

SHE'AILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: Is permitted to buy a major appliance (a refrigerator or a washing machine, etc.) or expensive furniture (a couch or a bookcase, etc.) during the Three Weeks until Rosh Chodesh Av?

DISCUSSION: All shopping is permitted during the Three Weeks except for those items upon whose purchase one recites the blessing of shehecheyanu. Nowadays, most people no longer recite shehecheyanu even on the purchase of major, expensive appliances and furniture.⁽¹⁾ It is permitted, therefore, for them to make all such purchases during the Three Weeks, until Rosh Chodesh Av. If one customarily recites shehecheyanu when purchasing expensive appliances, furniture or a car, etc., he should not take delivery of that item during the Three Weeks if the item that he is buying is exclusively for his personal use. [A chosson, therefore, should not give his kallah her engagement ring during the Three Weeks, since she is required to recite a shehecheyanu upon receiving it.⁽²⁾] If, however, it is a type of purchase that will be used by other people as well, e.g., his wife or children, then it may be purchased during the Three Weeks. This is because the proper blessing on an item which is shared with others is ha-Tov v'ha-Meitiv, not shehecheyanu,⁽³⁾ and it is permitted to recite ha-Tov v'ha-Meitiv during the Three Weeks.⁽⁴⁾

QUESTION: Is it permitted to buy and wear new clothes during the Three Weeks until Rosh Chodesh Av?

DISCUSSION: As we mentioned earlier concerning appliances, only the type of clothes that require a shehecheyanu should not be bought during this time. Thus shoes, shirts, pants and all undergarments may be purchased and worn without restriction until Rosh Chodesh Av. One who never recites shehecheyanu on clothes, even on expensive ones,⁽⁵⁾ could also purchase and wear expensive clothes during this time. Those who do recite shehecheyanu when putting on new clothes, may still buy and alter them until Rosh Chodesh Av but they may not be worn until after the Nine Days are over.⁽⁶⁾ Mishnah Berurah⁽⁷⁾ rules that on Shabbosos in the Three Weeks it is permitted to wear an item that requires shehecheyanu.⁽⁸⁾ Other poskim are more stringent and do not permit wearing such clothes even on Shabbos.⁽⁹⁾

QUESTION: May the contents of baggage that was lost by an airline and delivered to the passenger's home after the beginning of Shabbos [or Yom Tov] be used on Shabbos [or Yom Tov]?

DISCUSSION: If the contents are not Shabbos necessities, then it is prohibited to use them, since one is forbidden to benefit from a Shabbos Labor done on his behalf by a non-Jew.⁽¹⁰⁾ In this case, the

Shabbos Labor of Carrying was transgressed expressly for the recipient; the contents, therefore, may not be used.⁽¹¹⁾ But in a situation of pressing need - if one's Shabbos clothing or food, etc. are in the suitcase - it is permitted to use the contents of the suitcase. This is so because many poskim maintain that our streets and thoroughfares are not considered a reshut ha-rabim min ha-Torah, only a karmelis,⁽¹²⁾ and therefore the Biblical Shabbos Labor of Carrying was not violated.⁽¹³⁾ The rule is that when a Rabbinical prohibition is transgressed by a non-Jew on behalf of a Jew (shevus deshuvus), it is permitted to benefit from the non-Jew's action for the sake of a mitzvah or for a pressing Shabbos need.⁽¹⁴⁾

QUESTION: If the suitcase that was delivered by the airline was outside the techum Shabbos at the time that Shabbos began, is it still permitted to use the contents when they are needed for Shabbos?

DISCUSSION: If the suitcase was outside of the Shabbos techum limits ⁽¹⁵⁾ at the time Shabbos began, then the halachah is more complicated. Shulchan Aruch clearly prohibits one [and his family members] from benefiting from an item that was brought for him from outside the techum Shabbos.⁽¹⁶⁾ Still, when the suitcase contains indispensable Shabbos necessities, the contents may be used,⁽¹⁷⁾ but only inside the home to which the suitcase was delivered, or anywhere within the limits of the city or community eiruv. If there is no valid eiruv, then the contents may be used only inside the home to which the suitcase was delivered.⁽¹⁸⁾

QUESTION: Does the Halachah object to conducting a weekly Shabbos minyan in a multi-purpose room which is used during the week for activities in which a Jew may not engage, e.g., eating non-kosher food, playing cards, etc.?

DISCUSSION: In response to a similar query, Harav M. Feinstein ruled that it is halachically forbidden to establish a minyan in a party room which is used for parties where mixed dancing takes place. He explained that the purpose of davening with a minyan is to create an eis ratzon, to give the davening a greater chance of being heard and accepted by Hashem. But if the minyan davens in a place where abominable deeds are performed, in a place which is "despised" by Hashem, then the Schechinah will not be with them even if an entire minyan is present. Harav Feinstein ruled that it is better to daven at home alone than to daven in a "unseemly" place with a minyan, since such a tefillah will not be accepted at all.⁽¹⁹⁾

QUESTION: If a community observes "early Shabbos," must each individual comply with the earlier onset of Shabbos?

DISCUSSION: Yes. In a small community, e.g., a Yeshiva, camp, hotel or bungalow colony that has only one congregation which ushers the Shabbos in early, all members of the community are obligated to begin Shabbos at that time.⁽²⁰⁾ But in communities which feature several congregations, some of which accept Shabbos early and others which do so on time, each household may join the congregation of its choice with the following provisions:

1. An individual must accept the Shabbos at the time "his" congregation does. "His" congregation

means the shul where he is planning to daven this Friday night.(21) An individual may rotate from week to week, sometimes beginning Shabbos early and sometimes on time.(22)

2. Although an individual must refrain from transgressing any forbidden Shabbos labors once the community Shabbos begins, he may still privately (23) daven the Friday Minchah.(24)
3. A temporary or a permanent minyan which meets in a private home is not considered a separate congregation. Therefore, a private minyan may not make Shabbos on time if the rest of the community accepts Shabbos early. (25)
4. Many poskim hold that if a husband accepts Shabbos early, his wife and children must do so as well.(26) Others hold that a wife and children may accept Shabbos whenever they wish regardless of when the husband or father began the Shabbos.(27)
5. Poskim debate the status of a shul where the majority of the congregants wants to accept the Shabbos early and a minority wants to make a second minyan in the same shul which will begin Shabbos on time. Some authorities do not allow for such an arrangement,(28) while others are more lenient. (29)

FOOTNOTES:

1 Shulchan Aruch ha-Rav (Birchas ha-Nehenin 12:5); Kaf ha-Chayim 223:20; Halichos Shelomo 23, note 23.

2 Harav Y.S. Elyashiv, quoted in V'zos ha-Berachah, chapter 18). See also Igros Moshe E.H. 4:84-2.

3 O.C. 223:5.

4 Igros Moshe O.C. 3:80. Similarly, if the item is needed for one's business, it may be purchased, and the shehecheyanu is recited after the Three Weeks are over; *ibid*.

5 See Teshuvos Mahrshag 1:95

6 Mishnah Berurah 551:45; Kaf ha-Chayim 551:88; Harav S.Z. Auerbach (Shalmei Moed, pg. 478)

7 Mishnah Berurah 551:45 and Sha'ar ha-Tziyun 48. See also Kinyan Torah 1:109.

8 But only on Shabbos itself - it may not be worn for the Minchah on erev Shabbos; Bein Pesach l'Shavuos, pg. 293.

9 Chayei Adam 133:14; Kitzur Shulchan Aruch 122:2; Aruch ha-Shulchan 551:18.

10 O.C. 276:1.

11 O.C. 325:10 and Mishnah Berurah 53.

12 See O.C. 345:7 and Beiur Halachah s.v. sh'eain.

13 Although other poskim disagree and hold that our streets are considered a reshus ha-rabim min ha-Torah, in our case, where the carrying is being done by a non-Jew, we may rely on the lenient opinions; Sha'ar ha-Tziyun 325:13. See also Aruch ha-Shulchan 307:18 and Shemiras Shabbos K'hilchasah 30, note 121, quoting Harav S.Z. Auerbach.

14 O.C. 307:5; Rama 325:10 and Mishnah Berurah 59-63.

15 If the suitcase was still in the air at the time Shabbos began, it is not considered as being outside of the techum Shabbos; Mishnah Berurah 325:38.

16 O.C. 325:8; 515:5.

17 Since here, too, we can rely on the dispensation of shevus deshvus mentioned earlier, as many poskim are of the opinion that techum Shabbos is a Rabbinic prohibition, see Mishnah Berurah 404:7, especially in a karmelis, see Beir Halachah 404:1 s.v. vohe'el. See also Yeshuos Malko 52.

18 O.C. 325:8; 515:5.

19 Igros Moshe O.C. 1:31; 2:30. See also Tzitz Eliezer 12:15 for a concurring ruling.

20 Igros Moshe O.C. 3:38 who questions - and remains undecided - whether or not this ruling applies nowadays, when accepting early Shabbos is made for the sake of convenience, and not for the sake of extending the sanctity of Shabbos. But other poskim, including Harav S.Z. Auerbach (addendum to Shulchan Shelomo O.C. 263, pg. 22), Harav Y.S. Elyashiv (oral ruling, quoted in Shevus Yitzchak vol. 8, pg. 234) and Shevet ha-Levi 7:35, reject this distinction.

21 551:56.

22 263:19. See, however, Machatzis ha-Shekel 263:24 who holds that one is obligated to accept Shabbos at the time designated by the congregation where he regularly davens [even if he davens elsewhere that particular week]. Harav Y.S. Elyashiv is quoted (Shevus Yitzchak, vol. 8, pg. 237) as ruling that an individual who regularly davens with the early minyan in his shul must accept early Shabbos even if he is planning to daven in a later minyan which will meet in the same shul.

23 In his home or in the shul hallway.

24 263:15 and Beir Halachah (s.v. shel). See explanation in Chayei Adam 33:4.

25 263:51. For a definition of a congregation, see Beir Halachah 468:4 (s.v. v'chumrei).

26 263:17; Pri Megadim Mishbetzos Zahav 263:1; Aruch ha-Shulchan 263:22; Ketzos ha-Shulchan 76 (Badei ha-Shulchan 5); Shevet ha-Levi 7:35.

27 Teshuvos R' Yonasan Shteif 42; Igros Moshe O.C. 3:38; Be'er Moshe 2:16.

28 1:24; 10:20-2. See also Igros Moshe O.C. 5:15 and She'arim Metzuyanin B'halachah 75:1.

29 2:19; Harav Y.S. Elyashiv (oral ruling, quoted in Shevus Yitzchak, vol. 8, pg. 237).

Weekly-Halacha, Text Copyright © 2005 by Rabbi Neustadt, Dr. Jeffrey Gross and **Torah.org**.

Weekly sponsorships are available--please send email to the moderator, Dr. Jeffrey Gross

jgross@torah.org.

Rabbi Neustadt is Rav of Young Israel in Cleveland Heights. He may be reached at 216-321-4635 or at jsgross@core.com.