



# Reishit Bikkurim

**A Guide to Shavuot Observance  
Prepared for the RIETS Shavuot Yarchei Kallah  
Expanded and Updated Edition for Shavuot 5772**

**According to the Piskei Halakha of  
Rav Hershel Schachter, Shlit"א  
Rosh Yeshiva and Rosh Kollel  
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ישיבת רבנו יצחק אלחנן

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בס"ד

כל זמן שבית המקדש קיים, מזבח שבו הוא כפרה לישראל בכל מקומות מושבותיהם, ובחוצה לארץ חכמים ותלמידי חכמים הם כפרה לישראל בכל מקומות מושבותיהם, שנאמר ואם תקריב מנחת ביכורים לה' (ויקרא ב:יד), ואומר ואיש בא מבעל שלישה ויבא לאיש האלהים לחם ביכורים וגו', וכי אלישע כהן היה, והלא אין שם לא מקדש ולא מזבח ולא כהן גדול, אלא אלישע [נביא] היה, ותלמידי חכמים יושבין לפניו בין בדותן ובין בשומרון, מיכן אמרו, כל הניזקק לחכמים ולתלמידיהם מעלה עליו הכתוב כאילו הקריב ביכורים ועשה רצון אביו שבשמים. (אליהו זוטא פרשה ב)

Dear Esteemed Guest:

We are honored to present you with the 5772 edition of *Reishit Bikkurim*, a selection of Halakhot relevant to Yom Tov in general and Shavuot in particular. We hope that it will enhance your Yom Tov and serve as a valuable resource during your participation in this year's RIETS Shavuot Yarchei Kallah.

This publication was composed specifically for this event, and it includes various Halakhot relevant to a hotel setting. However, the breadth of the material herein makes *Reishit Bikkurim* an important guide for all readers. This year's edition also addresses unique halachot pertinent to years in which Shavuot immediately follows Shabbat, such as this year.

*Reishit Bikkurim* consists of the Halachic positions of RIETS Rosh Yeshiva and Rosh Kollel, Rav Herschel Schachter. We thank Rav Schachter for allowing us to publish this work and investing his time in its preparation. We would also like to thank his son, Rabbi Shay Schachter, for transcribing many of Rav Schachter's rulings and providing critical assistance along the way. Rabbi Yehuda Turetsky and Rabbi Etan Schnall are credited with editing the material and adding footnotes to provide the reader with additional source material relevant to Rav Schachter's positions.

Please feel free to consult with Rav Schachter or any of the other Rabbanim with us for Yom Tov regarding any of the Halakhot found in this booklet.

We thank you again for joining us at the RIETS Yarchei Kallah this Shavuot. We look forward to a wonderful Chag together.

With Torah blessings,

*Yona Reiss*

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## Erev Shabbat

### Eating a Meal on Erev Shabbat:

1. One should refrain from eating a large meal on Erev Shabbat in order to eat the Shabbat meal with an appetite.<sup>1</sup>
2. Magen Avraham cites the opinion of the Shelah that one should not have a meat meal on Erev Shabbat.<sup>2</sup>

## Shabbat

### Candle Lighting:

1. The Mitzvah to light Shabbat and Yom Tov candles should ideally take place in one's home. In a hotel, this refers to one's private guest room. However, hotels prohibit lighting candles in guest rooms because this poses a fire hazard.<sup>3</sup> Therefore, the obligation is best fulfilled by turning on an electric light in one's room, provided that it is incandescent (not neon or fluorescent, etc.), as many Poskim maintain that a Bracha can be recited on a light bulb that contains a filament.<sup>4</sup>
2. If this option is not feasible, one should light candles in a place where people will derive benefit from them, such as the dining room, especially if it will enhance the Yom Tov meal. It does not appear proper to light candles in a place where no one will benefit from the candles' light, and a Bracha may not be made in this scenario.<sup>5</sup>

### Shabbat Davening:

1. Av HaRachamim is recited prior to Mussaf when Erev Shavuot coincides with Shabbat.<sup>6</sup> This Tefilla is especially relevant during the days of Sefirat HaOmer when countless lives were lost at the hands of the crusaders.<sup>7</sup>

### Seuda Shlishit:

1. Seuda Shlishit should be eaten earlier than usual when Shabbat precedes Yom Tov to ensure that the Yom Tov meal is eaten with an appetite.<sup>8</sup> Therefore, Seuda Shlishit should ideally begin no later than half an hour prior to Mincha Ketana (approximately 4:30 PM).<sup>9</sup>

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<sup>1</sup> Shulchan Aruch (O.C. 249:2) states this explicitly in regard to Erev Shabbat. Rema (529:1) rules that this Halakha applies to Erev Yom Tov, as well, for there is also an obligation to honor Yom Tov (see below). See Mishna Berura (249:10) for an additional reason to prohibit large meals.

<sup>2</sup> O.C. 249:6

<sup>3</sup> R. Schachter cautions that one who lights a candle in a guest room without permission violates the prohibition of theft, as hotel administration does not authorize guests to use rooms in this manner. See R. Asher Weiss, *Kovetz Darkei Hora'ah* (4:94).

<sup>4</sup> It is important to note that this Mitzva can be fulfilled by turning on a closet or bathroom light (Bracha must be recited outside of the bathroom).

For a summary of Poskim who discuss whether one fulfills the Mitzva by lighting electric lights, see *Shemirat Shabbat KeHilchata* (chap. 43, note 22).

<sup>5</sup> See Shulchan Aruch (O.C. 263:9).

<sup>6</sup> This is based on the simple understanding of Rema (O.C. 284:7) and Mishna Berura (ibid.). Though some have the custom to omit Av Harachamim on this Shabbat, the custom recorded here is also found in *Luach Ezrat Torah* and *Luach Eretz Yisrael*.

<sup>7</sup> *Nimukei Orach Chaim* (284:3) points to the fact that many Jews were murdered between Rosh Chodesh Sivan and Shavuot and on Erev Shavuot in particular.

<sup>8</sup> See above, note 1.

## Shavuot

### Candle Lighting:

1. When Yom Tov begins on Motzaei Shabbat, as it does this year, Yom Tov candles must be lit after Tzeit HaKochavim (nightfall).<sup>10</sup>
2. Prior to lighting the candles (if one has not already Davened Ma'ariv and recited VaTodeainu), one should say the words, "Baruch HaMavdil Bein Kodesh L'Kodesh."<sup>11</sup>
3. There are two opinions as to whether the Bracha on Yom Tov candles should be recited before or after the candles are lit. The generally accepted practice is to recite the Bracha **before** lighting the candles.<sup>12</sup>
4. The Bracha of Shehechyanu: There is no requirement to recite the Bracha of Shehechyanu in conjunction with Kiddush. However, the Talmud (Eruvin 40b) states that the significance of the Bracha is enhanced when it is recited in conjunction with Kiddush, and common practice is to act accordingly. R. Akiva Eiger (O.C. 263:5) quotes the opinion of R. Yaakov Emden that women should not recite Shehechyanu when lighting Yom Tov candles, but should instead wait until Kiddush to satisfy the requirement to recite the Bracha.<sup>13</sup>

### Yahrtzeit Candles:

1. Some Poskim question whether one is permitted to light a Yahrtzeit candle on the second day of Yom Tov in honor of Yizkor. The Kitzur Shulchan Aruch (98:1) cites Poskim on both sides of the issue and concludes that one should not light such a candle on Yom Tov. He views it as a "Ner Shel Batala," a candle whose light does not provide benefit on Yom Tov, and so may not be lit. Therefore, one should ideally light a Yahrtzeit candle on Erev Yom Tov (see footnote).<sup>14</sup> This year, following this view entails lighting the candle prior to Shabbat.

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<sup>9</sup> Biur Halakha (529, s.v. MiMincha). Time is for Ryebrook, NY (5772). If one is unable to eat Seuda Shlishit earlier, one should refrain from eating more than will allow him to eat the Yom Tov meal with an appetite, see Mishna Berura (529:8 with Sha'ar HaTziun).

<sup>10</sup> When Yom Tov does not begin on Motzaei Shabbat, Poskim disagree whether one should light candles before Yom Tov begins or only after the onset of the Chag. Many Poskim, including R. Soloveitchik, maintain that one should light Yom Tov candles before the start of Yom Tov, just as Shabbat candles are lit prior to Shabbat (Divrei HaRav pg. 173). Be'er Hetiv (503:4) cites Poskim who offer additional justification of this practice. See also Shut Pri Yitzchak (1:6) and Drisha (introduction to Yoreh Deah). This was also the custom in the home of R. Shlomo Zalman Auerbach (Halichot Shlomo Pesach, pg. 240). R. Auerbach also notes that there is no reason to be concerned that lighting before Yom Tov begins is a violation of the requirement to pass seven complete weeks before Shavuot begins (ibid., pg. 373).

<sup>11</sup> Mateh Efraim (599:10) cited in Shemirat Shabbat KeHilchata (Note to 44:3).

<sup>12</sup> Magen Avraham (O.C. 263:12) quotes the Drisha's son who records that his mother's practice was to recite the Bracha before lighting the candles. While Magen Avraham argues that one should recite the Bracha after lighting, the accepted practice is not in accordance with his opinion. See Mishnah Berura (263:27).

<sup>13</sup> R. Yaakov Emden's position is recorded in his Shut Sheilat Ya'avetz (1:107) and has been accepted by many Poskim. Mishna Berura (263:23) rules that one should not protest against those whose custom is to recite Shehechyanu at the time of candle lighting. Achronim present justifications for this practice; see Aruch HaShulchan (263:12) and Moadim U'Zmanim (7:117).

<sup>14</sup> Many other Poskim accept the Kitzur Shulchan Aruch's ruling; see also Da'at Torah (O.C. 515:5). Shut Ketav Sofer (O.C. 65) permits one to light a Yahrzeit candle on Yom Tov, though he believes that it should be lit inside the Shul. In his discussion of the issue, Biur Halakha (514 s.v. Ner) writes that if one neglected to light a Yahrzeit candle on Erev Yom Tov, it is best to light it in Shul or at least in the place where one eats in order to benefit from the additional light. Some later Poskim have questioned whether Biur Halakha's logic still applies, as it is unlikely that a candle will significantly increase the light in the room in a contemporary setting. Biur Halakha concludes that one may perhaps be lenient in a pressing situation to light the candle because the aforementioned Ketav Sofer argues that a Yahrzeit candle is considered a permissible Ner Shel Mitzvah, and not a Ner Shel Batala, as it provides honor to one's parents. It should be noted that most Poskim assume that it is only a custom to light a Yahrtzeit candle and not a Halachic requirement; see Shut Yechave Da'at (5:60). See

### **Yaknehaz:**

1. When Yom Tov falls on Motzaei Shabbat, Havdala is combined with Kiddush.<sup>15</sup> Besamim (spices) are not included in the Havdala.<sup>16</sup> The Bracha of "Borei Meorei HaAish" may be made upon the unfrosted<sup>17</sup> incandescent light bulbs<sup>18</sup> that add significant light to the dining room.<sup>19</sup>

### **The Shavuot Meal:**

1. There is a long-standing custom to eat dairy on Shavuot.<sup>20</sup> Mishna Berura (O.C. 494:16, Sha'ar HaTzion 15) notes that one should wait six hours before eating meat if one ate hard cheese.<sup>21</sup> R. Soloveitchik ruled that American cheese is certainly not included in the custom.<sup>22</sup>

### **Staying Up All Night:**

1. Many question whether a person who remains awake the entire night is obligated to wash his or her hands in the morning. The common practice is to wash one's hands without a Bracha. However, if one uses the bathroom prior to washing, one may recite the Bracha.<sup>23</sup>

2. A similar question exists regarding the Birchot HaTorah. Common practice is to fulfill the obligation by answering Amen to the Brachot of one who did sleep. One should not recite Amen after the phrase "לעסוק בדברי תורה" but after the entire paragraph of "והערב נא" is completed.<sup>24</sup>

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also Mishna Berura (261:16) quoting Maharshal who permits one to instruct a non-Jew to light a Yahrtzeit candle during Bein Hashmashot of Erev Shabbat, due to the unique importance that many associate with this custom.

<sup>15</sup> Shulchan Aruch (O.C. 473:1).

<sup>16</sup> Mishna Berura (O.C. 491:3) quotes an explanation given by the Rishonim: the festive Yom Tov meal takes the place of spices in reinvigorating the spirit that remains anguished after losing the Neshama Yeteira when Shabbat concludes.

<sup>17</sup> R. Shlomo Zalman Auerbach (Meorai HaAish, 5:1). This is based upon the requirement to see the actual flame of the Havdala candle, as codified in Shulchan Aruch (O.C. 298:15).

<sup>18</sup> Many Poskim view the filament of an incandescent light bulb as actual fire, and so Borei Meorei HaAish may be said. For example, see Nefesh HaRav (pg. 196) where R. Schachter records that R. Soloveitchik witnessed R. Chaim Ozer Grodzenski recite the Bracha on an incandescent light bulb.

<sup>19</sup> Shulchan Aruch (O.C. 298:4) rules that one must benefit from the light source in order to recite the Bracha of Borei Meorei HaAish. For this reason, R. Schachter notes that it is improper to recite Havdala on any Motzaei Shabbat in a room that is already well-lit due to electric lights. This is the source of the common practice to extinguish all lights other than the Havdala candle in order to recite the Bracha of Borei Meorei HaAish. Indeed, this was the practice of Chofetz Chaim, as reported by R. Elchanan Wasserman (Ohr Elchanan 1:286).

<sup>20</sup> This custom is recorded by Rema (O.C. 494:2). Various reasons are offered for this custom; see Rema and Mishna Berura (ibid.).

<sup>21</sup> The custom to wait after eating hard cheese is recorded by Rema (Y.D. 89:2). For this purpose, hard cheese includes types that are aged and somewhat sharp. While Shach (89:17) quotes the Maharshal who forcefully rejects this stringency, most Poskim do not accept his opinion; see, for example, Biur HaGra (89:11). Shach (89:15), Taz (89:4), Yad Yehuda (89:30) and other Poskim discuss how to define "hard cheese" for purposes of this Halakha.

<sup>22</sup> As reported by R. Schachter in Mesorah Journal (vol. 20, pg. 92). For an updated list of contemporary cheeses that may pose a problem, see May 2012 edition of Daf HaKashrus, published by the Orthodox Union Kashrus Division ([http://www.oukosher.org/index.php/learn/daf\\_ha-kashrus](http://www.oukosher.org/index.php/learn/daf_ha-kashrus)).

<sup>23</sup> Rema (O.C. 4:13) requires one to wash without a Bracha. Mishna Berura (4:30) notes that later Poskim debate whether to accept Rema's ruling or to wash with a Bracha. However, Poskim agree that one can recite a Bracha in this scenario if he or she uses the bathroom first. This appears to be common practice.

<sup>24</sup> See Shulchan Aruch (O.C. 47:12) and Mishna Berura (ibid.). Mishna Berura also cites the ruling of R. Akiva Eiger that one who slept in bed the previous day (prior to staying up the entire night) may recite Birchot HaTorah in the morning according to all opinions. Some Poskim question whether one should accept R. Akiva Eiger's ruling, and it is therefore better to hear the Brachot from one who slept and is certainly obligated; see Shut Tshuvot V'Hanagot (3:149, citing the Brisker Rav).

3. It is likewise unclear whether one who remains awake all night may recite the Brachot of Elokai Nishama and HaMa'avir Sheina Me'einai. Here, as well, common practice is to find someone who did sleep the previous night and answer Amen to that individual's Brachot.<sup>25</sup> Amen following HaMa'avir Sheina should not be said until after the Bracha that concludes the Yehi Ratzon prayer.

4. Those who Daven Vatikin should not recite a Bracha on the Tallit before the Halachic time known as Mi She'yakir. R. Moshe Feinstein states that this time is approximately 35-40 minutes before sunrise (5:27 AM).<sup>26</sup> Because of this concern, the B'nei Yissoschar recommends waiting to don the Tallit until the completion of Korbanot (before Baruch She'amar) in order to ensure that one does not don his Tallit or make the Bracha too early.

### Shavuot Davening:

1. Those who did not stay up all night should be careful to Daven at a Minyan that recites Keriat Shema at the proper time. R. Soloveitchik and many other Poskim maintain that it is better to Daven without a Minyan before Sof Zman Keriat Shema (the end of the period during which one may recite Keriat Shema) rather than Daven with a Minyan after this time has elapsed. This option is preferred because it allows the recitation of Keriat Shema together with the Birchot Keriat Shema.<sup>27</sup>

2. Many have the custom to follow the Ba'al HaTanya's practice to recite "ושני שעירים לכפר" (as opposed to "ושעיר לכפר") in the Mussaf Amida, in order to make mention of the קרבן חטאת (sin offering) that was offered with the שתי הלחם (ritual loaves of bread) of Shavuot.<sup>28</sup>

3. Megillat Rut is read on the second day of Yom Tov. The custom of Yeshiva is read the Megilla from a Klaf (parchment). Poskim differ as to whether the Brachot Al Mikra Megilla and Shehechyanu are recited.<sup>29</sup>

### The Second Day of Yom Tov:

1. One is not permitted to prepare for the second day of Yom Tov on the first day of Yom Tov.<sup>30</sup> As such, in a hotel setting, it is proper to wait until nightfall (Tzait HaKochavim) to begin Davening on the second night of Yom Tov. This allows the caterer sufficient time to prepare the Yom Tov meal following the conclusion of the first day.<sup>31</sup>

2. The Rabbinic restriction against taking medication does not apply on the second day of Yom Tov.<sup>32</sup>

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<sup>25</sup> Sha'arei Tshuva (O.C. 46:7) and Mishna Berura (O.C. 46:24).

<sup>26</sup> See Shulchan Aruch (O.C. 18:3) and Shut Igrot Moshe (O.C. 4:6). Sunrise time is for Ryebrook, NY (5772). Shemona Esrei is scheduled to begin at sunrise, as per Shulchan Aruch (O.C. 89:1).

<sup>27</sup> Nefesh HaRav (pg. 114). For more on this subject, see Shut Pri Yitzchak (1:1) and Shut Binyan Olam (O.C. 4).

<sup>28</sup> See Siddur Ba'al HaTanya where this practice is recorded. For an alternative perspective, see Shut Igrot Moshe (Y.D. 3:129:7).

<sup>29</sup> See Rema (490:9), Levush (490:5), Ma'aseh Rav of the Vilna Gaon (175), Mishna Berura (490:19) and Hilchot Chag B'Chag (Shavuot chap. 8, note 79).

<sup>30</sup> Shulchan Aruch (O.C. 503:1).

<sup>31</sup> Many wait to Daven Maariv until nightfall on the first night in order to ensure that seven complete weeks elapse between Pesach and Shavuot; see Magen Avraham (O.C. 494:1) and Taz (ibid). Pri Migadim (O.C. 494:1) notes that this concern does not apply on the second night. However, it is still proper to wait on the second night to allow the caterer enough time to prepare the meal. The custom of German Jewish communities is to always Daven Maariv after nightfall following the first day of Yom Tov. By doing so, those making preparations at home will not rush to do Melachot before nightfall (Maharil, Minhagim: Seder Tefillot of Pesach, 6).

<sup>32</sup> Shulchan Aruch (O.C. 496:2) with Mishna Berura (ibid.). As far as taking medication on the first day of Yom Tov, see Magen Avraham (O.C. 532:2), Kitzur Shulchan Aruch (98:13) and Shut Tzitz Eliezer (8:15).

## General Shabbat and Yom Tov Halakhot

### Elevator Use on Shabbat and Yom Tov:

1. A non-Jewish elevator operator will be present throughout the Yarchei Kallah. The elevator will stop at every floor, so there is no need for guests to give instructions to the operator. Use of the elevator should be limited to guests who are unable to use the stairs.<sup>33</sup>

### Carrying:

1. Shabbat: One may only carry inside the hotel and within the Eruv.

2. Yom Tov: It is permitted to carry beyond the Eruv on Yom Tov. However, one may only carry outside the Eruv when necessary. Rishonim and subsequent Poskim debate what defines a sufficient necessity to permit carrying outside of an Eruv.<sup>34</sup> Carrying a Tallit or Machzor for use in Shul is a permissible need, even if this could have been done prior to Yom Tov.<sup>35</sup>

### Showering on Yom Tov:

1. One may not take a shower or bathe in warm or hot water on Yom Tov. However, one may adjust the temperature such that the water is not uncomfortably cold.<sup>36</sup> A child who is generally bathed daily in warm water may be bathed in warm water on Yom Tov, as well.<sup>37</sup> One should not use a towel to dry his or her hair. Rather, hair should be allowed to air-dry.<sup>38</sup>

### Lighting a Fire on Yom Tov:

1. Though one is permitted to cook on Yom Tov, it is prohibited to light a new fire.<sup>39</sup> Taz (O.C. 502:1) maintains that this prohibition is biblical, but the accepted opinion is that lighting a new fire only constitutes a rabbinic prohibition.<sup>40</sup> As such, one is allowed to ask a non-Jew to turn on or off a light on Yom Tov in certain circumstances.<sup>41</sup>

2. Even those who assume that smoking is generally permitted<sup>42</sup> maintain that one is not permitted to smoke on Yom Tov.<sup>43</sup>

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<sup>33</sup> Use of electronic systems that do not heat a filament during use, such as an elevator, generally constitute a rabbinic prohibition of Makeh B'Patish; see Mesorah Journal (vol. 20, pg. 61). Therefore, in cases of great need, one may instruct a non-Jew to operate an elevator on his behalf. Amira L'Akum, instructing a non-Jew to perform a Shabbat or Yom Tov Melacha, is also a rabbinic prohibition. This constitutes a Shvus D'Shvus, a confluence of two rabbinic prohibitions, which is permissible in special situations; see Shulchan Aruch (O.C. 307:5) and Mishna Berura (307:20). According to Rashi (Avoda Zara 15a, s.v. Keivan) the prohibition of Amira L'Akum is predicated upon the verse, "V'Daber Davar" (Yeshaya 58), which defines permissible speech on Shabbat. Therefore, even when a great need exists, it is best to arrange for the operator to stop the elevator at every floor, rather than instructing him verbally when entering the elevator.

<sup>34</sup> See Shulchan Aruch (O.C. 518:1) and Biur Halacha (ibid., s.v. Mitoch).

<sup>35</sup> See Shulchan Aruch and Rema (O.C. 495:1, 504:2) and Magen Avraham (O.C. 498:3). Ra'avad (cited in Shita Mikubetzet, Ketuvot 7a) is stringent when an item could have been carried before Yom Tov, but this opinion is not cited in Shulchan Aruch.

<sup>36</sup> Mishna Berura (326:7, 511:18, 19 and Sha'ar HaTziun). Even lukewarm water is included in this prohibition; see Beit Meir (Y.D. 197:3), Shut Noda B'Yehuda (O.C. Tinyana 25) and Tehilla L'Dovid (326:3). The permissible temperature described is below lukewarm.

<sup>37</sup> Mishna Berura (511:18)

<sup>38</sup> Mishna Berura (326:25)

<sup>39</sup> Gemara Beitza (33a-33b), Rambam (Hilchot Yom Tov 4:1) and Shulchan Aruch (O.C. 502:1).

<sup>40</sup> See Biur Halakha (502:1 s.v. Ain), Pri Chadash (O.C. 502:1) and Meorei Aish (chap. 1) at length.

<sup>41</sup> See above, note 33. One should consult with a Halachic authority if such a need arises.

<sup>42</sup> Many Poskim maintain that it is always prohibited to smoke; see for example, Shut Tzitz Eliezer (15:39) and Shut Rivivot Ephraim (8:586). See also [http://www.rabbis.org/pdfs/Prohibition\\_Smoking.pdf](http://www.rabbis.org/pdfs/Prohibition_Smoking.pdf).

<sup>43</sup> The permission of fire use on Yom Tov is limited to those purposes considered Shaveh L'chol Nefesh (use generally enjoyed by all people). For that reason, the Talmud (Beitza 22b) prohibits the burning of incense on

### **Muktza on Yom Tov:**

1. The generally accepted Ashkenazi practice is to treat one's leftover chicken bones as Muktza on Yom Tov,<sup>44</sup> because they are viewed as Nolad (a newly created item from the perspective of Halakha<sup>45</sup>). This is true despite the fact that the bones may still be fit for animal consumption.
2. Nolad also applies to peels, pits, and shells that remain after a fruit or nut is eaten on Yom Tov.<sup>46</sup>

### **Use of Hotel Lawn Furniture:**

1. The Melacha known as "Choresh" (plowing) includes digging a furrow in earth located outside (Shabbat 73b). When a lawn surface is soft, one must avoid dragging furniture if it will cause a furrow to be created.<sup>47</sup> However, one may sit on a lawn chair, even if this will depress the legs of the chair into the earth.<sup>48</sup>

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Yom Tov. P'nei Yehoshua (Shabbat 39b) and Biur Halakha (511:4) permit one to smoke on Yom Tov, arguing that smoking is considered Shaveh L'chol Nefesh, because the conventional thinking in earlier generations was that smoking was beneficial to one's health. Today, we are aware of the dangers of smoking. Smoking cannot be considered an act of enjoyment but of self-injury; see Shut Minchat Shlomo (2:58:6). Additionally, even contemporaries of the P'nei Yehoshua disagreed with arguments advanced by the P'nei Yehoshua; see Chayei Adam (95:13).

<sup>44</sup> Mishna Berura (495:17). It is permitted to move the bones if their presence on the table is repulsive (Shulchan Aruch O.C. 518:5) or if the table will be used later on Yom Tov. When possible, they should be moved without direct contact; see Rema (O.C. 509:7) and Biur Halakha (638:2 s.v. U'Byom Tov). In a hotel setting, it is best to allow the non-Jewish waiters to handle such items, as this is permitted as a Shvus D'Shvus in a situation of Ochel Nefesh (see above, note 33).

<sup>45</sup> When flesh is attached to the bones, they are defined by Halakha as human food. When the flesh is removed, the bones are defined as animal food. An item that undergoes such a change in Halachic status is known as Nolad and is considered Muktzah on Yom Tov. Mishna Berura (501:30) notes that the bones may still be moved even if just a little flesh remains.

<sup>46</sup> Shulchan Aruch (O.C. 501:7). Some pits and shells (ie. peaches, pistachios, etc.) may not even be considered animal food.

<sup>47</sup> See Shulchan Aruch and Mishna Berura (O.C. 337:1).

<sup>48</sup> See Beitza (23b). Creating a cavity is permitted when the earth is simply pressed down, rather than dug. For this reason, a stroller may also be used on soft ground, for its wheels do not dig but instead press the earth beneath them; see Shemirat Shabbat KeHilchata (28:48) and Ketzot HaShulchan (chap. 149, note 52).