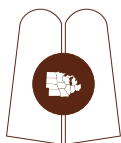


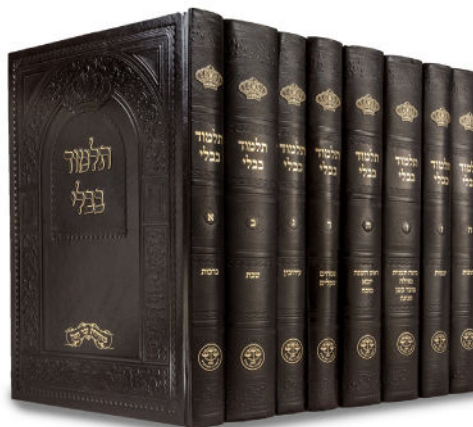


# שפה ברורה

*The Halachos of the  
Month of Sivan and Shavuos*



A Project of the  
Midwest Agudas Yisroel  
Council of Synagogue Rabbonim





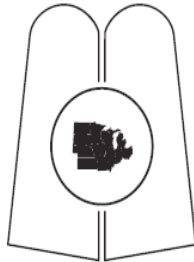
שפה ברורה

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# הלכות שבועות

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THE HALACHOS OF THE  
MONTH OF SIVAN  
AND SHAVUOS



AGUDATH ISRAEL OF ILLINOIS

A project of  
MIDWEST AGUDAS YISROEL  
COUNCIL OF SYNAGOGUE RABBONIM

לעילוי נשמת אבי מורי  
הרב ברוך נתנאל בן ר' אברהם זצ"ל  
ויבלח"ט  
לזכותה של אמי מורתי  
שושנה בת ר' ישראל

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# *Hilchos Shavuos*

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## I. FROM EREV ROSH CHODESH SIVAN UNTIL EREV SHAVUOS

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### A. Erev Rosh Chodesh

- i. **Yom Mesugal** — Erev Rosh Chodesh Sivan is known to be an auspicious day for *tefilla*.
- ii. **Tefillas HaShelah** — Many parents read the Tefillas HaShelah on Erev Rosh Chodesh Sivan. It is a *tefilla* to have righteous and G-d fearing children. This *tefilla* may be said even on Shabbos.
- iii. **Yom Kippur Kattan** — Some people have a custom to say the special Yom Kippur Kattan *tefillos* that are added to Mincha on Erev Rosh Chodesh.

### B. Rosh Chodesh (א' סיון)

- i. **Learning Halachos** — שואלין ודורשין הלכות חג בחג... (מגילה לב.) — There is a *mitzvah* to review the *halachos* of each Yom Tov before it begins. One should start learning Hilchos Shavuos at least by Erev Shavuos. Others argue that one should start at least 30 days before.

- ii. **No Tachanun** — Tachanun is not said starting with Mincha on Erev Rosh Chodesh Sivan through Isru Chag (8th of Sivan in Chutz La'aretz). Some shuls have a *minhag* not to say Tachanun until after the 13th of Sivan.
- iii. **Restrictions** — The following activities have restrictions until after Shavuos —
  - 1. No fasting (even for a *yahrtzeit*). Except —
    - a. *Taanis chalom*
    - b. *Chosson* and *kallah* on the day of the *chasunna*. (There is more room for leniency, though, in a case that the *chosson* or *kallah* are feeling weak).
  - 2. No saying *hespedim* (eulogies), Hazkaras Neshamos (“Keil Maleh”) or Tzidduk Hadin.

C. **Yom Hameyuchas** — (ב' סיון) — The second day of Sivan is a semi-Yom Tov that is known as the Yom Hameyuchas (Day of Royal Lineage). It is a particularly auspicious day. Several explanations are given for this day's unique status —

- i. Because it was on this day that Klal Yisroel were instructed to be Hashem's עם סגולה as a ממלכת כהנים “וגוי קדוש”. (Likutei Mahariyach)
- ii. Being that it is sandwiched between the Yomim Tovim of Rosh Chodesh Sivan and the Shloshes Y'mei Hagbalah it draws some of their *kedusha* and becomes a Yom Tov of its own. (Shu"t Ha'Elef Lecha Shlomo 331)

- iii. It is the same day of the week that Yom Kippur was on that year (Aruch Hashulchan 494:7).
- iv. It is the day that Hashem told the nations that He didn't coerce them to accept the Torah by holding the mountain over their head, because they do not have the holy *yichus* that Klal Yisroel has. (Ginzei Chaim 494:2 from the Chortkover Rebbe)

#### D. Shloshes Y'mei Hagbalah — (ג' – ה' סיון)

- i. **Haircuts/Shaving** — Individuals who observed the “second half” of Sefira and did not get haircuts or listen to music starting on Rosh Chodesh Iyar, may get a haircut and start listening to music starting with the third day of Sivan. Those who follow the *minhagim* of the Arizal don't get haircuts until Erev Shavuos.
- ii. **Learning Torah** — The *aveira* of *bittul Torah* is judged more harshly and there is extra *kedusha* to the learning that is done during this time. Therefore, during the days leading up to Shavuos, one should push himself harder to learn extra and with more focus.

#### E. Erev Shavuos (ה' סיון)

##### i. **Blood Letting/Giving Blood**

- 1. Background — There is a prohibition to do bloodletting on Erev Shavuos, because it is dangerous to do so (see Mishna Berura 468:28 for an explanation). Our custom is to extend

this *minhag* to include not doing bloodletting on any Erev Yom Tov (Rama 468:10).

2. Blood Test and Giving Blood — There is a discussion if this prohibition extends to giving blood and blood tests. It is advisable to avoid scheduling these activities for Erev Shavuos. However, if there is any need to do them specifically on that day it would be permissible.
- ii. **Taking a Nap** — It is common to take a nap on Erev Shavuos to have the energy to stay up for the all-night learning on Shavuos night. If Erev Shavuos falls out on Shabbos, one may still take a nap (even a longer one than usual), and it would not be considered *hachana* (preparing on Shabbos for after Shabbos). In this case, however, one should not verbalize the reason why he is taking the nap.
- iii. **Mikvah** — It is praiseworthy for men to use the mikvah on Erev Yom Tov. Many men who don't use the *mikvah* at other times, use the *mikvah* before Yom Tov. [According to some poskim, this is particularly true on Erev Shavuos, because going to the mikvah was one of the preparations of the original Kabbalas Hatorah.] It is important to note that on Erev Yom Tov the *halachos* are more strict and one should avoid using a shower or a pool for *tahara* (purification).
- iv. **Gifts** — The Gemara in Pesachim ט"ק ה"ג teaches that it is praiseworthy to give gifts to family members in honor of Yom Tov. The gift should be suitable for the recipient. For example, children

should be given treats and women should be given a new outfit, jewelry or delicacies.

v. **Yahrtzeit Candle** — It is customary to have a *yahrtzeit* candle lit for all Yomim Tovim that Yizkor will be recited, Shavuos included. (Some only light a *yahrtzeit* candle for the actual *yahrtzeit* and Yom Kippur). It is a debate, however, when the candle should be lit —

1. Background — One may only light a candle on Yom Tov for a constructive use. Many poskim are the opinion that one may not light a *yahrtzeit* candle on Yom Tov being that it is not being used to give off any light or heat, whereas others argue that it may be lit being that it is a “Ner Shel Mitzvah” (*mitzvah* candle) and it enhances the simcha of Yom Tov.
2. L’maaseh — One should follow his family *minhag*. If one does not know his *minhag*, the candle should ideally be lit before Yom Tov. If it was not lit before Yom Tov, the candle may still be lit on Yom Tov on condition that it is lit in an area that people will actually get benefit from the candles.
3. Forgot to Light Before — Even if one normally follows the opinion that the candle should be lit before Yom Tov and the candle was not lit, he may still light the candle on Yom Tov as long as it is in a location that people can benefit from its light.

vi. **Eiruv Tavshilin** — In years when Shavuos starts

on Erev Shabbos, an Eiruv Tavshilin should be done to allow cooking and other preparation to be done on Yom Tov for the Shabbos that follows. See Addendum 1 on page 40 for a full review of the Halachos of Eiruv Tavshilin.

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## II. SEDER HAYOM/TEFILLOS OF SHAVUOS

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### A. Hadlakas Neiros —

i. **Halacha** — One has an obligation to light candles for Yom Tov much like lighting for Shabbos.

ii. **When to Light** —

1. **General Yom Tom** — There are two *minhagim* when candle-lighting should be done for Yom Tov. Some women light before Yom Tov starts like they do for Shabbos, others light after *shkiyah* (sunset). A woman should follow her family *minhag*.

2. **Shavuos** — Some poskim are of the opinion that even those women who normally light earlier on a regular Yom Tov, should light after *tzeis hakochavim* on Shavuos. (The reason for this, is the same as the one for davening Maariv after *tzeis*, in c.i. below). Most *poskim*, however, do not maintain this position, and are of the opinion that she should treat Shavuos as any other Yom Tov unless she has a specific *minhag* otherwise.

3. **No Minhag** — A woman who does not know her *minhag*, should light before *shkiyah*.
  4. **Didn't Light Earlier** — Certainly, a woman who wanted to light before *shkiyah* but did not manage to do so, may light after Yom Tov already starts. She may technically light the entire night until *alos hashachar* (dawn) the next morning.
  5. **Note** — It is important to note that although it is permissible to light a match on Yom Tov from an existing flame, extinguishing the match is still not permissible. The match should simply be placed in a dry and safe place to extinguish on its own, as is done on a regular Erev Shabbos.
- iii. **Brachos** — Two *brachos* are recited on Hadlakas Neiros —
1. “L'hadlik ner shel yom tov”
  2. “She’hechyanu”. Two notes to keep in mind —
    - a. If the person who lit candles is also making Kiddush, the “She’hechyanu” should not be recited twice. Women should say “She’hechyanu” during Hadlakas Neiros and men who are lighting should save the “She’hechyanu” to be said during Kiddush.
    - b. One may answer “*amen*” to the She’hechyanu recited by someone else during Kiddush even if one already said Sh’hechyanu during Hadlakas Neiros.

**iv. Order of Lighting —**

1. **Background** — Normally all *birchos hamitzvos* are said “*oveir la’asiyasan*” (before the mitzvah is performed). The *bracha* on Shabbos candles, however, is an exception to this rule, and the candles are lit before the *bracha*. (The woman just covers her eyes right after lighting to not get any benefit from the lights until after the *bracha* is recited.) The reason for this exception is because the recital of the *bracha* would count as accepting Shabbos, and then she would no longer be able to light the candles afterwards.
2. **Yom Tov** — On Yom Tov when one may light a candle after the *bracha* is recited, some women have the *minhag* to make the *bracha* first and then light afterwards. Others, however, still light for Yom Tov as they would for Shabbos. A woman should follow her family *minhag*. If she does not know her *minhag*, she should light like she does on Erev Shabbos.

**v. Forgot to Light —**

1. **Background** — On a regular Erev Shabbos, if a woman was negligent and did not light candles, there is a *knas* (penalty) that is imposed on her that she must light an extra candle every Shabbos moving forward. (Ask a *shaila* if this happens, there are exceptions.)
2. **Yom Tov** — There is a debate if this *knas* applies to a woman who did not light candles for Yom

Tov. The consensus of most *poskim* is that the *knas* does not apply.

3. **Warning** — It should be noted that Yom Tov is the most common time that people forget to light. This phenomenon happens since the lighting may technically be done later, it often gets pushed off and then forgotten being that people are not in the habit of lighting later.

## B. General —

- i. **“Yaaleh V’yavo”** — On Shavuos, the *tefilla* of “Yaaleh V’yavo” is added into the Amidah and Bentching.

### 1. Davening —

- a. **The Halacha** — “Yaaleh V’yavo” is added in between the *brachos* of “Ritzeh” and “V’sechezena”.

### b. Mistakes —

- If one said, “V’sechezena” before saying “Yaaleh V’yavo”, “Yaaleh V’yavo” may be said at that point as long as Modim wasn’t started.
- If one already started Modim without saying “Yaaleh V’yavo”, he should go back to “Ritzeh” and continue from there with inserting “Yaaleh V’yavo” in the proper place.
- If one forgot “Yaaleh V’yavo” altogether, he would have to repeat that entire *tefilla*.

Please note — Even though during Maariv on Rosh Chodesh one does not repeat davening if he forgot to say “Yaaleh V’yavo”, on Yom Tov Maariv he would need to repeat.

## 2. **Bentching** —

a. **The Halacha** — “Yaaleh V’yavo” is added into Bentching before the bracha of “U’vneh Yerushalayim”.

### b. **Mistakes** —

- If one forgot to say “Yaaleh V’yavo” but remembers before saying Hashem’s name in “U’vneh Yerushalayim”, he should go back and say it and then continue from there.
- If one forgot “Yaaleh V’yavo” and remembers right after “U’vneh Yerushalayim” but before he continues with the next *bracha*, he should recite the special insertion for those who forgot “Yaaleh V’yavo” at this point. This version is printed in most *bentchers*.
- If one forgot “Yaaleh V’yavo” and already continued past the word “*Ha’Keil*” in the fourth *bracha*, the *halacha* depends on the following —
  1. Two Primary Seudos — If this happened during the main nighttime or daytime *seudos*, Bentching should be repeated.
  2. Shalosh Seudos — If this happened during

Shalosh Seudos or during an extra bread meal, Bentching should not be repeated.

- c. **Women** — If a woman forgot to say “Yaaleh V’yavo” in Bentching there is considerable debate if she needs to repeat Bentching. Being that there is a doubt, some *poskim* are of the opinion, that she should not repeat Bentching, but it would be praiseworthy for her to eat another piece of bread to allow for a second Bentching. Rav Moshe Feinstein zt”l and others pasken that she should just repeat Bentching. See Addendum 2 on page 44 for further elaboration of this discussion.
- ii. **Mistakenly Davened Shabbos Davening** — The Yom Tov version of Maariv, Shacharis, Mussaf and Mincha should be said on Shavuos. If one accidentally davened a Shabbos or weekday *tefilla* instead of the Yom Tov one, the following *halachos* apply — (For a full review of the halachos of errors made during Yom Tov *davening*, see Addendum 3 below on page 46)
  1. **Shabbos Davening** — If one *davened* the Shabbos version instead of the Yom Tov one, it depends on the following —
    - a. If he remembered before saying the “Yehi Ratzon” before “Elokei Netzor”, he should stop immediately and go to the beginning of the Yom Tov section of that *tefilla* (i.e. — after “Atah Kadosh”).
    - b. If he remembered after already having said

that “Yehi Ratzon”, he would need to repeat that *tefilla*.

2. **Weekday Davening** — If one davened the weekday version instead of the Yom Tov one, it depends on the following —

- a. If he remembered before saying the “Yehi Ratzon” before “Elokei Netzor”, he should stop immediately and go to the beginning of the Yom Tov section of that *tefilla* (i.e. — after “Atah Kadosh”).
- b. If he remembered after already having said that “Yehi Ratzon”, he would need to repeat that *tefilla*. The one exception to this rule is if he happened to mention the Yom Tov in that *tefilla* even once, he would not need to repeat. (For example, he happened to say the weekday version with “Yaaleh V’yavo”).

### C. Maariv First Night —

- i. **Time** — Our *minhag* is to start Maariv on the first night of Shavuos only after *tzeis hakochavim*. This is done in order to make it that the seven weeks of Sefiras Ha’omer leading up to Shavuos are “*temimos*” (complete) to be a fulfillment of the *pasuk*, “*sheva shabbasos temimos ti’hiyena.*”
  1. **Davened Early** — If one did *daven* earlier than *tzeis*, then at least Kiddush should not be said until after *tzeis*. Women who *daven* Maariv, should also not *daven* until after *tzeis*.
  2. **Tosefes Yom Tov** — Even though Maariv is only

being *davened* after *tzeis*, one can still fulfill the concept of Tosefes Yom Tov (adding onto Yom Tov from the weekday) by desisting from doing *melacha* a few minutes before the onset of Shavuos. See Addendum 4 on page 50 for further elaboration of this concept.

ii. **Ahavas Olam** —

1. If one took a long nap on Erev Shavuos that was considered a “*sheinas keva*” (in a bed for at least 30 minutes) he may need a new Birchas Hatorah before learning anything afterwards. This is because there is a discussion if *sheinas keva* or each new day generates the need for a new Birchas Hatorah (more about this in section III.N.iii.3 below). To avoid this *shaila*, he should have *kavana* during the *bracha* of “Ahavas Olam” that it should count as a Birchas Hatorah. If one does do this, he should be careful to learn something right after Maariv.

- iii. **Motzei Shabbos** — When Shavuos falls out on Motzei Shabbos, “Va’todiyeyinu” is added into Maariv. If it was forgotten, one should not repeat the *tefilla*.

D. **Kiddush** —

- i. **Yom Tov** — One should recite the Yom Tov Kiddush with the Shavuos insertions.
- ii. **She’hechyanu** — The person saying Kiddush should say the *bracha* of “She’hechyanu”.

1. If the person that lit candles is also making Kiddush, the “She’hechyanu” should only be said once. Men should save the She’hechyanu for Kiddush, and women should say it during Hadlakas Neiros and not repeat it during Kiddush.
  2. One may answer “Amen” to the “She’hechyanu” recited by someone else during Kiddush even if one already said “Sh’hechyanu” during Hadlakas Neiros.
- iii. **Havdallah** — When Yom Tov falls out on Motzei Shabbos, Havdallah is said in Kiddush.
1. **Yaknaha”z** (יקנה”ז) — The order of this Kiddush, as found in all siddurim and bentchers, is —
    - a. Wine — יין — The *bracha* on the wine (“בורא פרי הגפן”).
    - b. Kiddush — קידוש — The Kiddush *bracha* (“אשר בחר בנו מכל עם”).
    - c. Candle — נר — The *bracha* on the candle (“בורא מאורי האש”).
    - d. Havdallah — הבדלה — The Havdallah *bracha* (“המבדיל בין קדש לקדש”).
    - e. Zman — זמן — The “She’hechyanu” *bracha*.
  2. **Candle** —
    - a. **Background** — Normally, during Havdallah the candle that is used needs to be an *avukah* (torch, i.e. — at least two wicks). On Yom Tov this poses a problem because using a traditional Havdallah candle isn’t practical being that it can’t be extinguished afterwards.

b. **Options** —

- Some people purchase a special small “Yaknahaz” Havdallah candle that is made specifically for this scenario. This option is the optimal one, when available.
- Many poskim are of the opinion that two candles should be held together to form a temporary *avukah*. These poskim are of the opinion that pulling them apart afterwards is not a form of *kibui* (extinguishing).
- Other poskim are concerned that pulling the candles apart would be a transgression of *kibui*, and therefore are of the opinion that the only option available (other than using a “Yaknahaz Candle”) is to use a single wicked candle.

c. **L’maaseh** — If no Yaknahaz candle is available, two candles should be held with their wicks in close proximity of each other, and this would be sufficient.

3. **Forgot to Say Havdallah** — If one forgot to say Havdallah during Kiddush, the *halacha* would depend on when he remembers —

a. **During Seudah** — If he remembers during the *seudah*, he should hold a cup of wine and say Havdallah then. This Havdallah would consist of the “Borei mi’orei ha’eish” and “Baruch hamavdil” *brachos*, but not “Borei pri hagafen.”

- b. **After Seudah** — If he remembers after the *seudah*, he should do the same as in the previous *halacha* but “Borei pri hagafen” should be said.
  - c. **Next Day** — If he only remembers the next day, Havdallah should be said during Kiddusha Rabba (the daytime Kiddush).
- E. **All Night Learning** — For the halachos of staying up all night on Shavuos, see section III below.
- F **Shacharis First Day** —
- i. **Time** —
    - 1. **K’Vasikin** — It is common for those who stay up all night learning to daven K’Vasikin on the first day of Shavuos.
    - 2. **Regular** — Others who did not stay up or those who stayed up but went to sleep to have more energy for *davening*, *daven* later.
  - ii. **Akdamos** —
    - 1. **The Minhag** — Akdamos (found in all sid-durim) are recited before Krias Hatorah on the first day of Shavuos.
    - 2. They should be recited before the Kohen makes his *bracha*. If he accidentally made the *bracha* first, then the *aliyah* should be read and Akdamos should be recited between the first and second *aliyah*.

iii. **Aseres Hadibros** —

1. **Taam Elyon** — During Krias Hatorah, the Aseres Hadibros are read with the “Taam Elyon” *tropp* found in all *chumashim*.

2. **Standing** —

a. **The Minhag** — The minhag is to stand during the reading of the Aseres Hadibros, even if one does not normally stand for Krias Hatorah.

b. **Opposition** — There are some who contend that it is inappropriate to stand for the Aseres Hadibros because this conveys a message that they are more important than the rest of the Torah. It is for this very reason that it was not instituted to say the Aseres Hadibros every day in *davening*.

c. **L'maaseh** — Despite the concerns related above, the widely accepted custom of most *kehillos* is to stand for the Aseres Hadibros. To minimize the *shaila*, however, some individuals and *kehillos* have a custom to start standing from the beginning of the *aliyah* that contains Krias Hatorah or at least from a couple *pesukim* before.

d. For more on this topic, see Addendum 5 on page 52.

iv. **Learning** — Even if one stayed up all night on Shavuos, the entire day should not be wasted on sleeping. Rather, he should try to learn as much as he

can for the duration of Shavuos. The Sefarim Hakedoshim write that every hour of learning on Shavuos is worth many hours that are learned during the rest of the year.

**H. Hachana** — Like in the case of all Yomim Tovim, one may not do any preparation for the second day of Yom Tov until the first day is completely over.

**I. Maariv Second Night** —

i. **Early Yom Tov** — One should not make an “Early Yom Tov” on the second day of Shavuos, because it cuts short the first day of Yom Tov.

ii. **Davening** — *Davening* should be at night.

**J. Shacharis Second Day** —

i. **Meggilas Rus** — The *minhag* outside Eretz Yisroel is to read Megillas Rus on the second day of Shavuos. Most *kehillos* do not make a *bracha* on this reading, but there are some that follow the Minhag of the Vilna Gaon and do say a *bracha* when it is read from a *klaf* (written on parchment).

ii. **Yizkor** — Yizkor is recited on the second day of Shavuos.

1. **Yahrtzeit Candle** — For the *halachos* of lighting a *yahrtzeit* candle, see the Halachos of Erev Shavuos (I.e.v.) above.

2. **First Year** — There is a difference of opinion

if one should say Yizkor during the first year of *aveilus*, each person should follow his family *minhag* or ask his Rav.

**K. Neilas Hachag** —

- i. **Minhag** — It is common to make a special *seudah* at the end of Yom Tov with *zemiros* and *divrei Torah*. This is done as an opportunity to maximize the last moments of Yom Tov and as expression that one wishes to hold onto the *kedusha* and inspiration of the Yom Tov.
- ii. **Lechem Mishna** — If one will be eating bread at this *seudah*, *lechem mishna* should be used.

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III. ALL NIGHT LEARNING

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- A. **Minhag** — It is a common *minhag* to stay up and learn Torah all night on Shavuot. The Zohar and many *sefarim* greatly extol the virtues of this practice and write that the reward is great for those who observe it.
- B. **Reason** — Several reasons are given for this *minhag*. Two of them are —
- i. This *minhag* is to be *misakein* (rectify) the error of Klal Yisroel who went to sleep the night of Matan Torah and Hashem had to wake them up with thunder and lightning. This was a sign that they did not sufficiently anticipate Mattan Torah.

- ii. To show our love, appreciation, and desire to connect to the Torah that was given on Shavuos.

**C. Importance of the Night** — There are countless sources that discuss the importance and powerful influence of learning all night on Shavuos. It is certainly a unique opportunity for those who have the strength to fulfill this *minhag*.

**D. Segulos of Staying Up** — Many *sefarim* quote significant *segulos* for those who stay up and learn all Shavuos night. A couple examples —

- i. It is a merit to live out the year and have no harm. (Be'er Heitiv 7)
- ii. It is a merit for righteous children. (Peleh Yoetz)

**E. Warning** — One should only stay up all night if the time will be used for learning Torah. If one will use the time for idle conversation and hanging out, he is better off going to sleep.

**F. Taking a Short Nap** — If one needs a bit of extra sleep to make it through the night, he may put his head down for a short nap and it will still be considered as if he stayed up all night. There are many though who for kabbalistic reasons, push themselves to not sleep at all.

**G. Unable to Stay Up** — One who is unable to stay up

all night, it is still praiseworthy to stay up for as much of the night that he can.

- H. **Children** — The official *minhag* of staying up all night technically does not apply to children. However, depending on the child's age, ability to learn and the father's certainty that the child will not disrupt others, it is praiseworthy for children to come for all or part of the night.
- I. **Second Night** — It is praiseworthy to increase one's Torah learning throughout Shavuot. Although, there is a praiseworthy custom of some to stay up and learn the entire second night in Chutz La'aretz, this is not the standard practice.
- J. **What to Learn** —
- i. **Tikkun** — Some Ashkenazim read the "Tikkun Leil Shavuot" (a collection of *pesukim* selected from all the sefarim of Tanach) and some Sefardim read "Kriyei Moed."
  - ii. **Any Material** — An individual that does not have the *minhag* to read the Tikkun (or after one finished reading the Tikkun) should learn מה שליבו הפך, whatever would be the most engaging Torah material to enable him to stay up.
  - iii. **Tanach** — Although there are normally limitations in learning Tanach at night, these limitations do not apply on Shavuot night. For more on this topic, see Addendum 6 on page 59.

**K. Davening Vasikin —**

- i. **Strength and Kavana** — It is extremely praiseworthy and a big *zechus* to daven K'Vasikin after staying up all night. One should arouse all his remaining strength to daven with *kavana* and without making mistakes.
  - ii. **Going to Sleep Before** — If one knows of himself that he simply will not be able to *daven* properly after staying up all night, it is better for him to go to sleep first and daven Shacharis/Mussaf at the regular time.
    1. This should only be done if an alarm has been set or someone has been appointed to wake him up for the later Shacharis.
    2. In this case, if it is already *zman* Krias Shema when he plans on going to sleep, he should say Shema first.
    3. In this case, if he didn't learn anything after *alos*, he should not say Birchas Hatorah before going to sleep, and then say it himself when he wakes up for the later *minyan*.
- L. **Tallis** — When one puts on his *tallis* before Shacharis, he should have in mind that the *bracha* is also going on his *tzitzis*. Single men who will not be making a *bracha* on a tallis, should hear the *bracha* from an individual who will be putting on a *tallis* and making a *bracha*.

M. **Nettilas Yadayim** — [For an elaboration of this topic, see Addendum 7 on page 67]

- i. **Background** — There is a debate among the Rishonim if the reason for washing hands in the morning is because it's a new day of service to Hashem and one should wash his hands much like the Kohanim did in the Beis Hamikdash, or if the reason is because people's hands are "*askanios*" (busy) while sleeping and they likely touched a normally covered part of the body. A third reason is because of a *ruach raah* that comes on his hands when sleeping at night. Practically, one should wash his hands if any of these reasons apply, but in line with the principle, "*safeik brachos l'hakeil*", one should only make a *bracha* on Nettilas Yadayim if he fulfilled both of the first two reasons for washing.
- ii. **Application to Shavuos** — One who stayed up all night on Shavuos, did not fulfill the second reason to wash hands. Namely, he didn't sleep for his hands to be busy and touch normally covered parts of the body.
- iii. **Practical Halacha** — One who stayed up all night should wash his hands before starting Shacharis, but without a *bracha*. It is advisable, however, to use the washroom and touch an unclean part of his body, and thereby avoid the *safeik* and be obligated to say the *bracha*.
- iv. **When to Wash** — One does not need to stop learning at *alos hashachar* to wash his hands, he

may continue learning until right before Shacharis and wash then.

**N. Birchas Hatorah** — [For an elaboration of this topic, see Addendum 8 on page 73]

- i. **Background** — There is a debate among the Rishonim what causes the need for a new Birchos Hatorah. Is it just that every new day warrants a new Birchos Hatorah or does one need to say a new Birchos Hatorah every time there is significant *hefsek* (interruption), such as a *sheinas keva* (permanent sleep, i.e. — 30 minutes or more)? In line with the principle, “*safeik brachos l’hakeil*”, one should only make a new Birchas Hatorah if there was both a *hefsek* and it’s a new day.
- ii. **Application to Shavuos** — One who stayed up all night on Shavuos did not fulfill the second reason to say Birchas Hatorah. Namely, since he didn’t sleep, there was no *hefsek* from his *bracha* the previous day.
- iii. **Practical Halacha** — One who stayed up all night on Shavuos the *minhag* is that he may not say his own Birchos Hatorah. His options, in order of preference are as follows —
  1. **Yotzei with Others** — He should hear the Birchas Hatorah from someone who did sleep the night before. Most shuls assign someone who slept to say Birchas Hatorah for the entire *kehillah*.
    - a. “Amen” should not be said between the

*bracha* of “La’asoke bi’divreit torah” and “V’haareiv na”.

b. In all situations such as this, that one is being *yotzei* with another person’s *bracha*, he should not say “Baruch Hu u’varuch Shmo”. If it was said, he was still *yotzei*.

2. **Ahava Rabbah as Birchas Hatorah** — If option #1 is not available, he should have in mind that the *bracha* of “Ahava Rabba” before Shema should count as his Birchos Hatorah.

3. **Took a Nap** —

a. **Day Before Shavuos** — According to many *poskim*, if one took a long nap on Erev Shavuos (which is often the case), he may say his own Birchos Hatorah the next morning. This is because he has fulfilled both criteria; it is a new day and he slept a *sheinas keva*. This, however, is not the most ideal option, because if one had in mind at Maariv the night before that the *bracha* of “Ahavas Olam” should count as his Birchas Hatorah for after his nap earlier that day (see II.c.ii.1 above), then he no longer has both reasons active to say a new Birchos Hatorah in the morning. One should ask a *shaila* before utilizing this leniency.

b. **Shavuos Night** — If one took a long nap on Shavuos night, everyone agrees that he may say his own Birchas Hatorah before Shacharis.

4. **Additional Lenient Opinions** — The following are two more options suggested by the *poskim*, one should only utilize one of these leniencies after consultation with a Rav.

- a. Some *poskim* are of the opinion that one may say Birchas Hatorah even if he was up all night.
- b. Some *poskim* are of the opinion that on the morning before Shavuos he can have in mind that he only wants his Birchas Hatorah to be active until the next morning. This would then allow him to say a new Birchas Hatorah the next morning even if he stayed up all night.

iv. **Learning After Alos** — One may continue learning, even after *alos hashachar*, until the time comes for Shacharis and the individual who is being *motzi* everyone says Birchas Hatorah.

O. **Other Birchos Hashachar** — All the other Birchos Hashachar may be said by an individual who stayed up all night, with the exception of “Elokai Neshama” and “Hamaavir Sheina”. Like for Birchas Hatorah, one should hear those *brachos* from someone who did sleep the night before. If there is nobody available to be *motzi* him in these *brachos*, many *poskim* are of the opinion that these two *brachos* may be said anyways. This is especially true if he slept even a little the day or night before.

P. **Hamapil** — Krias Shema al Hamittah is only said

when one goes to sleep at night. Therefore, one who stays up all night, should not say it throughout the night and should also not say it before going to sleep after davening Vasikin.

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#### IV. MINHAG OF HAVING MILCHIGS

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A. **Minhag** — The Rama (494:3) relates that there is a *minhag* to eat *milchigs* on Shavuos.

B. **Reason** — There are many reasons that are suggested for this *minhag*. The following is a short selection —

- i. Torah is compared to milk, as the *pasuk* in Shir Hashirim (4:11) states, “דבש וחלב תחת לשוֹנֶךָ” (like [sweet] honey and milk under your tongue).
- ii. By splitting the meal and having *milchigs* at the beginning and *fleishigs* at the end, halachically two separate loaves of bread will need to be used. This would create a situation that is a commemoration of the “Shte Halechem” korban which was comprised of two loaves of bread that was brought on Shavuos in the Beis Hamikdash.
- iii. At Mattan Torah, Klal Yisroel were given the halachos of *shechita*. After Mattan Torah they had to temporarily eat only *milchigs* until they learned how to properly to do *shechita* and to *kasher* their utensils.

C. **Which Meal** — Some *poskim* are of the opinion

that one should have *milchigs* during a *seudah* on the first day of Shavuos. Others do not differentiate, and seemingly one can fulfill this *minhag* even on the second day. One should follow his family *minhag*.

#### D. How to Fulfill the Minhag —

- i. **Rama's Version** — When the Rama relates the *minhag*, he writes that the *minhag* is to specifically split one meal to be half *milchigs* and half *fleishigs*.
- ii. **Additional Versions** — Over time, many different *minhagim* have developed how to fulfill this *minhag* properly. We will list each one below with its relevant *halachos*. One should follow his family *minhag* on this matter because each *minhag* is an acceptable option. If one does not have a *minhag*, option #2 below is the most preferable.
  1. Dedicate an entire *seudah* to be *milchigs*. Preferably, this should be one of the daytime *seudos*, but it is acceptable if it is one of the nighttime *seudos*.
  2. Some prefer to have *fleishigs* at all their *seudos* to fulfill the concept of “*ein simcha elah b'basar* (there is no happiness without meat)”. In order to also fulfill the *minhag* of having *milchigs*, they have a dairy Kiddush after davening with bread. Then after a short break and a *kinuach v'hada-cha* (see d. below), they have a *fleishig seudah*. (See note in g.iii. below about using cheesecake for Kiddush *b'makom seudah*)

**E. Dairy Bread** — In general, there is an *issur d'rabanan* (Rabbinic prohibition) to make dairy or meat bread. This decree was made because of a concern that one may come to eat the leftover bread with the opposite type. The only exceptions are if it is a small batch that will be fully consumed that day or it has a distinguish-able mark to indicate that it is *milchigs* or *fleishigs*. Therefore, if one would like to bake dairy *challah* for Shavuot, it would have to fulfill one of these two conditions. For an elaboration of these halachos, see Addendum 9 on page 82.

**F. Waiting After Milchigs Before Eating Fleishigs (even fowl)** —

**i. Ate a Milchig Solid or Semi-Solid Item (that is Not Hard Cheese)** —

1. Technically, one may have *fleishigs* immediately after eating *milchigs*, as long as the following is done —

a. Inspect — Inspect (and wash if necessary) one's hands

b. Kinuach — Eat a solid food item (other than lettuce, flour and dates).

c. Hadacha — Drink something.

- Swallow — the food and drink items should be swallowed, not just put in the mouth and spit out.

- Order — The order of the *kinauch* and *hadacha* does not make a difference.

d. Bracha Achrona — Many poskim are of the

opinion that a *bracha achrona* should also be said.

- e. **New Tablecloth** — One should not eat *fleishigs* on the same surface that the *milchigs* was eaten on. A new tablecloth or place mats should be used.
- 2. Some have the *minhag* to wait 20–30 minutes (others even wait up to an hour) after eating *milchigs*. This is based on a Zohar (Mishpatim daf 125a) that writes, *אסור לאכול בשר וחלב בשעתא* “אסור לאכול בשר וחלב בשעתא” “it is prohibited to eat milk and meat in the same hour or at the same meal”). One who does not have this *minhag* there is no need to adopt it to be *machmir*.
- ii. **Drank Milk or a Milchig Liquid** — Doing just a *hadacha* (rinse) is sufficient.
- iii. **Hard Cheese** — The Rama (YD 89:2) writes that the *minhag* is to wait after eating “hard cheese” the same amount of time that one normally waits after eating meat. For the definition of “hard cheese” and an elaboration of the topic of waiting after eating hard cheese, see Addendum 10 on page 88.

#### G. Using One Oven for Milk/Meat —

- i. **Note** — The example that will be used in this section is using a *fleishig* oven for *milchig* food. The same *halachos* would apply to using a *milchig* oven for *fleishig* food.
- ii. **Sealed Milchigs** — One may use a *fleishig* oven

for cooking *milchigs* if the *milchigs* is sealed well in its container, and there is no *fleishig* residue on the oven racks. Some are *machmir* and suggest covering the rack with aluminum foil.

iii. **Open Milchigs** — One may not cook open *milchigs* in a *fleishig* oven unless it is *kashered* first. (A full elaboration of the *halachos* of *kashering* a kitchen is beyond the scope of this work.)

1. **Libun Gamur** — Certainly a *libun gamur* (kashering with intense direct heat) would be sufficient to *kasher* the oven. This can be accomplished by simply turning on the self-clean mode of the oven. *Libun gammur* works even without cleaning the oven first.

a. Technical Note — Many modernday ovens cannot handle frequent self-cleaning cycles. In that scenario, it may be wise to *kasher* using *libun kal* instead.

2. **Libun Kal** — According to many poskim it would be sufficient to do a *libun kal* (kashering with a moderate temperature direct heat) to *kasher* the oven. This can be accomplished by cleaning the inside of the oven well and then turning the oven on its highest setting for approximately 45 minutes.

iv. **Pareve Items** — If one made an open *pareve* item in a *milchig* oven, its status is dependent on the last time the oven was used for milk and on the consistency of the *pareve* item being made (dry or liquidy). Practically, the common practice in all

cases is to treat the *pareve* item as having been made in *milchig keilim* (utensils), which is a status commonly known as “DE”, for “Dairy Equipment”. Therefore, it may not be eaten with *fleishigs* but it may be eaten afterwards. For example, a *pareve* cake made in a *milchig* oven may be served for dessert after a *fleishig* meal.

**H. Using one Stove Top for Milk/Meat** — One may use the same stove top for both *milchigs* and *fleishigs*. The is because the grates are constantly being self-cleaned every time the stove top is on. Obviously, if one sees residue of one type on the grate (that has not been charred), it shouldn’t be used for the other type until it is burned out. Some have a *middas chassidus* (pious practice) to designate separate stove tops for *milchigs* and *fleishigs*.

**I. Cheesecake** —

**i. Bracha Rishona** —

1. Thick Crust — Only a “*borei minei mezonos*” should be said.
2. Thin Crust — According to many *poskim* it should have two *brachos*, a “*borei minei mezonos*” on the crust and a “*she’hakol nihiyeh bidvaro*” on the filling. Others *pasken* that it should still only be a *mezonos*.

- ii. **Bracha Achrona** — An “Al Hamichya” should only be said if one ate a “*k’zayis bichdei achilas pras*” (volume of an olive eaten within 4–6 minutes)

of the crust, which is generally unlikely. If no “Al Hamichya” is being said, then a “Borei Nefashos” should be said.

- iii. **Kiddush B’Makom Seudah** — Be careful about using cheesecake for *Kiddush b’makom seudah*, because one needs to eat a “*k’zayis bichdei achilas pras*” of the *mezonos* part, which we said above is rarely the case.

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## V. MINHAG OF PUTTING TREES AND FLOWERS

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### A. Extent of Minhag —

- i. **Grass and Flowers** — It is customary for many shuls and personal homes to put out greenery and flowers to commemorate the *simcha* of receiving the Torah and the beautiful grass and flowers that were on Har Sinai (Rama 494:3).
- ii. **Trees** — Additionally, some shuls also put up trees and tree branches to acknowledge the fact that Shavuos is the day of judgment on “the fruits of the tree” (Mishna Rosh Hashana 1:2).

- B. **Opposition** — There are several *poskim* that are of the opinion that the *minhag* of putting up trees is an inappropriate *minhag* due it being in the category of “*chukas akum*” (pagan ritual). Some *poskim* extend their position to even oppose to the *minhag* of putting out greenery and flowers.

C. **L'maaseh** — The *minhag* in most shuls and homes is to be lenient and fulfill these *minhagim*, but there are many locations that observe the stricter opinion. For a fuller discussion of this topic, see Addendum 11 on page 95.

D. **Halachos of Flowers on Yom Tov** —

i. **Muktzah** — If a shul or an individual in a personal home did put out flowers, they are not *muktzah* and may be moved.

ii. **Putting in Water** —

1. **First Time in Water** — One may not put flowers into water for the first time on Shabbos or Yom Tov.

2. **Returning to Water** —

a. **Fully Blossomed** — If the flowers are fully blossomed, they may be reinserted into the water if they were taken out.

b. **Not Fully Blossomed** — If the flowers have not fully blossomed, they may not even be returned to the water on Shabbos or Yom Tov.

iii. **Adding Water** — On Yom Tov, but not on Shabbos, one may add water to a vase with flowers in it (up to the amount that was previously in the vase). One may not, however, replace the water altogether or put in water when there never was any water in the vase beforehand.

1. **Practical Example** — If the vase spills. One may

only add as much water as is left in the vase. If all the water spilled out, there is no permissible way to fill the vase with new water. The only solution would be to add the flowers to existing water in a different vase.

- iv. **Taking Out of Water** — Removing flowers from a vase is permissible even when the flowers have not fully blossomed. (It is not seen as being a form of *toleish*).

# *Addendum 1*

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## EIRUV TAVSHILIN

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**B**elow are some of the important *halachos* concerning an Eiruv Tavshilin —

- **Background** — As a general rule, one is not permitted to do preparation on Shabbos or Yom Tov for a different day. When Yom Tov falls out on Friday, however, the *chachamim* allowed preparation for Shabbos as long as an Eiruv Tavshilin was made. In effect, the Eiruv Tavshilin starts the process of preparation for Shabbos in a way that will allow it to be continued on Yom Tov.
  
- **Who Needs to Make an Eiruv Tavshilin?**
  - Only one Eiruv Tavshilin needs to be made per household.
  - A person who does not plan on doing any preparation for Shabbos, does not need to make an Eiruv Tavshilin. However, if they will be lighting candles, an Eiruv Tavshilin should be made without a *bracha*.
  
- **When Should the Eiruv Tavshilin be Made?**

- An Eiruv Tavshilin should be made during the daytime of the eve of the Yom Tov for which it is needed. An Eiruv Tavshilin that is done the night before is still valid, but it should be avoided.

- **How is an Eiruv Tavshilin Made?**

- **Which Food Items** — An Eiruv Tavshilin should consist of both a baked item and a cooked item. If only a cooked item was used, the Eiruv is still valid. If only a baked item was used, the Eiruv is not valid. Ideally, these items should be prepared on Erev Yom Tov specifically for that Shabbos and the Eiruv Tavshilin.
  - **Cooked Item** — The cooked item should be at least a *k'zayis*. Common foods used for this are a cooked egg, or a sizeable piece of meat, chicken or fish. Any method of preparing the food is acceptable — cooking, roasting, frying, etc.
  - **Baked Item** — The baked item should (ideally) be at least a *k'beitzah*. Commonly a challah roll or a complete *matzah* are used for this, but even a piece of bread or *matzah* is acceptable as long as it is the proper size.
- **Procedure** — While standing, the two items should be lifted up and held in one's right hand (left hand for lefties), and then the appropriate *bracha* and the "*Ba'hadein Eiruva*" proclamation should be said. The proclamation needs to be understood in order to be valid. It is therefore

advisable to translate the declaration into a language that the reciter understands.

▪ **Bracha** —

ברוך אתה ה' אלקינו מלך העולם, אשר קדשנו במצותיו וצונו על מצות ערוב.

▪ **Declaration** —

בהדין ערובא יהא שרא לנא למיפא ולבשלא ולאטמנא ולאדלוקי שרגא ולתקנא ולמעבד כל צרכנא מיומא טבא לשבתא.

“With this Eiruv (Tavshilin) it will be permissible for us to bake, cook, insulate, light a candle, to prepare and do all our needs on Yom Tov for Shabbos.”

- **B'dieved** — If the *bracha* was omitted but the proclamation was still made, the Eiruv is still valid. If the opposite was done, the Eiruv process should be repeated without a new *bracha*. If Yom Tov already started, a Rav should be consulted.

• **What Cooking Does the Eiruv Tavshilin Allow?**

- The Eiruv Tavshilin only permits cooking on Erev Shabbos (including Thursday night). When Thursday is the first day of Yom Tov, cooking and baking may not be done on Thursday for Shabbos.
- The cooking or baking should be done early enough on Friday that the food will be fit to be eaten before *shkiyah* (sunset). In a case of need, it would be permissible to cook on Friday even if the

food will not be fully cooked before the onset of Shabbos.

- The Eiruv Tavshilin also allows all other types of food preparation for Shabbos. This includes, but is not limited to, *tochein* (grinding), *boreir* (selecting), carrying and lighting the Shabbos candles.

- **What Should be Done With the Eiruv Tavshilin?**

- The two items should be kept fresh throughout Yom Tov. If the food spoils or was accidentally eaten before starting to cook on Erev Shabbos, the Eiruv Tavshilin may no longer be valid to allow cooking for Shabbos. A Rav should be consulted.
- The items should ideally be eaten during one of the Shabbos meals. It is customary to eat the cooked item at the Friday night *seudah* or one of the other *seudos*, and to use the baked item as part of the *lechem mishneh* for each of the Shabbos *seudos* and then finally eaten at Shalosh Seudos.

- **What Should be Done if One Forgot to Make an Eiruv Tavshilin?**

- If one forgot to make an Eiruv Tavshilin, technically cooking would not be permitted on Erev Shabbos for Shabbos. That being said, there are several possible solutions to this problem. A Rav should be consulted.

## *Addendum 2*

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### WOMEN WHO FORGET YAALEH V'YAVO IN BENTCHING

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*(written by Rabbi Moshe Kaufman)*

Generally speaking, if one partakes in an obligatory meal and neglects to mention the significance of the day, such as “*Ritzei*” on Shabbos, Bentching must be repeated. If the meal is not obligatory, such as by the third meal of Shabbos (Shalosh Seudos) where bread is preferred but not imperative, or on Rosh Chodesh, Bentching is not repeated<sup>1</sup>.

There is an obligation to partake in two bread meals each day of Yom Tov<sup>2</sup>. Based on the aforementioned rules, if one forgot “Yaaleh V’yavoh” in the Bentching of those meals, they would be required to bentch again<sup>3</sup>.

Rav Akiva Eiger<sup>4</sup> maintains that this is only applicable to men, not women. He explains that although women are forbidden to fast on Yom Tov, they are exempt from the mitzvah of *seudas* Yom Tov, as it is a time based mitzvah (*z’man grama*). Therefore, if a woman would omit “Yaaleh V’yavoh” from Bentching it is not repeated. However, Rav

1. שו"ע סי' קפח סעי' 1 עד סעי' ח

2. שו"ע או"ח סי' תקכט סעי' א

3. שו"ע סי' קפח סעי' 1

4. ע' שו"ת סי' א בהשמטות, גליונות לאו"ח סי' קפח

Moshe Feinstein<sup>5</sup> and others<sup>6</sup> maintain that the *minhag* is not to differentiate in this *halacha* between men and women, and both must repeat *Bentching* if “*Yaaleh V'yavoh*” is omitted. A number of *Poskim* rule that since it is a *machlokes haposkim*, one should not repeat *Bentching*<sup>7</sup>. They suggest that to fulfill all opinions, one should eat an additional *kezayis* of bread to allow for a second *Bentching*<sup>8</sup>.

There is a novel idea from Rav Shlomo Hakohein of Vilna (late 1800's)<sup>9</sup>. He writes even if women are not obligated in *seudas Yom Tov*, this would not apply to *Shavuos*. *Gemara* in *Pesachim*<sup>10</sup> indicates that there is an extra need for a feast on *Shavuos*, as it is the day we received the *Torah*. This added reason applies to women as well, requiring them to have a *seudah* on *Shavuos*. This may be taken into consideration when deliberating over this question.

5. דיין פירסט שליט"א בשמו, וע"ע אג"מ או"ח ח"ד סי' ק אות א'.

6. פתחי תשובה ס' קפח סע' ו, וסי' תקכט סע' ב, ע' גר"ז סי' רעא סע' ה.

7. אמת ליעקב או"ח הערה רה. וכן הורו הגריש"א (מבקשי תורה עמ' רמ) והגר"ח"פ (ספר כבוד ועונג שבת עמ' צג) שניהם הוסיפו שמי שרוצה להחמיר יטול עוד כזית פת כדי לברך בברהמ"ז כראוי.

8. הגריש"א שם והגר"ח"פ שם וכן מורה הג"ר דוד צוקער שליט"א.

9. מכתב הובא בשדי חמד ח"ח עמ' רכט (הובא בהגהות אחיזת יעקב על שו"ת רע"א).

10. פסחים דף ס"ח:

## *Addendum 3*

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### ERRORS IN YOM TOV TEFILLA

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*(written by Rabbi Yisroel Langer)*

#### ⇒ **Recital of Weekday Shemoneh Esrei on an Ordinary Yom Tov or Shabbos**

As a general rule, if one is davening on an ordinary Shabbos or Yom Tov, and accidentally begins a *bracha* from the weekday Shemoneh Esrei, he should conclude that *bracha* and then switch to the Shabbos or Yom Tov Shemoneh Esrei. (The *halacha* differs if the *tefilla* in question is Mussaf, in which case one should stop and return to the Mussaf Shemoneh Esrei immediately). The reason why this is permitted is that in theory, one should daven the entire weekday Shemoneh Esrei on Shabbos and just add a *bracha* discussing the day of Shabbos. In practice, however, Chazal didn't want to have very lengthy Shemoneh Esrei because of *kavod* Shabbos<sup>1</sup>. In fact, if one *davened* the entire weekday Shemoneh Esrei and included a mention of Shabbos, he need not repeat Shemoneh Esrei. The same applies to Yom Tov.

#### ⇒ **Shabbos During Chol Hamoed**

When Shabbos is during Chol Hamoed, at Shacharis, one is supposed to say a regular Shabbos Shemoneh Esrei

1. או"ח סי' רס"ח סעי' ב'

with “Yaaleh V’yavoh”. According to Hagaon R’ Moshe Feinstein zt”l<sup>2</sup>, if one errs and *davens* the Yom Tov Shemoneh Esrei, even with the addition of “Shabbos inserts,” the Shemoneh Esrei must be repeated. R’ Moshe explains that unlike a weekday Shemoneh Esrei which is davened on Shabbos, the Yom Tov Shemoneh Esrei has no relevance to the day of Shabbos. Accordingly, one cannot fulfill his obligation of Shemoneh Esrei with its recital<sup>3</sup>.

### ⇒ Switching Mussaf with Shacharis

If one is supposed to *daven* Shacharis, and recites Mussaf Shemoneh Esrei instead, he still needs to recite the Shacharis Shemoneh Esrei. However, he isn’t required to daven Mussaf again<sup>4</sup>. If one davened the Shemoneh Esrei of Shacharis in place of Mussaf, he has not fulfilled his Mussaf obligation unless he made some mention of the requirement to bring *korbanos* on that day. If he concluded the bracha before “*Ritzei*”, he can just recite the words “v’na’aseh lifanecha korban Mussaf” to fulfill his Mussaf obligation<sup>5</sup>.

### ⇒ Tefillos when Shabbos Coincides with Yom Tov

When Shabbos and Yom Tov coincide with each other, the Yom Tov Shemoneh Esrei is recited, with special Shabbos inserts. The middle *bracha* ends with “*mikadeish haShabbos v’yisroel v’hazmanim*”. If one concludes the *bracha* by saying “*mikadeish haShabbos*” and omits the Yom

2. שו"ת אגרות משה או"ח ד' סי' כ"א:ג'

3. עי' אליה רבה סי' ת"צ סע' ח' וע"ע ספר אשי ישראל פרק ל"ז סע' י"ז.

4. משנה ברורה סי' רס"ח ס"ק י"ז

5. משנה ברורה סי' רס"ח ס"ק ט"ז

Tov part (“*Yisroel v’hazmanim*”), he has still fulfilled his obligation. However, if one fails to say “HaShabbos” at the conclusion of the *bracha* (even if he mentioned Shabbos earlier during the *bracha*), the Mishnah Berura is uncertain how one should conduct oneself<sup>6</sup>. If the *tefilla* is followed by *chazaras hashatz*, one should have in mind to be *yotzei* with the *baal tefilla*<sup>7</sup>. If one correctly concluded “*mikadeish haShabbos v’yisroel v’hazmanim*,” but did not otherwise refer to Shabbos throughout the *bracha*, one would need to repeat Shemoneh Esrei<sup>8</sup>.

### ☞ **Mentioning the Korbanos of Shabbos and Yom Tov in Mussaf**

During Mussaf we first mention our obligation to bring the special *korbanos* of the day when we say “*V’es mussaf yom chag...na’aseh v’nakriv* etc.” If Shabbos coincides with Yom Tov we substitute “*Mussaf*” for the plural “*Musfei*” as two Mussaf offerings are brought, one for Shabbos and one for Yom Tov. If one said “*Mussaf*” instead of “*Musfei*,” Shemoneh Esrei need not be repeated. Next, we recite the *pesukim* from the Torah that are appropriate for the *korbanos* brought each day. If one omitted these *pesukim*, or said the wrong ones, Shemoneh Esrei need not be repeated. However, if one says “*Mussaf*” instead of “*Musfei*,” then recites the *pesukim* that correspond to the Yom Tov *korbanos* only, omitting entirely those discussing the Shabbos *korban*, Hagaon R’ Moshe Feinstein rules that the Mussaf must be repeated. Rav Moshe explains that by mentioning

6. סי' תפ"ז בביאור הלכה ד"ה "מקדש השבת"

7. ספר אשי ישראל פרק מ"ב סעי' ט"ו

8. שו"ת אגרות משה שם, עיי' ספר אשי ישראל פרק מ"ב סעי' ט"ז

the Yom Tov *pesukim* and not the Shabbos *pesukim*, it's as if one erroneously declares that no Shabbos Mussaf is being brought today<sup>9</sup>.

9. שו"ת אגרות משה שם, ועי' בספר אשי ישראל פרק מ"ב הערה מ"ה

## Addendum 4

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### TOSEFES YOM TOV ON SHAVUOS

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(written by Rabbi Moshe Kaufman)

There is a mitzvah of Tosefes Shabbos/Yom Tov, to add to the day of Shabbos and Yom Tov by accepting it before the actual onset of the day<sup>1</sup>. One who makes an early Shabbos can do so by davening Maariv or reciting Kiddush. However, these options are not available on the night of Shavuos. This is due to the fact that in order not to interfere with the forty-nine complete days of Sefiras Haomer, we daven Maariv on the first night of Shavuos only after *tzeis hakochavim*<sup>2</sup>. Some suggest that because of this issue, there is no obligation of Tosefes Yom Tov on Shavuos,<sup>3</sup> yet there is no clear indication of this in the *poskim*<sup>4</sup>. Others rule that Shavuos will interfere with Sefirah only when it is brought in fully, such as with Maariv or Kiddush. If one would merely accept to desist from any *melacha*, this would not conflict with Sefirah, and fulfill the obligation of adding

1. גמ' ראש השנה דף ט ע"א, שו"ע או"ח סי' רסג

2. ט"ז (ס' תצד) "מאחרין להתחיל ערבית בכניסת שבועות, וכ"כ גר"ז (שם ס"ק ב), קיצור שו"ע (קכ"א) ומשנ"ב (ס"ק א). ע"ע במג"א שם בשם השל"ה לענין קידוש בליל שבועות

3. נצי"ב בכ"מ העמק דבר (ויקרא פרק כג פסוק כא), משיב דבר (ח"א סוף סי' יח), והעמק שאלה (שאלות קסז)

4. ע' קרבן נתנאל ריש ערבי פסחים

to the Yom Tov<sup>5</sup>. One should be careful to consciously cease from *melacha* before the onset of Shavuos in order to fulfill Tosefes Yom Tov. [As an aside, a person should be careful to fulfill this *mitzvah* of Tosefes Shabbos and Yom Tov throughout the year, by consciously stopping all *melacha* at least a few minutes before nightfall<sup>6</sup>.]

5. פנים יפות עה"ת שם, חוט שני (ח"ד עמ' שכח הובא במשנ"ב דרשו סי' תצד), וכ"כ הג"ר דוד צוקער שליט"א (עטרת דודאים זכרון יחיאל ס' צג — צד) ע"פ דגול מרבבה סי' רסא והגר"ז (שם קו"א ס"ק ג), עיי"ש.

6. ע' יתר פרטים בשו"ע או"ח סי' רסג ונו"כ שם

## *Addendum 5*

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### STANDING FOR THE ASERES HADIBROS

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#### ⇒ **The Minhag**

There is a “*minhag kadum*” (ancient custom) for the entire *tzibbur* to stand each time the Aseres Hadibros are read during Krias Hatorah throughout the year; Parshas Yisro, Parshas Va’eschanan and Shavuos morning. This *minhag* helps emphasize the significance of Maamad Har Sinai and it enables the *tzibbur* to reenact the original experience by standing in fear and trepidation, the same way Klal Yisroel stood at the original event.

#### ⇒ **Opposition to the Minhag**

The Rambam<sup>1</sup> however, questions this practice. In a *teshuva* to a community that was upset about their new Rav’s desire to stop the *minhag* of standing, he wrote back that in fact what their Rav was doing was appropriate. He writes that this *minhag* can have very negative ramifications. Firstly, it is improper for people to think that there are different levels to the *mitzvos* of the Torah, and secondly, it can be even worse that people will think that only the Aseres Hadibros were given at Har Sinai and not the other *mitzvos* of the Torah.

The concern of the Rambam is based on a Gemara

1. שו"ת הרמב"ם (מהדורת בלוי) רס"ג

Berachos<sup>2</sup> that says that the Anshei Knesses Hagedolah attempted to include the Aseres Hadibros in Krias Shema but didn't do so because of the "תערומות המינין". Rashi<sup>3</sup> explains that they were concerned that *amei ha'aretz* (less educated individuals) will mistakenly be led to think that only the Aseres Hadibros were true and given at Har Sinai and not the rest of the Torah. For these reasons, the Rambam writes that this *minhag* should be abolished, and Sefer Emes L'Yaakov<sup>4</sup> and others *pasken l'maaseh* this way as well.

### ≡ Extent of Opposition

This concern of תערומות המינין from the Gemara Berachos is taken seriously by many *poskim*, and is used as a reason to be *machmir* in the following additional scenarios —

- After the Shulchan Aruch<sup>5</sup> *paskens* that the Aseres Hadibros should not be read *b'tzibbur*, the Magen Avraham<sup>6</sup> adds that shuls shouldn't even have a dedicated *sefer* that everyone uses to read the Aseres Hadibros individually. Rather, every person should have their own, and then it would be acceptable. The Arizal goes a step further and *paskens* that even individuals shouldn't read the Aseres Hadibros daily because of this concern.

.2 ברכות י"ב.

.3 שם ד"ה "מפני תרעומת"

.4 אמת ליעקב (אלגאזי) ז:ה

.5 או"ח א:ה

.6 שם ס"ק ט'

- For this reason, many shuls do not prominently display the Aseres Hadibros on the walls, on the *aron* or on the *paroches*<sup>7</sup>. Many other shuls are more lenient as is evident by the many shuls that do have the Aseres Hadibros prominently displayed. The Be'er Moshe<sup>8</sup> writes that although he wouldn't make a shul that already has the Aseres Hadibros displayed change, if he would receive the *shaila* he would not be lenient to allow a new shul to choose to do so.

[As an interesting aside, Rav Shlomo Zalman Auerbach<sup>9</sup> was once asked by an individual if it would be acceptable to paint a depiction of Maamad Har Sinai on the wall of his house in order to help him constantly fulfill the *mitzvah* of "Zecher L'Maamad Har Sinai". Rav Shlomo Zalman answered that according to *halacha* it is technically permissible, but it is still not advisable. He explains that each person should form a personal image in his mind of Maamad Har Sinai based on his own understanding and emotions, and he should not be locked in by the artist's rendering. The reason that children have picture books is because they aren't old enough to do it on their own, but adults should avoid doing so.]

- The Debreciner Rav<sup>10</sup> (Be'er Moshe 8:60) wouldn't allow people to put out pamphlets in his shul that

7. תשורת ש"י סי' ג'

8. חלק ח' סי' ס'

9. הליכות שלמה הלכות שבועות פרק י"ב באורחות הלכה הערה כ"ט

10. חלק ח' סי' ס'

have the Aseres Hadibros on them. [A second reason why he was machmir was because he suspected that the person may be a missionary, and in the particular case at hand he was correct.]

### ≡ Defense of the Minhag

Despite the above concerns, many Achronim defend our *minhag* to stand during the Aseres Hadibros —

- Rav Moshe Feinstein<sup>11</sup> writes that we don't make up our own *taaromes haminnim*. In the case of the Gemara it was attempted and they saw there was a problem, and that is why they didn't permanently institute it then and that is why we shouldn't try to institute it now. But we should not be *midameh milsa l'milsa* (extrapolate to similar cases) and use our own logic to add cases that would be affected by the concern of *taaromes haminnim*.
- The Chid"ra in his Sefer Tuv Ayin<sup>12</sup> writes that there is no concern being that it is not the only *parsha* read by the tzibbur, there is more being read that day and we read the entire Torah throughout the year. Meaning, it is clear that the whole Torah is true, being that we read the entire Torah, the fact that we stand up just for the Aseres Hadibros does not take away from that.
- Sefer Mateh Yehuda<sup>13</sup> writes that everyone knows that

11. שו"ת אגרות משה או"ח חלק ח' סי' כ"ב

12. סי' י"א

13. על שו"ע או"ח א:ו

the Aseres Hadibros were given with “*kolos u’brakim*” (thunder and lightning) and that is the reason why we stand. The concern is only on doing a special reading during Shacharis, not if we change the way that it is read.

- Sefer Dvar Shmuel<sup>14</sup> writes that there is no concern being that everyone knows that we are standing to be able to relive and internalize the same *kedusha* and elevation that we experienced at Maamad Har Sinai. Just like we physically stood then, we also had a new spiritual standing. We do physical actions to be able to tap into that inspiration once again. In addition, hearing the Aseres Hadibros is like being “*mikabeil pnei haShechina*” (greeting the presence of Hashem) which one needs to stand for, like by Kiddush Levana. (As an aside, it is worthwhile to see his entire *teshuva* inside for a beautiful description of the benefits of standing.)
- Since we stand for all the significant *parshios* throughout the year, like the *parsha* of Krias Yam Suf, the Aseres Hadibros no longer stand out and it would be permissible. Sefer Kapei Aharon<sup>15</sup> argues that since really everyone should always stand for Krias Hatorah and only because of our weakness do many sit down, at least for the important *parshios* the *tzibbur* should stand.

14. סי' רע"ו

15. סי' ל"ט

- Hilchos Chag B'Chag<sup>16</sup> suggests that there is no concern for *taaromes haminnim* being that we read the Aseres Hadibros in the special "*taam elyon*" *tropp*, and it is recognizable that we are trying to reenact Maamad Har Sinai which happened with Klal Yisroel standing. If it would be read without *taam elyon*, it would be more of a concern.
- Rav Shlomo Zalman Auerbach<sup>17</sup> writes that there is no concern to stand, and he cites the reasons that we are only doing it as a *zecher* of Maamad Har Sinai and that we stand for other krios as well. *L'maaseh* Rav Shlomo Zalman and his *kehillah* did stand up for the Aseres Hadibros<sup>18</sup>.

### ⇒ Halacha L'Maaseh

Halach L'maaseh, each person should follow the minhag of his shul. As a general rule, though, most Ashkenazi shuls stand,<sup>19</sup> and many Sefardi shuls do not. A new *kehillah* that is opening a shul should consult with a *posek* to decide the proper *minhag* for that *kehillah*. Sefer Tuv Ayin adds an important point that all poskim agree to; Even if an individual is *machmir* like the position of the Rambam, it would be *assur* for him to sit down if he is in a *tzibbur* that has a *minhag* to stand. Siddur Yaavetz and many others share this

16. עמוד י"ג הערה צ"ב

17. הליכות שלמה הלכות שבועות פרק י"ב סע' ח'

18. כן הגיד לי בנו הג"ר מאיר שמחה שליט"א

19. ספר שערי אפרים שער ז' סעי' ל"ז בפתחי שערים - "נהגו העם לעמוד"

opinion that it is *assur* for an individual to sit if everyone else is standing.

A common *chumra* that is used to allow one to stand but at the same time to be *chosheish* (concerned) for the opinion of the Rambam is to stand for the entire *kriah* that day or at least from the beginning of the *aliyah*. In this way, it shows the *chashivus* of every word of the Torah, and he is still able to stand for the Aseres Hadibros<sup>20</sup>.

[It is noteworthy that Rav Elyashiv zt"l is very *machmir* on this *inyan*. He himself did not stand and *paskens*<sup>21</sup> for others that not only should they not stand for the Aseres Hadibros, but no one should even stand for any of the other special *parshios* read throughout the year. He goes a step further and *paskens* that one does not even need to stand if he is amongst a *tzibbur* that has the *minhag* to stand. When asked, "but Chazal teach us,<sup>22</sup> 'do not sit down amongst those that are standing'?" He answered, "that does not apply when those that are standing are doing something not in accordance with *halacha*." When asked if it is worthwhile to use the *eitzah* (advice/tip) to stand from the beginning of the *aliyah*, he responded, "there is no need to seek *eitzos*!"]

There is a *minhag* to give the *aliyah* of the Aseres Hadibros to the Rav or an *adam gadol*. It seems that this is a universal practice even in shuls that the *minhag* is to not stand for the Aseres Hadibros.

20. שו"ת שם משמעון סי' ד', הלכות חג בחג עמוד קל"ט, ועוד

21. ישיעורי מרן הגר"ש אלישיב מסכת ברכות עמ' צ"ג-צ"ד

22. דרך ארץ זוטא פרק שביעי

## Addendum 6

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### LEARNING TANACH AT NIGHT

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#### ⇒ Background

The Shulchan Aruch Orach Chaim siman 238 discusses the importance of learning Torah at night. The Mishna Berura in his Shaar Hatziyun<sup>1</sup> quotes the Beer Heitiv<sup>2</sup> that one should not learn “*mikrah*” (Tanach) at night. He continues that the Pri Megadim is *maikel* on this *inyan* altogether (he writes that everyone should split his nighttime learning into thirds, one-third of which is to learn *mikrah*), and *l’maaseh* even the *machmirim* only say that this is suggested but not *assur*.

The Arizal<sup>3</sup> takes this matter very seriously and those *poskim* who follow his approach are very particular about this concept. The Yesod V’shoresh Ha’avodah<sup>4</sup> adds that it is actually a *sakana* (danger) to learn Tanach at night because it arouses *middas hadin*, and that one should avoid saying even partial *pesukim* at night. The B’tzel Hachochmah<sup>5</sup> argues that although it should be avoided, there is no actual *sakana* in learning at night.

.1 סי' רל"ח ס"ק א'

.2 שם ס"ק ב'

.3 שער המצוות פרשת ואתחנן

.4 שער ו' פרק ב'

.5 חלק ד' סי' מד בהערה

There are many sources that are brought to support this concept —

- Medrash Tanchuma<sup>6</sup> — When Moshe Rabbeinu was on Har Sinai and it was covered with a thick cloud, he still knew when it was day or night based on the material that Hashem was teaching him. Hashem taught him Torah She'bichsav during the day, and Torah She'baal Peh at night. This is a *remez* (hint) that the proper time for learning Torah She'bichsav is *davka* during the day.
- Tana D'bei Eliyahu<sup>7</sup> — On the following *pasuk* in Tehillim,<sup>8</sup> the Tana D'bei Eliyahu expounds —

"יום ליום יביע אומר, זה תנ"ך. 'ולילה ללילה יחיה דעת', זה משנה."
- Rabbeinu Bechayei<sup>9</sup> — Rabbeinu Bechayei sees a *remez* to this concept in the *pasuk* in *parshas Bereishis*, "את המאור הגדול לממשלת היום ואת המאור הקטן לממשלת הלילה". "The large celestial body ruled during the day" is a hint that Tanach should be learned during the day, and "The small celestial body ruled at night" is a hint that Torah She'baal Peh should be learned at night.

.6 כי תשא ל"ו

.7 תנא דבי אליהו ב'

.8 פרק י"ט פסוק ג'

.9 בראשית פרק א'

- Birkei Yosef<sup>10</sup> quotes the Targum on the *pasuk*, “קומי רוני בלילה” (“Get up and sing [Torah] at night”) — “אסוקי” — “משונה בלילה”, seemingly indicating that specifically Mishnayos should be learned at night.

### ≡ Halacha La'Maaseh

*L'maaseh*, the Birkei Yosef<sup>11</sup>, Ben Ish Chai<sup>12</sup>, and many others *pasken* this concept *halacha l'maaseh*, and therefore one should avoid learning Tanach at night (unless the exceptions below apply). However, the Mishna Berura<sup>13</sup> and the Maharsham<sup>14</sup> both *pasken* that *m'ikar hadin* it is not *assur* and it is only a *middas chasidus* to be *machmir*. It seems that even the Chida agrees that it is not *assur m'ikar hadin*, because he writes in his sefer Kikar L'Eiden<sup>15</sup> that one should not make a *machaah* against those who don't know better and are lenient on this matter. If it was *assur*, he wouldn't have been so lenient<sup>16</sup>. Even the wording in the Arizal itself is *mashma* that it is not *assur*, because it uses the words, אין ראוי (“it's not appropriate”) instead of “*assur*” (“prohibited”).

### ≡ Parameters

The Achronim discuss at length the parameters of

10. או"ח רל"ח סעי' ב'

11. שם

12. שנה א' פרשת פקודי ז'

13. בשער הציון הנ"ל ס"ק א'

14. חלק א' סי' תנ"ח

15. הו"ד בספר עיקרי הד"ט או"ח כ"ב:ז

16. שו"ת בצל החכמה חלק ד' סי' מ"ד

this concept, the following is a synopsis of some of those discussions —

### ⇒ **When Does Night Start**

Even though in many areas of *halacha* we are concerned that sunset is the onset of night, and we are stringent to consider *bein hashmashos* (the time from sunset to night-fall) as part of the night. For this concept, the restriction only starts at *tzeis hakochavim*<sup>17</sup>.

### ⇒ **When Does Night End**

Most *poskim* are of the opinion that the restriction is the entire night<sup>18</sup>, but there are *poskim* that are lenient after *chatzos* (halachic midnight)<sup>19</sup>. Sefer Likutei Mahariyach does quote that some are lenient after *chatzos*, but he himself is also machmir.

### ⇒ **Who Does it Apply To**

Technically, this concept should apply to everyone. However, many Achronim are lenient for those who would not be able to learn Torah She'baal Peh<sup>20</sup>. Amongst other arguments, they claim that it's illogical to assume that an unlearned individual who can only learn Tanach should be *mivatel* the *mitzah* of *talmud Torah* because of this concept. The Ben Ish Chai<sup>21</sup> quotes this leniency but urges

17. שו"ת מי יהודא או"ח סי' כ"ב ושו"ת שבט הקהתי חלק א' סי' קד"א

18. שו"ת חיים שאל חלק ב' סי' כ"ב ועוד

19. שו"ת ישכיל עבדי חלק ד' קונטרס אחרון או"ח ב', משמרת שלום סי' כ"ג ושו"ת מקדש ישראל סי' ט"ו

20. פתח עינים ברכות דף ג., כיכר לאידן ה:ז, וסידור יעב"ץ (אחרי סדר תיקון חצות)

21. שנה א' פרשת פקודי ז'

these individuals to attempt to learn *mishnayos* or other Torah She'baal Peh at night when possible. A common application of this is for women who would like to say Tehillim or learn at night, being that they do not normally engage in learning Torah She'baal Peh, they would be allowed to learn Tanach and say Tehillim at night<sup>22</sup>.

### ☞ Which Nights

The Arizal himself writes that this does not apply on “*leil shishi*” (Thursday night) because it is already time for preparing for Shabbos. The Chida<sup>23</sup> adds that certainly it would be permissible on Shabbos itself. The Malbim<sup>24</sup> extends this to Yom Kippur being that it is a “Shabbos Shabbason”. The debate among the *poskim* is if this leniency even extends to Yom Tov. Although some sefarim report that there are *machmirim*, the consensus of the *poskim* is to be lenient on Yom Tov<sup>25</sup>. This is one of the reasons why it is permissible to learn the Tikun and learn Tanach on Shavuot night. The Ben Ish Chai writes, however, that for this concept, Rosh Chodesh has the same status as a regular weekday.

### ☞ Exceptions

The Achronim list the following additional exceptions —

1. **With Meforshim** — If it is being learned with the commentary of Rashi or other *meforshim* it would be permissible, because that is Torah

22. כן מורה דין הג"ר שמואל פירסט שליט"א

23. יוסף אומץ רל"ח

24. ארצות החיים א:ס"ג הערה ל"ו

25. שו"ת רב פעלים או"ח ב:ב, בן איש חי שנה א' פרשת פקודי ז', כף חיים סי' רל"ח, לבושי

מרדכי מהד' תניינא או"ח קפ"ח, ועוד

She'baal Peh. It would be no less than learning Gemara at night, which is certainly permissible even though it contains many *pesukim* from Tanach. The Yesod V'shoresh Ha'avodah advises that anytime someone needs to quote a *pasuk* at night, he should follow with a *peirush* (commentary) of the *pasuk*, and that would be permissible. Levushei Mordechai<sup>26</sup> warns that a *targum* (translation) is not sufficient, it would need to be a commentary based on Chazal.

2. **Sha'as Hadchak** — In cases of need, it would be acceptable. For example, a Baal Koreh who needs to practice or a Sofer who reads out loud when he works. The Mishna Berura<sup>27</sup> adds that one who didn't have time to say Korbanos during the day, may say them at night.
3. **Derech Techina** — If the *pesukim* are being said in the context of davening, it would be permissible. This is why, for example, Tehillim can be said at night for a sick person or during Krias Shema al Hamittah<sup>28</sup> and the *pesukim* from Parshas Vayishlach may be said during Tefillas Haderech<sup>29</sup>. There are many, though, who avoid saying Tehillim at night before *chatzos* unless it is a particularly serious situation or illness.

26. או"ח תניינא קפ"ו

27. סימן א' ס"ק י"ז

28. אשל אברהם (בוטשאטש) או"ח סי' רל"ח

29. שו"ת בצל החכמה חלק ד' סי' מ"ד

4. **Read B'Tzibbur** — Some are lenient when the *pesukim* are being read as a tzibbur<sup>30</sup> but others are still *machmir*<sup>31</sup>.

⇒ **Tehillim at Night**

For the reasons above and for additional kabbalistic reasons there are many who are *machmir* not to say Tehillim at night. This is the position of the Chid"ra in many of his *sefarim*<sup>32</sup> and many others.

Many *poskim*, however, are more lenient<sup>33</sup>, especially for women<sup>34</sup>.

The following are a few of the many explanations given why it should be acceptable to say Tehillim at night —

- Dovid Hamelech himself wrote Tehillim at “*chatzos layla*”.
- Yaakov Avinu said Tehillim at night.
- They are said “*derech techina and bakasha*” (a manner of prayer and request), and the Arizal was only *makpid* if it is said “*derech limud*” (a manner of learning).

30. אשל אברהם הנ"ל וש"ת אבני צדק יו"ד סי' ק"ב

31. נימוקי או"ח סי' רל"ח ס"ק א' וש"ת כנף רננה קונרוס מין כנף סי' מ"ד

32. יוסף אומץ סי' נ"ד, חיים שאל חלק ב' סי' כ"ה ועוד

33. אשל אברהם, שדי חמד (ש"ת אור לי סי' מ'), ליקוטי מהרי"ח (תיקון חצות), ש"ת ציץ

אליעזר חלק ח' סי' ב', ובאר משה חלק מ' סי' כ"ב

34. כן מורה דיין הג"ר שמואל פירסט שליט"א

- Chazal teach us that saying Tehillim is as precious to Hashem as learning Mishnayos Negaim and Ohalos, so in a way it is like learning Torah She'baal Peh.

# Addendum 7

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## NETTILAS YADAYIM

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### ⇒ Background — Reasons for Washing

The Rishonim and Achronim discuss the various reasons for washing Nettilas Yadayim in the morning. The following are the main opinions:

1) **The Rashba**<sup>1</sup> says that we wash our hands because we are recreated every day and every day is new day of avodah (service of Hashem). Much like the Kohanim washed their hands in the Beis Hamikdash to start each day, we do the same.

2) **The Rosh**<sup>2</sup> suggests that the reason why we wash our hands is because one's hands are active during the night and they likely touched a normally covered part of the body. One would need to wash hands to be able to *daven*.

3) **The Zohar** gives a third reason, brought by the Bais Yosef<sup>3</sup>, that a *ruach raah* (impure spirit) comes on people's hands during the night and one would need to wash his hands to remove this "*ruach*". Within this reason, there is a discussion if night creates the *ruach raah*<sup>4</sup> (Orchos Chaim

1. שו"ת הרשב"א חלק א' סי' קצ"א

2. ברכות פרק ט' סי' כ"ג

3. או"ח סי' ד'

4. אורחות חיים הו"ד בבית יוסף סי' ד'

brought in the Bais Yosef Siman 4), or if sleep brings the *ruach raah*<sup>5</sup>.

### ⇒ Differences Between the Opinions

There are several *nafka minnas* (differences) between the reasons given —

**A) Bracha** — According to the reasons of the Rashba and the Rosh, the washing should be done with a *bracha*. According to the reason of *ruach raah*, no *bracha* should be said.

**B) Sirugin** — According to the reason of *ruach raah*, the washing should be done *b'sirugin* (alternating between hands — right, left, etc). According to the reasons of the Rashba and the Rosh, any washing would suffice.

**C) Using a Cup** — According to the Rashba's reason and the reason of *ruach raah*, a cup would need to be used. According to the reason of the Rosh, it would be sufficient to wash his hands straight from a faucet.

**D) Daytime Nap** — According to the Rashba, no *nettila* would be warranted after a daytime nap being that it is not a new day of avodah. According to the Rosh, however, if one took a nap in a bed during the day, he should wash his hands. According to reason of *ruach raah*, it depends if sleep or night brings on the *ruach raah*.

**E) Slept with Gloves** — According to the Rosh, no *nettila* would be needed, being that his hands never touched anything unclean. According to the others reasons, a *nettila* would still be needed.

**F) Stayed Up All Night** — The Rosh’s opinion certainly doesn’t apply, according to many<sup>6</sup> the Rashba’s opinion doesn’t apply either. There is even a debate if there is *ruach raah*.<sup>7</sup>

≡ **Halacha L’Maaseh**

Halacha L’maaseh, for washing we are *machmir* like all the opinions, and one should wash his hands if any of the three reasons apply. However, for the *bracha*, we *pasken* “*safeik brachos l’hakeil*” and no *bracha* is said unless both the Rosh’s and Rashba’s reasons apply.

Therefore, in the above scenarios, the halacha is as follows —

**A) Bracha** — One should only say a *bracha* if both the Rosh’s and the Rashba’s reasons apply.

**B) Sirugin** — To be concened for the opinion that we wash because of *ruah raah*, one should wash his hands in the morning *b’sirugin*.

**C) Using a Cup** — A cup should be used every time one washes *nagel vasser*.

**D) Daytime Nap** — If one took a nap during the day for 30 minutes or more, he should wash his hands *b’sirugin* (because of the Rosh), but without a *bracha* (because of the Rashba).

**E) Slept with Gloves** — If someone slept overnight with gloves, he should wash his hands in the morning (because of the Rashba), but no *bracha* should be said (because of

6. ט"ז או"ח ד:ט, מגן אברהם או"ח שם ס"ק י"א, ביאור הגר"א שם ס"ק י"ג, ומשנה ברורה שם ס"ק כ"ח

7. שערי תשובה שם ס"ק י"ג, חיי אדם כלל ב' הלכה ד', ומשנה ברורה שם

the Rosh). If one took a nap during the day with gloves on, when he wakes up he should still wash his hands with a cup b'sirugin, because even though neither the reason of the Rashba nor the Rosh applies, there still may be a *ruach raah* (which may be generated by sleep alone).

**F) Stayed up All Night** — As mentioned above, only the Rashba's reason applies.

Shulchan Aruch<sup>8</sup> *paskens* that it is a *safeik* and the Rama writes that *halacha l'maaseh* one should wash without a *bracha*. Mishna Berura<sup>9</sup> comments that many Achronim are of the opinion that a *bracha* in fact should be said, and adds that if one also used the washroom everyone agrees that a *bracha* should be said. He, therefore, suggests that in order to avoid a *shaila*, one who stays up all night should use the washroom in the morning and intentionally touch that part of the body. This would then allow him to wash with a *bracha*. Rav Shlomo Zalman Auerbach<sup>10</sup> writes that just touching a normally covered part of the body without using the washroom may not be sufficient to avoid the *safeik*<sup>11</sup>. Therefore, one should specifically use the washroom in this scenario.

If for some reason, one is unable to use the washroom before washing and there is no one available to be *motzi* him in the *bracha*, it is noteworthy that the Bach<sup>12</sup>, Vilna

8. או"ח סימן ד' סעי' י"ג

9. שם ס"ק ל'

10. הליכות שלמה שבועות פרק י"ב סעי' ה'

11. בנו הג"ר מאיר שמחה שליט"א הגיד לי שזה מדוייק בדברי המשנה ברורה שצריך ללכלך הידים יותר מסתם נגיעה במקום המכוסה

12. או"ח סי' ד'

Gaon<sup>13</sup>, Aruch Hashulchan<sup>14</sup> and Rav Moshe Feinstein<sup>15</sup> are all of the opinion that a *bracha* can be said even without using the washroom.

An additional factor to bear in mind is that the Shulchan Aruch<sup>16</sup> writes that if one washes his hands before *alos*, he should wash them again after *alos* (without a *bracha*) because the *ruach raah* may be generated at the end of the night. For this reason, the most advisable practice is to wait until *alos*, use the washroom and then wash *nagel vasser* with a *bracha*.

### ≡ Additional Relevant Discussions

**Walking Daled Amos** — Normally there is an *issur* to walk 4 *amos* (cubits — 1.5–2 feet each for a total of 6–8 feet) before washing *nagel vasser* in the morning. The Eishel Avraham<sup>17</sup> *paskens* that this *issur* only applies if all the reasons for washing apply. Therefore, for example, if one took a nap in middle of the day, or if someone stayed up all night past *alos*, there would be no *issur* to walk *daled amos* before he manages to wash his hands. Rav Shlomo Zalman Auerbach<sup>18</sup> is also lenient.

**Washing Immediately** — If one is middle of learning at the time of *alos*, most *poskim* are of the opinion that he does not need to stop learning to wash his hands right

13. ספר מעשה רב סע' ב'

14. או"ח סי' ד' סע' י"ב

15. דיין הג"ר שמואל פירסט שליט"א בשמו

16. סימן ד' סעיף י"ד

17. (בוטשאטש) סי' ד' ד"ה "ממו"ח"

18. הליכות שלמה שבועות פרק י"ב סע' ד'

away, it would be sufficient to wash when he stops learning to prepare for *davening*. This is the opinion of Rav Shlomo Zalman Auerbach<sup>19</sup> and Rav Moshe Shternbuch<sup>20</sup> amongst others. The Shulchan Aruch Harav<sup>21</sup>, however, seems to disagree, because he writes, צריך שיטיל ידיו מיד כשיאיר היום, L'maaseh, the *minhag* is to be *maikel*.

**Touching Openings** — Normally, one should not touch the orifices of his body (eyes, mouth, nose, etc.) until after he washes *nagel vasser*. Rav Chaim Kanievsky<sup>22</sup> is of the opinion that this would apply to someone that stayed up all night. Therefore, according to him, one who will be learning past *alos* should be careful in the meantime not to touch any of the openings of his body. Rav Shlomo Zalman Auerbach<sup>23</sup>, however, is lenient.

19. מבקשי תורה סיון תשנ"ה

20. שו"ת תשובות והנהגות חלק ב' סי' ב'

21. סי' ד' סע' ג'

22. ספר אשי ישראל פרק ב' הערה צ"ו

23. הליכות שלמה שבועות פרק י"ב סע' ד'

## *Addendum 8*

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### BIRCHAS HATORAH

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#### ⇒ **Background**

Every morning Birchas Hatorah is said by both men and women. According to many, Birchas Hatorah is one of only two *brachos* that are *d'oraysa* (of Torah origin), the other being Birchas Hamazon. In addition, the importance of saying Birchas Hatorah is well known as are the punishments that can happen when one does not. As the Gemara in Nedarim<sup>1</sup> relates that one of the causes of the Churban Habayis was, שלא ברכו בתורה תחילה. (See the Ran and others for an explanation of this Gemara.)

#### ⇒ **Hesech Ha'daas**

A new Birchas Hatorah is said every morning after sleeping the night before. Everyone agrees that the new day together with sleep generates the need for a new *bracha*. The question is, what else is considered to be a *hefsek* that would require a new *bracha*? The average person, does not have the opportunity to learn all day, why does he not need to say a new Birchas Hatorah after returning to the Beis Medrash after work? Additionally, even those that are *zoche* to live a life of "*torasam um'nasam*" (full time Torah study), they also need to be *mafsik* their learning to eat, bathe, etc.

.1 נדרים דף פ"א.

Are these activities considered a *hefsek*? Shouldn't it be like the mitzvah of Sukkah that a new *bracha* is needed each time he returns to the Sukkah after a significant break?

The Rishonim teach us that it is not a *hefsek* because he is always in a mode of "*daato lilmode*" (having in mind to return to his learning when given the opportunity), plus his whole life is being lived according to Torah law so he is constantly thinking about Torah. The Shulchan Aruch<sup>2</sup> *paskens* this *halacha l'maaseh*, as he writes —

אם הפסיק מללמוד ונתעסק בעסקיו כיון שדעתו לחזור ללמוד לא הוי הפסק וה"ה לשינה ומרחץ ובית הכסא דלא הוי הפסק.

"If he stops learning and engages in his work, since he has in mind to return to his learning, it is not considered an interruption. Similarly, (if one stops for) sleep, bathing, and using the washroom, it is not considered an interruption."

The Magen Avraham<sup>3</sup> is *midayeik* (infers) that if one has no intention to learn again that day, and it ends up being that he did find time to learn that a new *bracha* would be needed. The Taz<sup>4</sup> disagrees and *paskens* that in all cases no new *bracha* is warranted. The Mishna Berura<sup>5</sup> explains that this is because the fact is that all day he is standing ready and willing to learn Torah if the unexpected opportunity would present itself, therefore it is not a *hefsek*.

### ☞ Nap During Day

What about taking a long nap during the day, would

.2 או"ח סי' מ"ז סעי' י"א

.3 שם ס"ק ט'

.4 שם ס"ק ח'

.5 שם ס"ק כ"ב

that constitute a *hefsek* and require a new *bracha*? The Tur<sup>6</sup> quotes his father the Rosh<sup>7</sup> that if one sleeps a על שינת קבע (real sleep in a bed) then it would be a *hefsek* and a new *bracha* would have to be said. The Bais Yosef<sup>8</sup> writes that this is also the opinion of the Hagahos Maimonios and the Ra”m that it is a *hefsek*. However, the Agur<sup>9</sup> writes in the name of his father that no new *bracha* should be said, and even though the Bais Yosef sees that the majority of opinions are that it is a *hefsek*, being that the Agur argues and Rabbeinu Tam even holds that sleep all night isn’t a *hefsek*, this is enough to create a *safeik* that we should pasken “*safeik brachos l’hakeil*” and not say a *bracha*. The Shulchan Aruch Harav<sup>10</sup> adds a supporting piece of logic that perhaps these *brachos* are like *Birchos Hashachar* that were established to only be said once a day no matter what happens that day.

The Shulchan Aruch brings both opinions, but concludes that the *minhag* is to not make a new *bracha*. On this, the Mishna Berura<sup>11</sup> writes that the Pri Chadash and Elya Rabbah bring a list of Rishonim and Achronim that argue that it is in fact a *hefsek* and that the Biur HaGra and the Chayei Adam both *pasken l’maaseh* that after *sheina keva ba’yom* (real sleep during the day) a new *Birchas Hatorah* should be said. He concludes that even though the Pri

6. או"ח סי' מ"ז

7. שו"ת הרא"ש חלק ד' סי' א'

8. או"ח סי' מ"ז

9. סי' א'

10. סע' ז'

11. ס"ק כ"ה

Megadim writes that the *minhag* to be lenient is reliable, nonetheless one who chooses to make a *bracha* in this case “*lo hifsid*” (did not lose out).

Sefer Mikor Hachaim<sup>12</sup> is a middle opinion that if one sleeps in a bed, in his pajamas for several hours during the day, then he should make a new *bracha*. This is too significant of a type of sleep to say that it is not an interruption of the *bracha*.

*L'maaseh*, the *minhag* is to not make a new *bracha* after sleeping during the day<sup>13</sup>. However, being that one can be *yotzei* with the *brachos* of Ahava Rabbah during Shacharis and Ahavas Olam during Maariv, he should specifically have in mind that his Ahavas Olam that night should count as a Birchas Hatorah. Then after Maariv he should learn something immediately for the *bracha* to have something to go on. As an aside, the Siddur HaGra gives an eitzah that when one says Birchas Hatorah in the morning he should have in mind that it should only work until his next *sheinas keva*. This approach is debated and one should ask a shaila if it can be used *l'maaseh*.

### ☞ Stay Up All Night

The final question is, what is the *halacha* for one who stays up all night? Do we say that since he didn't sleep, there was no *hesfek* and therefore no new *bracha* should be said (Gr”a and Chayei Adam), or were Birchos Hatorah instituted to be said every morning like (almost) all Birchos Hashachar whether or not you slept (Magen Avraham and

12. או"ח סי' מ"ז ס"ק א'

13. הגר"ח קנייבסקי שליט"א הו"ד בספר אשי ישראל

Elya Rabbah). The Mishna Berura<sup>14</sup> brings this *machlokes* among the *achronim* and concludes that he should not say the *bracha* himself because of this *safeik*. The Mishna Berura proceeds to give three approaches how to avoid the *safeik*.

We will list the Mishna Berura's three approaches with a few others, including the relevant discussions on these approaches —

1. **Have Someone be Motzi Him** — The ideal approach is to find someone who slept that night to be *motzi* him in Birchas Hatorah. He should listen to the *bracha* without saying “*Baruch Hu U'varuch Shmo*”, answer *amen*, and then say “*Yivarechacha*” and “*Eilu Devarim*” himself. It is common on Shavuot for each shul to appoint someone to say Birchas Hatorah for the entire *tzibbur* who stayed up.

May one continue learning after *alos* until the individual being *motzi* everyone says the *brachos*? Most *poskim* are lenient<sup>15</sup>, but the Kaf Hachaim<sup>16</sup> is *machmir*. Rav Shlomo Zalman explains that there is no *issur* to do a *mitzvah* before making its *bracha*, unlike *birchas ha'nehenin*, that one can't eat until the *bracha* is said. If that is the case, he beautifully expresses — “למה יתבטל בגלל זה שאינו מברך מתלמוד תורה שהוא”. Shu”t Mikadeish Yisroel<sup>17</sup>

14. או"ח סי' מ"ז ס"ק כ"ח

15. חזון איש הו"ד בפר דינים והנהגות א:י"ב, שו"ת מנחת שלמה חלק א' סי' צ"א ושו"ת בצל החכמה חלק א' סי' א'

16. או"ח סי' תצ"ד ס"ק י"ב

17. הלכות שבועות מ"ג — ב

also paskens that one should ideally be *makpid* on this, and arrange to hear the bracha right away, but he writes that there is what to rely on to be lenient until *netz* (sunrise).

Sefer Hilchos Chag B'Chag<sup>18</sup> says an interesting *sevara* from Rav Elyashiv on why it would be permissible to learn past *alos* when necessary, but his approach has a *chumra* that comes along with it. Rav Elyashiv is of the opinion that the prohibition to learn before Birchas Hatorah is generated by the chiyuv to say Birchas Hatorah. So, in a case that it is unclear if he is obligated to say a Birchas Hatorah and he won't be saying the *brachos* himself, there is no *issur* to continue learning in the meantime. However, in a case that he is obligated to make his own Birchas Hatorah (he slept that night or he took a nap the day before [see #3 below]) he would need to stop at *alos* to make a Birchas Hatorah right at *alos* because his obligation generates the *issur* to learn without the *bracha*.

2. **Use Ahava Rabbah as Birchas Hatorah** — If there is no one available to be *motzi* him in the *bracha*, the next best thing to do is to use his *bracha* of Ahava Rabbah during Shacharis as his Birchas Hatorah. In this case, he would need to learn something at his earliest opportunity for this approach to work.

3. **Took a Nap Previous Day** — The Mishna Berura<sup>19</sup> quotes the opinion of Rav Akiva Eiger that if an individual took a nap the previous day, according to all opinions he would be able to make a Birchas Hatorah. This is because *mima nafshach* (either way you go), he fulfilled both conditions that generate the need for a new Birchas Hatorah; He both slept and it was a new day. Rav Shlomo Zalman Auerbach paskens like this *l'maaseh*<sup>20</sup>.

He does warn, however, that if one used his *bracha* of Ahavas Olam during Maariv the previous night to be a Birchas Hatorah for his previous day's nap (which is the advisable practice), then this plan would not work. This is because we no longer have both reasons for a new *bracha* active being that the previous day's nap had a Birchas Hatorah. One should certainly not skip using Ahavas Olam as a Birchas Hatorah for this reason, because that would mean that according to some opinions all his learning Shavuos night had no Birchas Hatorah.

It is noteworthy that there are opinions that Rav Akiva Eiger's approach wouldn't work altogether.

- Rav Chaim Kanievsky is of the opinion that all naps are considered *derech arai* and merely a short rest<sup>21</sup>. According to Rav Chaim the approach of Rav Akiva Eiger would not work, because he

19. או"ח סי' מ"ז ס"ק כ"ח

20. הליכות שלמה שבועות פרק י"ב סע' ו'

21. הגר"ח קנייבסקי שליט"א הו"ד בספר אשי ישראל פרק ו' הערה ע"ה

doesn't have both of the reasons for a new *bracha* active; It is a new day, but there was no *hefsek*.

- Shu"t V'Heishiv Moshe<sup>22</sup> suggests that any sleep done to make one learn better is not a *hefsek*, it is a part of the learning itself. One could argue that according to his opinion, a long nap on Erev Shavuos which would enable him to stay up all night won't count as a *hefsek* to create the *mima nafshach* of Rav Akiva Eiger.

*L'maaseh*, if one would like to utilize the approach of Rav Akiva Eiger, he should consult his Rav. Otherwise, the first two approaches are more advisable.

4. **Tnai in Previous Day's Bracha** — Rav Dushinsky<sup>23</sup> and Shu"t Keren L'Dovid<sup>24</sup> suggest to make a *tnai* (condition) when he says his Birchas Hatorah on Erev Shavuos in the morning that he only wants it to be active until the next day. This would make it that his previous Birchas Hatorah automatically terminates first thing in the morning whether he slept or not and he would be allowed to say his own Birchas Hatorah.

This approach, however, is heavily debated, and many *poskim* argue that such a condition would not be valid. (A full discussion of this debate is beyond the scope of this work). It is noteworthy, however, that

22. סי' ב'

23. ה"ד בלוח א"י

24. או"ח סי' נ"ט

the Pri Megadim<sup>25</sup> seems to agree with this approach. He writes, “וברכת התורה וודאי מברכין דאין כוונתו רק ליום ולילה” — (“He may certainly make a Birchas Hatorah since he only had intent for his bracha to last for a day and a night”), this seems to say that even without making a *tnai*, the average person’s default mindset is that his Birchas Hatorah should only be for one day.

**5. Just Say the Birchas Hatorah** — There are several *achronim* that are of the opinion that if no one is available to be *motzi* him, he may simply say Birchas Hatorah himself<sup>26</sup>. Others go as far to say that the *minhag* is to simply say Birchas Hatorah himself without even mentioning the approach of being *yotzei* with someone else<sup>27</sup>. The majority of *poskim* do not go with this approach and the most common *minhag* among Ashkenazim is to follow the first two approaches. The *minhag* of many Sefardim, however, is to go with this approach and after staying up all night, each person may say his own Birchas Hatorah.

May someone that is following this lenient opinion and is saying the *bracha* himself, be *motzi* someone else that is *machmir*? Sefer Shalmei Todah<sup>28</sup> paskens *l’kula*.

25. אשל אברהם או"ח סי' תצ"ד ס"ק א'

26. שולחן ערוך הרב סימן מ"ז סע' ז' ועוד

27. ערוך השלחן או"ח סי' מ"ז סע' כ"ב

28. שבועות ו:ה

## *Addendum 9*

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### MAKING DAIRY (OR MEAT) BREAD

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#### ≡ INTRODUCTION

The Gemara in Pesachim (36a) records a Rabbinic decree that was made prohibiting the making of bread with either dairy or meat ingredients. The decree was instituted because bread is such a staple of every meal, and there is a concern that dairy bread may be eaten with meat or vice versa.

The Gemara relates that it would be permissible, though, if it was baked “*k’ein tura*/כעין תורה”. There is a debate how to translate “*k’ein tura*”. Rashi translates it as “like the eye of a bull”, which would mean that it would be permissible in small amounts (for example) like the size of the eye of a bull. The Rambam and the Rif translate it as “like a bull”, which would mean that it would be permissible when it has a unique shape (for example) like a bull.

The Shulchan Aruch (Yoreh Deah 97:1) records this prohibition as halacha, but he is lenient and uses both Rashi’s and the Rambam/Rif’s understanding of the exclusions from the prohibition.

#### ≡ HALACHOS

The following is a brief review of the practical application of these *halachos*.

## ≡ THE ISSUR AND ITS APPLICATIONS

- I. **The Prohibition** — There is a Rabbinic decree that forbids baking bread-like items with either dairy or meat ingredients.
  - a. **Extent of Prohibition** — Unless one of the leniencies listed below apply, the prohibition would apply even if one intends on only using the bread with its own type of food (dairy or meat) or with pareve foods.
  - b. **Which Baked Items** — The prohibition is extended to all bread-like baked items. For example —
    - i. Bagels
    - ii. Wraps
    - iii. Crackers
    - iv. Pita
  - c. **After Already Baked** — This prohibition would apply even if the meat or milk were added after baking. For example, an entire batch of loaves of bread that were glazed with a dairy glaze.
  - d. **If it Was Made** — If bread was made in violation of this *halacha*, the bread may not be eaten.
  - e. **No Exceptions** — Chazal generally make their decrees without exceptions. A concept in halacha called “*lo plug*/לא פלוג”. Therefore, this prohibition will apply even for people that would never make this mistake and during times that the mistake would never happen. Therefore —

- i. Even vegetarians cannot bake dairy bread.
  - ii. One may not make dairy bread during the Nine Days (when meat is prohibited).
- f. **Bread in Oven with Open Meat** — For this reason, in general, one should not bake bread in an oven with open meat. (Some exclusions will be listed below)
- g. **Small Amount of Dairy/Meat Mixed In** — If a small amount, less than  $1/60^{\text{th}}$ , of either dairy or meat accidentally got mixed into bread, the bread is considered *pareve* and may still be used.
- i. Bittul L'chatchila — There is a debate if one may intentionally add a small amount of dairy/meat that is less than  $1/60^{\text{th}}$  into a recipe. Most *poskim* are *machmir*.

## ≡ EXCEPTIONS

II. **Situations that the Prohibition Does Not Apply** — As explained above, there were a few scenarios that Chazal never instituted this prohibition.

- a. **Small Amount** — If the bread is baked in only a small batch, the prohibition does not apply.
  - i. Rationale for the Exclusion — Being that it is such a small amount, there won't be any leftovers that will be accidentally eaten with the other type.
  - ii. What is a Small Amount — An amount that is expected to be finished that day.

- iii. Examples — All the following scenarios are permissible, because the bread is expected to be finished that day —
  1. A large amount of dairy bread that was baked for a large Sheva Brachos meal that will be consumed by the group that day.
  2. Heating up two *challahs* in the oven with open meat for the Friday night Seudah.
  3. Making dairy bread for one Shavuos *seudah*.
- b. **Unique Form or Mark** — If the bread is baked with a unique shape or mark, the prohibition does not apply.
  - i. Rationale for the Exclusion — If the bread has a unique shape it is clear that it is not regular bread and it will act as a reminder not to be eaten with the other type.
  - ii. What is considered a good form or mark — The form needs to be —
    1. Very visibly different than regular bread.
    2. The unique mark/form must be there until the bread is finished.
  - iii. Examples —
    1. In Eretz Yisroel, the cheese bourekas are triangle and the meat bourekas are square for this reason.
    2. This is the reason why some Kashrus Organizations allow dairy English Muffins. They are of the opinion that English Muffins have their own unique appearance.

3. Homemade cheese pastries baked in the shape of a moon.
  4. Batch of dairy challahs made for Shavuos in the shape of Har Sinai.
  5. French Toast has a distinct appearance and people know that it is commonly made with dairy.
- c. **Foods that Are Clearly Dairy or Meat** — A food that the dairy or meat ingredient is clearly visible is not included in this prohibition. For example —
- i. Cheese Crackers
  - ii. Bagel Dog
  - iii. Deli Roll
  - iv. Pizza
- d. **Foods that Will Never Be Eaten with the Other Type** — Categories of food that are never eaten with the other type are not included in this prohibition. This is why cakes and cookies that are made for dessert may be made dairy. They are never eaten during the meat meal itself. (Even though they may accidentally be eaten after meat, this is not part of the decree.)

### ≡ **FIXING LATER**

- III. **Fixing Later** — Once the bread was baked in violation of this halacha, it cannot be fixed later.
- a. Therefore, it won't help to —

- i. Split it into small portions to distribute after it was baked.
  - ii. Invite a lot of guests to eat it quickly.
  - iii. Add a unique mark after it was baked.
- b. This is why writing “D/Dairy” or “F/Meat” on the packaging would not be enough to allow bread to be made with dairy or meat.

## *Addendum 10*

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### WAITING AFTER HARD CHEESE

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#### ≡ Background

The Tur<sup>1</sup> *paskens* that after eating cheese, one does not have to wait before eating meat, it would be sufficient to wash his hands and wash out his mouth.

The Darchei Moshe<sup>2</sup>, however, quotes several sources that are *machmir* —

- The Mordechai<sup>3</sup> writes that the Maharam Mi'Rotenberg started being *machmir* after one time he found cheese between his teeth when he wanted to eat his next meal. He was only *machmir*, however, when the next meal was meat and not for fowl.
- The Issur V'Heter Ha'Aruch<sup>4</sup> writes that one can be *maikel* after soft cheese but one should be *machmir* after eating “hard cheese” the same way that one needs to wait after eating meat. He defines “hard cheese” as any cheese that has either aged 6 months or is wormy. The Issur V'heter concludes that even

.1 יו"ד פ"ט:ב

.2 שם

.3 חולין סי' תרפ"ז

.4 כלל מ' דין ח' וי'

though this is not an official *issur*, but it is a *middas chasidus* (pious conduct) to be careful about this *halacha*.

The Bais Yosef<sup>5</sup> writes to be *machmir* to wait after eating cheese and he quotes a Zohar<sup>6</sup> that is *machmir*. The Zohar writes, “אסור לאכול בשר וחלב בשעתא חדא או בסעודתא חדא” (“it is prohibited to eat milk and meat in the same hour or at the same meal”). He concludes that *l’maaseh* one should be careful with this *halacha* even if the next meal is fowl, and he argues that if the Maharam himself would have seen this Zohar he would have been *machmir* on fowl as well.

### ⇒ Halacha L’Maaseh

The Shulchan Aruch<sup>7</sup> *paskens* like the lenient opinion of the Tur, but the Rama based on the sources above *paskens* that the *minhag* is to wait after eating hard cheese. He adds that there are those who are lenient and one does not need to stop them as long as they at least washed their hands and did a *kinuach* and *hadacha* (ate a solid and drank a liquid), but it worthwhile to be *machmir*.

*L’maaseh*, the Pri Megadim<sup>8</sup>, Chachmas Adam<sup>9</sup>, Kitzur Shulchan Aruch<sup>10</sup>, the Mishna Berura<sup>11</sup>, and the majority of *poskim pasken* that one should be *machmir* to wait after

.5 או"ח סי' קע"ג ד"ה "ויש"

.6 פרשת משפטים קנ"ה

.7 יו"ד סי' פ"ט סעי' ב'

.8 שפתי דעת יו"ד סי' פ"ט ס"ק ט"ז

.9 כלל מ' סעיף י"ג

.10 סימן מ"ו סעיף י"א

.11 שער הציון סי' תצ"ד ס"ק ט"ו

eating hard cheese. The consensus of contemporary *poskim* is to *pasken* this way as well<sup>12</sup>.

Many Sefardim are *maikel* to wait only an hour<sup>13</sup> and others *pasken* not to wait at all<sup>14</sup>) as long as he properly washed out his mouth).

It should be noted that Rav Moshe Feinstein<sup>15</sup> calls this *din* a *chumra*, and that Rav Aharon Kotler, Rav Shmuel Kaminetsky and others are of the opinion that none of the regular cheeses sold in America today are really “hard cheese” according to *halacha*.

### ⇒ How long does one need to wait?

The Taz<sup>16</sup> *paskens* that one needs to wait a full 6 hours, like one does after eating meat. The Shach<sup>17</sup>, however, writes that it seems that the Zohar is of the opinion that one only needs to wait one hour. Even though the Match Moshe<sup>18</sup> and the Elya Rabbah<sup>19</sup> *pasken* like the Shach, the majority of *poskim* are *machmir* like the Taz<sup>20</sup>. If one's *minhag* is to wait less than 6 hours after eating meat, he can certainly do the same for after eating cheese.

12. הגרי"ש אלישיב הו"ד בהלכות חג בחג עמ' קנ"ח הערה י"א, הגרש"ז אורבך הו"ד בספר מאור השבת חלק ג' עמ' תכ"ג, ושו"ת שבט הלוי חלק ב' סי' ל"ה

13. בספר הכשרות עמ' ר"פ הערה קכ"ב הג"ר בן-ציון אבא שאול

14. שו"ת יחווה דעת חלק ג' סי' נ"ח

15. שו"ת אגרות משה יו"ד ב' סי' כ"ו

16. יו"ד סי' פ"ט סע' ד'

17. שם ס"ק ט"ז

18. סי' רצ"ד

19. סי' קע"ג סע' ו'

20. פרי מגדים, חכמת אדם, קיצור שו"ע, שער הציון, הג"ר שלמה זלמן אורבך ועוד

## ⇒ What is “Hard Cheese”?

There is a *machlokes* between the Shach and the Taz as to how to define “Hard Cheese”. The Taz<sup>21</sup> is of the opinion that when it is “wormy”, it is considered hard, and the Shach<sup>22</sup> simply defines “hard” as any cheese that was aged 6 months or longer. The Pri Chadash<sup>23</sup> and Yad Yehuda<sup>24</sup> *pasken* like the Shach, and the Chochmas Adam<sup>25</sup> *paskens* like both.

The contemporary Kashrus Organizations give the following parameters —

- Many Kashrus Organizations — Aged 6 months
- OU — Aged 6 months or sharp taste
- Star — K — Brittle and won't cut easily.

If one is unsure how long a cheese has aged, some *poskim* write that one should be *machmir*<sup>26</sup>. Others *pasken* that in a case of *safeik* one may be *maikel*<sup>27</sup>. Practically, most cheeses we know how long their processing takes that this *safeik* should not be common.

According to these three opinions, it would come out as follows —

21. ס"ק ד'

22. ס"ק ט"ו

23. ס"ק ט"ז

24. ס"ק כ"ה

25. כלל מ' סעי' י"ג

26. שו"ת שבט הלוי חלק ב' סי' ל"ה והגרש"ז אוירבך בהליכות שלמה פרק י"ב הערה נ'

27. כף החיים ס"ק מ"ח ומעדני השלחן ח:ל

Type of Cheese	Most Vaadei Kashrus (6 months)	OU (6 months or sharp)	Star-K (brittle & won't cut)
<b>American</b>	Don't Wait	Don't Wait	Don't Wait
<b>Asiago</b>	Wait	Wait	Don't Wait
<b>Cheddar (Mild)</b>	Don't Wait	Don't Wait	Don't Wait
<b>Cheddar (Sharp)</b>	Wait	Wait	Don't Wait
<b>Feta</b>	Don't Wait	Don't Wait	Don't Wait
<b>Parmegiano Reggiano</b>	Wait	Wait	Wait
<b>Parmesan</b>	Wait	Wait	Wait
<b>Reggiano</b>	Wait	Wait	Don't Wait
<b>Romano</b>	Wait	Wait	Wait
<b>Swiss (from Switzerland)</b>	Wait	Wait	Don't Wait
<b>Provolone (aged)</b>	Wait	Wait	Don't Wait

A very common case, is that one would have to wait 6 hours after eating a salad with parmesan cheese. Rav Yisroel Belsky *zt"l* paskens that even if the cheese is a minimal ingredient, one would have to wait the full amount of time.

### ≡ Exceptions

There are several exceptions to the rule —

- **Aged in the Store (or at Home)** — The policy of the OU and the Star-K is that once the cheese is

packaged, it can no longer be aged more. For example, if cheese was aged 5 months before packaging, and then it sat on the shelf for two months before being sold, it would not be considered “hard cheese”.

- **Melted** — The Yad Yehuda<sup>28</sup> paskens that one would not need to wait after eating melted hard cheese. Rav Shlomo Zalman<sup>29</sup>, however, disagrees that one would still have to wait being that it is still *mosheich taam* (leaves a strong taste).

*L'maaseh*, many poskim rely on the Yad Yehuda and are *maikel* on melted cheese. (Rabbi Moshe Heinemann and the Star-K are machmir.) There is a discussion, however, if the leniency only applies to hard cheese that was melted and mixed **into** the food, or even if the hard cheese was melted as a layer **onto** the food. A practical difference would be a pizza with melted parmesan cheese on top. Rav Elyashiv<sup>30</sup> and Rav Belsky<sup>31</sup> are only *maikel* if the cheese is melted into the food, and they would therefore be machmir in the pizza case. The OU's official position and the opinion of some others is to be lenient even when the melted cheese is on top.

- **Sick Individual** — A sick person who needs to eat

.28. ס"ק ל'

.29. הליכות שלמה פרק י"ב בדבר הלכה הערה ט"ו

.30. ספר הכשרות עמ' ר"פ הערה קכ"א

.31. OU Document X-120

meat for health reasons, may be lenient and not wait the full 6 hours. One hour would be sufficient<sup>32</sup>.

- **Made a Bracha** — If one accidentally made a *bracha* on meat within 6 hours after eating hard cheese, he should quickly eat something pareve to clean out his mouth and then eat a bite of the meat to avoid it becoming a *bracha l'vatala*.<sup>33</sup>
- **L'tzorech Mitzvah** — If one ate hard cheese on Erev Shabbos and the Shabbos seudah is within 6 hours, there may be room to be lenient and not wait. A Rav should be consulted.

32. ספר נדחי ישראל ל"ג

33. שו"ת אבני ישפה חלק ג' סי' ל'

# Addendum 11

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## THE MINHAG OF PUTTING TREES IN SHUL

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### ⇒ The Minhag

There is a *minhag* quoted from the Maharil and brought *l'maaseh* by the Rama<sup>1</sup> to put out greenery and flowers in our shuls and in our homes on Shavuos to commemorate the fact that Har Sinai was miraculously covered with grass and flowers when we received the Torah. Sefer Leket Yosher reports that the Terumas Hadeshen followed this minhag in his home.

The Birkei Yosef<sup>2</sup> writes that this is an ancient minhag dating back to at least the times of the Purim story. His proof is from Medrash Targum Sheini,<sup>3</sup> when Haman describes to Achashveirosh the long list of *minhagim* that separate Bnei Yisroel from the other nations, he includes that the Jews put out flowers and fruit on Shavuos.

### ⇒ Extent of Minhag

Others<sup>4</sup> extend this *minhag* to putting trees or branches in shul to acknowledge the fact that Shavuos is the time

.1 או"ח סי' תצ"ד סעי' ג'

.2 סי' תצ"ד סעי' ו'

.3 ג:ח

.4 מגן אברהם ס"ק ה' וחק יעקב ס"ק ז'

that we are judged on “the fruit of the tree”<sup>5</sup>. Sefer Mishna Yaakov and Likutei Chaver ben Chaim write that according to this reason, it should be branches from a fruit tree specifically. However, some *poskim* are of the opinion that one should specifically use the branches of non-fruit bearing trees to avoid the potential *issur* of *bal tashchis*<sup>6</sup>.

### ≡ Opposition to the Minhag

The Chayei Adam<sup>7</sup> and Mishna Berura<sup>8</sup> report that Vilna Gaon was *mivateil* (nullified) this *minhag*. This *psak* is also written in Sefer Maaseh Rav<sup>9</sup>. The question is, which *minhag* did he stop — only the *minhag* of putting out trees or even the one of putting out greenery and flowers? The Steipler Gaon<sup>10</sup> and the Chayei Adam<sup>11</sup> understood that the Vilna Gaon was only concerned with the *minhag* of putting out trees, because the *goyim* only use trees for their holidays. Shu”t Mikadeish Yisroel<sup>12</sup> is also of the opinion that he was only *mivateil* the *minhag* of trees and even the *minhag* of trees he was only *mivateil* entire trees, tree branches would be acceptable. Sefer Likutim on Sefer Maaseh Rav, however, clearly writes that he was *mivateil*

5. משניות ראש השנה פרק א' משנה ב'

6. שו"ת שיה יצחק סי' רל"ז

7. כלל קל"א סעי' י"ג

8. ס"ק י'

9. סי' קצ"ו

10. אורחות רבינו חלק ד'

11. כלל קל"א סעי' י"ג

12. סי' ס"ב

both *minhagim*. The Aruch Hashulchan<sup>13</sup> also writes (without mentioning the Vilna Gaon) that previous generations have abolished both *minhagim* of trees and flowers מטעמים שידעו הגדולים שבדור (for reasons known by the Gedolim of that generation). Sefer Shaar Yissocher<sup>14</sup> also writes that the minhag of his community is “*sheiv v'al taaseh*” (to passively not follow the minhag).

[A fascinating historical note — Rav Sraya Davlitsky (in his *Kitzur Hilchos Moadim*<sup>15</sup>) writes that he heard directly from a “Talmid Chacham Gadol zt”l” who was in the Vilna Gaon’s shul in Vilna before World War II who saw with his own eyes that they put trees in the shul, and he was bothered that they ignored his opinion, “הגם לכבוש המלכה” [עמי בבית?].]

### ≡ Defense of the Minhag

The Yosef Daas<sup>16</sup> and Daas Torah<sup>17</sup> justify the *minhag* by using the opinion of the Rivash that *minhagim* that have a clear reason can’t be *assur* because of *Chukas HaGoyim*. This may work to support our *minhag*, but it would not succeed in persuading the Gr”a because he explicitly disagrees<sup>18</sup> with the Rivash and writes that even if there is a reason why they originally established the *minhag* it can become *assur* if a later time it becomes a custom of the goyim. Sefer

13. ס”ק ו’

14. חלק ב’ קי”ט:

15. הלכות שבועות עמ’ ו’ הערה כ”ד

16. יו”ד שני”ח

17. סי’ תצ”ד

18. ביו”ד סי’ קנ”ה

Mincha Chadasha<sup>19</sup> suggests that it's not *Chukas Hagoyim* because our *minhagim* are not the same, we only put our tree indoors and they have it both indoors and outdoors.

⇒ **Halacha L'Maaseh**

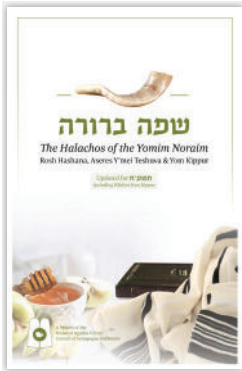
Rav Elyashiv<sup>20</sup> reports that the *minhag* in Eretz Yisroel is to be lenient being that it is mostly Muslims in the area and they do not use trees for their holidays. Orchos Rabbeinu, however, reports that the Steipler and Chazon Ish did not put out flowers. Rav Sraya Davlitsky also reports that the older Ashkenazi shuls in Yerushalayim do not put out greenery, flowers or branches. Rav Shlomo Zalman Auerbach's shul did not put out branches or greenery, primarily because it was called Beis Knesses HaGra<sup>21</sup>. There are many shuls around the world, however, that do decorate the room with flowers and greenery and there is enough to rely on to continue their *minhag*.

19. ס"ק ל"ו

20. הו"ד בספר הלכות חג בחג עמ' קי"א הערה כ"ד

21. כן הגיד לי בנו הג"ר מאיר שמחה שליט"א

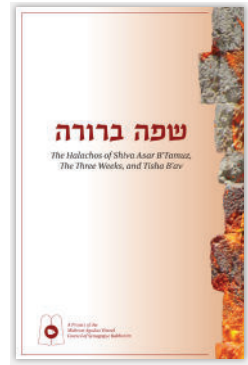
*Around the Year Halacha*  
with the  
Midwest Agudas Yisroel  
Council of Synagogue Rabbonim



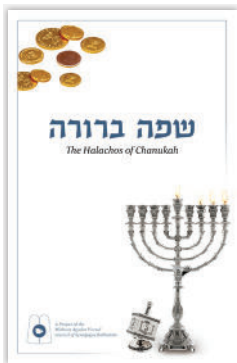
Yomim Noraim



Sefiras Ha'omer



The Three Weeks



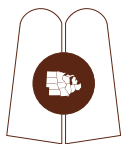
Chanukah



Asara B'Teves



Purim



A Project of the  
Midwest Agudas Yisroel  
Council of Synagogue Rabbonim