

# HALACHICALLY SPEAKING

Volume 12 Issue 13



{ TOPIC }

## Summer Halachos Part 5



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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 5

## Tours to Germany and Other Countries

During the summer when people are off from school and take vacation from work they tend to go to many remote places.

Recently, it has become popular to tour Germany and Eastern European countries.<sup>1</sup> It does not seem appropriate to enter those lands whose very ground is saturated with the blood of millions of innocent Jews.<sup>2</sup> Nevertheless, the *Acharonim* do not have the authority to declare a new *cherem* to prohibit these tours. In addition, most people would not be able to keep this decree, and in fact thousands of Jews now live in Germany and other countries in which Jews were persecuted and killed over the years.<sup>3</sup>

In addition, one should not visit dangerous countries.

## Magic Shows

Throughout the summer, camps offer premium entertainment for the children. Included in this are magic shows. Are these shows permitted?<sup>4</sup>

1. In reference to a *brachah* recited when visiting the concentration camps see *B'tzel Hachachmah* 5:62, *Shila D'kaita* page 160:17, *Halichos Shlomo Tefillah* 23:9.

2. In regard to whether one should accept money from the German government for retribution for what they did to the Jews, see *Edos B'hosef* 75:pages 429-435.

3. *Kol Mevaser* 1:13, *Tzitz Eliezer* 5:17.

4. See *Kovetz Halachos L'meonos Hakayitz* page 36.

The *pasuk* says “*lo se'onenu*.”<sup>5</sup> Two *issurim* are derived from this *pasuk*.

One is that it is forbidden to “calculate times and hours,” to engage in or refrain from a certain activity based on certain times and hours. One may not say this is a good or bad hour for traveling.<sup>6</sup>

The other *issur* is called “*achizas einayim*” – seizing the eyes,<sup>7</sup> and this is the main focus of our discussion. The illusionist performs an apparently magical act. Since it is not truly supernatural, he is not executed as a wizard.<sup>8</sup>

There are three ways to perform *achizas einayim*. 1. By means of witchcraft<sup>9</sup> or demons.<sup>10</sup> 2. Through means of magical illusion that does not affect the substance itself yet defies scientific analyses.<sup>11</sup> 3. Through quick movements that are incredibly skillful.<sup>12</sup> These are products of natural talent and are not viewed as supernatural.<sup>13</sup> Today's magic shows are examples of the third type (see below).<sup>14</sup>

The Rambam<sup>15</sup> defines *achizas einayim* as magicians who do wondrous acts through trickery, and by speed and

5. *Vayikra* 19:26.

6. *Shulchan Aruch Y.D.* 179:3.

7. *Ibid* 179:15.

8. See *Maseches Sanhedrin* 67b.

9. *Bach Y.D.* 179.

10. See *Ohr Yisrael* 36:page 146.

11. *Rama Y.D.* 179:1. See *Ohr Yisrael* *ibid*.

12. See *Radvaz (Metzudas Dovid) mitzvah* 61.

13. *Igros Moshe Y.D.* 4:13. See *Ohr Yisrael* 36:pages 146-147. Refer to *Derech Sichah* 1:page 245 about how this plays a role regarding the *makkah* of blood with the Jews in Mitzrayim. Also see *V'darashta V'chakarta* 5:page 400:21.

14. *Ohr Yisrael* 36:page 146.

15. In *Sefer Hamitzvos lo sa'asei* 32. See *Sefer Hachinuch mitzvah* 250. Also see *mitzvah* 249.

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lightness of their movements.<sup>16</sup> They take a rope and put it underneath their garments and pull out a snake, or they toss a ring in the air and then they remove it from a person's mouth in the crowd. This is different than our magic shows today, which do not use witchcraft, and we can rationally understand the conjurer's tricks.<sup>17</sup>

According to the Rambam, it is forbidden to do tricks even without witchcraft.<sup>18</sup> Others permit *achizas einayim* if it is not with witchcraft.<sup>19</sup>

When the magicians hide a dollar bill and it is found in someone's clothing, and other such tricks, this is not *achizas einayim*.<sup>20</sup>

The Chachmas Adam<sup>21</sup> writes that those *badchanim* who perform *achizas einayim* at weddings are transgressing an *issur*, and those who ask them to do so transgress *lifnei iver*. Anyone who can object to this should do so, and certainly one should not watch these tricks, since this encourages the *issur*.<sup>22</sup>

Harav Moshe Feinstein *zt"l*<sup>23</sup> says that it is questionable to forbid people to use their talents. We see that Naftali used his phenomenal speed to bring the document of sale

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16. Refer to *Yaavetz* on *Maseches Megillah* 7b which says that Rava didn't kill Rav Zeira; he made it appear that way through "*achizas einayim*." See *V'ein Lamo Michshal* 2:pages 300-301.

17. See *Ohr Yisrael* 36:page 148.

18. *Hilchos Avodah Zarah* 11:15. Refer to *Shach* 179:19. See *Rambam Hilchos Avodah Zarah* 11:9 which has an apparently different view. On this issue see *Kesef Mishnah* and *Lechem Mishnah* *ibid*, *Beis Yosef* 179, *Maharik* 76, *Rama (teshuvos)* 67.

19. *Bach* 179, *Semag lo sa'asei* 53, *Tiferes Yisrael* (on *Mishnayos*) *Maseches Sanhedrin* 7:11, *B'tzel Hachachmah* 4:13.

20. *Ohr Yisrael* 36:page 146.

21. 89:6. See *Yalkut Yosef (Sova Smachos)* 14:11, *Tamim Tiheyeh* page 26. Refer to *Kol HaTorah* 58:pages 284-287.

22. *Yabia Omer Y.D.* 5:14, *Yechaveh Da'as* 3:68.

23. *Igros Moshe Y.D.* 4:13.

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to Yaakov in regard to the *Me'aras Hamachpeilah*. Shimshon was able to use his strength. If one has the ability to use his hands in a fast way, why would that action be forbidden?

Some say that based on the Rambam, magic shows are not permitted.<sup>24</sup> Others say that even the Rambam would agree that our basic magic tricks are permitted.<sup>25</sup>

Aside from the issue of whether magic tricks are forbidden, there is another potential problem of tricking people. This is known as *geneivas da'as*.<sup>26</sup> To avoid this issue, some suggest that the performer inform the audience<sup>27</sup> that the tricks are sleight of hand.<sup>28</sup> Otherwise, it would not be permitted.<sup>29</sup> Another option would be to show the crowd one trick and how it is done.<sup>30</sup>

It would seem that those who forbid magic tricks would have issues with simple tricks for kids as well, even though adults know it is a simple trick.<sup>31</sup>

If the magician is a non-Jew, one may watch his performance.<sup>32</sup>

24. *Shevet Halevi* 5:129:1.

25. *B'tzel Hachachmah* 4:13. See *Asei Lecha Rav* 2:44.

26. *Rambam Hilchos Dei'os* 2:6, *Mechirah* 18:1, *Shulchan Aruch C.M.* 228:6. This would apply as well if a Jewish magician performs for non-Jews (*Ohr Yisrael* 36:page 148:footnote 32).

27. See *Avnei Yushpei* 3:78:2, *Yechaveh Da'as* 3:68. Refer to *Igros Moshe Y.D.* 4:13 which says this is not required.

28. *Ohr Yisrael* 26:pages 148-149, *Divrei Yatziv Y.D.* 57, *Teshuvos V'hanhagos* 1:455, *Yalkut Yosef (Sova Smachos)* 14:11, *Asei Lecha Rav* 2:pages 295-297, *Shila D'kaita* page 72, *Shach Y.D.* 179:17. See *Shevet Halevi* 5:129.

29. *Teshuvos V'hanhagos* 1:455.

30. Harav Yisroel Belsky *zt"l*, see *Shulchan Aruch Hamekutzar* 4:page 400, *Kitzur Shulchan Aruch (Yalkut Yosef)* 179:1, *V'ein Lamo Michshal* 1:page 171:footnote 38. See *Avnei Yushpei* 3:78:2 which says one should show three or four tricks.

31. *Avnei Yushpei* 3:78:3.

32. *Darchei Teshuvah* 179:37. See *Avnei Yushpei* 3:78:5-6. Refer to *V'darashta V'chakarta* 1-2:23, *Shulchan Halevi* (English) page 139.

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## Writing with Ink and Tattoo

Many amusement parks use a hand stamp to indicate that the person paid admission. Similarly, carnivals sometimes award a fake tattoo as a prize. Are these actions permitted?

If one writes on the skin but it is not long lasting and the skin is not broken, it is permitted.<sup>33</sup> The *Minchas Chinuch*<sup>34</sup> says that some authorities forbid indelible ink *mid'rabbanan*. However, this is not normative halachah.<sup>35</sup>

Accordingly, hand stamps and fake tattoos are permitted,<sup>36</sup> as well as hand stamping at an amusement park.

## Using *Ma'aser* Money to Pay for Sleepaway Camp

Anyone who went to sleepaway camp knows the great benefit of avoiding the *tznius* issues of the city (when schools are closed and there is more time on the child's hands to roam around).<sup>37</sup> In addition, it teaches independence, and the children have a great time. However, as one can imagine, it is very expensive. Is it possible for a parent to use *ma'aser* money to pay for his child to go to sleepaway camp?

Camps combine learning with sports and other activities. There is a discussion if a parent is allowed to use *ma'aser*

33. *Minchas Chinuch* mitzvah 253:1.

34. Mitzvah 253:1.

35. *Pas'shegen Hakesav* page 100-101, *Shevet Halevi* 3:111:1, *Divrei Dovid* 2:30, *Nishmas Avraham* 2:pages 130-131 quoting the opinion of Harav Shlomo Zalman Auerbach *zt"l*. See *Techumin* 18:page 112. Refer to *Yevakesh Torah* 45.

36. Opinion of Harav Willig *shlit"a* quoted in *Gray Matter* 3:page 70:footnote 5. See *Osher Chanan* 1:44, 3-4:45, *Mitzian Orah E.H.* 1:2.

37. *Mishneh Halachos* 10:165. Some have tried to encourage schools to stay open in the summer but to no avail (*Mishneh Halachos* *ibid*). Harav Yisroel Belsky *zt"l* would always mention how great it is for one to be in a sleepaway camp away from the immodest dress in New York, etc. In addition, going to a sleepaway camp can have an important positive effect on the child's development as he is around other children all day and night.

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money to pay for his child's Torah study. Since one is obligated to teach his son Torah, he may not use *ma'aser* money to discharge his obligation.<sup>38</sup> There is a discussion if the same halachah applies to a girl.<sup>39</sup> A father does not have an obligation to teach his daughter Torah. Logically, he may pay for the Hebrew education of his daughter with *ma'aser*. However, some maintain that since school attendance is compulsory, a Jewish education is the only way to avoid public school. Since he does have an obligation to educate his daughter, and public school is not a viable option, her Hebrew education is viewed as obligatory, and he may not pay for it with *ma'aser*.<sup>40</sup>

Regarding camp, one should deduct the learning expense from the rest of the camp tuition, and pay the rest with *ma'aser* money. Some say to pay four-fifths of the entire camp fee from *ma'aser* if one cannot afford it otherwise.<sup>41</sup> If one has

38. Refer to *Ahavas Chesed* 2:19:2, *Aruch Hashulchan* 10, *Tuv Ta'am V'da'as* 3:2:96, *Shulchan Aruch Harav Talmud Torah* 1:7, *Maharshag* 2:93, *Igros Moshe Y.D.* 2:113, *Beis Avi* 1:99, *Minchas Yitzchak* 10:85, *Kinyan Torah* 1:102, *Pri Yitzchak* 2:27, *Az Nidberu* 9:53, *Emes L'Yaakov* 249:footnote 134, *Derech Emunah Hilchos Matnas Aniyim* 7:27, *Pri Yitzchak* 2:27, *Orchos Rabbeinu* 1:page 298:10-11.

39. *Emes L'Yaakov* *ibid.* See *Minchas Osher* 5:pages 159-160:8, *Orchos Rabbeinu* 3:page 140, *Madanei Yom Tov* 2:24:page 132, *Mishneh Halachos* 10:165.

40. *Igros Moshe Y.D.* 2:113. See *Emes L'Yaakov* 249:footnote 134, *Orchos Rabbeinu* 3:page 140, *Pri Yitzchak* 2:27, *Teshuvos V'hanhagos* 1:560:4, 5:283:5, *Beis Avi* 1:99, *B'orach Tzedakah* page 349:2, *Vayevarech Dovid Ma'aser Kesafim* pages 13-14, *Teshuvos Y.D.* 109, *Az Nidberu* 9:53, see *Noam* 19:pages 304-305. The Satmar Rebbe *zt"l* said that one's money for education for his daughter is set forth from Rosh Hashanah and he is not losing money by paying for her education (*Vayevarech Dovid Ma'aser Kesafim* page 13). See *Vayevarech Dovid* 1:109. In regard to bringing up one's grandchildren, see *Shevet Halevi* 5:133:2.

41. *Mishneh Halachos* 10:165. See *Vayevarech Dovid Tzedakah* 2:138. Refer to *ibid* where he discusses sports camps versus learning camps. One is allowed to use *ma'aser* money to pay for camp for *ba'alei teshuvah* (*ibid*). See *Avnei Yushpei* 3:88:4. In regard to tipping one's child's counselor see *Vayevarech Dovid Tzedakah* 2:page 219. See *Kovetz Halachos L'meonos Hakayitz* page 37:47.

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this question he should ask his *rav* before deciding to use *ma'aser* for this purpose.

### **Tzedakah during Davening**

During the summer, one often *davens* in different shuls while traveling. Many communities have collectors that come around during most of *davening*, and it is difficult to *daven* without being interrupted every two minutes with a request for *tzedakah*.<sup>42</sup> Is one obligated to give *tzedakah* during *davening*?

There is a concept called, “*Ha’osek b’mitzvah patur min hamitzvah*,”<sup>43</sup> one who is involved with one mitzvah does not have to interrupt for another. Based on this, some rule that during *davening*<sup>44</sup> (*Pesukei D’zimrah*<sup>45</sup> and *Krias Shema*),<sup>46</sup> one does not have to give *tzedakah*.<sup>47</sup> However, this rule only applies when one cannot do both mitzvos, but when one can do both he should do so.<sup>48</sup> Therefore, some rule that it depends on whether the person can concentrate properly on his *davening* if he also gives *tzedakah*.<sup>49</sup>

One can prepare the money before *davening*, and there

42. There is a discussion in the *poskim* if one has to give to each poor person that comes to collect (refer to *Shevet Hakehasi* 5:176, *Valeihu Lo Yibol* 2:page 111, *Ohr Yisrael* 63:pages 299-300).

43. See *Maseches Bava Kamma* 56b.

44. See *Ohr Yisrael* 63:page 304.

45. *Avnei Yushpei* 4:101:5. See *Ohr Yisrael* 63:page 302.

46. *Ben Ish Chai Va’era* 1:13, *Vayevarech Dovid* 1:21, *Ohr Yisrael* 63:pages 300-301, *Teshuvos V’hanhagos* 1:61, 3:287. During the *brachos* of *Krias Shema* one can be lenient (*Teshuvos V’hanhagos* 3:287).

47. *Derech Emunah* 10:footnote 96, *Mishneh Halachos* 10:14, *Avnei Yushpei* 6:124:4, see *Biurei Chaim* 4:pages 405-406 which mentions this means when one is actually *davening* as opposed to waiting for the *shatz* to start *Shemoneh Esrei* etc.

48. *Rama O.C.* 38:8, *Biur Halachah* “*im*,” *Aruch Hashulchan* 13. Refer to *Rivevos Ephraim* 7:240, *Mesoros Moshe* 2:page 258:190. See *Shevet Halevi* 10:157 in regard to giving *tzedakah* to collectors when one is learning.

49. *Avnei Yushpei* 4:101:5, *Orach Tzedakah* page 445:20. See *Mishneh Halachos* 10:14.

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would be no problem of interruptions.<sup>50</sup> This was indeed the custom of Harav Moshe Feinstein *zt"l*.<sup>51</sup> If one is texting on his cell phone and not concentrating on *davening*, then giving *tzedakah* is required.<sup>52</sup>

If one is listening to each word of *chazaras hashatz* then he does not have to give *tzedakah*, but many times this is not the case.<sup>53</sup>

Collecting *tzedakah* during *leining* is not right since it disrupts those who are listening to the *leining*.<sup>54</sup>

### **Mezuzah**

A common question in the summer regards *mezuzah* in rented bungalows and similar issues.

A temporary dwelling in *chutz la'Aretz* does not require a *mezuzah*.<sup>55</sup> Some argue that since the bungalow is only used for the summer months it does not require a *mezuzah*.<sup>56</sup> Since it is only rented for the summer months, and one is still paying for the mortgage on his regular home, it is considered a temporary home.<sup>57</sup> In addition, bungalows are intended exclusively for summer use.<sup>58</sup> In any case, if one actually owns a bungalow and does not rent, then a *mezuzah* is required like his home in the city.<sup>59</sup>

50. See *Birur Halachah* 5:pages 18-19, *Birurei Chaim* 4:pages 582-584, *Chachmei Lev* 3:pages 102-107 in great depth.

51. *Rivevos Ephraim* 4:207:12, see *Teshuvos V'hanhagos* 1:61, *Halichos Shlomo Tefillah* 7:footnote 12.

52. *Ohr Yisrael* 63:page 302.

53. *Ibid* pages 304-305. See *Pri Megadim M.Z. O.C.* 132 introduction, 566:3.

54. *Mishnah Berurah* 92:36.

55. *Shulchan Aruch Y.D.* 286:22. See *Shevet Halevi* 10:180.

56. Refer to *Mishneh Halachos* 4:134.

57. *Ibid*. See *Mishneh Halachos* 6:185, *Vayevarech Dovid* 1:119.

58. *Mishneh Halachos* *ibid*. Refer to *Hameor* 15:4:page 15.

59. Refer to *Ogar B'ohaleicha* 31:3. See *Sha'arei Hamezuzah* 4:6:footnote 11.

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Many have the custom to place a *mezuzah* on a rented bungalow if the rental is for more than thirty days,<sup>60</sup> but no *brachah* is recited.<sup>61</sup> Some maintain that a *brachah* is recited in this situation, since modern bungalows are built well, even if they are not equipped with heat for the winter.<sup>62</sup> The custom is to place all the *mezuzos* on the bungalow right away without a *brachah*, except for one. On the thirtieth day, the last *mezuzah* is affixed with a *brachah* that covers the other *mezuzos* as well.<sup>63</sup> In any case one should ask their *rav* if this situation arises.

This is not so common today, since most bungalows are owned by Jews<sup>64</sup> who install the *mezuzos* themselves.

If one owns a bungalow or summer home and pays maintenance for it throughout the year, he is obligated to place a *mezuzah* on the home just like his regular home in the city.<sup>65</sup>

60. *Rivevos Ephraim* 2:606:1, 3:473:7, *Divrei Shalom* 3:213, *Mishneh Halachos* 4:134, *Divrei Ohr* 1:68, *Yesodo Yeshurun* 1:page 181. Refer to *Lehoros Nosson* 3:71, *Ohel Aryeh* 1:265.

61. *Lehoros Nosson* *ibid*. See *Mishneh Halachos* 4:134, 7:197, *Vayevarech Dovid* 1:119, *Be'er Moshe* 2:86, *Teshuvos V'hanhagos* 1:645, 4:239, *Minchas Yitzchak* 2:82:9, 10:92, *Sha'arei Hamezuzah* 4:9, *Shila D'kaita* pages 268-271, *Yad Moshe* page 255, *Chelkas Yaakov* 2:7:8, *Ohalecha B'amitecha* 24:26, *She'arim Metzuyanim B'halachah* 11:8, *Shraga Hameir* 3:19, 4:109:7, 6:7, *Igros Moshe Y.D.* 1:179, *Kinyan Torah* 5:108:2, 6:96, *Be'er Sarim* 2:45. See *Binyan Av* 1:44:2.

62. Harav Yisroel Belsky *zt"l* as mentioned in *Shulchan Halevi* (English) page 176, and *Zichron Shoshana (Mezuzah)* page 112:footnote 2. Some maintain regarding a simple bungalow made in the old style that one may also affix a *mezuzah* with a *brachah* (*ibid*:pages 176-177). Refer to *Rivevos Ephraim* 3:606:1, *Shraga Hameir* 3:19, 4:109:7.

63. Harav Yisroel Belsky *zt"l* as mentioned in *Shulchan Halevi* (English) page 177. Refer to *Minchas Yitzchak* 10:92.

64. If one is renting from a non-religious Jew he should check the *mezuzos* prior to renting to make sure they are kosher (*Sha'arei Hamezuzah* 4:11).

65. *Mishneh Halachos* 4:134.

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## Foyer

Most bungalows have a small enclosed porch with a table and toys. Many times this room may not be four *amos* by four *amos*. However, since it serves as an entrance to the bungalow, it still requires a *mezuzah*.<sup>66</sup>

## Swimming Pool

Most pool areas are enclosed by a fence, and often have a proper entrance (side posts and lintel). It can be argued that a swimming pool is not an honorable area, since people change into their bathing suits there, so no *mezuzah* is placed there. In addition, it can be used for a *mikvah* as well. However, most pool areas have changing rooms. Some also have eating areas.<sup>67</sup> The custom is not to place a *mezuzah* on a swimming area. If the swimming pool is enclosed (indoor pool) then some require placing a *mezuzah* with a *brachah*.<sup>68</sup>

## Bunk

A *mezuzah* is required in a bunkhouse.<sup>69</sup>

## House Trailer

Some people rent house trailers (RV) for summer trips. If the trip lasts for more than a month, the custom is to affix a *mezuzah* without a *brachah*.<sup>70</sup> No *mezuzah* is needed for a shorter rental.<sup>71</sup>

66. *Pischei Teshuvah* Y.D. 286:11.

67. Refer to *Vayevarech Dovid* 1:116, *Pis'chei She'arim* Y.D. 286:87, *Pis'chei Mezuzah melu'im* page 150, *Sha'arei Hamezuzah* pages 52-53, *Ogar B'ohaleicha* 32:34.

68. *Ibid*.

69. *Emek Hateshuvah* 6:488, *Shraga Hameir* 3:24:5. See *Rivevos Ephraim* 3:473:5, *Ohel Aryeh* 2:553.

70. Harav Yisroel Belsky *zt"l*, *She'eilas Aharon* 1:70:4, *Ohalei Yeshurun* 2:page 47. See *Sha'arei Hamezuzah* 4:3:footnote 7, *Teshuvos V'hanhagos* 2:542, *Rivevos Ephraim* 2:29:2, *Be'er Moshe* 2:89.

71. Refer to *Divrei Binyahu* 13:47, *Chelkas Yaakov* Y.D. 147, 163, *Teshuvos V'hanhagos*

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## Taking *Mezuzah*

If one installed a *mezuzah* on a rented bungalow, he should not take it down at the end of the summer if there is no possible concern of vandalism and he knows that the bungalow will be rented to a Jew next summer (which is usually the case).<sup>72</sup> If he knows that the next tenants will be painting and the *mezuzos* will have to be removed, the first tenant may remove the *mezuzos*.<sup>73</sup>

A summer camp (or bungalow)<sup>74</sup> is generally run or owned by one person or organization and is considered a permanent residence. Therefore, one should not remove the *mezuzos* after each summer.<sup>75</sup>

## Garage

A garage needs a *mezuzah*, even if it is not connected to the house.<sup>76</sup>

## Storage Shed

A shed in the yard is obligated in a *mezuzah*.<sup>77</sup>

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ibid, *Sha'arei Hamezuzah* 4:3. See *Minchas Yitzchak* 2:82.

72. *Rivevos Ephraim* 7:238. See *Teshuvos V'hanhagos* 1:645, *Zichron Shoshana (Mezuzah)* page 169.

73. *Shulchan Halevi* (English) page 178. See *Vayevarech Dovid* 1:118.

74. *Ohel Aryeh* 1:265:2.

75. Harav Yisroel Belsky *zt"l* as quoted in *Zichron Shoshana (Mezuzah)* page 169:footnote 5. See *Ohel Aryeh* 1:265:3.

76. *Sha'arei Hamezuzah* 6:13. Refer to *Az Nidberu* 3:58:6, *Mishneh Halachos* 6:189:4, 13:63, *Avnei Yushpei* 3:97:4. In regard to a garage which is meant for one's car, see *Sha'arei Hamezuzah* 6:19, *Minchas Yitzchak* 10:96:2, *Az Nidberu* 3:58, *Teshuvos V'hanhagos* 1:647, *Be'er Moshe* 2:82-85, *Shevet Hakehasi* 6:368, *Rivevos V'yovlos* 2:135. Regarding small plastic storage units set in one's yard and not attached to the home, which are not four *amos* by four *amos*, see *Sha'arei Hamezuzah* pages 100-101.

77. *Mishneh Halachos* 6:189:3.

## ***Avel* Going to a Sunday Barbeque / Family Trip / Swimming Pool**

Sunday barbeques are popular during the summer. May an *avel* for a parent attend within the first twelve months? What about a family trip or swimming?

The Gemara<sup>78</sup> says, “For all (relatives), one may attend a celebration after thirty days, and when one loses a parent he may not go for twelve months.”<sup>79</sup> The Gemara continues that a gathering of joy and friendship may not be attended for twelve months, unless he owes a meal.<sup>80</sup> *Maseches Smachos*<sup>81</sup> says that a mourner for a parent may not go to a meal for twelve months unless it is a *seudas mitzvah*.<sup>82</sup>

A mourner may have a joyous meal inside his home during the twelve months.<sup>83</sup>

An *avel* may make a barbeque in his home and invite his children. In addition, he may go on a family trip.<sup>84</sup>

The *Shulchan Aruch*<sup>85</sup> prohibits a long journey, even for business, until his friends invite him. The *Aruch Hashulchan* says that this is not applicable today.<sup>86</sup>

According to the *Shulchan Aruch*, an *avel* cannot take pleasure trips to Niagara Falls, etc.<sup>87</sup> He may visit the

78. *Maseches Moed Kattan* 22b.

79. If it is a leap year it does not extend to the thirteenth month (*Rosh Maseches Moed Kattan* 3:50, *Mordechai Maseches Moed Kattan* 891, *Tur Y.D.* 391, *Beis Yosef, Bach, Shulchan Aruch* 2, *Taz* 1, *Shach* 2, *Kitzur Shulchan Aruch* 212:1, *Aruch Hashulchan Y.D.* 391:3).

80. *Rashi Maseches Moed Kattan* 22b “hu.”

81. 9:15. See *Tosafos Maseches Yevamos* 44a “*afilu*,” *Maseches Kesubos* 4a “*aval*.”

82. For more on this see *Nishmas Yisrael* 1:pages 362-364.

83. *Rama Y.D.* 391:2.

84. *Osher Chanan* 8:8:1. Such as to the zoo, etc. (*Nishmas Yisrael* 26:page 537).

85. *Y.D.* 380:25. See *Yosef Ometz* page 330 (bottom).

86. *Y.D.* 380:33.

87. *Nishmas Yisrael* 26:footnote. See *Kovetz Halachos L'meonos Hakayitz* page 39.

כל השנה הלכות בכל יום מובטח להשתדל בו עולם הפא... (תדה עב)

cemetery where tzaddikim are buried.<sup>88</sup> Going on vacation is permitted.<sup>89</sup> One who wishes to go on such trips should ask his *rav* before going.

In the bungalow colony, women sit around and talk a lot. An *avel* for a parent within twelve months should not join in these conversations.<sup>90</sup> However, it depends on the kind of conversation and a *rav* should be consulted.

### Meeting in Bungalow Colony

A mourner for a parent may attend a meeting in a bungalow colony provided that no meal is served.<sup>91</sup>

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88. *Nishmas Yisrael* 26:page 536.

89. *Ibid* page 537.

90. *Ibid*.

91. *Yesodei Smachos* page 126:footnote 89b quoting the opinion of Harav Moshe Feinstein *zt"l*.



איך ללמוד להלכה של הלכה בלבד... (ברכות ח)

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- *Bicycle helmets protect your head and reduce the incidence of traumatic brain injury and death whether riding on the sidewalk, street or while mountain biking.*
- *The Centers for Disease Control and Prevention reports that less than half of all Americans who ride bicycles wear helmets.*
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