

SHE'AILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: If one wants to cool off boiling hot tea or soup on Shabbos, may he put an ice cube into the cup or bowl?

DISCUSSION: If the tea cup or the soup bowl is a keli shelishi, as is most often the case, then it is permitted according to all views to put an ice cube in it. If, however, the cup or bowl is only a keli sheini and the tea or soup is piping hot, putting ice in may be a possible issur min ha-Torah and should be avoided.(1)

QUESTION: Is it permitted to use liquid toothpaste on Shabbos?

DISCUSSION: The consensus of contemporary poskim is that brushing one's teeth with regular toothpaste is a violation of the Shabbos Labor of Memareich, Smoothing.(2) Since Smoothing does not apply to liquids, there would be no restriction on using liquid toothpaste on Shabbos. The liquid toothpaste should not, however, be poured onto the toothbrush, since some poskim are of the opinion that releasing liquid trapped between the bristles of a toothbrush is a violation of the Shabbos Labor of Sechitah, Squeezing. Instead, the liquid toothpaste should be dabbed directly onto the teeth and then the toothbrush should be used.(3)

QUESTION: Many banks offer a service whereby customers may instruct the bank to pay their utility [or other] bills on a specific date of the month. Should one refrain from using this service since eventually a payment will be made on his behalf on either a Shabbos [or Yom Tov]?

DISCUSSION: There is no halachic reason not to use this service. While it is true that eventually a payment date will fall on Shabbos, and one may not instruct a non-Jew - even before Shabbos - to perform a service on his behalf on Shabbos,(4) in this case there is no action performed by a non-Jew on Shabbos; the entire process from beginning to end is automated. The bill is actually paid through a computer transaction from one account to the other. There is no halachic restriction on having a machine perform a service on Shabbos on behalf of a Shabbos observant Jew, if the machine is programmed in advance to do so.(5)

QUESTION: Upon moving into a new home, when does the obligation of mezuzah begin?

DISCUSSION: Contrary to what is commonly believed, the obligation begins as soon as one moves into his own home. By the first day or night that a home will be occupied, or by the first day or night that an addition to a home will be used, every doorway must have a mezuzah.

[Indeed, many poskim hold that one should not affix a mezuzah before actually moving into a house(6) (even though he owns it and plans to move in the near future), and certainly the blessing should not be recited until the actual move.(7) Other poskim hold that once he has moved his belongings into the house, the mezuzah may be affixed with a blessing. (8)]

It is only when one rents [or borrows] a home from another person [outside of Eretz Yisrael] that a thirty-day(9) waiting period is allowed until one becomes obligated to affix a mezuzah.(10) The Rishonim argue as to the reason for this exemption. Rashi(11) explains that until thirty days have elapsed, one can easily change his mind about the rental; thus the house is not really "his" until thirty days are over. Tosfos explains that the first thirty days of residence are considered as "temporary dwelling," and temporary dwelling does not obligate one to affix a mezuzah.

Based on Rashi's explanation, it follows that when a long-term contract is signed which legally obligates the renter for an extended period of time, then the obligation of mezuzah takes effect immediately. (12) Moreover, if upon moving into the house, the renter fixes it up in a manner which shows that he is planning to remain there for a long while, logic dictates that a mezuzah be put up and the proper blessing recited. This, indeed, is the view of some poskim,(13) and one may conduct himself in accordance with this view.(14)

But many poskim advise that although the mezuzah should be affixed immediately upon moving in, the blessing should not be recited until the thirty-day period is up.(15) At that time, it is proper to remove one mezuzah, recite the blessing, and return the mezuzah to its proper place. If it is difficult or bothersome to do so, then the mezuzah need not be removed; merely touching it is sufficient for the blessing to be recited. (16) [An exception to this is when one rents a bungalow or a summer home for a short stay. In such a case, the poskim agree that thirty days should elapse before a mezuzah is affixed.(17)]

If the thirty-day period is up on Shabbos or Yom Tov, the mezuzah should be affixed on erev Shabbos or erev Yom Tov before lighting candles. The blessing should be recited at that time.(18)

QUESTION: Does a married couple need to keep their kesuvah with them at all times, e.g., when they are travelling?

DISCUSSION: A kesuvah is the marriage contract which a husband gives to his wife at their wedding wherein he promises monetary compensation in case of divorce or death. If at any time during their marriage the kesuvah is lost or destroyed, they are required to have a new one written for them as quickly as possible. But they are not required to keep the kesuvah in their possession at all times - as long as it is in a safe place and the wife knows where it is, that is sufficient.(19) Indeed, in some communities the custom is to deliberately keep the kesuvah not at the couple's home, but rather at the home of the wife's parents(20) or a trusted friend,(21) so that only the wife - and not the husband - has access to it. Even if the kesuvah is kept at home, the husband need not - and should not(22) - be told exactly where it is kept.

QUESTION: Is it an obligation to lend money to another Jew, or is it merely an optional act of chesed?

DISCUSSION: The mitzvah of lending money to another Jew in need is a mitzvah chiyuv, an obligatory mitzvah, similar to any other mitzvah in the Torah. One who has money that he could lend, and refuses a direct request to lend another Jew money, transgresses the mitzvah of im kesef talveh es ami, which Chazal interpret as an obligation on the lender.(23)

One is exempt from the obligation to lend money only when the lender truly believes that he will not be repaid, either because he does not trust the borrower to pay back or because he does not believe it possible that the borrower will have the means with which to pay him back. Still, if he could assure himself of repayment by obtaining collateral from the borrower, he is required to do so and may not refuse his direct request for a loan.(24)

QUESTION: If a lender feels that he cannot lend money to a potential borrower because he does not trust him, may he avoid insulting him by telling him that he has no funds available?

DISCUSSION: In such a case, he may respond that he has no money to lend. The real meaning of his response is that he has no money to lend to him, which is a true statement and not considered a lie at all.

The same holds true when someone that you do not trust asks to borrow a car or any other item that you do not want to lend to him. You may say that the car is not available or you may use any other excuse which will not offend the person asking for the item.(25)

QUESTION: If a boy or a girl under bar/bas mitzvah damages another person's property, is he or she obligated to make up the loss?

DISCUSSION: According to the strict letter of the law, a minor is not responsible for his actions and is not required to pay for any damage that he caused. The same holds true for a minor who stole - he is not required to repay the money or replace the stolen object (if the stolen object is no longer around). The parents, too, are halachically exempt from paying for damage or theft by their minor children. Still, the poskim recommend (26) that upon reaching adulthood a person should compensate for any damage or theft he was responsible for when he was a minor.(27)

FOOTNOTES: 1 Based on Mishnah Berurah 318:48, Chazon Ish O.C. 52:19, Igros Moshe O.C. 4:74-4 and Minchas Shelomo 2:34-22.

2 See The Monthly Halachah Discussion, pg. 276.

3 See Igros Moshe O.C. 1:112 and Shevet ha-Levi 5:45.

4 O.C. 307:2. Although in our case there is no direct command to pay the bill on Shabbos but rather to do so on a specific date of the month, it still would be prohibited, since that date will, at one time or another, fall out on Shabbos. This is halachically considered as if he instructed the bank to make

payment on Shabbos; based on Igros Moshe O.C. 3:44. s.v. aval.

5 O.C. 252:1.

6 See Chovas ha-Dar 9:1.

7 Mishnah Berurah 19:4. This is the proper way; Harav S.Y. Elyashiv (oral ruling quoted in Avnei Yashfei 2:80).

8 Harav C. Kanievsky (Mezuzos Bei'secha 276:78) quoting the Chazon Ish. This also seems to be the view of the Aruch ha-Shulchan O.C. 19:2.

9 Moving day, even if it is close to night, is counted as day number 1. Thus 29 days later, the obligation takes effect.

10 Y.D. 286:22

11 Menachos 44a.

12 Siddur Derech ha-Chayim quoted in Pischei Teshuvah 286:18.

13 Several poskim quoted in Sdei Chemed (Mem, 115) and Chovas ha-Dar, pg. 31.

14 Aruch ha-Shulchan 286:49. See also Chayei Adam 15:22.

15 Pischei Teshuvah 286:18; Nachalas Tzvi; Sdei Chemed (Mem, 115); Igros Moshe Y.D. 1:179.

16 Igros Moshe, ibid.

17 Igros Moshe, ibid.

18 Kuntres ha-Mezuzah, pg. 82. Another option is to nail the mezuzah case to the post before Shabbos and insert the mezuzah on Shabbos (Chikrei Leiv Y.D. 128). But, as stated earlier, some poskim do not allow this on Shabbos.

19 Harav S. Wosner, quoted in Kol ha-Torah, vol. 59, pg. 170.

20 Knesses ha-Gedolah E.H. 26:8.

21 Shach C.M. 65:9, quoting the Levush.

22 Igros Moshe E.H. 3:26.

23 Ahavas Chesed, Halvahah 1:1.

24 Ahavas Chesed, Halvahah 1:8 and Nesiv ha-Chesed 13.

25 Harav Y. Y. Kanievsky and Harav S.Z. Auerbach quoted in Shalmei Moed, pg. 537. See Titen Emes L'yaakov 5:15 for several sources for this ruling.

26 Lifnim mishuras ha-din.

27 Mishnah Berurah 343:9. See Pischei Teshuvah C.M. 349:1.

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.