

HALACHICALLY SPEAKING

Volume 17 Issue 8



{ TOPIC }

Standing for the Elderly



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► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky zt"l*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, zt"l* on current issues.

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Standing for the Elderly

Although the topic of standing for the elderly is very relevant, so many of the halachos are unknown. One sees elderly people,¹ both learned and not learned, every day. At what age is one considered elderly? From when does the halachah to stand for the elderly apply? Until when does one have to stand? Does one have to stand for a non-Jew? What about an elderly woman who is learned? If an elderly person is *mochel* on his honor, does one still have to stand for him? These and other questions will be discussed in this issue.

(This discussion does not relate to one's rebbi or the rebbi from whom he received most of his knowledge, as the halachah for a rebbi is different.)²

Source

The *passuk* says, “*Mipnei seivah takum, v’hadarta pnei zakein.*”³ Two halachos are learned from this: one must stand for an elderly person⁴ and a *talmid chacham*.⁵ This mitzvah⁶

1 Until the times of Avraham Avinu there were no old people. For more on this, see *Maseches Bava Metzia* 87a, *Maharsha, Torah Temimah* on *Bereishis* 24:1-2.

2 Refer to *Maseches Kiddushin* 33a, *Rosh* 1:53.

3 *Vayikra* 19:32. See *Chinuch, mitzvah* 257, *Rambam, Sefer Hamitzvos* 209.

4 Refer to *Rashi, Maseches Kiddushin* 32b, “*ein*,” *Pnei Yehoshua, Maseches Kiddushin* 32b.

5 *Maseches Kiddushin* 32b, *Rashi, Maseches Kiddushin* 32b, “*ein*,” *Rambam, Hilchos Talmud Torah* 6:1, *Tur, Y.D.* 244, *Beis Yosef, Y.D.* 244, *Shulchan Aruch* 1.

6 Whether this mitzvah *d’Oraisa* applies to all learned people see *Yabea Omer, Y.D.* 4:16:2 in depth.

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applies to males and females.⁷ This also applies to standing for elderly women.⁸

Reason

The reason for this mitzvah is expressed in the Sefer Hachinuch,⁹ who says we were created in order that we should increase wisdom and recognize Hashem. It is fitting to honor one who fulfills this by standing up for him.¹⁰

Many people are lax with this mitzvah, and this is not correct.¹¹

Wicked Person

Rashi¹² says that one must stand in front of a wicked elderly person. Tosafos¹³ says that “wicked” means he is unlearned, and not a truly wicked person.¹⁴ This is also the opinion of other *poskim*.¹⁵

The Aruch Hashulchan¹⁶ says there are elderly people who

7 *Chinuch, mitzvah 257, Birchos Naftali 6:1; Sheilas Rav 1, page 35:8.*

8 *Sefer Chassidim 578, Yechaveh Daas 3:72, Shevet Halevi 5:130, Avnei Yushfei 1:188:3. Refer to Ben Ish Chai, Ki Setzei 2:16. See Birchos Naftali 7:1. Female students should stand for their morah (Birchos Naftali 7:6, quoting the opinions of Harav Ovadia Yosef, zt”l, Harav Elyashiv, zt”l and Harav Ben-zion Abba Shaul, zt”l, Sheilas Rav 1, page 35:7).* See *Yechaveh Daas 3:72.*

9 *Mitzvah 257.*

10 Refer to *Ohr Zarua 1:140* on why there is no *berachah* on this.

11 *Pele Yoetz, Kimah, page 507.*

12 *Maseches Kiddushin 32b, “zakein,” “kol”*

13 *Maseches Kiddushin 32b, “zakein.”*

14 See *Ritva, Maseches Kiddushin 32b, Rosh, Maseches Kiddushin 1:53, Chayei Adam 69:2, Kitzur Shulchan Aruch 144:2.*

15 Refer to *Beis Yosef, Y.D. 244, Taz 2, Pnei Yehoshua Maseches Kiddushin 32b, Bach 244, Rema Y.D. 244:1, Ben Ish Chai, Ki Setzei 2:12. See Divrei Yatziv, Y.D. 132, as to whether one must stand up for a learned person if he walks into the room with a wicked person.*

16 *Y.D. 244:2. Opinion of Harav Elyashiv, zt”l, quoted in Birchos Naftali 2:5:footnote 14*. In regards to someone who does not wear a yarmulke, see Birchos Naftali*

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perform mitzvos such as putting on *tefillin* and davening, but they are ignorant of Torah. One stands up for such people.

How Old?

How old does the elderly person (who is not a *talmid chacham*) have to be in order for one to stand up for him?¹⁷ The overwhelming opinion of the *poskim* is that if a 70-year-old person (even if he is not learned) walks within four *amos* of another person, he is required to stand.¹⁸ The Zohar states that the requirement is even for a 60-year-old.¹⁹ If one is unsure if the person passing by is 70 years old, he should stand up.²⁰ If one is unsure if the person is 60, there is no need to stand.²¹

Talmid Chacham

As mentioned earlier, one needs to stand for a learned person even if he is not old.²² Who is considered a *talmid chacham* in this regard? One whose life is devoted to Torah

2:footnote 20 in depth. Also see *Avnei Yushfei* 1:188:5:2, *Ashrei Ha'ish*, Y.D. 1:page 329:3:footnote 4. In regards to standing for someone who shaves his hair with a razor, see *V'ein Lamo Michshol* 2:pages 250-251.

- 17 For the reason why one needs to stand for the elderly, see *Ibn Ezra*, *Vayikra* 19:32. Also see *Kli Yakar* and *Seforno*, *ibid*.
- 18 *Tur*, Y.D. 244, *Beis Yosef*, Y.D. 244, *Shulchan Aruch*, Y.D. 244:1, *Ben Ish Chai*, *Ki Seitzei* 2:12, *Chai Adam* 69:2, *Aruch Hashulchan* 1, 4, 10, *Yechaveh Daas* 3:70, *Yabea Omer*, Y.D. 3:13. See *Minchas Chinuch*, *mitzvah* 257:3.
- 19 *Birchei Yosef* 4, *Ben Ish Chai*, *Ki Seitzei* 2:12, *Birchos Naftali* 2:5. See *Yechaveh Daas* 3:70.
- 20 *Birchos Naftali* 2:6:footnote 16, *Avnei Yushfei* 1:188:3, *Shevet Halevi* 5:130, *Shevet Hakehasi* 1:265, *Yechaveh Daas* 3:70, *Ashrei Ha'ish*, Y.D. 1:page 330:5, quoting the opinion of Harav Elyashiv, *zt"l*. See *Salmas Chaim*, Y.D. 495. See *Doleh U'mashkeh*, page 269:footnote 44, *Aleh B'tamar* page 37, *Derech Sichah* 1:pages 373-374. Refer to *L'rei'acha Kamocha* 6:page 537:3.
- 21 *Yabea Omer*, Y.D. 3:13.
- 22 *Shulchan Aruch*, Y.D. 244:1, *Rema* 1. See *Shach* 2 in regards to the traditional song that is sung when a *talmid chacham* comes into a room. See *Yechaveh Daas* 3:73.

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(i.e., this is his profession), even if he works to support his family, is considered a *talmid chacham*.²³ If one is not sure if this person fits the bill, there is no need to stand for him.²⁴

The Shach²⁵ says that in order not to differentiate between learned people, one should only stand up for a Rosh Yeshivah or Av Beis Din, but this is not the custom.²⁶

The custom seems to be to stand for people who are known to be learned, or everyone would be standing even for people who are only a little learned.²⁷

Avoiding the Mitzvah

One should not close his eyes when he sees an elderly person coming.²⁸

An elderly person or *talmid chacham* should not walk in a place where he knows there are people who will stand up for him if it's possible to avoid that route.²⁹

Busy With Work

The Gemara³⁰ says that one is not allowed to stand for an elderly person if he is busy working for someone else.³¹ If one

23 Opinion of Harav Elyashiv, *zt"l*, quoted in *Birchos Naftali* 2:2-3:footnote 7-8. See *Shulchan Aruch*, Y.D. 243:2. See *Doleh U'mashkeh* page 267. Refer to *Pamei Yaakov* 34:pages 91-92, *Lrei'acha Kamocho*, pages 526-528.

24 *Shevet Hakehasi* 1:265.

25 244:11.

26 *Shevet Halevi* 6:146:1, *Yabea Omer*, Y.D. 4:16. See *Salmas Chaim*, Y.D. 493-494.

27 See *Pamei Yaakov* 27:pages 91-92.

28 *Maseches Kiddushin* 32b, *Rambam*, *Hilchos Talmud Torah* 6:2, *Beis Yosef*, Y.D. 244, *Shulchan Aruch* 3, *Chai Adam* 69:6, *Ben Ish Chai*, *Ki Seitzei* 2:14, *Aruch Hashulchan* 5. See *Yabea Omer*, Y.D. 4:17, *Pele Yoetz*, *Kimah*, pages 507-508.

29 *Rambam*, *Hilchos Talmud Torah* 6:3, *Tur*, Y.D. 244, *Shulchan Aruch* 6. See *Shach* 4.

30 *Maseches Kiddushin* 33a.

31 *Rosh*, *Maseches Kiddushin* 1:53, *Ritvah*, *Maseches Kiddushin* 33a, *Rambam*, *Hilchos Talmud Torah* 6:2, *Tur*, Y.D. 244, *Beis Yosef*, Y.D. 244, *Bach*, Y.D. 244, *Shulchan Aruch* 5, *Ben Ish Chai*, *Ki Seitzei* 2:17. See *Pischei Teshuvah* 3.

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is busy with his own work, he is also not obligated to stand.³² Some maintain that today, when people sit on chairs and not on the floor, it's easy for them to stand and they should in fact do so.³³ In addition, some maintain that employers don't mind if employees stand for a short time if it does not distract them from work.³⁴

Even when one is learning Torah he needs to stand.³⁵ However, if one teaches children and standing will cause *bitul Torah*, since there may be many learned people passing by at once, one does not have to stand.³⁶

During davening (even in a shul)³⁷ one does not have to stand for an elderly or learned person.³⁸

An *avel* does not have to stand for a learned person.³⁹

Young *Talmid Chacham*

The obligation to stand for a *talmid chacham* applies even

32 *Rosh, Maseches Kiddushin* 1:53. See *Tosafos, Maseches* 33a, "ein," *Beis Yosef, Y.D.* 244, *Bach, Y.D.* 244,

33 *Shach* 4, *Aruch Hashulchan* 8.

34 *Birchos Naftali* 4:5, quoting the opinion of Harav Elyashiv, *zt"l, Ashrei Ha'ish, Y.D.* 1:page 336.

35 *Tur, Y.D.* 244, *Shulchan Aruch* 11, *Ben Ish Chai, Ki Seitzei* 2:15, *Yechaveh Daas* 3:70, *Sheilas Rav* 1, page 34:7.

See *Salmas Chaim, Y.D.* 485-486. Refer to *Divrei Binyahu, Y.D.* 5:18 in depth. Also see *Mishneh Halachos* 13:172, *Tzitz Eliezer* 14:10, *Yalkut Yosef (kitzur), Y.D.* 244:15.

36 *Birchos Naftali* 4:1, quoting the opinion of Harav Elyashiv, *zt"l*.

37 *Birchei Yosef* 1.

38 *Birchei Yosef* 1. See *ShevetHalevi* 6:146.

39 *Shulchan Aruch, Y.D.* 376:2. The same is true for a sick person (*ibid.*). In regards to standing when sitting on the floor on Tisha B'av see *Rivevos Ephraim* 3:344.

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to a *talmid chacham* who is young.⁴⁰ The Aruch Hashulchan⁴¹ says it is not common to find someone like this today.⁴²

When to Stand

The obligation to stand is only when the elderly or learned person comes within one's four *amos* (72-96 inches).⁴³ When the elderly person comes within four *amos* it is apparent that one is standing for him.⁴⁴

Where to Stand

One only stands for an elderly person in a respectable place. Therefore, one does not stand for him in a bathroom.⁴⁵ The *poskim* maintain that one does not stand for the elderly when people are undressed, such as in a *mikvah*.⁴⁶ If it's a room where people are clothed then one should stand.⁴⁷

40 *Maseches Kiddushin* 32b, *Tur*, Y.D. 244, *Beis Yosef*, Y.D. 244, *Shulchan Aruch* 1, *Aruch Hashulchan* 4. See *Tosafos*, *Maseches Kiddushin* 32b, "mei." However, he must be extremely learned (*Tosafos*, *Maseches Kiddushin* 32b, "mei"). Refer to *Ritvah*, *Maseches Kiddushin* 33a. In regards to a young *talmid chacham* standing when an elderly person walks in front of him, see *Shulchan Aruch* 7.

41 Y.D. 244:3.

42 The *Salmas Chaim*, Y.D. 489 says this person can even be under bar mitzvah. See *Chayei Adam* 69:2.

43 *Maseches Kiddushin* 32b, 33a, *Rosh*, *Maseches Kiddushin* 1:53, *Rambam*, *Hilchos Talmud Torah* 6:1, *Tur*, Y.D. 244, *Beis Yosef*, Y.D. 244, *Shulchan Aruch* 2, *Chai Adam* 69:3, *Birchei Yosef* 11. See *Avnei Yushfei* 1:188:2. Refer to *Ben Ish Chai*, *Ki Seitzei* 2:13, *Yabea Omer*, Y.D. 4:16, *Avnei Yushfei* 1:187:1 regarding whether one's entire house is considered like one person's four *amos*. Refer to *Avnei Yushfei* 1:187:1 about standing even before the *talmid chacham* enters within one's four *amos*.

44 *Rashi*, *Maseches Kiddushin* 32b, "eleh," *Taz* 3, *Chai Adam* 69:3.

45 *Maseches Kiddushin* 32b, *Rosh*, *Maseches Kiddushin* 1:53, *Tur*, Y.D. 244, *Shulchan Aruch* 4. See *Salmas Chaim*, Y.D. 487.

46 *Maseches Kiddushin* 33a, *Rosh*, *Maseches Kiddushin* 1:53, *Rambam*, *Hilchos Talmud Torah* 6:2, *Tur*, Y.D. 244, *Beis Yosef*, Y.D. 244, *Bach*, Y.D. 244, *Shulchan Aruch* 4, *Ben Ish Chai*, *Ki Seitzei* 2:17. See *Aruch Hashulchan* 6. Refer to *Yabea Omer*, Y.D. 6:29:1.

47 *Beis Yosef*, Y.D. 244, *Bach*, Y.D. 244, *Shulchan Aruch* 4, *Chai Adam* 69:7. See *Shach* 3, *Aruch Hashulchan* 6.

How and Until When to Stand

For an elderly person and *talmid chacham*, one should stand at his full height until the one he is standing for sits⁴⁸ or he can no longer see him.⁴⁹ Some say that one may sit once the elderly or learned person has passed four *amos* from one's surrounding four *amos*.⁵⁰ Others say that one may sit once the learned person or elderly person has passed.⁵¹

One may stand while leaning on something.⁵²

The halachah is that for a learned person one stands up his full height,⁵³ but for an elderly person one stands a bit.⁵⁴ The reason for this could be since the elderly person is *mochel* (see below).⁵⁵ Some say one should stand at his full height for any elderly person (70 years old).⁵⁶ Others say the reason why learned people do not stand up for the elderly is because most people learning in yeshivah today are more learned than a non-learned elderly person. Therefore, one does not need to stand at his full height.⁵⁷

If one is standing for a learned or elderly person, and this

48 *Ben Ish Chai, Ki Seitzei* 2:13.

49 *Rambam, Hilchos Talmud Torah* 6:1, *Tur, Y.D.* 244, *Shulchan Aruch* 2, 9. See *Aruch Hashulchan* 10-11. Refer to *Yechaveh Daas* 3:71.

50 *Bach* 244, *Birchos Naftali* 3:1. See *Chai Adam* 69:3.

51 *Birchei Yosef* 12 in depth.

52 Opinion of Harav Elyashiv, *zt"l*, quoted in *Ashrei Ha'ish* 1:page 337:24. See *Rivevos Ephraim* 3:522.

53 See *Yabea Omer, Y.D.* 3:13, 4:16, *Yechaveh Daas* 3:70, *V'ein Lamo Michshol* 5:pages 131-132, *Teshuvos V'hanhagos* 3:279. Refer to *Pamei Yaakov* 34:pages 87-91. See *Pele Yoetz, Kimah*, page 507.

54 *Aruch Hashulchan* 10-12. See *Pamei Yaakov*, *ibid.* Refer to *Kavod V'hidur*, page 64:footnote 65, quoting the opinion of Harav Elyashiv, *zt"l*. Refer to *Rashi, Maseches Kiddushin* 32b, "hidur."

55 *Avnei Yushfei* 1:188:1. See *Ben Ish Chai, Ki Seitzei* 2:13, *Yechaveh Daas* 3:70.

56 *Yabea Omer, Y.D.* 3:13, *Pele Yoetz, Kimah*, pages 507-508.

57 *Beis Avi, E.H.* 2:103 (end). See *Shulchan Aruch* 7, *Shach* 5, *Ben Ish Chai, Ki Seitzei* 2:18, *Chai Adam* 69:4.

person passed by to daven for the *amud* or stand in his place in shul, one may sit.⁵⁸

Learned Person's Wife

There is a discussion if one is obligated to stand in front of a learned person's wife. The *poskim* maintain that one should stand for a learned woman, but one only needs to stand a bit and not at his full height.⁵⁹ The custom is that while her husband is alive, one stands for the wife of a learned person. Once he dies one only has to stand a bit.⁶⁰

One should stand in front of a learned woman as well.⁶¹

Non-Jew

One should treat an elderly non-Jew with respect.⁶² If one knows that he is wicked, there is no need to honor him at all.⁶³ The custom is not to stand for an elderly non-Jew.⁶⁴ It is customary to stand for non-Jews being honored at a dinner, since this benefits the yeshivah or organization making the dinner.

Blind Person, *R"l*

Although the elderly or learned person may not see one stand up for him (i.e., he is blind, *R"l*), one is still obligated to

58 *Birchos Naftali* 3:4, *Mishneh Halachos* 6:160.

59 *Sheilas Yaavetz* 2:135, *Pischei Teshuvah* 1, *Ben Ish Chai*, *Ki Seitzei* 2:16, *Shevet Halevi*, Y.D. 114. See *Birchos Naftali* 7:1. Refer to *Salmas Chaim*, Y.D. 491-492, *Minchas Shlomo* 1:33. See *Birchei Yosef* 3.

60 *Aruch Hashulchan* 8.

61 *Yechaveh Daas* 3:72.

62 *Beis Yosef*, Y.D. 244, *Shulchan Aruch* 7, *Chai Adam* 69:2, *Kitzur Shulchan Aruch* 144:2. See *Tosafos*, *Maseches Kiddushin* 32b, "mei."

63 *Mishneh Halachos* 6:160.

64 *Mishneh Halachos* 6:160.



stand.⁶⁵ A blind person who knows that an elderly or learned person is passing by has to stand for him.⁶⁶

If an elderly person does not see everyone in the room one still needs to stand for him.⁶⁷

When Riding

If a learned or elderly person is passing by on an animal or wagon, one needs to stand.⁶⁸ However, if one is riding and sees a learned or elderly person, he does not have to stand.⁶⁹

How Often?

How often does one have to stand for an elderly or learned person? This is very common in shuls and other public places where people pass by all the time. The *poskim* say that one does not have to stand up more than twice a day — once in the morning and once at night.⁷⁰ However, when there are different people coming in throughout the day, such as when one learns in a shul, one should stand each time.⁷¹

If one already stood for an elderly or learned person, and now one is talking to him, one should stand. It is not

65 *Ben Ish Chai*, *Ki Seitzei* 2:15, *Birchei Yosef* 2, *Aruch Hashulchan* 7, *Shevet Halevi* 6:146:2. Refer to *Tzitz Eliezer* 18:49:1.

66 *Birchos Naftali* 2:9.

67 *Shevet Hakehasi* 1:266. See *Rivevos Ephraim* 8:578:27.

68 *Maseches Kiddushin* 33b, *Rambam*, *Hilchos Talmud Torah* 6:4, *Beis Yosef*, *Y.D.* 244, *Shulchan Aruch* 2, *Aruch Hashulchan* 13, *Birchos Naftali* 2:17.

69 *Birchos Naftali* 2:17.

70 Refer to *Rambam*, *Hilchos Talmud Torah* 6:8. This may be different for Sefardim (see *Birchos Naftali* 3:3).

71 Opinion of Harav Elyashiv, *zt"l*, quoted in *Birchos Naftali* 3:9:footnote 15, *Ashrei Ha'ish*, *Y.D.* 1:page 336:19.

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respectful to sit while the elderly or learned person is standing.⁷²

Different Area

If one is sitting and a learned or elderly person walks by but is in a different area, one does not have to stand.⁷³

On a Bus or Train

It is very common for one to ride on a bus or train and see an elderly or learned person come on. One must stand up for this person if he comes within one's four *amos*.⁷⁴ Once he comes within one's four *amos*, and he does not have a seat, one should give up his seat to him.⁷⁵ One who sees a learned or elderly person coming on a bus or train may not turn his head in order not to have to stand up for him.⁷⁶

If one sees a person who is not 70 years old but has difficulty walking, one should give him his seat.⁷⁷ According to some *poskim*,⁷⁸ giving up a seat even for a 70-year-old is not related to the mitzvah of standing for the elderly, while others argue.⁷⁹

The same is true for giving up a seat to a pregnant woman or when giving up the seat will cause a *kiddush Hashem*.⁸⁰

72 *Birchos Naftali* 3:10, quoting opinion of Harav Elyashiv, *zt"l*. See *V'ein Lamo Michshol* 5:pages 132-134.

73 *Birchos Naftali* 3:7.

74 *Birchos Naftali* 4:7. See *Mishneh Halachos* 6:160-161.

75 *Birchos Naftali* 4:7:footnote 9.

76 *Birchos Naftali* 4:9. See *Avnei Yushfei* 1:188:4.

77 *Birchos Naftali* 4:8. See *Mishneh Halachos* 6:160.

78 *Mishneh Halachos* 6:160, 12:123. See *Teshuvos V'hanhagos* 1:533, *Rivevos Ephraim* 4:216.

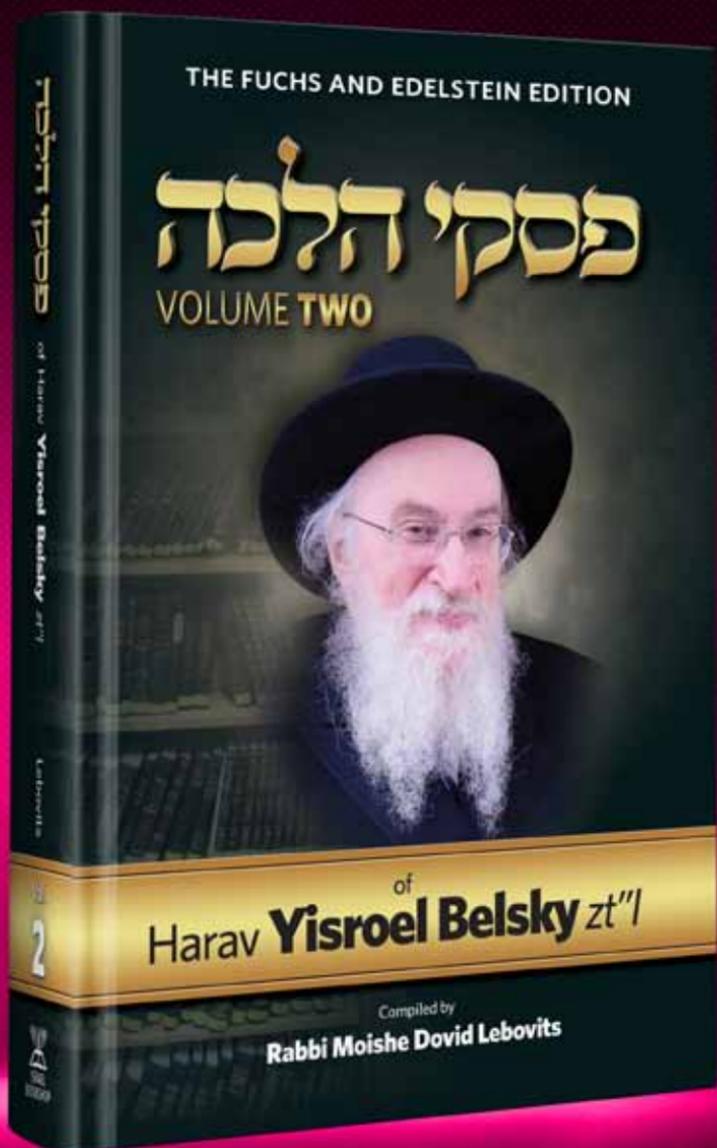
79 *Be'er Moshe* 7:kuntres electric 53; see *Oz Nidberu* 10:30-31, *Derech Sichah* 1:page 375

80 *Birchos Naftali* 4:10, *Shevet Halevi* 2:114, *Yechaveh Daas* 3:71. See *Ashrei Ha'ish*, *Y.D.* 1:page 330:7.

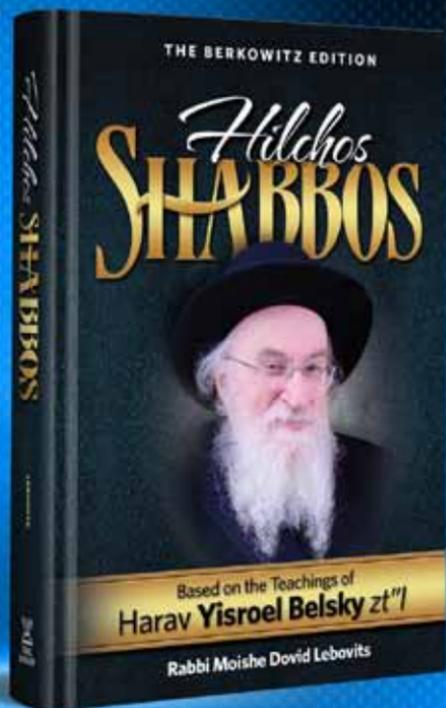
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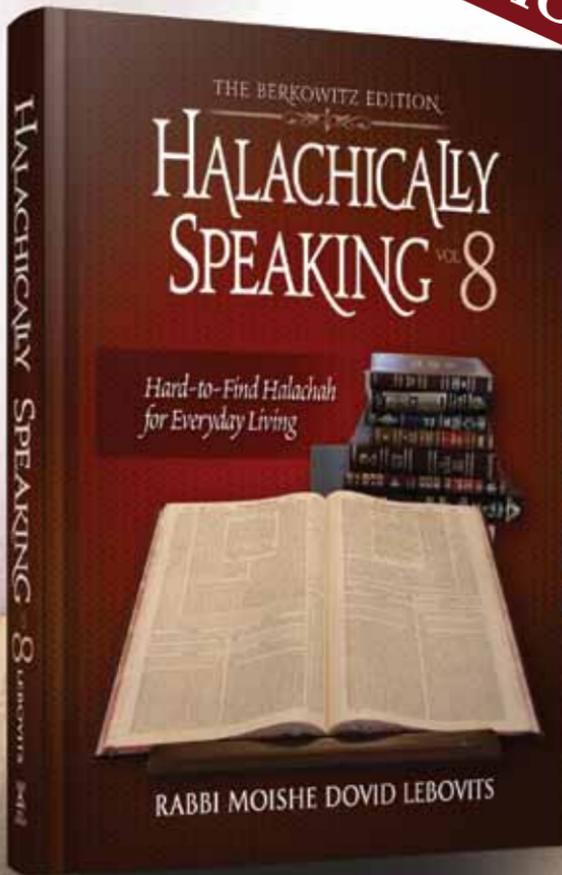
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