

INTRODUCTION

Rabbi Moshe Feinstein was born in 1895 year ago in Uzda, near Minsk, Bilorussia. He studied in yeshivas in Slutsk, Shklov and Arntsishaw before being appointed rabbi of Lubań, Russia, where he served for 16 years. Under increasing pressure from the Soviet regime, he moved to New York City in 1936 where he became a rosh yeshiva in NY. He died in 1986 at the age of 90.

He was America's foremost authority on Jewish law; the person American rabbi's would turn to if they didn't know the answer. How it would work was:

When a congregant would ask an American rabbi a tough question, not answered in the Talmud or the law books, the rabbi would write down the question in a letter to Moshe Feinstein. Moshe Feinstein would write a letter in response (Responsa), cite the different passages in the Talmud or law books that came closest to addressing the question. And from those passages, he would explain his reasoning to arrive at the answer to the question. The final answer he arrived at would be a new ruling.

One thing I like about his approach was that, his conclusions were not based on personal convenience or his personal philosophy, but rather on the law (Talmud) and logic.

Another thing I like about his approach was that whenever he could not find a Talmudic basis for a prohibition, he said you don't have to keep that prohibition.

He wrote 1000s of these letters and published about 500 of them in a set of books called *Igros Moshe*. The sample Responsas are the following. The *Igros Moshe* book and chapter of each is cited in parantheses:

Question Orach Chaim, Chelek 1, simon 1: In 1956 Rabbi Moshe Aspis asks, Dear Rabbi Feinstein: How large should a headcovering be to be kosher.

Answer: The only hint from the Talmud of the need for covering the head is from Meseches Kidushin 31 stating R' Huna never walked 6 feet without a headcovering. There are 5 reasons for a head covering in increasing order of necessity: sitting, walking, differentiating from gentiles, prayer. Although some more modern rabbinical sources require a hat/yarmulka that covers most of the head, no ancient source suggests how large it should be. Therefore, any size that is considered a headcovering will do.

Question: Orach Chaim, chelek 1, simon 31: in 1952, author and Rabbi Eichenstein of St. Louis asks: Dear Rabbi, a congregation here wants to rent out a hall to hold services there. Is it OK if the hall is normally used for offensive acts (*to'evos*).

Answer: No, you may not if the room is usually or periodically used for bad purposes. But you MAY if the room is no longer used for bad acts.

Question: Orach Chaim, chelek 1, siman 33: no question: re: whether a kohen who drives on Shabos may *duchen*:

Answer: If he drives because he is an atheist then he may not. But probably, he drives because of lack of discipline, and therefore he may. But it not for us to tell HIM he cannot.

Question: Orach Chaim, chelek 1, siman 35: In *Shabos Minchah* if the lainer read only 2 very large psukim in Tazriah, you may count it like safek 3 psukim. By the way, *Meseches Kidushin* daf 30 said the middle pasuk is *vehisgalach* and it is now *vayepod lo bo* in parshat *Tzav* which is 160 psukim before, and further there it says there are 5888 psukim in the Torah, but now there are 5845 psukim (33 less). So we know that the way the psukim are divided up now is much different than it was during Talmudic times, and especially in the 2nd half of the Torah a large number of psukim we have now-a-days are comprised of 2 smaller psukim that were combined over the years.

Question: Orach Chaim, chelek 1, siman 37: In 1956 from Rabbi Platkin: Dear Rabbi Feinstein, when I lain, I leave the yad resting on the Torah and pointing to the place I left off to serve as a place holder, and several congregants say it's prohibited to rest anything on a Torah, and I know I'm right because the great Rabbi Zilberberg of Pressberg wrote it's OK because it is done for the benefit of the Torah.

Answer: It is disrespectful to lay a yad on the Torah, and doing so is not for the benefit of the Torah but for the benefit of the lainer.

Question: Orach Chaim, chelek 1, siman 38: in 1956 from Rabbi Levine in Rock Island. Our congregants want to drill holes in a bench for holding the second Torah while the first Torah is read. Is that OK?

Answer: The ancient authorities (Rambam, Rash, Tosfos) have indicated that during the prayer service, the Torah should either be IN the ark or be held -- not resting on a bench.

Admittedly, one Amorah who says you can carry a Torah in your saddle bag when moving, and one says you can rest the Torah that you are learning from on the same bed you are lying on. But prayer time is different. And the congregation would have to stand when the Torah is neither in the ark nor in someone's hand. And if no one wants to hold it, it's better to leave it in the ark until you are done with the first Torah. In fact, the Yerushalmi in 3 places -- *Yuma, Megilla and Sota* -- states that they used to actually do this (keeping the second Torah in the ark while the first Torah is being read). And *Magen Avraham* asked why we don't do this now-a-days. And some rabbis guessed that it is so the congregation won't wait, and to honor the occasion by displaying the second Torah.

Question: Orach Chaim, chelek 1, siman 48: In 1953 from Rabbi Teitz of Elizabeth NJ: Dear Rabbi Feinstein: May a blind man bring his seeing eye dog into our synagogue?

Answer: Yes, and we are not bending any rule. Jewish law allows a man to bring his donkey into the shul, and for a man to even eat in the shul (which is considered even worse than bringing in a donkey).

Questions: A husband & wife couldn't have kids. Doctors determined that the husband was sterile. Wife went, without her husband's permission or knowledge, to get herself artificially inseminated and bore a daughter. Is artificially inseminated considered like cheating on your husband? If so, would this call fall under the requirement for the husband to separate from his wife if he catches her cheating on him? What about the children born from artificial insemination? Are they illegitimate? May they marry a Jew? Marry a cohen? Does it make a difference if the donor is Jewish?

Answered: Even though artificial insemination is not addressed in Talmud per se, the Talmud addresses a woman becoming pregnant from being in a public bath. The Talmud indicates it is not cheating. So, baby is not illegitimate, and may marry any Jew, including a cohen. The fact that the donor is Jewish doesn't help. And the husband does not have to separate from his wife. Even if donor is girl's father or brother, the child is not considered born from incest because there was no cheating. In general, artificial insemination is not prohibited by Jewish law. A couple may do it if they really feel they need a child.

Question: A woman came from a family that holds a tradition that married woman shave their heads. She married a guy who says his mother never shaved her head, and he does not want his new wife to shave her head. Must she follow the Jewish law of always following your parent's customs?

Answer: The newlywed woman should, as her new husband requests, not shave her head, for the following reasons: 1) The law of following your parent's customs after marriage applies only to the husband. Once a woman marries, she should drop her parents' customs and follow her husband's customs. 2) The husband's wishes are more important than her parent's customs. 3) There is nothing wrong with a wife not shaving her head. 4) Even the Talmud says a woman should dress nicely for her husband so that he not have wandering eyes.

Even Ha'ezer Chelek 1; Siman 4

Question: A man's fiancée has same Hebrew name as his mother. The mother thinks it is bad luck. But it doesn't bother the kids. Should the bride change her name?

Answer: The girl should NOT change her name for several reasons: 1) This custom is not in the Talmud or derived from Talmud. It is something that was thought up by rabbis (including Arizal) a few hundred years ago from their own personal logic, so we don't have to follow it. 2) This rule does not apply if either the English or the Hebrew name is different. 3) Having the daughter change her name would not satisfy the custom's requirements anyway if the girl's friends don't call her by her new name. 4) It could even hurt, since it would lead to uncertainty in how to draft her *Ketuba* or *Get*. 5) Even though the **Chasam Sofer** was reported to have once told a girl to change her name to avoid it being the same as the mother-in-law, that applied only in the Chasam's Sofer's culture where all the girl's friends were Jews and would actually call her by her new name; which does not occur now-a-days. So even the **Chasam Sofer** would have agreed that in our modern culture, a girl should not change her name.

This is one of those issues where we say "if it doesn't bother them (the bride and groom), it shouldn't bother us (rabbis)." And even though it does bother the mother-in-law, this issue is unrelated to her.

[Afterward, I found in **Yated Ne'eman magazine** 11/21/08, p. 26, in Dec. 2008, an article by **Rabbi Avraham Rosenthal**, about **Rab Yehuda Hachosid (Rav Yehuda ben Rav Shmuel Hachosid of Speyer** born 1150, in west Germany, one of the ba'alei Tosfos, (ex: **Tosfos, Baba metzia** 5b "d'chashid", and **Ksuvos** 18b "uvekulai") whose students were **Or Zarua, Roke'ach, and Smag**. He wrote **Sefer Chasisim**. Also **Sefer Hakavod** (which is lost) which has his tzva'ah (which was not lost). The tzva'ah includes not marrying a woman with the same name as one's mother, and should not have the same name as his fiancé's father, unless one party changes his/her name, and 2 mechutanim or machetenestes should not have the same name, and 2 siblings should not marry 2 other siblings. Reasons are included in **Chida, Pirush A'Sefer Chasidim #477, Haishiv Moshe #19, Pri Hasadeh** vol. 1, #69, **Maharil #17, Even Harosha #31; Rabainu Yerucham, Toldos Adam V'chavah, Netsiv #28, end of section #1; Rokai'ach #316, Shu't Maharil #S111**). **Noda Biyehuda, Even Ha'ezer, Tinyana, #79**, deduces from the fact that the some of the tzva'ahs contradict Talmud, that they were meant only for Rabbi Yehuda Hachasid's own descendents. **Noda Yiyehuda's** opinion is supported by **Arugas Habosem, Yoreh De'ah #118**, which notes that **Rama** contradicts one of the tzva'ahs. **Chasam Sofer, Even Ha'ezer #116** and **P'er Hador (re: Chazon Ish) vo. 4, p. 90** and **Ma'ase Ish (re: Chazon Ish) p. 215** all indicate it's OK to do it if it does not bother you. see **Otzar Haposkim, Even Ha'ezer, vol. 1, Introd. chap. 15**. In general, the issues are that this tzva'ah might not be authentically from **Yehuda Hachasid**, or was meant only for his own descendents and possibly only for the next generation only, and whether **Yehuda Hachasid** thought changing the name would help at all (due to his phraseology "perhaps there is hope")]

Question: Dear Rabbi Feinstein: We are building a mechitzah. We want it to be as low possible. How low can be make and still be kosher. Can it be made of glass?

Answer: A mechitzah must be at least shoulder height, which is about 5 feet. Reasons for a mechitza are to keep men from socializing with women during davening, and to avoid seeing women who dress provocatively. A glass mechitza is OK if the woman don't dress provocatively. Separation of men from women is needed only for those prayers that require a minyan.

