

Shailos and Teshuvos
HaRav Chaim Zev
Malinowitz zt'l



Compiled by
Yehuda Meir Bryks

About this Publication



The majority of the Shailos and Teshuvos contained herein were submitted by Yehuda Bryks (who was 13-14 years old at the time) via his father Rabbi Tully Bryks, as well as his father's own questions. The publication also includes several questions that were asked from other members of the Beis Tefillah Yonah Avraham community.

An important note to the reader:

The purpose of this publication is not Halachah L'maaseh, and indeed, these questions and answers should not replace asking one's own Shailos. The benefit that we see in this publication is not so much perpetuation of Rav Malinowitz's Psakim per se. Rather, a great part of the Chinuch that Rav Malinowitz integrated into his responses to halachic questions, was the attitude toward Halachah, and the standards to which he held the individual. His halachic answers conveyed Hashkafos, they conveyed expectations to rise to challenges, they conveyed demands to think differently. These are very well captured in the sampling of questions included in this booklet. In this sense, we hope that this publication will indeed bring great benefit to its readers.

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Introduction

Last year, after the Petira of Harav Malinowitz zt”l, some of his students published a Sefer with his Peirush on the Chovos Halevavos. It made me wonder if I could also publish a Sefer as a Zechus for his Neshama. I concluded that the only option for a Sefer that I could publish, which would be from Rav Malinowitz’s Torah and cause “שפתותיו דובבות בקבר,” would be a publication of Shailos and Teshuvos from my correspondence with him. And I hope, and genuinely believe, that he would be happy with this project.

THANK-YOU TO:

- My parents, **Rabbi Tully and Hindy Bryks**, for always being there for me and making this project possible!
- My sister **Tamar Bryks** for the cover design.
- **HaRav David, Shlita** for his feedback and support.
- **Rabbi Jacobson, Shlita** for his guidance and insights.
- **HaRav Malinowitz zt”l** for always having made time for me and my questions, even if they were very basic.
- **Rabbi Nechemia Malinowitz** for taking the time to review the questions.
- **Aryeh Sonnenberg** for his technical and promotional support.
- **HKB”H** for having given me the opportunity to learn from, and be inspired by, such a Gadol, and for enabling me to bring this project to fruition.

-Yehuda Meir Bryks, 23 Cheshvan, 5781

Dear Rabbi Bryks ij

I was doubly thunderstruck when you sent me a trove of correspondence (Email) between your son j'atzi and the esteemed Rav of B.T.Y.A. Hagaon Rav Chaim Zev Malinowitz ztl.

The heightened sense of awe that I felt emanated from observing a young budding *am ha'aretz* who took the initiative to seek out a renowned *gedolam* and outstanding *am ha'aretz* and ply him with questions. That itself is a testament to an inquisitive, fertile, young, growing *am ha'aretz* who valued greatly engendering a personal relationship with a venerable *tzadik* and Rav.

Even more outstanding to me was the gracious and noble responses of the Rav, whose magnanimity in his rejoinders reflected a *tzarich* par excellence whose sole intent was to connect to a burgeoning *am ha'aretz*.

The range of issues discussed spanned the wide ranging gemut of the *proz* side and simultaneously what emerged was a broad hashkafic perspective of the Rav on a swathe of issues.

I was delighted and overjoyed to witness this genre of *lishi* life, Kudos to Yehuda ij and his father Rabbi Tully Bryks *tsibeh* for their overtures and to Rav Malinowitz ztl for his yeoman noblesse oblige.

May this treasure trove be a further *nisz* that will redound to the B.T.Y.A. community and *am ha'aretz* and serve as a model for the profound concept of *tzarich*.

ברוך ה' אלהינו
אוריאל שניידמן
Anshel C. David

בג' מרחשוון, תשפ"א

בס"ד

I am overjoyed, though truthfully, not surprised, to see this latest accomplishment of whom I may call ידיד בן ידיד, the indefatigable Yehuda Bryks, which equally reflects the elevating chinuch and home of his parents, my dear friend, R' Naftali Bryks and his esteemed wife. Yehuda, with his unquenchable thirst, has no need to look back with regrets at not having properly utilized the chapter of life under the guidance of זצ"ל מלינוביץ זצ"ל. Following the idealistic example of his parents, Yehuda made it a regular practice to ask Rav Malinowitz questions relating to all areas of Jewish life, and maximized his relationship with this Torah giant to its fullest. Recognizing the value of these correspondences, Yehuda has decided to enable the public to benefit from it, epitomizing מצוה גוררת מצוה, as what began with tenacious fulfillment of Chazal's instruction of עשה לך רב, is now culminating with a great level of זיכוי הרבים.

Having witnessed Yehuda's passion for learning and intense efforts to determine the truth, I wish him to continue along his beautiful path, as already, we can point to him and say אשרי אביו שלימדו תורה, אשרי יולדתו!

With deep affection,



Binyamin Jacobson

Rabbi Tully Bryks
Founder and Director

November 10, 2020

Since we made Aliyah over 11 years ago until his untimely passing a year ago, Rav Malinowitz zt'l had a tremendous impact on my family. Not only was a I Zoche to interact with him on a regular basis, but my sons were as well.

When my son Yehuda became a Bar Mitzva, he understood that he now had a responsibility to observe Halacha. But he realized that to properly follow Halacha, he would need clarity about the various nuances that impact Psak. As his email Shlaiach, I limited him to 5 questions per day, and he would then anxiously await the answers. Perhaps even more impressive than the fact that he asked the questions was that he inculcated the answers into his life immediately, even if he might have preferred a different answer.

Yehuda - I am so proud of your many accomplishments. May Hashem continue to guide you in your growth as a Ben Torah, to be Marbitz Torah and to fully reach your potential in this world. And a special thank-you to my wife Hindy for being our Ikeres Habayis, my partner and mentor, in enabling us to raise such a beautiful family, BA"H.

With gratitude and admiration,

Tully Bryks
Rabbi Tully Bryks



Aveilus/Yahrzeit

Q: I have a simchas beis hashoava every year for all the blue-collar workers. Plumbers, electricians, handyman, etc. Can I have one this year? (presumably, he was an Avel)

A) Not really, unless you have one with no music and you can't eat.

Q: My Mother's Yaartzheit is Lag Ba'omer. ly"H I will be making a siyum masechta that day. Is there any reason why I can't do it at the actual beis olam, alongside the kever?

A) Yes, there is - But you can. Pashtus it should NOT be allowed (lo'ag larash) The Acharonim allow it if it entails Kovod Hameis.

Q: A Debate that had been going on for many years in the shiur is the question of learning for a Yahrzeht. Many people have come and asked us to learn on someone's behalf, and the question is whether they have to bring food to the shiur, so that we can learn for them. The Debate goes as follows:

1. We learn every night anyway, and we are not adding anything for the Deceased, except say his name, so what Zechus does he get, if nothing is being done more for him than usual. If the person brings food, usually the learning is better, as everyone stays awake (very few people fall asleep while eating), and the extra Zechus of better learning, goes to the Neshama.

2. On the other hand, I point out that that when a person's parent / Rebbie dies, for the first year a person says "Haraynie Kaparat Meshchavo" - That the deceased should get a Kapara - forgiveness, based on our, the living, misfortunes. Does a person think he doesn't also get a Kappara? of course he does, they both get a Kapara (I think). So we see two people can get a Zechus from the exact same action. So too, by learning for someone, both people could get the Zechus when learning for someone?

A) There is nothing wrong with stam saying that today's learning is dedicated for the zechus of _____. Do you guys still also get your own learning zechus? Yes, and we'll let HaShem be the accountant. But there are no freebies in Judaism. So my opinion is that it should "cost" someone something for it to be really effective. Food that keeps the shiur more awake is good. How about (also) a small donation for the shul's learning programs??

Brachos

Netilas Yadayim

- Q:** When someone wakes up in the morning, can they be *Somech* on the whole house and/or whole room being 4 *Amos*?
- A)** there is room to be *Maykil*, if one wants to be *Maykil*
- Q:** If someone usually leaves water by their bed and forgot, is it better to walk 3 *Amos* at a time or to run? (If 3 *Amos* at a time, does one need to sit in between or is standing still sufficient)?
- A)** Run
- Q:** 1. Are there any other instances aside from waking up in the morning when a person should wash 3 times with a cup?
2. Does today's bathroom and/or shower cause *Ruach Ra'ah*?
3. And even according to the *Meikilim*, would an airplane bathroom be more *Chamur*?
- A)** 1. When it is a *Ru'ach Ra'ah* issue, not cleanliness
2. Many are *maykil* that not
3. I doubt it
- Q:** Does getting a haircut from a barber where you don't touch your hair cause *Ruch Ra'ah* to the recipient of the haircut?
- A)** Yes to recipient, the giver is just *nekiyus*

Brachos

Bentching

Q: My son's Yeshiva Ketana serves 3 meals a day. There are 9 tables in the dining room, 3 for each grade. The tables are not touching each other. Each table can hold around 8 students. Bachurim come and go throughout the 30-45 minutes allotted for each meal.

My son is wondering if/when there is a Chiyuv or Reshus to do a Zimun?

A) I bolded the key sentence, "**Bachurim come and go throughout the 30-45 minutes allotted for each meal.**" - So—reshus

Q: My son's Bar Mitzvah is scheduled for Thursday evening, June 16 at the Shul (and that is his *bo bayom*). My son and friends will be eating at the Shul from 7:15-8:15.

Question 1: Should we do our own Maariv in the Ulam or would it be better to Daven upstairs with the Shul's Minyan, even though many of the guests (especially my son's friends) would probably not stay for the Rav's Divrei Halchah/Hashkafa?

Question 2: Can we have the Seuda guests Bentch before Maariv, which together with the Siyum and speeches would serve as a Hefsek prior to the dessert or would this still present a *Bracha sh'eina Tzricha* issue (This may add to the argument of Davening upstairs)?

A) 1. Daven upstairs (many reasons)

2. Not a problem at all

Q: For leading Bentching, should one say "Bershus" before "Rabosai neverech"?

A) No

Q: During Birkas Hamazon, after the 4th Bracha, can/should someone answer Amen to hearing Brachos and/or Harachamans from others in the Seudah (not the Mezamin)?

A) Only if he can focus on what he is answering Amein to—that Gradeh is always true. Most people just answer Amein and don't give a thought to it.

Q: I heard that there might be a concern about doing Shevra Brachos at Shalosh Seudos due to the Borei Pri Hagafen and the drinking question. What's the ideal approach:

A) Chosson should lead the Bentching and drink a Shiur (and make a Berachah Acharonah). Kallah should take a sip (and have in mind with his Hagafen to be Yotzei and he should have in mind to be Motzie her, which no one ever does, a pity...)

Brachos

Other Brachos

- Q:** Should Hamapil be at the beginning or end of Kriyas Shema Al Hamita?
- A)** At the end
- Q:** The idea of 100 Brachos in one day, is that night-to-day or day-to-night? Or both? Also? Netz? Plag? Shkia? Tzeis? And is it the same for a Seder Halimmud (if he wants to make sure to learn certain things each day for example)?
- A)** Night (tzeis) to day (shekiah). For learning sedarim, day-to-night.
- Q:** For the siyum, I have planned to bring out a bottle or two of older/better wine than what we will be making kiddish on. Can those who want to drink from it say ha tov u'mativ, if I already had it in mind during kiddish to bring it out?
- A)** where is this older wine usually kept?
- Q:** The siyum will be in the ulam at BTYA. So I will be bringing the wine from my house where nearly all the wines are stored together in a wine box. One of the two older bottles I would be bringing is stored separately from the rest on a wine rack. I hope this helps you.
- A)** I do not understand now. Where is the seudah?
- Q:** We are hosting our family for lunch in the ulam at BTYA with the siyum to be held at 1:15 also there. We plan to bench after the siyum.
- A)** Hatov Vehamaytiv on wine is complicated (what isn't). I can work it out that you have to make it OR that you can B'dieved make it and it is not a Berachah Levatala OR that you cannot make it. Which do you want? Any option is OK (maybe not the middle one, though it'll work).
- Q:** Right. So ideally I'd like to make the brocha tov u'mativ. Additionally, those who had wine from kiddish, I'd like to say that I asked you and that you said they could also make it. Obviously, all the other requirements also have to be met. Like the original bottle with some wine still inside from kiddish on the table.

A) Keep the older wine at home. People who want to make Hatov Vehamaitiv should drink the Kiddush wine, and at the time should be aware that that they will be drinking another wine at the end of the meal, at the Siyum. When you are ready for the Siyum, send someone to get the wine. (BTW—if you have more of the Kiddush wine even at home, you do not need it in the bottle on the table. HATOV VEHAMAYTIV—If memory serves me correctly, everyone should make their own

Q: Thank you. Yes, the Shulchan Aruch brings down that everyone should make the blessing for themselves because we are afraid that if he does, food may enter the windpipe when they respond amen. The Rema points out that if people were only drinking wine together and not eating, then one person should make for everybody. If I bring out a third bottle wine (first bottle was for kiddish; second at siyum and hatov vehamaitiv was said for the second bottle) could I bring out a third bottle of different wine for people to say hatov vehamaitiv a second time?!

A) Don't do it. It's "hard" enough to maximize the conditions...many Poskim say that the Beracha fell into disuse cause of that. I am not sure you can even do that if the wines are both available—leave it (Jan. 19, 2017, 1:11am)

A) I am Chozer..... You COULD do it, but the third wine would also have to be at your home when you made the Hagofen on the first, AND when you made the Hatov on the second. And you go get it after the second is drunk. (Jan. 19, 2017, 5:18am)

Q: If permissible, I thought that might be the case. Is it okay if we have the wine we will be making a hatov vehamaitiv on stored next door to the Shul, let's say at the Ginsbergs or does it have to be at my house dafka?

A) It seems to me that it should be in the storage area where it usually is stored.

Finances

Q: A U.S. company is run (maybe even owned) by a Frum person. The company offers a fixed % return for investors to send money. The company uses that money to build a real estate development and sell the various homes to individual families. The investor receives a mortgage in the project, as security against any default. I asked the person about the possible need for an Iska agreement and this was his reply:

“I speak with Rabbi _____ regularly about business issues since he has a lot of business experience. His father has been a high level finance person in Argentina and was almost chosen to head the equivalent in Israel of what in the US calls the head of the Federal Reserve - Since it is not personally guaranteed, it is an obligation of the company and secured by real estate, there is no heter iska needed.”

Is that correct? If so, what's the exemption based on:

1. That it's secured by real estate?
2. That it's a loan to a company and not to a person?
3. The combination of the two?

A) I cannot explain what someone else said. There is a hetter from Rav Moshe (which many disagree with) that if it is not a personal obligation (IF), it is not called a loan and there is no issur ribbis. Huge chiddush, many argue. There might be a similar hetter by something called a no-recourse loan—but you give no indication that that is what this is.

Q: When we got back to our car at your daughters chasanah, we saw a note on the windshield with a phone # from someone who must have inadvertently caused minor damage to our car. The damage (a small dent) does not appear to affect the functionality of our car, but it would likely affect its resale value. Should we be getting a repair estimate and ask the person to pay that amount or should we just call to thank them for leaving the note? Any other suggestions? Note: If the repair estimate is low, we would probably opt to fix the car. But If the repair estimate is high, we would be more inclined to keep the money.

A) It is hard to suggest to someone to be mevatter. I recommend—since you ask—only taking the money if you plan on fixing it, to fix it.

Q: We have employees who are contracted for a year of work (July 1 - June 30). In April, we meet with each employee to discuss possible continued employment for the following year, along with any change of job status. A couple of months ago, we contracted a new employee for next year, who does not currently work for us. Now, we realize that we may not be able to retain all of the employees for next year.

Assuming comparable skill levels, does anyone get preferential treatment in this case?

Current employees with no commitment for next year versus contracted employee for next year who does not yet work for us?

Does it make a difference either way if the skill levels are not comparable?

A) Did the contracted party do anything yet that would constitute "starting to work for you"? (if you call a taxi, and then cancel, but the taxi left the depot already to come to you, the taxi "started to work for you" already.) If he did ANYTHING, he is hired!

Q: I am writing a loan document on behalf of a Company that is owned by (secular) Israelis (the "Lender") who are lending money to a German Company (the "Borrower"). I do not know for certain who owns the German company, but there is a chance it may be owned by Israelis. The Lender is charging ribis and does not want to include a heter iska. If the Borrower Company fails to repay the loan and interest, the Lender's only recourse is to a specific property owned by the Borrower Company. There is no personal liability involved. May I rely on Reb Moshe in this case not to include a heter iska in the loan document?

A) Yes - I feel you can

Q: An Israeli kablan was owed an IRS refund for some tax credits in the United States that he filed for but did not have an American bank account for the IRS to deposit money into. He asked me to do him a favor to use my bank account and let them deposit the money there and I can give him the money back as an open check or cash or whatever. I said no problem and was perfectly happy to do it immediately - he was in no rush and was worried he would spend it if he had it, and preferred that I hold it until after pesach (the money was deposited in march). I gladly obliged - did not need the money nor did i use it - it just sat in my account, and today i gave him cash for it. He was very appreciative for the favor and bought me a bottle of whisky as a gift - I didn't ask for it and don't particularly care for whisky, but he was insistent that I keep it, so now it is sitting in my house. The thought occurred to me afterwards that it may be ribis even though (if anything) I was the one who was the "borrower" in this scenario so it should only be ribis if I gave him a present which I did not. But I am also aware that I am an am haaretz so I am asking just in case 1) is it ribbis for me to accept the whisky? 2) if it is and I already accepted it, should I give it back? throw it out? 3) or is it not ribis at all and I should drink it on Purim?

A) As you say, all is good (as long as the whiskey's kosher)

Q: I was asked to speak on behalf of Yad Tomech in last Friday night's Derashah, which I did happily, knowing firsthand of their activities. I was then asked to provide names of people who attend the Derashah, so that they can follow up by appealing to them personally. I've always been a bit confused about whether this is the right thing to do or not? (Asked by Rav Jacobson)

A) It is highly uncomfortable, but there is no good reason why not

Kashrus

Q: My son asked me to follow up about powdered milk, as we sometimes get things like Dunkin Donuts when in Chutz la'aretz?

A) Powdered milk chalav akum is a koolah that you should not rely on

Q: My non-religious Jewish supervisor has hurt her foot badly and is pretty much incapacitated for this week (I get her coffees etc). Yesterday she asked if I would be prepared to buy her vegetarian lunch from pod downstairs, (not kosher coffee shop), at which I expressed some unease saying (something along the lines of I could look into it but I don't think so). She is very understanding and said it's not a problem and she doesn't want me to do anything I am not comfortable with and she would get a PA/another trainee to do it. I came back later and found she had hobbled along to get her own lunch. Obviously, this made me feel very uncomfortable (that she should suffer on my account). I spoke to _____ (a young rabbi) last night who suggested a way of doing it which would not be maaras ayin and therefore felt it was ok. > On this basis I propose telling her that I was so distressed she had gone to get her lunch I researched the point last night and I can get it for her. My only question is – does this come across as inconsistent/too flexible with halacha (from her perspective). I am conscious of the importance of being consistent in approach in these environments. Do you see any other issue here?

A) Let me be clear. I am not so sure there's no Lifnei Ivair—the person in the restaurant is also a Jew...a Jew has to give the person food to eat in order for the person to eat. So what's the difference which Jew? Mesaya is not an afterthought—it is an Issur. Directly giving someone non-kosher food that he says he will eat might even be the Issur of feeding non-kosher food to a one-day old baby. The thought of enabling, causing, helping a Jew to do an Issur should be repellant to a religious person. Think what a Kiddush HASHEM IT WOULD BE IF HE WOULD SAY—NICELY—please realize that from my perspective, you are asking me to hand you poison. I realize that YOU don't think it is—but I do, and I care about you, my fellow-Jew. The Chillul HaShem here is he is showing that the Torah isn't real—it is just a game, I play the game, and you don't. HE SHOULD MAKE HER LUNCH AT home, and bring it to her!!!

Music

Q: My wife's parents want to take my wife to listen to the Israeli Symphony Orchestra playing in Tel Aviv. One of the things on the program is a Mass by Haydn, complete with a choir singing in Latin or Italian. Obviously, the context is completely non-religious. Is she allowed to listen to this?

A) good question—nope

Q: My son has tons of music (Shweky, Fried, 8th day, etc., etc.) copied from his friends. Is there a copyright issue, and if so, what should he do about it?

A) It was wrong to do. But I am not sure that he now has to do anything. But if that would lessen his future understanding that it is Assur to do, he should Takeh erase it.

Q: BH, he is in the process of buying or deleting all his music. Unfortunately, my other sons are in the same position. How does this work within families? If three of my boys want the same album on their MP3s, do we need to buy 3 copies? Or can they share the cost and make multiple copies?

A) I think that is OK. Make sure it doesn't become a slippery slope—e.g, NOT married children.

Q: My son _____ would like to know if he can copy music from his friend's MP3. He says that as soon as music is released nowadays it is also released on the internet, available to all. Given our limited internet because of our filter, we cannot get all the sites that offer music. Can he make a copy of a download from his friend (who got it from his friend, who got it from his friend)?

A) I am not at all convinced that what your son says is the reality. In fact, I doubt it. Sounds more like what Bochorim tell each other. Oh, sure, a song here, a song there--so that people should hear it, like it, AND BUY THE CD! And so, til I am convinced it is so, I would have to say no.

Q: Is it true that it is permitted to copy songs from a CD that one owns, for use within the family? i.e. may one purchase a CD, and then copy the songs onto each of his kids' mp3s? And if the above is incorrect, may one copy the songs onto the computer in case the CD gets ruined/scratched?

A) 1) The wording is not good - "what do the poskim hold about..." is the q. It's a tough call. There are sevaros both ways. It's also a slippery slope. Within the family is also not really the precise point - it's "within the household" (not a married child) I am maykil. But you have to keep tabs on everyone that THEY can't share—there are always rationales.....

2) One may.

Sakanas Nefashos

Q: (Asked during time period of regular scud missile attacks to Sderot area) I'm at my cousins' Bar Mitzvah and they want my family to join them at 1:30 today on a solidarity trip to Sderot to visit the hospital, bunker, iron dome, etc.

They have an armored bus and soldiers traveling with them. Is it mutar/recommended to go?

A) Both

Q: Mishna Brurah - S' 90, S'k 14 - What is the meaning of the words, "Avuka k'shnayim v'yareach k'sholsha" - Is it referring to a moon and a torch? If so, does the moon count even if it's blocked by a roof? And if a torch, is it Davka a torch or any light?

A) It means if the moon is shining brightly into the churbah. Same with the torch, Yes, Davka a torch.

Q: Is there a problem to have an elective surgery for our 3-year-old son during the 3 weeks (but before the 9 days) next year, 5779? We need to schedule the surgery one year in advance because this is a very specialized surgery which only can be done in the U.S. and requires us be there for 5 weeks. Doing the surgery after Tisha b'av would mean missing part of the Elul school zman for the whole family.

A) Traditionally, one avoids "dangerous" things during the 3 weeks. While it is brought in Halacha, it is not an Issur — it is not a propitious time. Do what you have to do, and don't assume that Mashi'ach will not have come! If it's happening, and it's still "the 3 weeks", double up on zechusim.

Shabbos and Yom Tov

Q: My daughter attends _____ HS and her teacher scheduled a biology class for the day after Shavuos, b/c she said that the school's Posek holds that they can study biology on Yom Tov since it's "Niflaos Haborei." In the past, I have told my daughter that she can only study Torah subjects on Shabbos or secular subjects that she would enjoy to the extent that she would read that information on her own, even if she didn't need to for school. Am I being too machmir?

A) You are correct, not being too machmir.

Q: QUESTION 1:

My program is starting this Tuesday and several anxious parents/students have been calling all of Yom Tov with last-minute pressing questions. I want to send them an email to let them know that I can't talk to them or respond to any emails until Sunday. Can/should I?

2 possible reasons to be matir:

1. In general, Rav Moshe seems to hold that if it's only a safek the person will do the issur, it's mutar. Any time you send a non-frum Jew an email, there's a chance he will open it on Shabbos. And in this case, 1/2 the people probably won't check it the same day, making it a bona fide 50% safek.

2. Even if they do check it, that will probably save them from more aveiros through the repeated calls and emails they're currently sending. In addition, when the phone rings tonight and tomorrow, I often won't know if it's coming from chitz la'aretz, so I may even end up with more problems if I don't give them a heads up.

QUESTION 2:

Relating to point 2 above, what happens if I answer the phone and it is someone from chutz la'aretz. Being that some students (minority) have already arrived, should I not ask where they're calling from and hope for the best? Tell them that I can't talk? I certainly don't want to turn anyone

off, but will I have time for long explanations? Would ending the call speed up a higher issuer of hanging up the phone on their end?

A) I cannot rule that you are allowed to be the (direct) cause of a non-frum Jew being mechallel Shabbos or Yom Tov with a specific, particular, action - despite all the cheshbonos, which I am aware of. (I happen not to agree with your opening-e-mail statistic.)

Feel free to ask a different Rabbi who may give you a different ruling. That is to say, I am not ruling, feel free to ask someone else.

Q: Would it be Chilul Yom Tov to ask the Chutznikim to stack their chairs after their 2nd day Minyan finishes? We have the Chol Hamoed event that afternoon.

A) So they are doing it for that day. That is ok.

Q: If someone violated a Shabbos Derabanan b'shogeg, do they need to fast 40 times?

A) No

Q: How would the Rov suggest being noheg for shabbos in Japan?

A) like the chazon ish. Is that enough of an answer for you?

Q: I took upon myself many, many years ago to only drink water outside the sukkah. I would prefer not to have anything out of the succah, but this would severely limit my chol hamoed tiyul options, and so the rest of the family. I understand from the Rav below that maybe I took upon myself an invalid chumrah and if I am drinking water out of the succah then I might as well eat fruit etc. in the manner described below. I am happy to continue as I do now, but if this is a "minhag shtus" then I do not want to continue it. Also, I do not want my children to learn from me incorrect behaviour. How shall I proceed?

A) No, it is not a minhag shtus. It is praiseworthy. I do not know why anything I wrote gave you an impression otherwise. Not eating or drinking anything (including water) outside the Sukkah is stated in Halachah as "being praiseworthy". Certainly if someone says, well, water is a bit much, but nothing else—it is also praiseworthy, although a tad less than even water. And if the reason water is excluded is l'shem shamayim, I am not so sure it is 'a tad less'. (The Rishonim warn that someone who does NOT do this, but eats and drinks what is technically permissible outside the Sukkah, should NOT be viewed as

lacking yir'as shamayim. Also, some later Poskim point out that if someone were to be actually thirsty, or hungry, and there is no Sukkah around, one might very well be obligated to stop causing oneself tza'ar on YT for the sake of "being praiseworthy"). And so—I think what you are doing is praiseworthy, and I am sorry if somehow my words led to your (erroneous) conclusion.

Q: My non-Jewish cleaner works for me on Thursdays. What can she do for me on the Chag? What cleaning would she be allowed to do? (Presumably Thursday was Yom Tov)

A) the floor can only be washed if it is really dirty. AND THEN—no floor towel, that would involve sechitah. BUT IF IT COULD BE DONE with a rubber stick, and SHE CHOOSES to use a floor towel (and you can't tell her to, but you can tell her she MAY, IF SHE WANTS TO—but only if the rubber stick would clean it.) And all this is only if the floor is really dirty. Folding laundry – you cannot tell her to fold it carefully on the crease...if she always does, you tell her that today she does not have to. AND THEN, there is a borer problem. - sorting the laundry—not sure how you would overcome that.

Q: It's getting confusing with the various "Guidelines" books and "some poskim..." and "many are noheg to..." so I thought I'd ask how our family should be noheg on the following products: Spray deodorant
Perfume/cologne
Lipstick
Does it make a difference if it is not worn too frequently
Hand cream
Hair cream which contains chometz ingredients (presumably asked shortly before Pesach)

A) I always wonder why people "wake up" the day before Pesach about this. There are so many products of this sort which can be used on Pesach either because it is Kosher l'Pesach or because it is known to be OK -- It is relatively easy to find this out, especially with the help of your local pharmacy. In Yerushalayim, pharmacies and cosmetic stores are full of OK stuff. If you know it has Chometz, anything applied to the body should not be used, and should be sold. All the things you mentioned should really be used only if known to be OK — and that information is generally readily available if you start Rosh Chodesh Nissan. B'di'eved, the hand cream can be used. The other 3—well, only if it is felt you really need it. Call Arthur in the morning.

Q: Is there a problem sitting in the Succa under a ceiling fan that is moving? The fan is attached to the wooden beam that runs through the center of the pergola.

A) How low from the Schach is it hanging?

Q: Please see attached pictures. From the center pergola beam, the fan hangs down 33cm. From the schach the fan blades hang down 56cm at the shortest to the blade and 66cm at the longest (the blades angle downward).



A) How close or far from the schach does it start?

Q: The fan starts (at the point where the machine meets the wood of pergola) at 27cm from the schach. From the schach to the blade is 56cm.

A) You can

Talmud Torah

- Q:** The Yerushalmi Megillah on 12a and 12b seems to bring down a 3-way Machlokes about what script the Torah was originally written in:
1. Originally Ksav Ivri and then switched to Ksav Ashuri by Ezra
 2. Originally Ksav Ashuri, then HKB'H switched it to Ksav Ivri due to Aveiros and then switched to Ksav Ashuri by Ezra
 3. Originally Ksav Ashuri and then it never switched.

According to the 3rd opinion, considering that Ksav Ashuri is considered a nicer script, when and why would the Jews have started to use Ksav Ivri for everything else?

A) they probably wanted to reserve ashuri for Torah matters

- Q:** Should someone avoid learning or reading Tehilim and/or Tanach at night?

A) Hard to answer. Some have that minhag

Tefillah

Q: The 8:00 AM Minyan has Selichos safely scheduled at 7:30. From what I understand, it generally doesn't start until 5-15 minutes late, mostly due to lack of a Minyan. I made an announcement this morning about the importance of coming on time. But if the trend continues, how should we proceed?

1. Start Selichos on time (or no more than 5 minutes late) even without a Minyan, even if it means losing the 1st Kaddish (and maybe some 13 Middos said in Trup)
2. Wait for Minyan, but still start Yishtabach at 8:15
3. Wait for Minyan and delay Yeishtabch proportionally to whenever Selichos finishes
4. Something else?

A) start by 7:35. If no minyan, skip kail erech apayim and kail melech yoshev —go to the pesukim, and continue. If a minyan shows up after even 2 (of the three) paragraphs, say the chatzi kaddish then. Do NOT “make up” for the “lost” 13 middos.

Q: If I am the Chazzan, I don't take 3 steps back after Chazaras Hashatz and rely on the 3 steps back from Kadish Tiskabel.

1. Is that correct?
2. If so, what about when someone else takes over at the 2nd Ashrei?

A) 1. Correct

2. You take the 3 steps yourself after the chatzi kaddish

Q: For the 3 steps back after Chatzi Kaddish, is it just 3 steps back, or does it also entail bowing to the left, right and center, followed by 3 steps forward?

A) it includes the bowing. Not forward.

Q: If we have a Ba'al Koreh for the Youth Minyan who is only available to Lein Koheles after Mussaf, is that acceptable b'edieved? If so, how hard should we try to find someone who can Lein at the right time?

A) Bdieved. Try hard, not too hard.

Q: My son's school Davens Mincha right before Plag and then optional Maariv after Plag. Should he Daven Maariv with his school? If so, what if he sometimes is still in Shemone Esrei from Mincha after Plag?

A) He should not daven maariv then.

Q: At my son's school where they Daven Maariv right after Plag, and he's not Davening with them as per the Rav's instructions, should he say part or all of Kriyas Shema with them? Should he take 3 steps back with them when they start Shemone Esrei?

A) Nothing, just shma yisrael.....

Q: For words like "Nishba" which end with an ׀, should he try to pronounce it in a way to make it clear that it's not a ך?

A) Whatever you want

Q: Should one sit or stand for Uva l'tzion? Shacahris? Motzaei Shabbos?

A) For u'vo l'tzion you sit.

Q: What part of Kedusha is said during Elokai Neshama before the 2nd yehiyu l'ratzon?

A) Kadosh and Baruch

Q: If someone already took 3 steps back from Shemone Esrei but did not come forward yet, can a person walk in front of him?

A) Yes

Q: If someone is Davening in a Minyan where they make Zman Kriyas Shema according to the Gra, should they say it earlier (perhaps with a Tnai) before the Zman Magen Avraham?

A) Can't answer the Q. A person has to decide if he is going to be makpid, or even try, to make the m.a. zeman. What is his father's minhag, his kehila's, certain decisions have to be made by a person. If a person is keeping the gra, but 95% of the time makes the m.a., then yes, he might as well round out the 5%.

Q: Are you allowed to check the news before Davening?

A) not really, to give a quick glance is probably ok, better not even to do that.

Q: Should the Yehi Ratzon by the Tamid and the Ketores be said on Shabbos and Yom Tov?

A) No

Q: Do you say Amen at the end of Brich Sheme?

A) No

Q: What's the proper procedure during Hagba? Pointing? Which finger? Bowing?

A) Pointing with pinkie - no bowing

Q: During Ata Chonen in Shemone Esrei, should it be "Chanenu" or "v'chanenu"? The Siddur has a vav in brackets.

A) Chaneinu. Motzei Shabbos - v'chaneinu

Q: If my son's name is Yehuda Meir, which is a name in the Torah, which Pasuk should he say at the end of Shemone Esrei?

A) He should say two pesukim—one for Yehuda one for Meir.

Q: In Ashrei, should it be Zecher or Zeicher?

A) There are two girsas—it is a complicated dikduk shaylah—if you have “your” siddur, say what it says.

Q: For morning Minyan, is it better to be one of the 1st 10 or to put Tefilin on outside the Shul and then not be one of the first 10?

A) Put on the tefillin outside—and you're from the first ten!

Q: Can someone take 3 steps back from Shemone Esrei if there is someone still Davening within 4 Amos to the side or diagonal (as oppose to right behind)?

A) Yes

Q: What is Tachanun, anyway?

A) After the sin of the Eigel Hazahav, Moshe Rabbeinu davened to HaShem in 3 positions: sitting, standing, and falling (onto the floor). [And since this is found in Devorim 9:9, 10:10, and 9:18, and since they are all found in this week's sedrah, Eikev (you knew that already, right?), you can stop wondering why I have chosen to talk about this today.] > > We therefore follow this precedent: Birchos Shema (sitting), Shemoneh Essrei (standing), and Tachanun (falling upon our faces). > > The minhag is for women to omit Tachanun*. The Zohar and other sources state that Tachanun is an especially intense Tefillah, and therefore its full intensity---which essentially involves falling upon one's face--is only done according to most minhagim when there is a sefer Torah there (representing the Shechinah). This should teach us about the added kedushah in a Shul or Beis HaMedrash where we do whatever we do in front of an Aron Kodesh containing many Sifrei Torah.

*I am conducting an experiment to see how many people care enough to ask why.

Q: Why do women have a minhag not to do tachanun?

A) Well, as one respondent put it, after doing research on his own--nothing that compelling. I have not too much to add to that.

1. Given the reason of emulating the standing, sitting, falling prototype, there are those who suggest that women according to many are not obligated in the sitting parts of tefillah.
2. There is a shittah that Tachanun is not mandatory, it is Reshus, and women just never got into it
3. Tachanun is connected to Midas Hadin and a certain "harshness" (this is why we do not say it on festive days or at night), and women ... (not sure exactly--well, I said not compelling!)
4. I have seen someone suggest that originally Tachanun was said fully falling down, which women considered inappropriate--hence the minhag that they do not say it.

A) Although one person wrote me that the sefer Rigshei Lev recommends that women say it, and cites support for that from certain Gedolim, my very strong feeling is that following the common custom in such a matter far outweighs davka saying it.

Q: Do you need to wear a hat and jacket for Davening? If required and forgot, is it better do Daven in a Minyan without it or *beyechidus* with it?

A) in some circles, yes; in some, no (minhag hamokom).
Minyan without is better.

Q: If a minyan for Mincha on Shabbos afternoon has no Sefer Torah, do they say Sim Shalom or Shalom Rav? (I am referring to a Nusach Askenaz minyan in Eretz Yisroel)? Also, does the Chazzan say one Chatzi Kaddish after uva letziyon, before shmone esrei? Or does he say chatzi kaddish twice with the pasuk of va'ani tefilosu in between?

A) sim shalom, that's the nussach.

A) One

Q: A chabad shul that is overtly "mashichist" (has יחי אדונו plastered everywhere - Aron kodesh, yarmulkas and they all chant it three times right after davening) - is it mutar to daven in such a shul? Or is one better off davening without a minyan if they are the only place in town?

A) It's fine. Afterall, if they say yechi, it means he's dead!

Tefillin, Mezuzah and Tzitzis

- Q:** If a door is added prior to the main home entrance, creating an entranceway (with a ceiling and 4 walls), which is not 16 square Amos according to the Chazon Ish, but is according to Rav Chaim Naeh, do we make a Bracha on the new Mezuzah? One direction is less than 4 Amos according to everyone.
- A)** no beracha
- Q:** What about Techeilis? Chyav? recommended? NOT recommended? And if so, which type?
- A)** Techeiles—meanwhile no, ask again in 10 years.
- Q:** What kind of Tzitzis should my son be wearing (linen or wool)?
- A)** He'll decide or ask me in 5 years.
- Q:** Should the Tefilin cover for the Yad be taken off for the Bracha?
- A)** No
- Q:** Is someone allowed to talk Devraim b'telim with Tefilin on?
- A)** no, it's called Hesech Haddas
- Q:** After Shacharis is over, if a person wants to stay and learn 10, 30 or even 60 minutes, is it better to leave the Tefilin on or take them off prior to learning? Is there a time limit?
- A)** it is up to the fellow -- if he is sure that he won't be may'see'ach da'as, I think it's ok...But SURE Over an hour, I'd suggest not.

Q: Should one say another Bracha when he puts on his Tallis Gadol after it was blown completely off his body from the wind as he was entering a Shul?

A) It's a good question. The reason we don't say a new Berachah if Tefillin move out of place during Davening is because there is no Hessech Haddas - he always intended to wear it the whole Davening. Maybe that holds true by Tzitzis from when he puts it on to Daven with. On the other hand, the MB in Hilchos Tzitzis seems to say to make a Berachah after Shmoneh Essrei if the Talis falls off during SA and others put it on him. I vote yes Berachah.

Tznius

Q: In the past, we have explained girls wearing socks as a Minhag Hamakom issue, in places like RBS and Yerushalayim. Based on that background, and assuming that information is correct, here are our questions:

1. What are the boundaries of RBS (does it include gimmel, all of Beit Sehemsh, surrounding yeshuvim/kibbutzim, etc)?
2. Whatever it includes, if someone is driving to an area outside of that Gvul, at what point can they remove their socks (as soon as the car starts driving, when the car crosses the Gvul, only when arriving at the destination or perhaps before even leaving the house and wearing a VERY long skirt when walking from the house to the car)?

A) There are 2 reasons in the poskim to not go bare-legged.

1) It is not completely poshut that shok is the knee—in many contexts, it is the ankle. And so we “compromise” by covering the lower part of the leg with some covering (not sheer stockings either). 2) Nowadays, mokom is not geographical. When your children leave your reshus, they can choose to be part of a different community. Till then, they are (thanks to you) part of your community and standards.

Q: My 17 year old daughter (who is learning at, is a very tzanua girl and is, to her tremendous credit, concerned about doing everything with Daas Torah) has asked me to ask the Rav if the following activities are appropriate, when on holiday with her mother: 1. Bike-riding 2. Banana boating - from what I understand, you sit on a banana shaped thing that is pulled through the water by a speed boat. The driver of the boat makes some fast turns and the riders fall into the Kinneret. They then climb back on to the banana thing and do it again. When this daughter's school went on a trip, the girls were told that it was not tzanua because the driver of the boat is male. Understandably, we would be dressed appropriately for these activities.

A) I can only answer that I would let my daughters do it with their mother.... Problem is their mother wouldn't do it! If your daughter decides on her own not to do the second activity, she is NOT being a "frummy ". It is a valid decision.

Q: If I have the following children (let's assume all asleep at night) in my house: 1 boy aged 10; 1 girl aged 8; and 1 boy aged 4. Is there a way that someone (boy or girl?) can babysit for them without Yichud problems: (1) if me or my wife are in RBS (and in theory could come home at any time) ; or (2) both me and my wife are out of RBS.

A) no, not past bedtime. The boy 4 is not relevant. The coming home is not relevant till bedtime. OK, not past bedtime.

Q: A woman architect wants to meet me regarding a certain project. She is from Yerushalayim and from the picture that appears attached to her email, does not appear to be a frum person. She wants to meet with me to 'interview' me and to go over the plans and any questions I might have. She said she could come to Beit Shemesh and we could meet on Wednesday morning. I said fine. Today I asked when and where, and she said BIG at 10:00. I am uncomfortable meeting another woman at a coffee shop in public and have a Spidey sense that from a Torah perspective, it's not the right thing to do. Can the Rav give a recommendation of what I should do. It's not possible to meet in the house being renovated, as the current owners are still living there. Some ideas that I thought of are:

- (1) At my house in my home office with my wife or daughter around (who usually happen to be around)
- (2) At BIG with the new owners (at minimum with the husband; I don't think meeting with the wife and architect would solve my dilemma)
- (3) At a job site with other workers around.

If the Rav could guide me with one of the above or a different recommendation, I would appreciate it. (Anonymous)

A) In a very public place (not just "not yichud"), and no food for at least you, and not even coffee or a soda, and plans spread out. I happen to think is ok. Your other ideas are also ok, so pick one that works best.

May his Neshama have an Aliyah!

