotten to the extent that no one calls him by that name may get married to a person whose father is called by the forgotten name that he has.⁶⁸

Leniencies

Although there are some *poskim* who are lenient with this item on the will if the *chosson* is a *talmid chachum*,⁶⁹ the *minhag* is to be stringent.⁷⁰

⁵⁹ Chuchmas Adom 123:13, Pischei Teshuva Y.D. 116:6, Avnei Tzedek O.C. 28, Kitzur Shulchan Aruch 145:8 Sdei Chemed chosson v'kallah 5:pages 19-20, Kaf Ha'chaim Y.D. 116:125.

⁶⁰ Shivim Temarim 26-27, Mekor Chesed 33, Bais Shearim 194, Devar Moshe 1:58, Maharsham 1:136, 5:28, 6:145, 170, Kaf Ha'chaim Y.D. 116:125, Yabea Omer E.H. 2:7, Shraga Hameir 4:28.

⁶¹ Refer to Tzemach Tzedek E.H. 143, Zichron Yehuda 2:146, 187, Minchas Elazar 3:13, Maharsham 5:28, Sdei Chemed chosson v'kallah 7:page 24, Tirosh V'yitzar 214:pages 381-382, E'ven Harosha 31, Shivim Temarim 26-27, Imrei Eish Y.D. 60:page 43, Heshiv Moshe E.H. 69, Shem Aryeh E.H. 65, Bais Shearim Y.D. 195, Darchei Teshuva 116:56, Emes L'Yaakov E.H. 2:footnote 2, Ve'alu Lo Yeibol 1:page 128:17.

⁶² Sdei Chemed ibid, Shemiras Haguf V'hanefesh 169:footnote 7:1. Refer to Teshuvos V'hanugos 2:619. Some say if the *kallah's* name is Chai Sara and the mother-in-laws name is Sara Chai it is permitted (Shraga Hameir 4:28).

⁶³ Ohel Yehoshua 2:117.

⁶⁴ Horav Yisroel Belsky Shlita quoting the opinion of Horav Yaakov Kamenetsky zt"l. Refer to Taamei Haminhagim ibid, Shem Aryeh E.H. 65, E'ven Harosha 31, Chesev Haefod 1:78, Taamei D'kra hanugos of the Chazzon Ish 32, Chazzon Yeshaya pages 97:2, 103, see Darchei Teshuva Y.D. 116:56, Otzer Haposkim 2:47:8, Nesuin K'hilchosom 2:70.

⁶⁵ Teshuvos V'hanugos 1:731:1.

⁶⁶ Shivim Temarim 26-27, Heshiv Moshe 69, Pri Hasadeh 1:69, Sdei Chemed chosson v'kallah 8:page 25, Zichron Yehuda 2:156 Igros Moshe E.H. 1:4, Minchas Yitzchok 7:109, Chazzon Yeshaya page 99.

⁶⁷ Nodeh B'Yehuda ibid, Pischei Teshuva Y.D. 116:6, Sdei Chemed ibid:7:pages 23-24, Kaf Ha'chaim Y.D. 116:129, Otzer Haposkim 2:47:7, Chazzon Yeshaya page 99.

⁶⁸ Shem Aryeh E.H. 65:page 146, Kapos Temarim pages 141-142. Nesuin K'hilchosom 2:27.

⁶⁹ Nodeh B'Yehuda ibid, Chasam Sofer E.H. 1:116, Shivim Temarim 26-27, Kaf Ha'chaim Y.D. 116:28, Maharsham 5:28, Teshuvos V'hanugos 1:731:2, Shraga Hameir 4:28, Pe'er Hador 4:page 90.

Some *poskim* say one can be lenient if the *chosson* and *kallah* do not live in the same city as the parent having the identical name.⁷¹

Some *poskim* say one can be lenient if the *chosson* has the same name as a father-in-law who is not living,⁷² while others are stringent.⁷³

Older Than Twenty Years Old

In a situation where one party is older than twenty years old and can not find a different *shidduch*, one may go ahead with the *shidduch*, even if one of the parents have the same name.⁷⁴

If the In-law is *Mochel*

Some say if the prospective in-law is *mochel* the fact that the boy (or girl) has the same name, then one does not have to worry about it.⁷⁵ However, this should not be relied upon for *halacha l'maseh* since it is not brought down by most *poskim*.⁷⁶

After the Engagement

If after the engagement it was discovered that the name of the *chosson* or *kallah* is in conflict with *Rav Yehuda Hachasid*, the *shidduch* should not be broken off. Some say one should add a name in this situation.⁷⁷

Second Marriage

According to some *poskim* one who is getting married for the second time may be lenient with this *inyun*.⁷⁸

Unaware of *Inyun*

According to some *poskim*, one who knows of a *shidduch* where the people involved are not aware of this item of the will should inform the girl and boy of the *inyun*,⁷⁹ while others say there is no need to do so.⁸⁰

Removing a *Mezuzah* from One's House

When moving out of a house, one may not take the *mezuzahs* with him because doing so is a danger.⁸¹ The *Gemorah*⁸² brings the story of a person who removed his *mezuzahs* and ended up burying his wife and two

⁷⁰ Zichron Yehuda 2:149, see Yabea Omer E.H. 2:7.

⁷¹ Pri Hasadeh 1:69, E'ven Harosha 31, Pe'er Hador ibid, see Sdei Chemed ibid:page 26, Otzer Haposkim 2:47:4, Chazzon Yeshaya page 96, Yismach Lev 1:page 8 quoting the opinion of the Chazzon Ish.

⁷² Lechem Salma E.H. 40, E'ven Harosha 31:page 86. The Shemiras Haguf V'hanefesh 169:footnote 16 says this is what the world says but there is no real source.

⁷³ Shivim Temarim 26-27:page 74, Kaf Ha'chaim Y.D. 116:127, Chazzon Yeshaya page 96, Tzitz Eliezer 13:79:3.

⁷⁴ Refer to Divrei Yoel 2:115, Yabea Omer E.H. 2:7:15, Teshuvos V'hanugos 2:619, 4:278, see Minchas Yitzchok 7:109.

⁷⁵ Melei D'avos E.H. 3:10:page 428.

⁷⁶ Shemiras Haguf V'hanefesh 169:footnote 20. This is the opinion of Horav Yisroel Belsky Shlita. Refer to Igros Moshe E.H. 1:4 who says if the *chosson* and *kallah* are not *makpid* that is all that counts.

⁷⁷ Horav Yisroel Belsky Shlita, see Pischei Teshuva E.H. 50:14, Shivim Temarim 26-27, Hago'es of the Maharsham on the will, Maharsham 5:28, Shem M'Shimon E.H. 6, Zichron Yehuda 2:75, Heshiv Moshe 69, Shemiras Haguf V'hanefesh 169:footnote 21, Otzer Haposkim 50.36.26:page 96, Yabea Omer C.M. 5:6:4, Emes L'Yaakov E.H. 2:footnote 2:page 403, Chazzon Yeshaya page 96, Minchas Shmuel 3:pages 274-275, Derech Sicha page 119. Refer to Yad Sholom 46.

⁷⁸ Pri Hasadeh 3:54:Page 30, Bais Avi 2:70:page 104, Otzer Haposkim 2:47:18, see Shemiras Haguf V'hanefesh 169:footnote 23.

⁷⁹ Refer to Yufei Leleiv E.H. 6:page 49a, Shiva Enayim Ein 7, Otzer Haposkim 2:47:16, Chazzon Yeshaya pages 104-105.

⁸⁰ Igros Moshe E.H. 1:4, Yabea Omer E.H. 2:7:12-13. Some are so careful with this *inyun* but are not careful and marry their daughter to an *am ha'aretz* which is a *Gemorah* (Yechaveh Da'as 5:61).

⁸¹ Item on will # 7 (additions to original will), Shivim Temarim page 173. Refer to Shulchan Aruch Y.D. 291:2, Birchei Yosef 291:3. Changing the *mezuzah* cases would be permitted (Seichel Tov page 359, Pischei Mezuzhas page 365:24, Bais Mezuzah 33:13).

⁸² Mesechtas Bava Metzia 102a, see Rosh 8:28, Bais Lechem Yehuda.

children. The reason for this *inyun* is because when a house does not have a *mezuzah mazikim* come to the house.⁸³ The *poskim* say one who is renting a house to or from a *goy* should remove the *mezuzahs* from his apartment⁸⁴ since the *goy* may treat the *mezuzahs* with disrespect.⁸⁵ One may take off the *mezuzahs* even before the *goyish* tenant or landlord comes to the house.⁸⁶ Accordingly, one who moves out of an apartment in a city house project may remove the *mezuzahs*.⁸⁷ Some *poskim* say even if the *mezuzahs* are needed in another house they may not be taken off. One who will not be able to find any other *mezuzahs* can be lenient and remove the *mezuzahs*.⁸⁸ Even if the new tenant will bring other *mezuzahs*, one may still not remove his *mezuzahs* before leaving.⁸⁹ One may not tell a young child or a *goy* to remove any *mezuzah* that he himself is not allowed to remove.⁹⁰ One may remove the *mezuzahs* if the house will remain vacant.⁹¹ If the apartment will be painted before the next tenant, one may remove the *mezuzahs* before he leaves.⁹²

Some say one who takes his *mezuzahs* to be checked should make sure to put other *mezuzahs* up temporarily.⁹³ Others say it is not necessary to do so if some doorposts have *mezuzahs* on them.⁹⁴

There is an opinion in the *poskim* that says if the person who moved into the house removed the *mezuzahs* then one may take them back from him.⁹⁵ Some *poskim* say one may remove the *mezuzahs* to replace them with other ones.⁹⁶

One who rents his home to a person who is *mechalel Shabbos* should leave the *mezuzahs* on because even such people tend to treat the *mezuzahs* with great respect.⁹⁷ However, if one knows the *mezuzahs* will not be treated properly, the *mezuzahs* should be removed.⁹⁸ If the owner is someone (even a Yid) who will not take care of the *mezuzahs* one may remove them when he leaves.⁹⁹ The same *din* would apply if the owner is an *apikores*.¹⁰⁰ One who rents a bungalow in a bungalow colony which is owned by a *goy* should remove the *mezuzahs* when he leaves for the winter. One who has a privately owned bungalow or rents in a bungalow colony owned by a *yid* should not remove the *mezuzahs* even though the bungalow will stay vacant until the following summer.¹⁰¹

⁸³ Tosfas Bava Metzia 101b, "lo." Refer to Seichel Tov page 353.

⁸⁴ Shulchan Aruch ibid:2, Aruch Ha'shulchan 3. This is even if the *goy* normally rents his house to a *yid* (Ritvah ibid:u'b'goy)."

⁸⁵ Shita M'kubetzes Bava Metzia 102a, Birchei Yosef 291:6, Pischei Teshuva 9, Shivim Temarim page 173, Chovas Hador 1:12, Kunres Hamezuzah page 112:9.

⁸⁶ Shach 2, Kuntres Hamezuzah page 112:13. This applies even to a *goy* in our times (Ibid:10).

⁸⁷ Vayivorech Dovid ibid. When one takes it off because of a *goy* there is no need to put the *mezuzahs* back up on a different house, one may put up other ones (Seichel Tov page 364, Pischei Mezuzahs 291:20, Kuntres Hamezuzah page 112:11).

⁸⁸ Refer to Ritva Bava Metzia ibid: "lo," Pri Megadim M.Z. O.C. 15:2, Pischei Teshuva 7, Bais Lechem Yehuda, Birchei Yosef 5, Shemiras Haguf V'hanefesh 217:footnote 2, Soveh Simchas 1:79, Kuntres Hamezuzah page 112:7, see Aruch Ha'shulchan 3, Sharei Toras Habayis page 255:6. The Bais Avi 4:139 argues. Refer to ibid why the letters of *shin*, *daled* and *yud* are on the outside of the *mezuzah*.

⁸⁹ Pischei Teshuva 7. Refer to Da'as Kedoshim 291:page 15.

⁹⁰ Pischei Mezuzahs 291:12.

⁹¹ Pri Megadim O.C. 15 M.Z. 2.

⁹² Igros Moshe Y.D. 4:44.

⁹³ Teshuvos V'hanugos 1:654.

⁹⁴ Horav Yisroel Belsky Shlita.

⁹⁵ Mor V'ohelos (Ohel Berochos V'hodoas) 15, see Chovas Hador 1:12:footnote 53.

⁹⁶ Mekor Chesed 8, Be'er Moshe 3:181, Minchas Yitzchok 5:110, Chovas Hador 1:12:footnote 52, Shevet Ha'Levi Y.D. 159, Yabea Omer Y.D. 3:18, Halichos Olom 7:page 186, Bais Avi 3:114, See Teshuvos V'hanugos 2:549 who is stringent.

⁹⁷ Horav Yisroel Belsky Shlita.

⁹⁸ Igros Moshe Y.D. 1:182.

⁹⁹ Igros Moshe Y.D. 1:182.

¹⁰⁰ Pischei Mezuzahs 291:19.

¹⁰¹ Vayivorech Dovid 1:118, Rivevos Ephraim 7:238.

If there is a chance of vandalism, one may remove the *mezuzahs* at the end of the summer.¹⁰² This *din* does not apply to a summer camp, since the camp is generally owned or run by one person or organization it is considered a permanent residence, and the *mezuzahs* should not be removed.¹⁰³

A house which will be knocked down may (and should) have its *mezuzahs* removed.¹⁰⁴

Cutting Hair and Nails on *Rosh Chodesh*

One should not cut his hair or nails on *Rosh Chodesh*.¹⁰⁵ Some say the reason is based on *kabbalah*.¹⁰⁶ Others say the reason is because of danger.¹⁰⁷ The *inyun* also applies to the first day of a two day *Rosh Chodesh*.¹⁰⁸ If *Rosh Chodesh Iyar* falls out on Thursday and Friday some say one can shave etc on Friday for *kovod Shabbos*,¹⁰⁹ since shaving was prohibited the day before because of *sefiras ha'omer*.¹¹⁰ Although some *poskim* say the whole concern is to cut hair, and cutting nails is permitted,¹¹¹ the *minhag* is not like this.¹¹²

One who started cutting a nail may finish cutting off the nail.¹¹³ One who is concerned that his nails are so long they may be a *chatzitzah* when washing for bread may cut his nails.¹¹⁴ On the day of his wedding a *chosson* may cut his hair and nails even on *Rosh Chodesh*.¹¹⁵

The *poskim* say one should not cut his nails or hair even when *Rosh Chodesh* falls out on Friday and wants to do so for *kovod Shabbos*.¹¹⁶ Although some say one can be lenient,¹¹⁷ the custom is like the first opinion quoted,¹¹⁸ and one should cut them on Thursday instead.¹¹⁹

¹⁰² Horav Yisroel Belsky Shlita.

¹⁰³ Horav Yisroel Belsky Shlita.

¹⁰⁴ Chovas Hador 1:12, Pischei Mezuzahs 291:14, Seichel Tov page 358, Bais Mezuzah 33:5.

¹⁰⁵ Item on will # 48. Other editions list it as 56-57. Refer to Shulchan Hatohar 260:4 who speaks harsh against one who does not go in accordance with this. Some say if one normally cuts his nails every Friday you can do so even on Friday *Rosh Chodesh* (Maharam Brisk 2:99, Orchos Chaim (Spinka) 260, see Shivim Temarim 56-57).

¹⁰⁶ Milei D'chasisusa 57, Taamei Haminhagim 255:page 122 in footnote. Others say it is like *Chol Hamoed* and *Yom Tov* so no shaving is allowed (Divrei Shalom 6:46).

¹⁰⁷ Be'er Heitiv O.C. 260:2, Yesod V'shoreish Hu'avoda 8:1:page 382. Some were lenient with this *inyun*. (Radvaz 2:687, Yosef Ometz 37:4, Moed Lechul Chai 6:3).

¹⁰⁸ Horav Yisroel Belsky Shlita, see Sefer Rosh Chodesh 16:5:footnote 10, Shemiras Haguf V'hanefesh 68:9, Tziporon Shel Rishonim page 242. Others are lenient on the first day of a two day *Rosh Chodesh* (Refer to Sefer Rosh Chodesh 16:5:footnote 10). Some say the *inyun* also applies at night (Horav Yisroel Belsky Shlita, see Chai Ha'Levi 5:47, Yisroel V'hazemanim 1:22:page 319, Horav Chaim Kanievesky Shlita in Halichos Chaim 1:323:page 106. Refer Eishel Avraham Butchatch tanina 417, Milei D'chasisusa 56, Ketzos Ha'shulchan 73:badi 4 who are lenient).

¹⁰⁹ Horav Yisroel Belsky Shlita, see Yosef Ometz 40:2, Moed Lechul Chai 6:3, Emes L'Yaakov 260:footnote 262, Sefer Rosh Chodesh 16:11:footnote 24 quoting the opinion of Horav Moshe Feinstein zt"l, L'Torah V'horah 2:page 20, Ben Pesach L'Shavuos page 246, Natei Gavriel (Pesach 3) page 222:footnote 19. See Mishnah Berurah 493:5 where he seems to say it is permitted. Some say one can even shave on Thursday after *chatzos* before *shekiah* in this situation (Horav Yisroel Belsky Shlita, see Emes L'Yaakov ibid).

¹¹⁰ L'Torah V'horah 2:page 20.

¹¹¹ Yosef Ometz 37:4, Bais Yosef 493, Elya Rabbah 260:8, Shulchan Aruch Harav 260:1, Pela Yoetz (giluach) page 28b (old), Kitzur Shulchan Aruch 72:14, see Shemiras Haguf V'hanefesh 68:footnote 6 in depth, Tzaporon Shel Rishonim pages 245-246:footnote 71.

¹¹² Be'er Heitiv O.C. 260:2, Noheg Katzon Yosef (shabbos) 5:page 151, Shivim Temarim 56-57, Yesod V'shoreish Hu'avoda 8:1, Kitzur Shulchan Aruch 72:14, Mishnah Berurah 260:7, Kaf Ha'chaim 260:12, Lekutei Maharich ibid, Pela Yoetz ibid.

¹¹³ Milei D'chasisusa 57.

¹¹⁴ Shivim Temarim 57, Milei D'chasisusa 57, Ben Ish Chai Vayikra 2:21, Oz Nedberu 12:4, Likras Shabbos 6:footnote 16 in depth.

¹¹⁵ Horav Yisroel Belsky Shlita.

¹¹⁶ Refer to Magen Avraham 260, Shulchan Aruch Harav 260:1, Moreh B'etzvah 136:page 42, Yesod V'shoreish Hu'avodah 8:1:page 382, Chasam Sofer 158, Kitzur Shulchan Aruch 72:14, Lekutei Maharich 2:page 5 (old), Shulchan Hatohar 260:4, Darchei Chaim V'sholom 353, Aruch Ha'shulchan 6, Shemiras Shabbos K'hilchoso 42:49, Rivevos Ephraim 4:97:37, Shraga Hameir 8:74, Divrei Shalom 4:57, Natei Gavriel (Pesach 3) page 221, Chai Ha'Levi 5:47, Yisroel V'hazemanim 1:22:page 319.

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It is customarily accepted that this *inyun* also applies to women,¹²⁰ although others are lenient.¹²¹

If a child's *upsherin* falls out on *Rosh Chodesh* one should arrange to do it on a different day.¹²² One can make it a day earlier or a day later.¹²³

One who is baking matzos on *Rosh Chodesh* may cut his nails so *chometz* does not get underneath them.¹²⁴

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¹¹⁷ Knesses Hagedolah 260:page 131, Yosef Ometz 37:4, Tehilla L'Dovid 260:1, Lekutei Maharich seder erev Shabbos 2:page 306 (new), Aruch Ha'shulchan 260:6, Shemiras Shabbos K'hilchoso 42:footnote 174 in depth, Rivevos Ephraim 4:97:35, 37. The Nishmas Shabbos 1:160 says if one forgot to cut them on Thursday he may cut them on Friday during *ben hashmoshes*.

¹¹⁸ Horav Yisroel Belsky Shlita, see Chut Shuni Shabbos 4:page 319 quoting this as the opinion of Horav Korelitz Shlita, Doleh U'mashka page 173.

¹¹⁹ Shivim Temarim ibid, Darchei Chaim V'sholom 353, Kaf Ha'chaim 260:12, Taamei Haminhagim page 122, Nishmas Shabbos 1:159, Divrei Shalom 3:65. Some have the custom to cut the hair and nails in this situation on Wednesday (Chai Ha'Levi 5:47).

¹²⁰ Horav Yisroel Belsky Shlita, see Halichos Chaim 322:page 106, Divrei Shalom 4:56. The Divrei Shalom ibid discusses if a lady may shave her head after the wedding if it is *Rosh Chodesh*.

¹²¹ Refer to Shemiras Haguf V'hanevush 68:8, Sefer Rosh Chodesh 16:footnote 12, Tziporon Shel Rishonim page 248:41. See Tehilla L'Dovid 260:1:page 28.

¹²² Kapos Temarim 14:page 151, Rivevos Ephraim 4:97:34, Sefer Rosh Chodesh 16:10:footnote 17 quoting the opinion of Horav Shlomo Zalman Aurbach zt"l, Natei Gavriel (on upsheirin) 11:1-5, Chut Shuni Shabbos 4:page 319, Shraga Hameir 8:74:2. Others are lenient (Maharam Brisk 2:99, Divrei Shalom 6:46). Some say it is only permitted if the *upsherin* day falls out on the first day of a two day *Rosh Chodesh* (Divrei Shalom ibid).

¹²³ Sefer Rosh Chodesh 16:footnote 17 quoting the opinion of Horav Shlomo Zalman Aurbach zt"l, see Afrakasisa D'yana 1:161.

¹²⁴ Peiros Hanosherim pages 371-372.

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