

HALACHICALLY SPEAKING



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BA'AL TASHCHIS – WASTING POSSESSIONS

The issue of *ba'al tashchis* is a common problem. May one discard the remnants of his drink? How to dispose of the leftovers of a *simcha*? What to do with the leftover *challah* after a *Shabbos* meal? People often spend money on nonsense and in a sense throw away their money. These and other such issues will be discussed at length in this issue.

The main *halachos* of *ba'al tashchis* applies to destroying a fruit tree. This topic was discussed in an earlier issue of *Halachically Speaking* and will not be covered in depth in this issue. In addition, we discussed treating food with the proper respect, which is also an aspect of *ba'al tashchis*.

Yaakov and the Jugs

Yaakov Ovinu went to retrieve some small jugs¹ that he had forgotten, and he was left

1. Rashi Bereishis 32:25.

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alone with the *malach* of *Eisav*. The *Gemorah*² infers that *tzaddikim* cherish their money more than their own bodies, for they abstain from any form of theft. Some explain that they look at everything they have as a gift from *Hashem*. Therefore, any item in their possession has a purpose, and they do not want it to go to waste.³

Based on this, it is praiseworthy not to leave items unattended in vulnerable places.⁴

Reasons

The *Chinuch*⁵ says that the purpose of this *mitzvah* (of not destroying tree and other things) is to teach people to love and respect good things. This love will help ensure that they will keep away from bad, destructive things. The way of good people is to be happy with the world and not to destroy even a mustard seed. In addition, throwing food away shows that one does not want the goodness *Hashem* showed him by giving him food.⁶ The *Hemek Daver*⁷ says that anything which is meant to be used for our enjoyment should be used and not destroyed.

D'oraisa or D'rabbanan

The *issur* of destroying a fruit tree is certainly *d'oraisa*. It is a dispute whether other areas of *ba'al tashchis* (destroying clothing, utensils) are *d'oraisa* or *d'rabbanan*.⁸

Some Heterim

By non-food items as long as it is a *tzorech* (a need) it is not *ba'al tashchis*. Food may be thrown out if it is to satisfy the need of a person (*tzorech adam*)⁹ and it is normal (*derech ha'olom*) to use the food in that manner.¹⁰

One should not carve out the inside of a cucumber to hold *chrein*. This is prohibited since it is not *derech ha'olom*. Additionally, the cucumber is discarded afterwards.¹¹

Mitzvah

One may cut down a fruit tree or other forms of destruction in order to do a *mitzvah* with

2. Chullin 91a.

3. Refer to Pachim Ketanim page 2.

4. Pachim Ketanim page 79. Refer to Shevet Ha'Levi 5:218 on leaving objects in public places.

5. Mitzvah 529.

6. Refer to Rashi Mesechtas Taanis 20b "ein."

7. Devarim 20:19.

8. Refer to Rambam Hilchos Malachim 6:10, Chaim Shaul 1:22, Torah L'shma 400, Lehoros Nossan 3:7:8, see Rambam in Sefer Hamitzvahs 57, Yabea Omer Y.D. 5:12. Refer to Pachim Ketanim pages 20-24 in depth.

9. Magen Avraham beginning of O.C. 171. Refer to Torah Temimah Devarim 20:57.

10. Pri Megadim M.Z. 1, Mishnah Berurah 171:4, Biur Halacha "lo." Refer to Aruch Ha'shulchan 171:2.

11. Harav Yisroel Belsky Shlita.

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the property or object.¹²

Ba'al Tashchis with Hefker

There is a discussion in the *poskim* if *ba'al tashchis* applies to items which do not have an owner (*hefker*).¹³ Practically, one should treat *hefker* items in the same manner that he treats his own possessions.¹⁴

Less than a Pruta

Ba'al tashchis issues very often apply to items worth less than a *pruta*. A common example would be a toothpaste tube that is nearly empty. The same is true regarding a drop of liquid in a cup, or a small amount of spread in the container. In addition, one might want to discard a small piece of chicken or strike a match for fun and throw it out afterwards.

L'maseh, one should try to avoid throwing out or wasting items which are less than a *pruta*.¹⁵ Although this may not be required by the letter of the law, one should adhere to this whenever possible.¹⁶ Some say that if one does not want to throw out the remaining food and he does not want to eat it, then he can leave it to rot outside of the refrigerator.¹⁷

Other Areas

Just as *ba'al tashchis* applies to destroying clothes or utensils, it also applies to destroying a house, throwing away money, or any other destructive action.¹⁸

Tzitzis

One may remove *tzitzis* from one garment and place them on another. One may also replace the *tzitzis* strings on a garment. However, if the *tzitzis* are complete and it is not a bother to untie them, then one should so, as cutting them and throwing them out would be wasting the *tzitzis*.¹⁹

Placing a Drink in Mouth / Swallowing Food

One who forgot and placed a drink in his mouth before reciting a *berachah* should

12. Refer to *Ikrei Hadat* ibid, *Milei D'chasidusa* ibid, *Sheilas Yaavetz* ibid, *Otzros Yerushalayim* 158:pages 916-919, *Be'er Moshe* 5:133:5, *Avnei Yushpe* 1:140:1, *Techumin* 22:pages 293-300 in depth. Some say a non-Jew should do it even if it is for a *mitzvah* (*Avnei Yushpe* ibid).

13. Refer to *Mishnayos Middos* 1:2, *Tosfas Mesechtas Avodah Zarah* 30b "v'lo," *Yehuda Yaleh* 1:164, *Shulchan Aruch Harav Shemiras Haguf V'hanefesh* 14, *Har Tzvi* O.C. 2:102, *Pachim Ketanim* pages 25-26.

14. Refer to *Pachim Ketanim* page 27.

15. Refer to *Tzohar* 1:pages 67-68.

16. *Pachim Ketanim* page 29, also see pages 120-121.

17. *Pachim Ketanim* page 120.

18. *Shulchan Aruch Harav Shemiras Haguf V'hanefesh* 14.

19. *Chayai Adom* 11:32, *Mishnah Berurah* 15:3.



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swallow the drink. No *berachah rishona* is recited,²⁰ as the *mitzvah* is lost once he swallowed the liquid.²¹ If one drank a *shiur reviis*, then a *berachah achrona* is recited.²² However, if one has other liquids to drink, then he should spit out the drink in order not to have enjoyment from food without a *berachah* and it would not be *ba'al tashchis*.²³

Throwing Out Bread

May one throw stale bread in the garbage?

It is permitted to discard crumbs which are not a *k'zayis* in size in a respectful manner. However, doing so disrespectfully may lead to poverty.²⁴ Throwing crumbs into the water would be permitted.²⁵ One may not throw out crumbs which are a *k'zayis* even if they will not get stepped on.²⁶ Some are also careful if there are enough crumbs that would equal a *k'zayis* when combined.²⁷ Food which is unfit for human consumption may be destroyed even in a disrespectful manner.²⁸

Based on these *halachos*, some *poskim* say one should not throw leftover bread which is larger than a *k'zayis* directly into a garbage can with other dirty things. Rather, the bread should be wrapped separately before discarding it.²⁹ Some apply this same rule to bread which is smaller than a *k'zayis*.³⁰ One is not required to wrap up tiny crumbs before throwing them out.³¹

Mayim Achronim

Leftover liquid in one's cup may be used for *mayim achronim*³² and there is no problem

20. Mishnah Berurah 5, Shar Ha'tzyion 5. Some say if only a little liquid was placed in the mouth and one can recite a *berachah* with a little hardship one should do so (Mishnah Berurah 172:1).

21. Magen Avraham 1, Mishnah Berurah 3.

22. Magen Avraham 172:1, Mishnah Berurah 172:5.

23. Magen Avraham 172:1-2, Mishnah Berurah 2, Biur Halacha "v'eino." Those who wish to be lenient do not have to be rebuked (Biur Halacha ibid).

24. Refer to Mesechtas Shabbos 143a, Chullin 105a, Tosfas Mesechtas Berochos 52 b "perurin," Tur 180, Shulchan Aruch 180:4, Levush 4, Kitzur Shulchan Aruch 42:11, Aruch Ha'shulchan 4. The Kaf Ha'chaim (Palagi) 24:48 speaks with harsh terms against those who treat this *halacha* with leniency.

25. Magen Avraham 3, Elya Rabbah 5, Mishnah Berurah 10, Aruch Ha'shulchan 4, Kaf Ha'chaim 12.

26. Refer to Eitz Hasadeh 19:footnote 2.

27. Sharei Teshuva 3, Mishnah Berurah 10, Kaf Ha'chaim 12.

28. Sharei Ha'berachah 3:50:footnote 109. Whether or not crumbs are *muktzah* see Shevus Yitzchok *muktzah* 9:10.

29. Harav Yisroel Belsky Shlita, Birchos Hashem 3:page 267:footnote 105, Vezos Ha'berachah page 18 quoting the opinions of Harav Elyashiv Shlita, Harav Sheinberg Shlita, and Harav Fisher zt"l. If the bread is spoiled or hard one does not have to wrap it before discarding it (Harav Yisroel Belsky Shlita).

30. Vezos Ha'berachah page 18, Eitz Hasadeh 19:2.

31. Eitz Hasadeh 19:footnote 7.

32. Ketzos Ha'shulchan 43:6, Ozter Hamayim page 83, Yalkut Yosef pages 253-254.

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of wasting the food, since it is going to be thrown away.³³ If there is no water, one may use any liquid that cleans the hands,³⁴ such as milk, orange juice, snow,³⁵ etc. Wine may not be used to wash for *mayim achronim* because of the importance of wine.³⁶

Water

In earlier years when one did not pay for water it was not *ba'al tashchis* if one threw out water.³⁷ However, today that one pays for water throwing water out is *ba'al tashchis*.

Lag B'omer in Meron

Some have the *minhag* in Meron to throw garments in the fire on Lag B'omer.³⁸ Some explain that *Rav Shimon Bar Yochai* did not wear clothes when he was in the cave, and would cover his body in sand when he wanted to learn.³⁹ Those who permit this say that there is no *ba'al tashchis* by throwing the garments in the fire,⁴⁰ while others prohibit this practice.⁴¹

Breaking a Glass Under the Chuppah

The custom is that the *chosson*⁴² breaks a glass⁴³ under the *chuppah*⁴⁴ as a *zecher l'churban*.⁴⁵ The glass is broken with the right foot.⁴⁶ The reason that the *chosson* breaks the glass but not the plate at the *t'nayim* is that his *simcha* is not yet complete at the *t'nayim*.⁴⁷ The glass

33. See Bach 171:1, Aruch Ha'shulchan 160:18, Sharei Ha'berachah page 80 footnote 12, Avnei Yushpe 1:34:1.

34. Shulchan Aruch 9, Shulchan Aruch Harav 8, Mishnah Berurah 21, Aruch Ha'shulchan 7, Shulchan Aruch Harav 8.

35. Hanosen Sheleg pages 59-60.

36. Shulchan Aruch Harav 8, Mishnah Berurah 21, see Ben Ish Chai Shelach 1:11.

37. Refer to Shulchan Aruch O.C. 170:22, Aruch Ha'shulchan 170:19.

38. Sdei Chemed Eretz Yisroel 6, Taamei Haminhagim pages 272-274, Torah L'shma 400, Shem M'Shmuel 8.

39. Yehoshuas Malka 12:page 152 (Lekutei Torah), Natei Gavriel Pesach 3:pages 280-285.

40. Urion Tlisa 52.

41. Refer to Pischei Teshuva Y.D. 251:4, Shol U'Meishiv ibid, Orchos Rabbeinu 2:page 96:14, Doleh U'mashka page 195.

42. Shulchan Aruch E.H. 65:3, Rama, Sdei Chemed 7:12:page 462.

43. Tosfas Mesechtas 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 *berachah* 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).

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

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

46. Shulchan Haezer 2:page 50:24, Lev Ita page 82:2, Chazzon 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).

47. Sefer Matamim page 41 (new), Sefer Matamim Ha'chodesh chosson v'kallah 5.



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is wrapped in a napkin in order to prevent the *chosson* from hurting his foot.⁴⁸ There is no concern of *ba'al tashchis* with breaking the glass because it is being done for *mitzvah* purposes.⁴⁹

Throwing Flowers to a *Kallah*

Some people throw flowers to the *kallah* after the *chuppah*. Since this is done in order to make the *kallah* happy, it is permitted and is not a concern of *ba'al tashchis*.⁵⁰

Purim

During some *Purim* songs, the participants pour liquid on each other as a sign of *simcha*. Some say that since there are *poskim* who permit certain dress on *Purim* (i.e. man wearing a ladies garment)⁵¹ it is permitted to do this as well. However, one should avoid this behavior⁵² (the same is true for booths at carnivals where liquid is spilled on one another).

Pas Yisroel vs. *Pas Paltar*

One who is careful to avoid *pas paltar* and is traveling where there is no *pas yisroel* available for seventy-two minutes of travel⁵³ (even by car),⁵⁴ may eat *pas paltar*.⁵⁵ Some say that one need only wait if he traveling in the direction where *pas yisroel* will be available, but does not need to take a detour to obtain *pas yisroel*.⁵⁶ Others say that one must detour up to eighteen minutes of travel time.⁵⁷ One who bought *pas paltar* in the above situation and returns home with some leftover bread may eat it if he cannot obtain *pas yisroel* (the bakeries are closed).⁵⁸

48. Shulchan Haezer 2:page 50, Minhag Yisroel Torah 4:page 187.

49. Pri Megadim M.Z. 4, Ben Yehoyuda Mesechtas Berochos 31a, Mishnah Berurah 560:9, 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).

50. Pachim Ketanim page 109:3.

51. Rama 696:8, Maharam Mintz 17, see Pri Megadim M.Z. 4, Be'er Moshe 8:7:8. Refer to Taz Y.D. 4, Darchei Teshuva 9, Chochams Adom 89:6, Mishnah Berurah 696:30, Aruch Ha'shulchan 596:12, Yechaveh Da'as 5:50, Yalkut Yosef page 343, Minhag Yisroel Torah pages 261-262, Natei Gavriel Purim (old print) page 161, Be'er Moshe 8:8:5, Halichos Bas Yisroel 7:footnote 1, Yabea Omer 6:14:5, Avnei Yushpe 1:135, Malbushei Kavod V'siferes pages 68-69, Kerem Shlomo 16:6, Chazon Ovadia Purim pages 199-200

52. Rivevos Ephraim 6:394:1, 7:377:8, 8:434:8.

53. This means the time it takes one to travel round trip.

54. Pischei Teshuva 112:6, Aruch Ha'shulchan 18, Kaf Ha'chaim 74.

55. Shulchan Aruch Y.D. 112:16. One who is careful with *pas yisroel* and now he wants to start eating *pas paltar* (not on the way) must be *matir neder* (Minchas Yaakov 112:2, Darchei Teshuva 112:94).

56. Pri Chadash 28, Darchei Teshuva 95.

57. Chochmas Adom 65:3, Aruch Ha'shulchan Y.D. 112:18, Kaf Ha'chaim 73. See Mishnah Berurah O.C. 163:3, Shar Ha'tzyion 163:3.

58. Betzel Hachuchma 5:83, Ohelecha B'amisecha 20:footnote 13, see Minchas Yitzchok 3:45. Refer to Chochmas Adom 65:11.

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Based on the above, if *pas yisroel* is available when one returns home, then he may allow the *pas paltar* to spoil. There is no concern of *ba'al tashchis* since he is not destroying it with his hands. In addition, he can give it to a non-Jew, someone who is not *makpid* on *pas yisroel*, or a bird.⁵⁹

This ruling follows the opinion of the *Shulchan Aruch* who says that *pas paltar* is only permitted if there is no *pas yisroel* available. According to the *Rama* who permits *pas paltar* in all cases, one does not have to wait at all.⁶⁰

Hashgacha Which is not Acceptable

Certain *hashgachos* are not accepted because of their low standards. If one accidentally buys a product from a company which has those lower standards or receives it as a present, he should give it away. It should not be discarded because it is *ba'al tashchis*.⁶¹

Insects in Food / Produce

If a specific food or fruit is infested with insects and it is a bother to remove them, or one is disgusted by the insects, the food may be thrown out and it is not *ba'al tashchis*.⁶²

Ripping one's Garment for a Relative

R"l when certain relatives are *niftar*, one has to rip his garment.⁶³ There is no concern of *ba'al tashchis*, as the *mitzvah* of ripping overrides the *halacha* of *ba'al tashchis*.⁶⁴ Others explain that there is a need to rip one's garments. Whenever there is a need, there is no concern of *ba'al tashchis*.⁶⁵

Catering

Many times a caterer after a large function will have a lot of food left over. This food should not be discarded since it can be given to poor people. Caterers claim that would take up a lot of time to sort through the leftovers and put them away. The custom in any case is to be lenient. However, some *Gedolim* stress that this still falls under *ba'al tashchis*.⁶⁶

In addition, some caterers have the practice of carving fruit in a unique shape and throwing out the rest of the fruit.⁶⁷ Furthermore, many times the soup is served in a bowl made out of bread and the bowl is thrown out afterwards. Before a caterer wishes to do the

59. Minchas Yitzchok 3:45.

60. Aruch Ha'shulchan Y.D. 112:18.

61. Refer to Pachim Ketanim page 60:footnote 10. See *ibid*:page 109:2.

62. Pachim Ketanim page 64:17.

63. Shulchan Aruch Y.D. 340:3, Kitzur Shulchan Aruch 195:3, see Aruch Ha'shulchan Y.D. 340:3, 403:2.

64. Yabea Omer Y.D. 6:32:3, see Y.D. 7:29.

65. Refer to Pachim Ketanim page 80:footnote 17.

66. Refer to Tzohar 1:pages 50-52.

67. Refer to Kashrus L'mehadrin pages 8-15 in depth.



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above he should ask the person who is giving the *hashgacha* on his establishment if this is permitted practice.

Ba'al Teshuva

A *ba'al teshuva* who used to wear garments that were not modest may discard those garments. There is no concern of *ba'al tashchis* since it is done for *mitzvah* purposes.⁶⁸

Old Things

One may throw out objects which do not work anymore (i.e. old air conditioner) since there is no use for it and one is not wasting it.

Old Paper

Defaced paper that is not fit to be written on may be given to a child to scribble on or tear into little pieces. There is no concern of *ba'al tashchis* even though the paper may be fit for other purposes (i.e. wrapping paper), as the child derives pleasure by playing with it.⁶⁹

Worn Out Clothing

Often one has an abundance of shoes or suits, and he has no one to give them to. In this situation, some say that he can leave the items in a *hefker* place (in the street). There is no concern of *ba'al tashchis* since he did not destroy them directly and it is possible that someone will take them.⁷⁰

In the Street

Some say that the entire prohibition of *ba'al tashchis* is limited to destroying items with your hands. Leaving items in front of one's home is not *ba'al tashchis*, since one is not destroying anything directly, and it possible that someone may take the items.⁷¹

Children to Listen

One may destroy an object if his goal is to shock his children into listening.⁷² Others suggest that one use a broken utensil for this purpose.⁷³

68. Torah L'shma 400.

69. Torah L'shma 401.

70. Shevet Ha'Levi 9:159:2.

71. Shevet Ha'Levi 9:159:2.

72. Hag'oes Maimonies *ibid*:6:10. Refer to Mesechtas Shabbos 105b, Kiddushin 32a, Maharsha Shabbos *ibid* "sh'chain," Tzohar 1:pages 70-71. Refer to Meiri Shabbos 105b who says one should not do it because people will learn from their actions.

73. Refer to Pachim Ketanim pages 78-79, Tzohar 1:page 54.

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Glass in Wine / Food

Sometimes, a small shard of glass breaks off the neck of a wine bottle when it is opened. Similarly, if a glass breaks at the table one might be concerned about the presence of glass in his food. If there is any possibility of danger, then the wine and food may be discarded.⁷⁴

Vomiting

One should not induce vomiting because it is destroying the food.⁷⁵ If one is in pain then doing so is permitted by hand (as opposed to medicine)⁷⁶ even on *Shabbos*.⁷⁷

Vandalism

Protests often result in vandalism, such as lighting cars on fire, breaking store windows, ruining store furniture, etc.⁷⁸ Unfortunately, these acts are done by Jews in some areas. The question which must be addressed is whether such behavior falls into the category of *ba'al tashchis* (We will not discuss whether these demonstrations is advisable or not).

One should be careful, as destroying property, especially someone else's, transgresses the *halacha* of *ba'al tashchis*. People who protest by destroying objects do not ask *Rabbonim* before doing so, and it just makes a *chilul Hashem*.

Destroying one's Money

As mentioned above, money is included in the *halachos* of *ba'al tashchis*.⁷⁹

We will proceed to discuss some of the areas where it is common for one to spend his money in a wasteful manner.

Bills

There is nothing we can do to avoid paying utility bills. We use electricity and heat and we have to pay for it, but there are things we can do to make sure we do not waste money and pay more than necessary. Simple things like extinguishing lights when we do not need them can save us money. The same is true for heat or air conditioning. There are many other things which people can do to minimize their expenses (see footnote).⁸⁰

Candles Burning Longer

Sometimes people will add oil to the wick on *Erev Shabbos* or *Yom Tov* and the candles will burn late into the night or the next day. One should not do so since there is no need for

74. Refer to Tzohar 1:pages 52-53.

75. Shulchan Aruch O.C. 328:39.

76. Because it is comparable to healing on *Shabbos* (Mishnah Berurah 328:124).

77. Mishnah Berurah 328:124.

78. In America 500 million dollars a year is caused by vandalism in the schools alone (Techumin 1:page 329).

79. Mesechtas Shabbos 67b, 129a, 140b, Kiddushin 32a, Chullin 7b. Refer to Levush C.M. 378:1, Aruch Ha'shulchan Y.D. 240:28, Divrei Yatziv Y.D. 19:2.

80. For a list of such things visit www.5tjt.com/news/read.asp?Id=1851



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light during the early morning or daytime. One who does this is wasting his money on the oil. Those who light long wick candles (or a lot of oil) in a *shul* or for a *niftar* may do so since it is done for the honor of the *shul* or the deceased.⁸¹

Fines

Sometimes a *Rebbe* will fine a boy for coming late too many times to class. This is permitted since it is done to teach the boy a lesson. There is no concern of *ba'al tashchis* in this situation.⁸²

Hunting

There is a discussion in the *poskim* whether hunting is an issue of *ba'al tashchis* (they also discuss the *tzar ba'alei chaim* issue which we will not be discussing). The *poskim* say that there is no issue of *ba'al tashchis* since one has use for the animal after it is hunted (caught).⁸³

One should not go fishing if he does not plan on eating the fish.⁸⁴

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81. Torah L'shma 76, Oz Nedberu 9:2.

82. Refer to Tzohar 1:page 56.

83. Nodeh B'Yehuda Y.D. 2:10. Refer to Shevus Yaakov 3:71, Pischei Teshuva Y.D. 28:10, Aruch Ha'shulchan O.C. 117:25.

84. Pachim Ketanim page 97.

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