

HALACHICALLY SPEAKING

Sample Chapter From Upcoming
Halachically Speaking Sefer - Volume 3

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ZECHER L'CHURBAN

Many people are not properly familiar with the *halachos* of *zecher l'churban* which apply today even though the *bais hamikdosh* was destroyed thousands of years ago.¹ The *Shulchan Aruch*² says a *yira shomayim* should “worry” about the destruction of the *bais hamikdosh*, and whoever mourns over the *churban* will merit seeing it rebuilt.³ Although it is not possible to understand what we lost when the *bais hamikdosh* was destroyed, since the *kedusha* at that time was so great,⁴ we are still obligated to mourn over its loss. Each generation that the *bais hamikdosh* is not re-built is as if we destroyed it.⁵

1. Refer to Meseches Shabbos 119b, Yoma 9b, Nedarim 81, Maharal Nisevos Olom (Nisiv Habusha) 2:page 203, Michtav M'Eliyahu 2:page 49, 3:pages 205, 214-215, 5:page 266, Rav Pinkus zt"l (Galos V'nechama) pages 242-252, Sifsei Chaim 3:pages 339-346.

2. O.C. 1:3, Levush 1:3, Shulchan Aruch Harav 1:2. Refer to Siddur Yaavetz 2:pages 225-226.

3. Refer to Meseches Taanis 30b, Bava Basra 60b.

4. Birchos Avraham pages 94-97. Refer to Rambam Hilchos Bais Habecheira 6:16, Nefesh Ha'chaim 1:4:page 8 (new).

5. Refer to Yerushalmi Yoma 1:1, Medrash Tehillim 137:10. The *Yaavetz* says not mourning over the *churban* properly



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One has to remember that *aveilus* over the *churban* applies all year (by doing *zecher l'churban*), and not just during the three weeks.

Al Naros Bavel

As a remembrance of the *churban* the *poskim* write that one should recite *al naros bavel* before *bentching* during the week,⁶ on days that *tachnun* is recited.⁷ The reason for saying this *tefilla* is to worry about the *churban* each *seuda* that one washes.⁸ The *minhag* seems to be that people are careful to say *al naros bavel* during the nine days, but do not say it the rest of the year. It is unclear what the basis for this custom is.⁹

Amah by Amah

When the *bais hamikdosh* was destroyed the *chachumim* established that anything that brings joy should be accompanied by a *zecher l'churban*, since without *Yerushalayim* and the *bais hamikdosh* there is no real joy.

One who has a house should leave a part of the wall without plaster¹⁰ or paint.¹¹ The blank portion should measure one *amah* by one *amah* and should be square not shorter or longer on any side,¹² however, this is not *meakev*.¹³ One who makes an *amah by amah* in his house is guaranteed that his house will stand forever and nothing will happen to it.¹⁴ Some say the *minhag* is to be lenient with this *din* because modern houses are made with sand mixed into the plaster.¹⁵ However, very often the sand mixed into the plaster is not real and so this *heter* would fall away.¹⁶ Indeed, many have the custom to make a

may lead to issues with one's *shalom bayis* (Siddur Yaavetz 2:pages 225-226).

6. Yosef Ometz 154, Magen Avraham 1:5, Pri Megadim Eishel Avraham 1:5, Measef Lechol Hamachanus 1:43, Mishnah Berurah 1:11, Lekutei Maharich 1:page 113 (old).

7. Mishnah Berurah 1:11.

8. Refer to Machtzis Ha'shekel 1:5, Yesod V'shoresh Hu'avoda 7:6:page 346 (new), Aruch Ha'shulchan 1:21.

9. Refer to Minhag Yisroel Torah 1:3:pages 43-44. See Darchei Chaim V'sholom 301:page 92.

10. Refer to Meseches Bava Basra 60b, Maharsha, Rambam Hilchos Taanis 5:12, Tur, Shulchan Aruch 560:1, Darchei Moshe 1, Kaf Ha'chaim (Palagi) 10:35, Chai Adom 137:1, Sdei Chemed Mareches zayin:12:pages 463-464.

11. Kovetz Ohr Yisroel 4:page 89:2. One who uses cement still has to make a *zecher l'churban* (Refer to Shulchan Aruch 560:1, Moed Lechol Chai 10:95, Kaf Ha'chaim 11, Nemukey Orach Chaim 1, Sefer Habayis 19:10).

12. Pri Megadim M.Z. 560:1, Elya Rabbah 4, Sharei Teshuva 1. According to *Harav Moshe Feinstein zt"l* this calculates into 21¼ inches-22 inches (Igros Moshe O.C. 1:36, Y.D. 3:66:1) According to the *Chazon Ish* it is 22.7 inches (Harav Yisroel Belsky Shlita). Refer to Shiurin Shel Torah (Shiurei Mitzvah) page 63, see Nechamas Yisroel 41:footnote 2. Others say the *shiur* is 18 inches (Shiurei Torah *ibid*:page 57).

13. Harav Yisroel Belsky Shlita, opinion of Harav Moshe Feinstein zt"l quoted in Sefer Habayis 19:footnote 11:page 215, see Pri Megadim Eishel Avraham 3.

14. Kaf Ha'chaim 560:11.

15. Mishnah Berurah 2. Aruch Ha'shulchan 4, Kaf Ha'chaim 11, Kinyan Torah 1:117, Rivevos Ephraim 4:136. Refer to Chai Adom 137:1.

16. Rivevos Ephraim 5:page 322.

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Where to Place the *Amah* by *Amah*

One is supposed to see the *amah* by *amah* whenever he walks into his house.¹⁸ Therefore, *l'chatchilah* it should be made opposite the door of the house.¹⁹ The *zecher l'churban* also should not be blocked by a curtain etc.²⁰ Some have a custom to make it above the door.²¹ Others say it can be made anywhere if one makes it larger than an *amah* by *amah*.²² One who cannot make it on the wall opposite the entrance should make it as close to that wall as possible.²³

Each Room

Some *poskim* maintain that an *amah* by *amah* should be made in every room of one's house.²⁴ Even according to this opinion, a room which is not four *amos* by four *amos* or a hallway²⁵ are not required to have a *zecher l'churban*. Nonetheless, the *minhag* is to be lenient and follow the majority of the *poskim* who maintain that the obligation is only in one room.²⁶

What to do?

One should peel a piece of paint or plaster from the wall.²⁷ There is an opinion in the *poskim* which maintains that if one's wife does not want the sheetrock or plaster peeled off then one may paint a spot measuring an *amah* by *amah* a different color than

17. Refer to Piskei Teshuvos 560:1:footnote 2, Al Pi Hatorah (Bereishis) pages 563-564. This is the custom of Harav Yisroel Belsky Shlita. Refer to Kitzur Shulchan Aruch 126:1 who wonders why people are lenient.

18. Levush 1, Pri Megadim Eishel Avraham 3, Chai Adom 137:1, Mishnah Berurah 3, Aruch Ha'shulchan 5.

19. Rosh Meseches Taanis 5:36, Bais Yosef 560, Shulchan Aruch 560:1, Kitzur Shulchan Aruch 126:1.

20. Opinion of Harav Elyashiv Shlita quoted in Sefer Habayis 19:footnote 7. Some are lenient with this (Nechamas Yisroel 41:page 210:footnote 53 in depth, Orchos Rabbeinu 2:page 146:8).

21. Refer to Pri Megadim Eishel Avraham 3, M.Z. 1, Mishnah Berurah 3, Piskei Teshuvos 560:footnote 8, see Sefer Habayis 19:footnote 10. Some say doing it on top of the door is meaningless (Aruch Ha'shulchan 5).

22. Orchos Chaim (Spinka) 3, Da'as Torah 1, Natei Gavriel 2:99:footnote 25.

23. M'eor U'ketziah 560, Natei Gavriel ibid:2:99:13, Sefer Habayis page 214:footnote 11:quoting the opinion of Harav Fisher zt"l, Orchos Rabbeinu 2:page 146:6, see Avnei Yushfei 1:116:4.

24. Sharei Teshuva 1, Elya Rabbah 1, Kaf Ha'chaim 5. This was the custom of the *Steipler zt"l* as recorded in Orchos Rabbeinu 2:page 146:1-2). One who builds a new room does not need a *zecher l'churban* there (Sheilas Yaavetz 1:169).

25. Orchos Rabbeinu 2:page 147:9, Ohr Yisroel 4:page 93:footnote 21. Putting the *zecher* in a place which is not seen is meaningless (Avnei Yushfei 1:116:4).

26. Sharei Teshuva 1, Sheilas Yaavetz 1:169, Sdei Chemed Mareches zayin 12:page 464, Piskei Teshuvos 560:7, Natei Gavriel ibid:2:99:18.

27. Harav Yisroel Belsky Shlita. Refer to Mishnah Berurah 3, Aruch Ha'shulchan 5, Kaf Ha'chaim 9, Ohr Yisroel 4:page 90:3.



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the rest of the wall.²⁸ However, doing so is not *l'chatchilah*.²⁹

One who puts up wallpaper (and does not paint) is also obligated to leave a part of the wall unfinished.³⁰

Writing / Pictures of *Zecher L'churban*

Some people instead of making an *amah* by *amah* as a *zecher l'churban* write “*zecher l'churban*” after painting a part of the wall black.³¹ Although many are opposed to this practice,³² one who does so does not have to be stopped.³³ Some people hang up a nice sign or a picture of the *bais hamikdosh* to use instead of making a *zecher l'churban*. Many *poskim* say that doing so does not fulfill the *halacha* of making a *zecher l'churban*.³⁴

Buying a House from a non-Jew

One who bought a house from a non-Jew is not obligated to make a *zecher l'churban* in his house since the non-Jew was not obligated to make one.³⁵ However, one who renovates to the bare walls and re-builds from scratch would be obligated to leave a *zecher l'churban*.³⁶ Since many people who buy houses from non-Jews do not renovate to the bare walls, many people do not have to make a *zecher l'churban*.³⁷

Bought from a Jew

One who bought a house from a Jew who did not make a *zecher l'churban*, is required to make one when he moves in³⁸ if he knows that the original Jew did not buy the house from a non-Jew.³⁹ There is a discussion in the *poskim* as to who makes the *zecher l'churban* if a Jew rents from another Jew.⁴⁰

28. Ohr L'tzyion 3:30:1.

29. Harav Yisroel Belsky Shlita.

30. Aruch Ha'shulchan 5, Kovetz Ohr Yisroel 4:page 90, Avnei Yushfei 1:116:3, Natei Gavriel 2:99:9.

31. Magen Avraham 560:2, Mishnah Berurah 4, Aruch Ha'shulchan 5, Kinyan Torah 1:117. Refer to Sdei Chemed 7:12:page 463.

32. Refer to Magen Avraham 3, Pri Megadim M.Z. 1, Yosef Ometz 892:page 196, Chai Adom 137:1, Yosef Ometz 892, see Igros Moshe O.C. 3:86, Natei Gavriel 2:99:page 574.

33. Shar Ha'tzyion 8, Aruch Ha'shulchan 5, Igros Moshe O.C. 3:86, Ohr Yisroel 4:page 90:5.

34. Nemukei Orach Chaim page 210, Avnei Yushfei 1:116:1, Piskei Teshuvos 560:4, Sefer Habayis 19:12. Refer to Chai Adom 137:1.

35. Shulchan Aruch 560:1, Levush 1, Magen Avraham 4, Arugas Habosem 1:179.

36. Levush 1.

37. Da'as Torah 560:1, Minhag Yisroel Torah 560:page 52. However, refer to Piskei Teshuvos 560:footnote 1 who argues. (See Oz Nedberu 7:63, Sefer Habayis 19:footnote 10).

38. Magen Avraham 4, Elya Rabbah 2-3, Kaf Ha'chaim 12.

39. Mishnah Berurah 4.

40. Refer to Sefer Habayis 19:17 in depth.

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Investment Property

One is not required to make an *amah* by *amah* in a house which is purchased for investment purposes.⁴¹

Shul / Bais Medrash

The custom is that a *zecher l'churban* does not have to be made in a *shul* or a *bais medrash*.⁴²

Yeshiva

No *zecher l'churban* is needed in a *Yeshiva*.⁴³

Yerushalayim

The *halacha* of making a *zecher l'churban* also applies to those who live in *Yerushalayim* even though they can see the *churban*.⁴⁴

Bungalow/ Summer Home

It would seem that a bungalow is exempt from the requirement of making a *zecher l'churban*.⁴⁵ A summer home has the same *halacha* as a regular house, and would require a *zecher l'churban*.⁴⁶

Wedding Hall

Although *meiker hadin* a wedding hall should have *zecher l'churban*, many are lenient with this.⁴⁷

Wedding

T'nayim

The *minhag* is to break a plate at the *t'nayim* as a *zecher l'churban*.⁴⁸ The breaking

41. Ohr Yisroel 4:page 97:21:footnote 43.

42. Magen Avraham 2, Pri Megadim Eishel Avraham 2, Biur Halacha "sh'ein bonim," Sefer Habayis 19:footnote 27, Me'am Loez Ve'eschanen page 307, Orchos Chaim (Spinka) 560:1, Minchas Elazar 3:66:3.

43. Nechamas Yisroel page 211:13.

44. Piskei Teshuvos 560:footnote 3, Oz Nedberu 7:63, see Darchei Chaim V'Sholom page 231:682 who placed a *zecher l'churban* in his *shul*. There is an opinion in the *poskim* that says since the people living in *Yerushalayim* see the *churban*, making a *zecher* is not required (Sefer Habayis page 484, Natei Gavriel 2:99:3, Piskei Teshuvos 560:footnote 5).

45. Refer to Ohr Yisroel 4:page 92:9, Natei Gavriel *ibid*:2:99:23.

46. Natei Gavriel *ibid*:meluyim:page 90.

47. Refer to Piskei Teshuvos 560:6:footnote 31, Al Pi Hatorah (Bereishis) page 568:27.

48. Malbushei Yom tov 560:1, Elya Rabbah 560:7, Sefer Matamim chosson v'kallah 8:page 41 (new), Mishnah Berurah 9, see Lekutei Maharich Nesuin page 741 (new).



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should be done by any of the *machatanim* (usually the women).⁴⁹ The *minhag* is to break a complete plate.⁵⁰

Ashes on the Forehead

Before going to the *chupah*,⁵¹ ashes are placed on the *chosson's* forehead⁵² in the place where the *tefillin* are put on⁵³ and the *chosson* should say *im eshchacheich...*⁵⁴ Although some say the custom is to remove the ashes immediately after putting them on,⁵⁵ it seems that most people leave the ashes on the *chosson's* forehead. Some say that the *kallah* also gets ashes placed on her forehead.⁵⁶ Some people do either the placing of the ashes or the breaking of the glass (see next paragraph),⁵⁷ however, the custom of most people is to do both.⁵⁸

Breaking a Glass under the *Chupah*

The custom is that the *chosson*⁵⁹ breaks a glass⁶⁰ under the *chupah*⁶¹ as a *zecher l'churban*.⁶² The glass is broken with his right foot.⁶³ The reason why the *chosson* breaks

49. Sefer Matamim *ibid*, Shulchan Haezer 1:page 52, Lekutei Maharich *ibid*, Aruch Ha'shulchan 50:26, Piskei Teshuvos 560:footnote 52.

50. Pri Megadim M.Z. 4, Lekutei Maharich *ibid*, see Miyum Hahalacha 2:76.

51. Chazon Yeshaya page 290:5. Some say one should place the ashes in a paper bag because of the honor of the *chosson* (Harav Shlomo Zalman Aurbach zt"l quoted in Mivakshei Torah 26:page 391:32).

52. Rambam Hilchos Taanis 5:13, Shulchan Aruch E.H. 65:3, Aruch Ha'shulchan E.H. 65:5, Someone else places it on his forehead (Al Pi Hatorah Bereishis page 559). Refer to B'shivili Haminhag 2:page 137.

53. Siddur Yaavetz 2:page 224:7.

54. Taz 4.

55. Refer to Shulchan Haezer 7:1:11, see Aruch Ha'shulchan 560:6.

56. Taamei Haminhagim page 407.

57. Bais Yosef E.H. 65, Chai Adom 137:2, Aruch Ha'shulchan 6, Kaf Ha'chaim 560:21, Lev Ita page 52:footnote 27, see Minhag Yisroel Torah Nesuin page 150. Refer to Kaf Ha'chaim 18,

58. Lev Ita page 52.

59. Rokeach *ibid*, Shulchan Aruch E.H. 65:3, Rama, Sdei Chemed 7:12:page 462, Aruch Ha'shulchan *ibid*.

60. Tosfas Meseches Berochos 31a "eisay," Rokeach 353, Sharei Teshuva 560, Shulchan Govah 560:5, Shulchan Haezer 2:page 49, Sefer Matamim page 41 (new), Lekutei Maharich page 742 (new). Refer to Maharsha Berochos page 12 why glass is used. Also see Kovetz Mivakshei Torah 33-34:page 100-101. The custom is to use a glass that a *beracha* was not made on (Refer to Pri Megadim M.Z. 560:4, Lekutei Maharich Nesuin, Shulchan Haezer 2:page 49, Kovetz Mivakshei Torah *ibid*:page 101).

61. Kol Bo 62, Rama 560:2, Rama E.H. 65:3, Ben Ish Chai Shoftim 1:11, Aruch Ha'shulchan E.H. 65:5.

62. Meiri Meseches Taanis 30b. Other reasons for this are offered by the *poskim* (Refer to Meseches Berochos 30b-31a, Maharsha, Sefer Matamim Hachodesh *chosson v'kallah* 34, Kovetz Mivakshei Torah 33-34:pages 94-97).

63. Shulchan Haezer 2:page 50:24, Lev Ita page 82:2, Chazon Yeshaya page 331. Although some say the *chosson* should throw the cup at the wall (Maharil Nesuin page 467), this is not the custom (Nesuin K'hilchosom 12:footnote 187).

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a glass now and not the plate at the *t'nayim*, is because at the *t'nayim* his *simcha* is not yet complete.⁶⁴ The glass is wrapped in a napkin in order to prevent the *chossan* from hurting his foot.⁶⁵ There is no concern of *b'al tashchis* with breaking the glass because it is being done for *mitzvah* purposes.⁶⁶ The *seforim* mention why a glass is broken by the *chupah*, and a plate (earthenware) at the *t'nayim*.⁶⁷

The glass is broken after the *sheva berochos* are recited.⁶⁸ Today, many people sing *im eshkacheich*... before breaking the glass. Some *poskim* maintain that *mazel tov* should not be said immediately after the glass is broken because one is supposed to be remembering the *churban* at that time.⁶⁹ Nevertheless, the *minhag* is to say *mazel tov* immediately after breaking the glass.⁷⁰

Crowns

A *chossan* does not wear a crown by the *chasana*, and the *kallah* does not wear a crown of gold, silver, or precious stone because of *zecher l'churban*.⁷¹ The *Aruch Ha'shulchan*⁷² says he is not sure what crowns this is referring to.

Wearing Less Jewelry

Women who get dressed up should not put on all of their jewelry and should leave one piece out because of *zecher l'churban*.⁷³ Since today, women have a lot of jewelry and they never put all their jewelry on at the same time anyways, so this *halacha* would not apply.

64. Sefer Matamim page 41 (new), Sefer Matamim Ha'chodesh chossan v'kallah 5.

65. Shulchan Haezer 2:page 50, Minhag Yisroel Torah Nesuin page 187.

66. Pri Megadim M.Z. 4, Ben Yehoyuda Meseches Berochos 31a, Mishnah Berurah 9, Aruch Ha'shulchan E.H. 65:5, Mivakshei Torah 25:pages 239-243 in depth. Some take a broken glass (Eitz Hasadeh page 149:footnote 15).

67. Refer to Yabea Omer E.H. 4:9.

68. Rama E.H. 65:3, Pri Megadim M.Z. O.C. 560:4, Sdei Chemed Chossan V'kallah 2:page 13, Aruch Ha'shulchan E.H. 65:5, Shulchan Haezer 2:page 51, Lev Ita page 81, Chai Ha'Levi 4:91:23, opinion of Harav Chaim Kanievesky Shlita quoted in Yismach Lev 1:page 158. Refer to Yismach Lev 1:page 49 who brings opinions who hold to break it before the reading of the *kesuba*. Refer to Pri Megadim M.Z. 560:4, Teshuvos V'hanhugos 4:286:3. The custom in *Yerushalayim* is to break the glass after the *birchos erusin* (Kovetz Mivakshei Torah 33-34:page 98). It is also the custom of *Skver*, *Vishnitz* and *Munkatch* (Natei Gavriel Nesuin 26:footnote 3, Levi Ita page 75:footnote 1).

69. Refer to Shulchan Haezer 1:page 52:26, Chai Ha'Levi 4:91:23, Teshuvos V'hanhugos 4:286:3. Others are lenient with this (Eitz Hasadeh page 148:footnote 12 quoting the opinion of Harav Shlomo Zalman Aurbach zt"l, see Yismach Lev 1:page 159).

70. Refer to Shulchan Haezer 2:page 50, Kovetz Mivakshei Torah 26:page 392:44 quoting the opinion of Harav Shlomo Zalman Aurbach zt"l, 33-34:page 103, Yabea Omer E.H. 4:9.

71. Shulchan Aruch 560:4, Pri Megadim M.Z. 6, Mishnah Berurah 17.

72. 560:8.

73. Refer to Shulchan Aruch 560:2. On *Shabbos* one should not be lenient with this either (Shar Ha'tzyion 13, see Birchei Yosef 5 who argues). It is a good idea anyways for women not to dress too glamorous because it makes the non-Jews jealous (Mishnah Berurah 8).



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Less of a Meal

When preparing a meal (even a *seudas mitzvah*) one should not prepare completely and should leave a food item out.⁷⁴ This does not have to be done on *Shabbos* or *Yom Tov*.⁷⁵ Some are lenient with this *halacha*.⁷⁶ Some say one should leave an empty plate on the table to show that there is supposed to be more food which was left out as a *zecher l'churban*.⁷⁷ This does not seem to be the common custom.⁷⁸

Music and *Zecher L'churban*

Many people listen to music on a regular basis. However, as will be discussed below, one of the *gezeiras* that were made because of *zecher l'churban* was regarding listening to music.

The *Mishnah* in *Sotah*⁷⁹ says that from the time the *Sanhedrin* stopped functioning, song was prohibited from meals that served wine. The *Meiri* says the entire *takana* was enacted in order to prevent frivolous behavior.⁸⁰ Most *poskim* say that the reason why music was banned is as a *zecher l'churban*.⁸¹

Some say the *issur* also applies if wine is served without food, since this is the way the *goyim* make their parties.⁸² A party serving only wine can lead a person to an intense level of joy, while if food is served with the wine it does not have the same effect.⁸³ Others say that singing with one's mouth is forbidden when wine is served,⁸⁴ and musical instruments are always forbidden (even without wine).⁸⁵ Others say singing with one's mouth is always forbidden (even without wine).⁸⁶ *Tosfas*⁸⁷ and many others say the *issur* only applies where one is singing or playing instruments on a regular basis.⁸⁸

74. Refer to Shulchan Aruch 560:2, Magen Avraham 5, Mishnah Berurah 7, Shar Ha'tzyion 16.

75. Siddur Yaavetz 2:page 224, Mishnah Berurah 5.

76. Aruch Ha'shulchan 6.

77. Shulchan Aruch 560:2, Taz 3.

78. Refer to Shlah Meseches Taanis "v'chein," Elya Rabbah 2, Chai Adom 137:2, Kitzur Shulchan Aruch 126:1, Aruch Ha'shulchan 6, Mishnah Berurah 7, Biur Halacha 560 "v'chein," Kaf Ha'chaim 8.

79. 48a. Refer to Yerushalmi Sotah 9:12.

80. Meseches Gittin 7a:page 20.

81. Rashi to Meseches Chaggiah 15b "zemer," Rambam Hilchos Taanis 5:14, Shulchan Aruch 560:3, Levush 5.

82. Refer to Meseches Gittin ibid, Shar Ha'tzyion 23.

83. Shar Ha'tzyion 23.

84. Rambam Hilchos Kli Hamikdash 3:3, see Kitzur Shulchan Aruch 126:3.

85. Rambam ibid, Tur, Shulchan Aruch ibid, Kitzur Shulchan Aruch 126:3.

86. Teshuvos Rambam (Freeman) 370:pages 338-339, Bach, Tur, Mishnah Berurah 13.

87. Meseches Gittin 7a "zimra".

88. Tur, Rama 3, Levush 5. Refer to Be'er Sarim 3:62 about waking up to music in the morning.

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הבא...
(נדה עג)

Harav Moshe Feinstein zt"l⁸⁹ says that a *ba'al nefesh* should be stringent and not listen to music (even if not accompanied by wine). Singing is permitted unless it is being done over wine served alone or with great regularity. The opinion of most *poskim* is to rely on the opinions who say the *issur* only applies where one does it on a regular basis.⁹⁰

Practicing a Musical Instrument

One is permitted to listen to music for the sake of learning a trade.⁹¹

For Children

One is permitted to sing a song to help a child go to sleep because we rely on the opinion that singing is only forbidden if accompanied with wine (without food).⁹² However, one should not sing songs which are not proper for the children (such as certain lullabies).

Recorded Music

There is a discussion in the *poskim* if the *issur* applies only to live music or also recorded music. Some *poskim* maintain since recorded music was not around when *chazal* made the *issur* it was not included.⁹³ Many argue with this premise.⁹⁴ Others say if one records his voice it is considered vocal music and if one records musical instruments it is viewed as instrumental music.⁹⁵ Those who are lenient in regard to recorded music are also lenient as far as music on the radio.⁹⁶ According to all opinions one is permitted to listen to the music that emits from his cell phone when receiving a call.⁹⁷

Listening to Tapes of Jewish Music

Today the custom is to be lenient and listen to music for the following reasons: 1. Musical instruments are only forbidden if accompanied by wine. 2. One who is down and out may use the music to lift his spirits.⁹⁸ 3. Perhaps the *issur* never applied to

89. Igros Moshe O.C. 1:116.

90. Refer to Yechaveh Da'as 1:45, Minhag Yisroel Torah 560:3, Doleh U'mashka page 209.

91. Refer to Tzitz Eliezer 15:33, Teshuvos V'hanugos 1:333, see Yosef Ometz 890:page 196, Maharam Shick Y.D. 368.

92. Shar Ha'tzyion 560:25.

93. Maharshag 2:125, Chelkes Yaakov 1:62, Yechaveh Da'as 1:45, Shearim Metzuyanim B'halacha 126:4:page 140.

94. Harav Yisroel Belsky Shlita, Kovetz Bais Aron V'Yisroel 64:page 116 quoting the opinion of Harav Fisher zt"l, Shevet Ha'Levi Y.D. 2:57:2, Bais Boruch page 196, Sheilas Rav 2:33:64, Doleh U'mashka page 209.

95. Igros Moshe O.C. 1:166, Oz Nedberu 8:58:3, Tzitz Eliezer 15:33:2.

96. Refer to Bais Boruch 10:32:page 196 on having a radio in one's house.

97. Teshuvos Ha'Grach (Harav Chaim Kanievesky Shlita) page 159:230.

98. Oz Nedberu 8:58:2, Shevet Ha'Levi 6:69, Lehoros Nosson 4:46:page 69, see Divrei Yatziv 2:246.



אין לו
להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
בלבד...
(ברכות ה')

recorded music. 4. Many say the *issur* only applies to listening on a constant basis.⁹⁹

Driving a Car

One who is driving a car may listen to music (even for long periods of time) if one is doing so to stay awake while driving.

Weddings and *Seudas Mitzvah*

It is permitted to have instrumental music by weddings.¹⁰⁰ This is true even if wine is served.¹⁰¹ The reason is because one has an obligation to make a *chosson* and *kallah* happy. *Harav Moshe Feinstein zt"l*¹⁰² and many others maintain that instrumental music is permitted by any *seudas mitzvah* and not only at weddings.¹⁰³ *Harav Moshe Feinstein zt"l* was unsure if music is allowed by a fundraising dinner¹⁰⁴ (even if wine will not be served).

The Music Ban in *Yerushalayim*

In 1865 a general ban was issued in *Yerushalayim* against playing music at weddings,¹⁰⁵ and only one instrument was permitted to play.¹⁰⁶ Many *poskim* discuss if recorded music or electric synthesizers¹⁰⁷ may be used at a wedding in *Yerushalayim*.¹⁰⁸ The consensus is to be stringent.¹⁰⁹ A *chosson* and *kallah* who live outside *Yerushalayim* and have their wedding in *Yerushalayim* should not be lenient and have a band without asking a *sheilah* first.¹¹⁰ The ban seems to apply to all of *Yerushalayim*.¹¹¹

99. Refer to Yechaveh Da'as 1:45, Minhag Yisroel Torah 560:5, Doleh U'mashka ibid.

100. Bais Yosef, Bach, Be'er Heitiv 6, Rama 3, Divrei Chamudos Meseches Berochos 5:5. Even if it is permitted one should not get carried away with the *simcha* (Taz 7, Mishnah Berurah 16). Refer to Tur 339.

101. Taz 5, Mishnah Berurah 16.

102. Igros Moshe O.C. 1:166.

103. Rama ibid, Aruch Ha'shulchan ibid, Rivevos Ephraim 8:124:6, Doleh U'mashka page 209:footnote 562. The Kaf Ha'chaim 32 forbids music at a *seudas bris milah*. However, see Chaim Shaul 1:21 who permits it.

104. Igros Moshe ibid.

105. Salmas Chaim 889 says if one does not keep the *takana* he is punished.

106. Refer to Kovetz Mevakshei Torah 26:page 392-393:49 quoting the opinion of Harav Shlomo Zalman Aurbach zt"l.

107. Journal of Halacha and Contemporary Society 14:pages 26-27.

108. Refer to Tzitz Eliezer 15:33:3, Journal of Halacha and Contemporary Society ibid:pages 24-25.

109. Salmas Chaim 888. Refer to Yismach Lev 1:page 175 who says in the name of Harav Sheinberg Shlita that one can be lenient.

110. One is allowed to play at a wedding which does not hold of the ban even if he personally does (Yismach Lev 1:page 175 quoting the opinion of Harav Sheinberg Shlita).

111. Kovetz Bais Aron V'Yisroel 64:page 108 quoting the opinion of Harav Elyashiv Shlita, Yismach Lev 1:page 174.

כל השונה
הלכות
בכל יום
מובטח
לו שהוא
בן עולם
הבא...
(נדה עג)

Singing Praises of Hashem

One who sings songs of praise to Hashem is permitted to play a musical instrument while doing so and the above discussion would not apply. This is permitted even with wine, and even on a regular basis.¹¹²

Pesukim as Lyrics

The Gemorah in Sanhedrin¹¹³ says one is not allowed to use words of Shir Hashirim for a song. Rashi explains that this *issur* applies to all *pesukim*.¹¹⁴ The reason is because using the words of the Torah for his own enjoyment is a lack of proper *kedusha*.¹¹⁵ One who wishes to praise Hashem may sing the lyrics of the Torah.¹¹⁶ A *posuk* that is a *nusach* of *davening* may be sung by adding a tune to it. However, singing a certain *posuk* because you like the *niggun* is forbidden.¹¹⁷

The Magen Avraham¹¹⁸ says when singing songs on Shabbos one should only sing songs which were composed especially for *seudas Shabbos* (and not other words of *chazal*).¹¹⁹ However, many *poskim* say the Magen Avraham only forbids other songs if they will be sung in a frivolous manner, and if they are used to praise Hashem then singing them is permitted.¹²⁰

One may sing a song containing the name of Hashem if instead of saying the real name he says “Hashem.”¹²¹

Some *poskim* maintain that the *issur* of singing a *posuk* applies to Torah *Sh’bal Pe* as well.¹²² Nonetheless, one who is learning is allowed to hum a tune to the words of the Gemorah.

Non-Jewish Music

Many non-Jewish songs have lyrics which are forbidden to listen to, since many of

112. Refer to Rosh Meseches Berochos 5:1, Rambam Hilchos Taanis 5:14, Tur 560, Bach, Shulchan Aruch 560:3, Levush 5, Elya Raabah 10.

113. 101a, see Maharsham *ibid*.

114. Rashi Meseches Sanhendrin 101a “hakoreh.” Refer to Margolios Hayam Sanhedrin page 169.

115. Gemorah *ibid*.

116. Refer to Sefer Chassidim 1809, Doleh U’mashka page 210, Derech Sicha page 579.

117. Harav Yisroel Belsky Shlita.

118. 560:10. See Kitzur Shulchan Aruch 126:2, Mishnah Berurah 14. The Eishel Avraham Butchatch 2:560 says the Magen Avraham is a *midas chasidus* and not *al pi din*.

119. Oz Nedberu 11:29:5, see Rivevos V’yovlos 2:126 on the *inyun* of *zemiros* on Shabbos.

120. Sdei Chemed 7:12:page 463, Orchos Chaim (Spinka) 560:6, Orchos Rabbeinu 3:torah u’midos: 76:page 134, Kovetz Bais Aron V’Yisroel 64:pages 98, 113, Lehoros Nosson 4:45, Bais Avi 4:30, opinion of Harav Elyashiv Shlita quoted in Kovetz *ibid*:page 100, Piskei Teshuvos 560:14.

121. Harav Yisroel Belsky Shlita in the name of Harav Lazer Silver *zt”l*.

122. Igros Moshe *ibid*.





these songs (even those without lyrics) have the ability to bring one to lewdness. Other songs are wild and can cause one to act in a manner that is improper for a Jewish person. There is a discussion in the *poskim* if one can take a non-Jewish tune and sing Jewish words to it.¹²³

There are many types of classical music. Each situation is different and has to be judged on its own level if it has the *din* of non-Jewish music or not.

Today there are hundreds of Jewish CD and tapes on the market and one can easily avoid any questions of listening to non-Jewish music.

Afterthought

In the *zechus* of keeping these *halachos* as a remembrance of the *churban bais hamikdosh* may we be *zocheh* that *Hashem* will send us out of *gulus* so we can see the building of the third *bais hamikdosh* speedily in our days.

כל השונה
הלכות
בכל יום
חובטח
לו שהוא
בן עולם
הבא...
(נדה עג)

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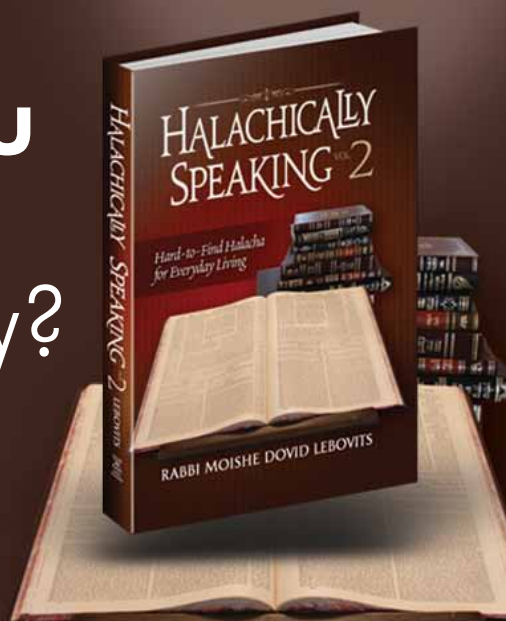
1. pages 141-142 (new print).

123. Birchei Yosef 560:6, Sefer Chasidim 568, Oz Nedberu 7:64, Rivevos Ephraim 8:387. The Piskei Teshuvos 560:footnote 70 says some of the *Ba'al Shem Tov's* songs were taken from the non-Jews but the lyrics were changed. Some are careful to have only Jewish band members (Refer to Darchei Chaim V'Sholom 1051:page 371).

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Summer Kashrus Reminders

Summer time is travel time. Often we find ourselves in unfamiliar territory. The *kosher* consumer is faced with a number of potentially problematic *kashrus* situations: restaurants, concession stands in amusement parks, ice cream trucks, and rest stop food marts. Keep in mind what to watch for and verify that what you purchase meets the proper standards of *Kashrus*.

Beware! A *kosher* certificate posted in an establishment or on a food cart doesn't automatically mean that everything in that establishment or food cart is certified *kosher*.

Kosher consumers must take the following steps:

1. Check for a *kosher* certificate.

This is usually on the wall or behind the counter. Just because you know people who eat there or because the owner looks "right", does not mean the place has a good *hechsher*.

2. Read the *kosher* certificate carefully.

Check what the certificate is certifying. Sometimes, a store will post a certificate for items that they sell. But that does not mean that the whole store is *kosher*. If the certificate is only for some of the items in the store and not the whole store, you can not assume that everything in that store is *kosher*. It may not be! Only those items that are on the certificate are *kosher*. For example, a pre mix is an item that comes partially prepared, like a soft ice-cream mix or a cake mix. The store owner will put the mix into his own machinery and finish preparing it. The premix might have a proper certification but the equipment used to for the preparation also needs certification. The certificate might state that the premix for a muffin is *kosher* but once the mix is poured into the machinery and baked, the certifying agency does not take responsibility for the *kashrus* of the finished product. The store itself needs *Rabbinic* supervision. If you see a food establishment which claims to use only ingredients certified by reliable *kashrus* agencies and have *kosher* certificates posted attesting to the *kashrus* of the products being sold or used in producing the food sold in the store, but does not have supervision on the entire store, beware!!!! It probably does not meet *kosher* standards.

The KOF-K and most other *kashrus* agencies certify companies which have retail stores in multiple locations. The main facility and individual stores that request certification are inspected on a regular basis to insure that all the products meet our *kosher* standards. However, when a store is not under certification but claims to be using “*kosher*” ingredients, one can not be certain that their products are indeed *kosher*.

3. Be sure that the certifying agency or *Rabbi* is reliable.

Investigate *hechsherim* properly before relying on them. Consult a *Rav* who is familiar with the various agencies and their standards.

4. Once you know that a certificate is only for certain products, make sure which products are actually listed as *kosher*.

It's important to know exactly what is *kosher* in the store. For example, in a bagel store, the certificate might only apply to bagels and not the spreads and salads. Again, it's important to read the certificate! If the certificate only lists some products, those are the only products in that store that are certified. Be sure that the *kosher* certificate lists the specific item you want to buy.

5. If a food that you want to buy is in an open bin and not in a package with a *hechsher* on it, then you can only buy that food if the entire store has good *kashrus* supervision.

If the certificate is only for some of the products in the store and not the entire store, unpackaged food in that store should be assumed to be uncertified. Sometimes, a store will buy a product in bulk and repack it in smaller containers to sell. Bulk repacked items should only be purchased from a store with a reliable *hechsher* supervising the repacking. The *hechsher* verifies that the re-packed product is from a reliable approved source. Sometimes a store prints their own label stating the original certification. It is necessary to have a reliable *hechsher* overseeing what has been packed in the container. Consumers should only purchase loose products from stores which are properly certified by a reliable *kosher* agency. With such certification, the *kosher* status of all products sold can be assured.

6. Food carts and ice-cream trucks sometimes advertise that they sell a “kosher brand” product. “Kosher brand” does not mean that it’s kosher.

Check the individual label of the products or verify if the truck has a *mashgiach* and a reliable *kosher* certificate. The vendor claiming that a food is *kosher*, or posting a picture of the food you want to buy, is not enough! Remember: A seller’s non-*kosher* equipment renders *kosher* items non-*kosher*. That means that *kosher* franks boiled in a non-*kosher* pot are not *kosher* and neither are sandwiches from such a seller, even though they may say *kosher* style like pastrami on rye.

7. Do not try to judge the *kashrus* of a product by reading the list of ingredients.

It’s easy to look at the list of ingredients on a candy or a bag of chips, for example and think that you recognize all of the products and know them to be *kosher*. But there are many ingredients that we can’t even pronounce such as additives, coloring and flavorings that may not be *kosher*. Even if you do recognize *all* the ingredients, the product could be made on the same equipment that is used for non-*kosher* food, rendering it not *kosher*.

8. Look for the *hechsher* each time you shop.

Sometimes we pick up a product like a candy bar and feel sure that it’s *kosher* because we’ve seen the *kosher* symbol on this product before. But it’s important to check each time before you buy! The product could change certifications, the *hechsher* may have expired and the product may no longer be under supervision, or you recognize a similar company and think the product that you have picked up is *kosher*. Not all products made by a company are *kosher*. (For example, a chocolate company can begin making ice-cream. Just because the chocolate has a *hechsher* doesn’t mean the ice-cream will too.)

Remember! When you go into a new store, rest stop, or food concession, keep these rules in mind. Check for a certificate, and carefully read it. And when you buy a product in a store, always check for the *kosher* label. Know what you’re putting in your mouth!

Have a Great Summer!!

Any comments regarding this document should be addressed to Rabbi Moishe Dovid Lebovits – Rabbinical Administrator for the KOF-K at 1-201-837-0500 ext 127, or at mlebovits@kof-k.org.

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