

HALACHICALLY SPEAKING

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{ TOPIC }

Summer Halachos Part 6



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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 6

Looking at Women's Clothing Hanging

Bungalows have limited dryer capacity, and women hang clothing on lines and racks. Men walking by can see women's clothing. Is there any issue with this?¹

The Gemara² says that one may not look at colorful clothing of a woman.³ This is brought down in halachah as well.⁴ It does not make a difference whether she is actually wearing the clothing⁵ or not (i.e. hanging on a clothesline, etc.).⁶ Looking means to focus on it, but a glance is permitted.⁷

Rashi⁸ explains that by looking at the clothing one will picture her in them, and come to illicit thoughts. The concern is limited to clothing which he has already seen her wearing, but new clothing is no issue.⁹ However, it is

1. Refer to *Kovetz Halachos L'meonos Hakayitz* page 115.

2. *Maseches Avodah Zarah* 20b.

3. This is rabbinical in nature (*Semag Lavin* 126). A woman may look at males' clothing (*Om Ani Chomah* 1:page 55).

4. *Meiri Maseches Avodah Zarah* 20b, *Ritva, Rosh* 1:20, *Rambam Hilchos Issurei Biah* 21:21, *Shulchan Aruch E.H.* 21:1, *Chachmas Adam* 125:3. Some mention this refers to women's jewelry as well (*Chachmas Adam* *ibid*).

5. *Maseches Avodah Zarah* 20b, *Shulchan Aruch E.H.* 21:1.

6. *V'ein Lamo Michshal* 8:page 165.

7. *Yam Shel Shlomo Kesubos* 2:3. See *Eis Tzniu Chachmah* 2:pages 440-441.

8. *Maseches Avodah Zarah* 20b "v'lo."

9. *Maseches Avodah Zarah* 20b. According to this it would be possible to see clothing on a woman mannequin in a store since the clothing is new and it is not a real woman. However, it may lead to illicit thoughts either way and one should not

איזן לל להלכה בלובד... (ברכות מ)

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interesting to note that this difference is not mentioned in the *Shulchan Aruch*.¹⁰

In addition, it only applies to nice clothing which beautifies a woman¹¹ (sometimes even black clothing would be forbidden since it is worn at a nice occasion),¹² but other clothing is not a problem.¹³ It also only refers to a woman whom one knows.¹⁴ There is no difference if the woman is married or single.¹⁵

Based on the above, if a woman has a swimming robe hanging over the deck there is no issue of looking at it.¹⁶

One may look at his mother's, daughter's and sister's¹⁷ clothing.¹⁸

Male Taking Pictures of Females

Summer offers fabulous opportunities for scenic pictures, especially in the bungalow colony. Is a man allowed to take pictures of females?¹⁹

Although the man has to look at the woman properly in order to take the picture, he is busy with his job and not

look (*Bnei Yaakov E.H. 21:page 1:footnote 1*).

10. *Histaklus B'halachah* page 67.

11. Even a hat and scarf (*Om Ani Chomah 1:page 56*). A woman's umbrella would not be included (*ibid*).

12. *Histaklus B'halachah* page 69. Refer to *Seridei Eish 2:49*.

13. *Rashi Maseches Avodah Zarah "b'itiki"*

14. *Maseches Avodah Zarah 20b*.

15. *Histaklus B'halachah* page 67, *Olas Yitzchak 2:235*.

16. *V'ein Lamo Michshal 8:page 165:footnote 1*. Some question if the garments are folded if it is permitted to look at them (*Om Ani Chomah 1:page 56*).

17. *Om Ani Chomah 1:page 60:footnote 589*.

18. *V'ein Lamo Michshal 8:page 166*.

19. In regard to people taking pictures of others who do not allow them to be photographed see *Mishneh Halachos 7:114*.

thinking about the woman.²⁰ Furthermore, if he acquires a reputation in the industry that he is concentrating on women's clothing, he will lose his job. The situation is different regarding pictures of women dancing at a wedding²¹ and other picture situations,²² but in any case it is not ideal.²³

Pictures of a Wife during Impurity

A man is allowed to take a picture of his wife (i.e. when going on a trip) and there is no issue.²⁴

Male Selling Women's Clothing

During the summer, there are Jewish owned stores that are one stop shop for all summer needs. Clothing for boys, men, and women and sports equipment are offered for sale. Some *poskim* mention that a male should not sell immodest women's clothing.²⁵

Lectures for Women

Since women have more free time during the summer, there are lectures given by *rabbanim* for women. This is the accepted practice, and there is no issue of men speaking in front of women.²⁶

20. It is permitted for a male to service women in a restaurant or wedding hall (*Olas Yitzchak* 2:235).

21. Which many do not see a *heter* in a man taking pictures while women are dancing (*Ohr Yitzchak* 2:inyanim shonim 10). The excuse used by some that he is busy with work is not valid here since he needs to concentrate on each picture after it is taken to see if it is okay or if he should delete it (*Ohr Yitzchak* *ibid*).

22. Such as hiring a photographer to photograph one at the beach (*Ohr Yitzchak* *ibid*).

23. *Olas Yitzchak* 2:235. See *Chedvas Hachaim* page 72, *Osher Chanan* 8:155:2, 167.

24. *Olas Yitzchak* *ibid*, *Be'er Moshe* 4:73.

25. *Osher Chanan* 8:144-145. Refer to *Yechaveh Da'as* 3:67.

26. *Osher Chanan* 8:138, *Beis Avi* 4:142:4, *Tzitz Eliezer* 6:40, *Az Nidberu* 3:71, *Dibros Eliyahu* 6:45.

איננו להלכה בלבד... (ברכות ח)



כל השנה הלכות בכל יום מובטח לה שיהא בו עולם הנא... (תדה עב)

Swimming with Family

It is common for married sisters or brothers to go away with their families on trips in the summer. Sisters-in-law may not go swimming in the same pool as their brothers-in-law.²⁷

There is a discussion in the *poskim* until what age a brother may go swimming with his sister.²⁸ One should consult with his *rav*.

A couple may swim together in a private pool²⁹ when the wife is pure.³⁰

Woodbourne

All those who frequent the country know that Woodbourne is the place to shop for many items. In years past, it was notorious as a hangout for boys and girls,³¹ and people refrained from allowing it.³² Today, this is no longer an issue, and there are family oriented stores there, such as restaurants, and a *sefarim* store, etc.

Husband and Wife Separating during First Year

Newlyweds often go upstate for Shabbos. It is questionable, however, if the wife may spend time in the country while her husband is working in the city.

The *pasuk*³³ says that one should be happy³⁴ with his

27. *Osher Chanan* 8:133.

28. Refer to *ibid* 8:132, 134.

29. *Be'er Moshe* 4:122.

30. Doing so when one's wife is impure is strictly forbidden (*Be'er Moshe* 4:122).

31. Obviously for boys and girls to talk to each other in a social setting and not for dating purposes is not permitted (*Ohr Yitzchak 2:inyanim shonim* 11).

32. *Mishneh Halachos* 11:57.

33. *Devarim* 24:5. See *Devarim* 20:7. Refer to *Maseches Sotah* 43a. The *Rabbeinu Bacheye* on *Devarim* 24:5 says Hashem had the *Shechinah* present on Har Sinai for a year just as a husband has to make his wife happy for the first year.

34. Refer to *Divrei Binyahu* 17:24 for what is included in making one's wife happy.



wife in the first year,³⁵ and not travel long distances.³⁶ The *Chinuch*³⁷ learns from here that a husband may not leave his wife for the first year to go to war³⁸ or any other matter for an extended time.³⁹

One reason for this is that Hashem created the world with the intent that it should be populated. If one is with his wife for an entire year they will get to know each other and there will be less of a chance of illicit relationships.⁴⁰ The Chasam Sofer⁴¹ explains that the soldier's focus is on his wife, and he will not dedicate himself completely to the battle.⁴²

The Rambam⁴³ codifies this in relation to going out to

35. The *Sfas Emes* in *Maseches Rosh Hashanah* 2a mentions that the year in this case ends on Rosh Hashanah, which means if a couple got married right before Rosh Hashanah they only have a few days to be together (no one else said this reasoning, see *Rivevos Ephraim* 5:505:1).

36. Refer to *Ba'al Haturim* on *Devarim* 24:5.

37. Mitzvah 582.

38. However, if the war is a mitzvah then all have to go, even a *chassan* in the first year of marriage (*Maseches Sotah* 44b, *Rambam Hilchos Melachim* 7:4).

39. See *Chinuch* mitzvah 581. If the husband was sick and missed being with his wife most of the year he does not have to make up for lost time (*Sdei Chemed Mareches Chassan V'kallah* 29:page 2525, *B'tzel Hachachmah* 4:73). There is a discussion in the *poskim* if a leap year means a husband and wife need to be together for twelve months or thirteen months (refer to *Yufei Lelev E.H.* 4:64, *Shnas Ha'ibur V'hilchosehah* pages 33-34, *Tzitz Eliezer* 19:41:13, *Rivevos Ephraim* 4:506:2, 5:506:2, *Derech Sichah* 1:page 598, *Divrei Yatziv E.H.* 84-85). In regard to a *chassan* in his first year of marriage sleeping in the sukkah without his wife, see *Beis Hillel* 20:pages 44-47, 21:pages 101-103, *Divrei Yatziv O.C.* 2:274, *Yismach Lev* 1:page 262 quoting the opinion of Harav Chaim Kanievsky *shlit"u* that the *chassan* sleeps in the sukkah. Some mention the husband and wife should go to her parents for the Seder on Pesach the first year since the husband has to make his wife happy especially the first year and the wife likes going to her parents (*Yismach Lev* 1:page 261). Some mention that through his first year a *chassan* may have his sins forgiven if he does *teshuvah* (*Derech Sichah* 1:page 599).

40. *Chinuch* mitzvah 582.

41. *E.H.* 2:155.

42. For more on the reasons see *Beis Yitzchak* 28:pages 564-566.

43. *Hilchos Melachim* 7:10.

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

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

war.⁴⁴ However, he does not make any mention of a *chassan* not leaving for work. Going out for work is permitted according to most *poskim*.⁴⁵ Some only permit this if it will not be for many days.⁴⁶ The Radvaz⁴⁷ notes that if he does not go out for work he will perish, or resort to collecting charity from others. In addition, perhaps the restriction is limited to communal affairs, not personal ones.

Others only permit a *chassan* to leave in the first year if he would not have food otherwise,⁴⁸ but this is not the overwhelming opinion.⁴⁹ One is permitted to go learn as well.⁵⁰ The Steipler *zt"v*⁵¹ is recorded as saying that a *kollel* person in his first year of marriage should learn in his house at night if he does not need the money from the night *kollel*.

Some permit other mitzvos as well, such as going to Eretz Yisrael, but one should in any case ask his wife for *mechilah* first (see below).⁵²

The *Minchas Chinuch*⁵³ mentions that the wife cannot forego this, but most disagree.⁵⁴ The custom is that a

44. *Chachmas Adam* 129:19, *Kitzur Shulchan Aruch* 149:13, *Aruch Hashulchan E.H.* 64:4.

45. *Radvaz* 1:238 (*Hachadashos*), *Ben Ish Chai Shoftim* 1:19, *Chasam Sofer E.H.* 2:155, *Minchas Elazar* 5:20, *Sdei Chemed* 6:Chassan V'kallah 29, *Aruch Hashulchan E.H.* 64:4, *Shevet Halevi* 2:108.

46. Refer to *Sdei Chemed Mareches Chassan V'kallah* 29:page 2524, *Tzitz Eliezer* 19:41.

47. 1:238.

48. Refer to *Beis Hillel* 14:page 18 which quotes from *China V'chisda*, see *Binas Adam* 19:37-38, *Rav Poalim E.H.* 3:9.

49. *Beis Hillel* 14:page 18.

50. *Chasam Sofer E.H.* 2:155.

51. *Toldos Yaakov* page 165.

52. *Shevet Halevi* 2:108.

53. 582.

54. *Chinuch mitzvah* 582, *Yabia Omer E.H.* 4:8:3, *Yalkut Yosef Sova Smachos* 1:page 334, *Beis Hillel* 14:page 19, *Sdei Chemed Mareches Chassan V'kallah* 29:page 2525.

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husband may even go on a trip without his wife if she is *mochel*.⁵⁵

Some question whether this mitzvah would apply if the woman is impure and one cannot be with her in any case.⁵⁶

When a husband stays in the city to work this is not considered leaving to work since he is not traveling anywhere. In addition, by going to her parents the wife indicates that she is *mochel*. Furthermore, many say that if the husband needs to go on a business trip he may do so even for many days without her consent. Nonetheless, some stress that perhaps he should go when she is not pure. All opinions permit a business trip if he returns on the same day.⁵⁷

Returning Borrowed Items

In bungalow colonies, people often borrow items such as eggs from each other. If one borrowed a medium egg, there would not be an issue of *ribbis* by returning a larger egg.⁵⁸

Swimming Membership

Swimming clubs and similar facilities usually offer discounts to people who become members for a month or year at a time. There is no issue with *ribbis* in this regard.⁵⁹

Opening Store in Same Bungalow / Multiple Doctors

It is very common in bungalow colonies to have doctors who operate a practice for the summer. May there be two doctors in the same place? In addition, if the bungalow colony already has a small grocery, may another be opened?

55. Opinion of Harav Elyashiv *zt"l* quoted in *Beis Chassanim* 20:13:footnote 21.

56. Refer to *B'tzel Hachachmah* 4:72.

57. *B'tzel Hachachmah* 4:72.

58. Harav Yisroel Belsky *zt"l*.

59. *The Laws of Ribbis* page 141:24.

איך ללמוד הלכות של חובות... (פרק ח)



כל השווה הלכות בכל זום מובטח לו שהוא בן עולם הנא... (גדה עב)

The Gemara⁶⁰ discusses competing stores, specifically opening a mill in the same *mavuy* (neighborhood). Rav Huna says that the first person can argue, “You are stopping my livelihood.” Rav Huna Brei D’Rav Yehoshua maintains that the second person can argue, “Whoever will come to me will come to me, and whoever will go to you will be your customer.”⁶¹

The *poskim* maintain that we rule like Rav Huna Brei D’Rav Yehoshua.⁶² However, this is not a blanket *heter* as will be discussed below.

Same Neighborhood or City

The second person may only open his business if he lives in that city, but not if he lives in another city.⁶³ However, if he pays local taxes⁶⁴ then there is no issue.⁶⁵ The Gemara does not discuss whether there are any limits even if he pays taxes to the local municipality.⁶⁶

Most doctors do not view their summer practice as their primary livelihood, but rather as a service to the bungalow colony. In this case, there is no issue with a different doctor seeing patients as well. However, in regard to a small grocery,

60. *Bava Basra* 21b. See *Maseches Sanhedrin* 81a. The *Chasam Sofer C.M.* 79 says this is part of the *issur* of stealing.

61. *Rashi Maseches Bava Basra* 21b “shani.”

62. *Tosafos Maseches Bava Basra* 21b “peshita,” *Ritva Maseches Bava Basra* 21b, *Rashba Maseches Bava Basra* 21b, *Rif Maseches Bava Basra* 11a, *Rambam Hilchos Shecheinim* 6:8, *Rosh* 2:12, *Aruch Hashulchan C.M.* 156:6-7. See *Be’er Sarim* 1:25, *Pischei Choshen Geneivah* 9:page 260.

63. *Maseches Bava Basra* 21b, *Rosh* 2:12, *Rambam Hilchos Shecheinim* 6:8, *Shulchan Aruch C.M.* 156:5.

64. Refer to *Ritva Maseches Bava Basra* 21b, *Rabbeinu Gershom* 21b, *Hagaos Ashri* 2:12, *Bach* 156, *Beis Yosef, Shulchan Aruch C.M.* 156:5, *Gra* 156:23, *Aruch Hashulchan* 8.

65. *Maseches Bava Basra* 21b, *Rambam Hilchos Shecheinim* 6:8, *Shulchan Aruch C.M.* 156:5.

66. *Maseches Bava Basra* *ibid*, *Shulchan Aruch* *ibid*, *Rama* 5.

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usually only one can be sustained in a bungalow at best, so another may not open.

Using a Neighbor's Wi-Fi Signal

Bungalows are constructed in close proximity to each other, and it is easy to access a neighbor's Wi-Fi signal. Is this allowed?

Some permit this as long as it does not lessen the neighbor's bandwidth.⁶⁷ However, others take issue with this and maintain that it is considered an act of stealing.⁶⁸

Looking at Someone's Field

One may not stand next to a friend's field and look at it when the produce is growing nicely,⁶⁹ because of *ayin hara*.⁷⁰ For the same reason, one should not look at any of his friend's possessions if he will be jealous.⁷¹ In addition, many actions need privacy and if someone is looking it will prevent the person from doing the activity.⁷²

Based on this, one should not look into someone else's bungalow either.⁷³

On the same note, according to some, one should not look at his friend when he comes home from buying a huge item or big purchase and say, "When will be the day that I

67. Osher Chanan 6-7:150:2.

68. Refer to *Headlines* pages 423-433 in great depth.

69. *Maseches Bava Metzia* 107a, *Bava Basra* 2b, *Shulchan Aruch C.M.* 378:5, *Levush* 5, *Kitzur Shulchan Aruch* 183:6.

70. *Rashi Maseches Bava Basra* 2b "assur," *Rabbeinu Gershom Bava Basra* ibid, refer to *Drishah C.M.* 378, *Shach* 4. See *Ulei Ayin* pages 88-90. Refer to (*Rambam*) *Pe'er Hador* 40.

71. *Shulchan Aruch Hamekutzar C.M.* 223:8, *Tov Yehoshua* page 91:48, *Shulchan Aruch Harav Hilchos Nizkei Mamon* 11, *Aruch Hashulchan C.M.* 154:6, see *Chai Halevi* 5:119.

72. *Aruch Hashulchan* ibid.

73. *Kovetz Halachos L'meonos Hakayitz* page 117. See *Shulchan Aruch C.M.* 154:3.

אין לל להקצי"ה בעולמו אלא י
אמות של הלכה בלבד... (ברכות ה')

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will have the money to do that.” This will cause *ayin hara* to fall upon him.⁷⁴ This is very common in bungalow colonies, where people come home with large purchases in full view of their neighbors.

Items in Rain

People routinely leave belongings outside, and they can be ruined by the rain. If someone sees another person's belongings outside, he should make a strong effort to bring them into a shelter.⁷⁵

Fence around Swimming Pool

There is a mitzvah of *ma'akeh*, to build fences around roofs or other places where there is a danger of falling.⁷⁶ A fence is usually built around a swimming pool area for *tznius* reasons, but the pool itself is rarely enclosed. Some say that the others in the area will ensure that people do not enter the dangerous areas of the pool.⁷⁷ Others say that the outer fence itself serves as a warning.⁷⁸ Furthermore, adults are usually present when children are swimming to ensure their safety.⁷⁹

Bars on Bunk Bed

Many sleepaway camps and bungalows have bunk beds. There is no need to install a bar on the upper bed to avoid

74. *V'ein Lamo Michshal* 2:pages 315-316.

75. *Kovetz Halachos L'monos Hakayitz* page 7:1.

76. *Devarim* 24:8, *Chinuch* mitzvah 546, *Rambam Hilchos Rotze'ach* 11:1, *Shulchan Aruch C.M.* 427:1.

77. *Divrei Shalom* 3:213.

78. *Ibid, V'asisa Ma'akeh* 5:9.

79. *Divrei Shalom* *ibid*.



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

falls.⁸⁰ Obviously, a young child should not sleep on the top bunk.⁸¹

Bars around Windows

In an area where children frequently sit on window sills, one should make sure the screen is locked or a bar is on the window so the children do not fall out.⁸²

Crying When Saying Goodbye

When parents send their children off to camp, there is often a lot of crying.

In his will, Rav Yehudah Hachassid⁸³ writes that people should not cry at the time they separate. The Kaf Hachaim⁸⁴ says that this is a danger.

Upsherin – Going to Cheder

It is customary that on the day the child's hair is cut he is taken to *cheder* where a *rebbe* performs many different customs.⁸⁵ If there is no *rebbe* available to perform the customs in the country, they are not done in the home,⁸⁶ but if one wishes he may do so at home as well.

80. *Shulchan Halevi* (Hebrew) 1, page 215:8.

81. *Ibid.*

82. *Shevet Hakehasi* 4:311.

83. Additions to the will #10.

84. *Y.D.* 116:161. Refer to *Ahalech B'amitecha* 8:1, *Shemiras Haguf V'hanevush* 96:1.

85. *Maharam Brisk* 2:98, *Natei Gavriel (Upsherin)* 19:1. A child should be *bentched* by the *rebbe* that he should grow up to be big in Torah (*Sefer Matamim Yoledes V'yuladim* 17:page 76 new). One should not invite a *rebbe* to one's house, but one should go to a *cheder* (*Chinuch Yisrael* 8:page 508 new). One whose child turns three on a day that the hair is not cut should learn with his son the *aleph-beis* with honey and go to *cheder* at the first possible time (*Chinuch Yisrael* *ibid.*, see page 519:footnote 36). It is questionable why we do not continue learning the *aleph-beis* with a child after age three but come back to *yeshiva* at four years old (*Chinuch Yisrael* 8:page 502:footnote 37 new).

86. *Chinuch Yisrael* 2:page 519:footnote 36.

כל השנה הלכות בכל יום מובטח לישוא בן עולם הנא... (מדף עב)

Learning in the Car

When traveling in the summer (and all year round), one should make sure to listen to a *shiur* in the car⁸⁷ and fulfill the mitzvah of learning Torah while traveling.⁸⁸ The Mishnah⁸⁹ comments that someone who does not focus on learning while traveling is putting himself in danger.⁹⁰

Taking *Sefarim* and Printing Sources

Fully stocked libraries are not available during the summer, so people resort to photocopies and printouts of various sources. If it is easier to learn this way, there is no added value of learning from a *sefer*.⁹¹ In general, before leaving to the bungalow one should ensure that he has enough *sefarim* or notes to learn from during his long weekends spent there.⁹²

Bus without Air Conditioning

If one rented a bus for a camp trip and the air conditioning did not work, he cannot ask for a refund, since he did gain the benefit of arriving at his destination, but he should ask for a discount.⁹³

Littering

As always, one should ensure that his family leaves

87. Even if listening to Torah is not like one is learning Torah out loud, nonetheless, it is considered learning Torah (*Kovetz Halachos L'meonos Hakayitz* page 70, *Vayevarech Dovid* 2:189).

88. *Devarim* 6:7. See *Mishnah Berurah* 110:20, *Aruch Hashulchan* O.C. 110:15.

89. *Maseches Avos* 3:4.

90. As explained by the *Bartenura* on the Mishnah *ibid*.

91. *Vavei Ha'amudim* 26:pages 44-45.

92. *B'derech Hamelech* page 123:1.

93. *Vavei Ha'amudim* 20:page 75:4.



campsites and other public places clean in order to avoid a *chillul Hashem*.⁹⁴

Concerts

Many camps and bungalow colonies sponsor concerts throughout the summer as venues of entertainment. Some frown upon it even if there is separate seating,⁹⁵ but the custom of most places is to be lenient if there is separate seating.⁹⁶

Leaving *Tefillin* in the Car

The interior of parked cars can get extremely hot, especially on the dashboard. Therefore, one should be sure not to leave his *tefillin* in the car, as the heat will ruin them.⁹⁷

Child Breaks Something

Children routinely play ball near bungalows, and sometimes break windows or cause other types of damage. Does the parent have an obligation to pay for the damage?

The Mishnah⁹⁸ says that when a child breaks something he does not have to pay. There is an opinion that he does have to pay when he turns bar mitzvah,⁹⁹ but we do not hold like this opinion.¹⁰⁰ Some suggest that if the child has money,

94. Ibid page 76:8.

95. *Mishneh Halachos* 7:42.

96. Refer to *Reshumei Aharon* 1:page 73:21:5 which permits even a mixed concert for *kiruv* reasons.

97. *B'derech Hamelech* page 15:12, *Kovetz Halachos L'meonos Hakayitz* page 93.

98. *Maseches Bava Kamma* 87a, *Rosh Maseches Bava Kamma* 8:9, *Rambam Hilchos Choval U'mazik* 4:20, *Shulchan Aruch C.M.* 424:8.

99. *Hagaos Ashri Maseches Bava Kamma* 8:9. See *Rashi Maseches Bava Kamma* 98b "v'achfiha."

100. *Shulchan Aruch C.M.* 96:3, 349:3, 424:8, *Rav Akiva Eiger* 1:147 (end), *Aruch Hashulchan C.M.* 424:14, *Yabia Omer C.M.* 8:6. See *Mishnas Yehoshua Chinuch Habanim* 26, *Be'er Sarim C.M.* 35, *Hakattan V'hilchosav* 72:page 95, *Chai Halevi* 3:99:2. Refer to *Har Tzvi O.C.* 2:1:7 as well as *Madanei Yom Tov* 2:90 if a child dug a pit and the

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he should pay for the damages in order to impress upon him the importance of avoiding this type of behavior.¹⁰¹ The child should be reprimanded for doing damage so he does not get used to it.¹⁰²

In any case, one should go beyond the law and pay for the damages that he caused when he was a child.¹⁰³ Therefore, there is no need for the father to pay.¹⁰⁴ Others argue that the father should pay, since the child will not remember what he broke as a child.¹⁰⁵

If the item that caused the damage belonged to the father, he would be obligated to pay for failing to protect his belongings properly.¹⁰⁶ In addition, if the parent neglected to ensure that his child did not deliberately destroy something, he is obligated to pay.¹⁰⁷

Borrowing Someone Else's Item

People routinely store bikes and scooters next to their bungalows.

damage did not occur until after his bar mitzvah if he is obligated to pay.

101. *Chashukei Chemed Maseches Bava Kamma* pages 157-158. Refer to *Teshuvos V'hanhagos* 4:305.

102. *Mishnah Berurah* 343:9. See *Taz* 2, *Pischei Teshuvah C.M.* 349:2, *Chanoch L'na'ar* 46:1-2, *Mishneh Halachos* 12:447.

103. *Mishnah Berurah* *ibid.* Refer to *Zechor L'Avraham* 5765:pages 206-207, *Chinuch Yisrael* 6:pages 446-447, *Machon Hora'ah V'mishpat* 3:pages 105-110.

104. *Piskei Teshuvos* 343:14.

105. *Halachos Bein Adam L'chaveiro* 17:footnote 79. See *Terumas Hadeshen* 2:62.

106. *Chashukei Chemed Maseches Bava Kamma* pages 156-157. Refer to *Techumin* 18:pages 48-51, see *Pischei Choshen Nezikin* 5:footnote 87, *Mishpatei HaTorah Maseches Bava Kamma* 23, *Kovetz Halachos L'meonos Hakayitz* pages 41-42.

107. *Massei Ish* 3:page 206, *Teshuvos V'hanhagos* 3:477, *Mishpatei HaTorah* 1:pages 26-27. See *Sha'ar Hatzion* 343:15. See *Chashukei Chemed Maseches Megillah* pages 208-209 about damage done by a child who used fireworks. Refer to *Mishpatei HaTorah Maseches Bava Metzia* regarding a child who lost a friend's bicycle he had borrowed.

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If one is certain that the owner does not care if this item is used, then he may borrow it without permission.¹⁰⁸

The Item Remains Intact

The *poskim* discuss whether one is allowed to borrow an item that does not suffer from wear and tear. For example, it is permitted to sit on someone's chair or place an item on a table, since no harm is done.¹⁰⁹ Nonetheless, if one knows that even in this situation the owner would object, then it may not be used.¹¹⁰

Owner Always Lets

If a person routinely lends an item, but is not currently present to ask permission, one may use it without asking permission beforehand.¹¹¹

Hot Day

One is walking on a hot day and wants to enter a hotel to cool off by sitting in the air-conditioned lobby. Is this permitted?

The *poskim* say that the manager does not mind, since there is a possibility that he might purchase an item there, but one should ask the manager in any case.¹¹²

108. *Shulchan Aruch Harav Hilchos Metziah* 28, *Ran Bava Metzia* 22a "ameimar," *Shitah Mekubetzes* 22a.

109. *Ritva Maseches Bava Metzia* 41a, *Shulchan Aruch Harav Hilchos She'ilah* 5, *Shulchan Aruch Harav Hilchos Metziah* 28, *kuntres achron* 4. Refer to *Mishpati HaTorah* 1:52. See *Machaneh Ephraim Hilchos Gezeilah* 2:page 68 which says *Tosafos* may argue on this.

110. *Shulchan Aruch Harav Hilchos She'ilah* 5. Refer to *Umka D'dinah* 3:pages 101-112.

111. *Shulchan Aruch Harav Hilchos She'ilah* 5.

112. *V'ein Lamo Michshal* 9 page 107:footnote 18.

Two Males on a Bicycle

Two males may use a tandem bike, or share a single seat on a bike.¹¹³

Some Notes on Bicycling

Riding a bicycle is a great method of transportation and a lot of fun as well. Everyone must wear a helmet, and make sure he has proper lights and reflectors when riding at night.¹¹⁴ One must exercise care in an area where there are cars and people.¹¹⁵ If there is a bike lane one should stay in it.¹¹⁶ Parents should make sure to tell their children not to ride their bikes on the street since it is a grave danger.¹¹⁷ Boys may place their *tefillin* in the basket¹¹⁸ if there is no other place for it. It is preferable to place them in a bag in front of the bicycle, rather than behind it.¹¹⁹

In the context of a discussion regarding refined speech, the Gemara says that one should not even mention a woman riding a horse, since her legs are spread out when she rides.¹²⁰

Elsewhere, the Gemara¹²¹ clearly indicates that women do ride donkeys. This would seem to contradict the previous Gemara.¹²² It is possible that one discussion involves riding sidesaddle, while the other involves a regular saddle.

Many *poskim* mention that a girl above the age of six

113. *Mishneh Halachos* 6:230:2, *Hakattan V'hilchosav* 81:1.

114. *Sha'arei Toras Habayis* 2:page 264:8.

115. *Shemiras Nezikin* page 49:40.

116. *Ibid* page 49:41.

117. *Shevet Hakehasi* 4:313.

118. *Avnei Yushpei* 1:205, *Ginzei Hakodesh* 2:22.

119. *Chashukei Chemed Maseches Gittin* 52a.

120. *Maseches Pesachim* 3a, *Rashi* "ki".

121. *Maseches Bava Kamma* 79b.

122. *Yaavetz* on *Maseches Bava Kamma* *ibid*.

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(some say nine) should not ride a bike in public, since it is a lack of *tznius*.¹²³ The Shevet Halevi¹²⁴ only permitted this until age nine on a girl's bike, and only in the presence of women. If men are present, perhaps even younger would not be allowed.¹²⁵ According to this, girls should not go horseback riding.

Today it is common for girls and women of all ages to ride bikes in parks, etc. If they are dressed modestly and the skirts do not go up, it would seem that there are grounds to be lenient. Bike riding does not pose as much of a challenge as horseback riding, since there is no need to spread the legs significantly. Nevertheless, they must be very careful regarding the rules of *tznius*.¹²⁶

There is definitely no issue of *lo yilbash* since women routinely ride bikes, and it is not considered a male activity.¹²⁷

There is no issue with a *talmid chacham* riding a bike in public.¹²⁸

123. *Shevet Hakehasi* 4:313, *Ovrei Derachim* page 58, *Chevel Nachalaso* 1:82, *Malbushei Mordechai* 14:9, *Chashukei Chemed Maseches Pesachim* 3a, *V'ein Lamo Michshal* 1:page 74:3, *Oz V'hadar Levushah* page 511:3, *Rechev Yisrael* page 134:11, *Om Ani Chomah* 2:182, *Chai Halevi* 6:170:2, *Mishpatecha L'Yaakov O.C.* 24:4, *Divrei Pinchas* 61, opinion of Harav Moshe Feinstein *zt"l* quoted in *Divrei Chachamim E.H.* page 257:footnote 46. In regard to certain communities not allowing women to drive cars see *Shevet Halevi* 4:1:2, 7:11:2, refer to *Mishneh Halachos* 12:300, *Malbushei Mordechai* 14:10, *Ohr Torah* 5752:pages 24-25. For those who are lenient see *Az Nidberu* 13:80, *Osher Chanan* 3-4:67:2. In regard to a woman riding on a motorcycle with her husband see *Avnei Yushpei* 6:118:1.

124. 10:27.

125. *Malbushei Mordechai* 14:13.

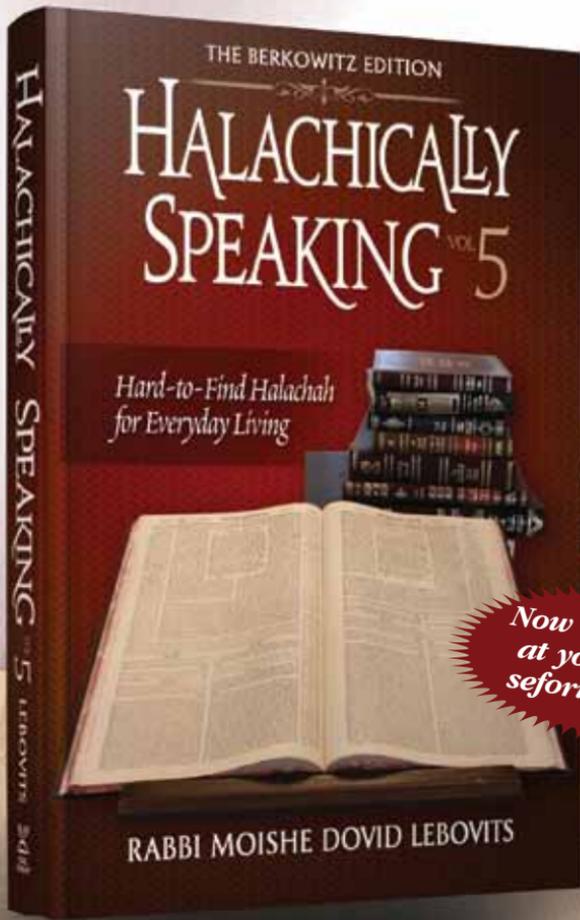
126. Refer to *Divrei Pinchas* 1:61.

127. *Tznif Meluchah* page 269:5, *Be'er Sarim* 6:59:4.

128. *Osher Chanan* 6-7:45.

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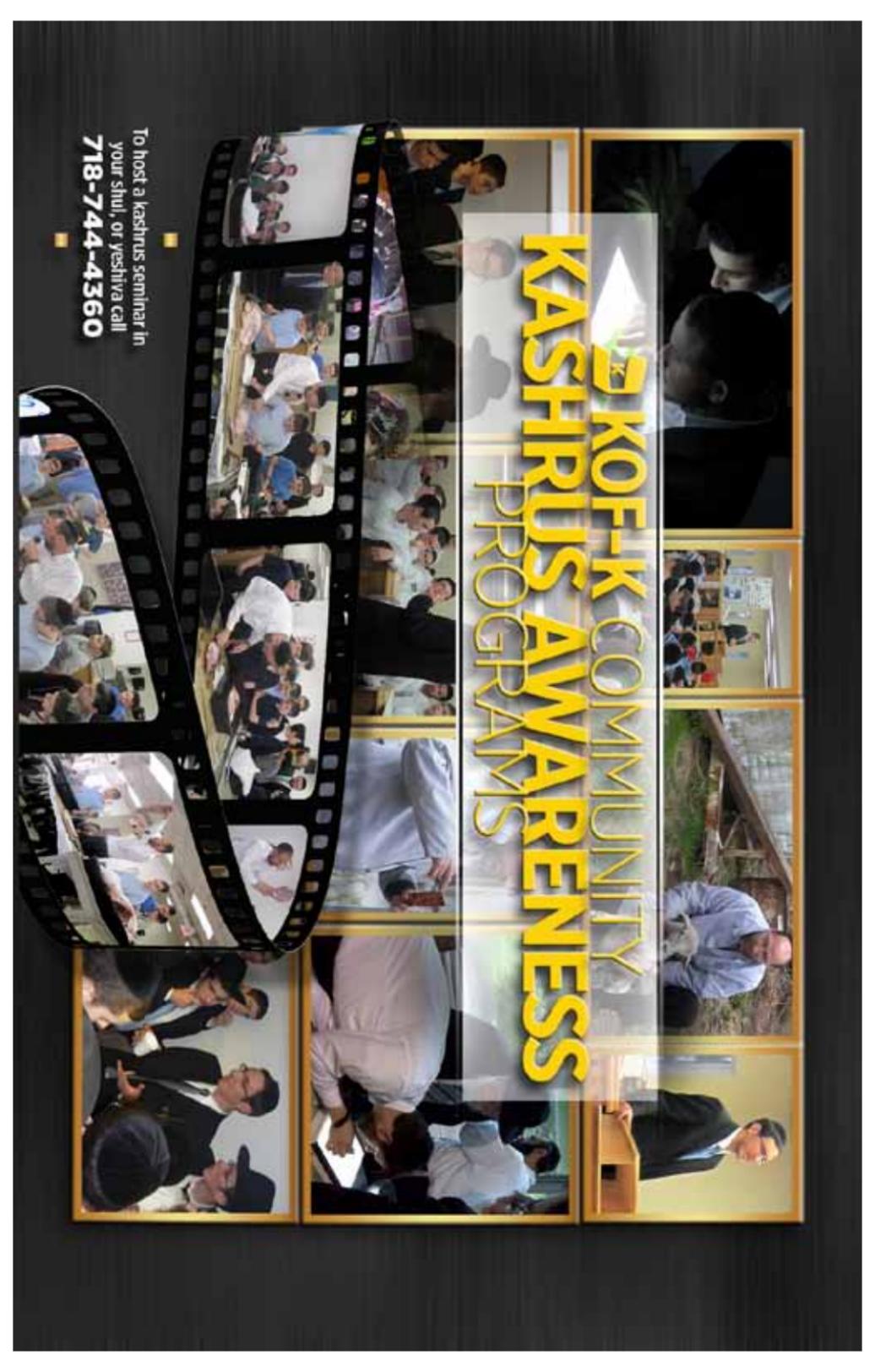
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