

ליקוטי ופסקי הלכות "חוקי היום"

ותלמוד
"התקצי תתקם"
לעשות רצונך
בלבב שלם



שע"י "חדר הזרחה" שכונת מנחת יצחק פעיה"ק ירושלים תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Please do not
read during
Davening or
Krias Hatorah

Rosh Hashonoh, Days of Teshuvoh

Yomim Noro'im 5785

104

Pomegranate

At this time of year, people eat pomegranates so that their merits are as numerous as pomegranate seeds. Accordingly, one must know several important halochos regarding pomegranates.

Whole Entity ["Briyoh"]

1. A brochoh acharonoh is required after eating a kezayis. There is a machlokes Rishonim if one must make a brochoh acharonoh after eating something which is smaller than a kezayis, but whole, e.g., a grape or pomegranate seed. Thus, it is proper to avoid eating something whole which is smaller than a kezayis (שו"ע סי' ר"י ס"א).
2. About two tablespoons of pomegranate seeds make up a kezayis. Thus, one should avoid a sofeik situation by not eating less than that [according to most poskim, who hold that a pomegranate seed, and not just an entire pomegranate, is a whole entity, (מג"א סק"ג)].
3. If one ate something whole which was less than a kezayis, he should not eat another whole thing – unless he will eat a kezayis in total – since the consumption of each new entity is a new sofeik brochoh (חוט שני ברכות עמ' ר"ב).
4. This halochah is relevant on Rosh Hashonoh night for those who eat the simonim between Kiddush and netilas yodayim (הובא מנהג) (זה בקצה המטה על המט"א השמטות עמ' נ"ח), in addition to the sofeik brochoh regarding a brochoh acharonoh before a meal.

Vegetable or Fruit Salad

5. People today often put pomegranate seeds into a salad. If the vegetables make up most of the salad and the pomegranate seeds are the minority, the salad is Ho'adomoh and Borei Nefoshos based on the rules of ikar and tofeil. This is despite the fact that pomegranates seeds are included in the Shivas Haminim and are whole entities (שו"ת דברי יהושע ח"ב סי' כ"ט).
6. Similarly, a fruit salad which is mostly made up of other fruits which are the ikar, and pomegranate seeds are tofeil, they lose their status of whole entities and do not create the above sofeik (ע"פ (שו"ת שבט הלוי ח"ה סי' ל"ד).
7. The brochoh acharonoh is determined by the majority. Thus, in this example, the salad's brochoh acharonoh is Borei Nefoshos even if one ate a kezayis of pomegranate seeds within kedei achilas pras when he ate the salad (וזאת הברכה פי"א י"ר) if they are tofeil.

Precedence of Brochos

8. There is a minhag on Rosh Hashonoh night to dip an apple in honey. If one specifically eats this as the first simon (כף החיים סק"ג) lechatchiloh, neither pomegranates nor any of the other Shivas Haminim should be on the table when making Ho'eitz on the apple; otherwise, he should really make the brochoh on those fruits first (כמבואר בשו"ע סי' ר"א ס"א). He should leave them somewhere else until after making a brochoh on the apple.
9. Nevertheless, if they were on the table, he may still make Ho'eitz on the apple first if he is makpid to do so since the apple can be currently classified as "choviv" [more desirable] and he may rely on the poskim who hold that something choviv has precedence over Shivas Haminim regarding brochos (דיעה שניה בשו"ע או"ח סי' רמ"ב, דיעה שניה בשו"ע או"ח סי' ר"א ס"ב) (שו"ת שם) or on the opinion that both options are valid (שו"ת שם).

Utensil Designed for Boreir

10. **Shailoh:** There is a new product available which aids in the extraction of pomegranate seeds composed of a bowl as a base under a plastic netting feature with big spaces. The pomegranate is cut in half and placed facedown over the netting. Then, a spoon is

used to hit the outside of the fruit all around until all the seeds fall through into the bowl. May one use this contraption on Shabbos?

11. **Answer:** Since this is a utensil designed to help do boreir, it is considered designated for that and despite the fact that it only helps boreir, it may not be used on Shabbos, even right before eating (או"ח סי' ש"ט ס"א). It may not be used on Yom Tov either since this process can be done before Yom Tov (רי"ש סי' תק"י).
12. One may do this by hand. I.e., one may hold half a pomegranate in his hand and hit it with a spoon to knock out the seeds onto a plate without using a mesh netting.

Pomegranate Juice

13. Some women drink pomegranate juice for health reasons. Its brochos are Shehakol and Borei Nefoshos (מנחת שלמה ח"א צ"א אות ג'). Pomegranate juice does not take precedence over other fruit regarding brochos (מג"א קפ"ב סק"ב); it could be that it does over other drinks. One may drink pomegranate juice on Shabbos even for health reasons since healthy people drink it too (שו"ת סי' ש"כ סל"ז).

Overhanging Pomegranate Tree That Caused Damage

14. **Shailoh:** A person has a pomegranate tree in his yard overhanging his neighbor's yard. Fruits drop into his neighbor's yard and split open, dirtying the neighbor's things. Is he liable? **Answer:** Since the neighbor may cut the branches which hang over his yard and bother him (מבואר בשו"ע חו"מ סי' קנ"ה ס"ז, פתחי חושן דיקין פי"ג מג"א), if he chooses not to do so, the tree owner is not liable for damages caused by the falling fruit. Also, if the neighbor did not complain about the tree, the tree owner has a chezkas tashmishin.

Minhagim of Rosh Hashonoh and Aseres Yemei Teshuvoh

Nuts

15. Some people do not eat nuts on Rosh Hashonoh since "egoz" equals "cheit" in gematria [either by dropping the unpronounced Alef in "cheit" or through "kolel" – counting the word "egoz" itself as one] (רמ"א סי' תקפ"ג ס"ב). "Egoz" specifically is a **walnut**. Some also avoid "luz", or hazelnuts (שו"ת הרב ס"ו).
16. Some people avoid other nuts as well, such as **pistachios, almonds, and peanuts**. Coconuts are not part of the nut family, and as such, may be eaten.
17. **When?** In many places, people do not eat nuts through Hoshano Raboh (קצת המטה סקט"ז). The Chasam Sofer's minhag was to avoid nuts only on the two days of Rosh Hashonoh (ס' מחולת מחניים).
18. **Nut cake.** The minhag is not to eat a cake or dish containing nuts during this period, even if they are not noticeable (שו"ת באר משה ח"ג) שו"ת באר משה ח"ג) if people refer to it with the word "nut", e.g., a nut cake. If the nuts are noticeable, it should be avoided even if its name does not include the word "nut".
19. **Peanut butter** may be spread on bread or the like since even whole peanuts are only an addition to the minhag; when they are in a paste, it is something new and far from the original minhag. One may also put peanut butter in ice cream or eat 'Bamba'.
20. The main idea is to stay away from anything which suggests or alludes to aveiros themselves. One should also remember that 'cheit' is also gematria 'cheit' (The Rebbe of Kotzk).

Sour Foods

21. Some people do not cook with vinegars or the like for Rosh Hashonoh as a favorable sign (מ"ב תקפ"ג סק"ה). Here too, some keep this minhag until Simchas Torah. Therefore, during this period, they do not eat **pickles** or salads with a noticeably **vinegary** taste (מ"ט"א); they also avoid "chrain".

22. One may eat food containing vinegar or something bitter as long as the final flavor doesn't have a sour flavor, e.g., fish cooked with sugar and a bit of vinegar or lemon; mayonnaise; coleslaw; or a sauce for chicken that has both mustard and honey.
23. **Spicy.** The minhag is not to eat bitter or sour foods; there is no reason to refrain from eating spicy foods.

Anger

24. The beginning of the year should be a good sign. Thus, one should obviously be very careful not to get angry during this period so that he has a good sign, besides for the fact that it is a great issur. One should be happy and trust in Hashem with his teshuvoh and good deeds (מ"ב שם). Really, one should maintain this practice all year.

Sleep on Rosh Hashonoh

25. There is a minhag not to sleep on Rosh Hashonoh day. This is a proper minhag (רמ"א ס"ו תקפ"ג) since if one lays on Rosh Hashonoh day, his mazel also lays (מ"ב סק"ט). Sitting idly, without davening or learning is tantamount to sleeping (מ"ב שם).
26. **Rising before alos.** Some say that the main idea of this minhag is not to sleep past alos hashachar (בן איש חי) out of fear of judgment, or at least not past neitz hachamoh (תשובה ח"א סי' של"ט).
27. Some say that one who does not usually rise at alos may sleep past alos on Rosh Hashonoh since for him, sleep past alos is still "night sleep", not "day sleep" (הגרש"א, הליכות שלמה ר"ה פ"א סכ"ג). Nonetheless, if he wakes up after alos, it is proper to not go back to sleep (הגר"ב קרליץ, חוט שני ר"ה עמ"ב).
28. **After midday.** The Arizal says that one may sleep after midday since the defending malach is already awakened from the tefilos and tekios (מ"ב שם). Still, we, who are not on his level, should try to go to the beis medrash to learn after the seudoh – or at least say Tehilim – until Minchah (מטה אפרים, אלף למטה תקצ"ח סק"א). If one's head is heavy and cannot do without sleep, he could sleep a little (מ"ב שם) or sleep while sitting on a chair, which is not the type of laying which is bad for his mazel (הגר"ב קנייבסקי טעמא דקרא עניי ר"ה). One who thinks he will not be able to daven properly without some sleep has poskim to rely on. This is especially true for women, and certainly true on the second day of Rosh Hashonoh.

Hamelech Hakodosh

29. During the Aseres Yemei Teshuvoh, we say "Hamelech Hakodosh" (ש"ע) since these are the days when Hashem sits and judges the whole world, showing His kingship and sovereignty (מ"ב סק"ג).
30. If one erred or is unsure if he said Hamelech Hakodosh, he must start Shemoneh Esrei over (ש"ע שם) since the first three brochos are like one big brochoh (מ"ב סק"ד).
31. **Unsure on Rosh Hashonoh.** If one is davening on Rosh Hashonoh or Yom Kipur and knows that he said "Uvechein tein pachdecho..." but is not sure if he finished with Hamelech Hakodosh, it could be that he does not need to start over. Perhaps we say that since he said all the additions before the end of the brochoh, we do not assume he finished the way he does all year (מ"ב סק"ד). Thus, due to sofeik brochos, he should not start again (האלף המגן סקי"ט בהג"ה); all the more so if he is unfamiliar with the nusach and is davening from a siddur since it is very possible he finished properly (הגר"ש"א, הליכות והנהגות עמ"ב ז).
32. **Toch kedei dibur.** If one said Hokeil Hakodosh but immediately corrected himself and said Hamelech Hakodosh within toch kedei dibur, i.e., he did not pause for the amount of time it takes to say three words between finishing Hokeil Hakodosh and saying Hamelech Hakodosh, he does not need to restart (ש"ע ומ"ב שם). If he paused for longer than that or already said even one word from the next brochoh, he must start again (מ"ב סק"ד).

Hamelech Hamishpot

33. During the Aseres Yemei Teshuvoh, we conclude the brochoh of Hoshivoh with the words, "Hamelech Hamishpot" (ש"ע סי' תקפ"ב ס"א). If one mistakenly ended with the standard ending or is unsure what he did, but remembered before stepping out of his place, The Mechaber holds he should go back to the brochoh of Hoshivoh and daven the rest of Shemoneh Esrei starting from there. If he stepped out of place before remembering, he must start all over (ש"ע סי' תקפ"ב ס"א).
34. **Melech oheiv tzedokoh umishpot.** Since all year, the Ashkenazim say "Melech oheiv tzedokoh umishpot", if one concluded the same way during the Aseres Yemei Teshuvoh, he can correct himself and say Hamelech Hamishpot within toch kedei dibur, but if toch kedei dibur passed or if he started the next brochoh, he should not go back; rather, he should continue davening since he said the word "Melech" (רמ"א סי' ק"ח ומ"ב שם סק"ג).

Kaporos

Kaporos Without a Hashgochoh

35. Some organizations in Eretz Yisroel arrange for people to do kaporos on the street without any hashgochoh [a recommendation that the organization is worthy of tzedokoh is not a hashgochoh for kaporos, even when written by a prominent Rov]. This creates many issues: sometimes the same chicken is used several times in multiple places [the Mogen Avrohom allows several people to use one chicken together, not at separate times]; sometimes chickens are out in the heat without eating or drinking and die before they are shechted; most of the time, the chickens are returned to the farm they were taken from, and even if they do get shechted, they usually end up getting shechted only after Yom Kipur. This does not fulfill the minhag of kaporos (חוט שני יוה"כ פ' עמ"ב צ"ה). Also, they are not given to the poor (היכל הוראה ח"א הוראה ע"ז). While giving money to the organization may be tzedokoh, someone who does this does not fulfill the minhag of kaporos. One should only do so at a reliable place under Hashgacha.

Pregnant

36. Some people perform kaporos for a pregnant woman with two hens [female] and one rooster [male] (מ"ב תר"ה סק"ג).
37. Some say a woman in the first 40 days of her pregnancy does not need to do kaporos for her baby (קובץ מבית הלוי ח"ב) בעל שבת הלוי, קובץ מבית הלוי ח"ב). Others say it is proper to do kaporos for her baby (ש"ת) (שבת הקהתי ח"ב סי' קצ"ח, הגר"ח קנייבסקי תורת המועדים סק"ד אות ג').

Kisui Hadam

38. The minhag of shochtim is to honor a respectable person with the mitzvoh of kisui hadam. The one who does the kisui says the brochoh, "מט"א תר"ד ס"ח" "אקבו" על כיסוי דם בעפר".
39. According to halochah, chayos, which commonly have treifoh-defects, must be inspected for treifos before doing kisui hadam so that the brochoh will not be in vain (שו"ע יו"ד סי' כ"ח ס"ג). After shechting fowl, which do not commonly have treifoh-defects, one may do kisui hadam right after checking the knife.
40. Nowadays that many fowl are treifos and mehudar shechitos include a treifoh-inspection of each bird, it would seem that one should only do kisui hadam after the inspection. The places that do not check the chickens right then and there rely on the fact that most are not treifos. A chicken cannot be checked for treifos before shechitoh so we rely on majority to make the brochoh on shechitoh; these places rely on the majority to make a brochoh on the kisui as well.
41. One who does kaporos in a place where the shechted chicken is plucked and checked for treifos on the spot [as many places in Yerushalayim do, e.g., Beis Yaakov Hayoshon of the Eidoh Chareidis], kisui hadam should be done only after it was checked and determined to be kosher (שו"ת חוקי חיים ח"א סי' ט').
42. One who does kisui hadam on multiple chickens together may lechatchiloh make the brochoh without checking for treifos since it is very likely that one of the chickens is kosher (כ"ק מרן גאב"ד) (ירושלים שם).

Treifoh

43. If one did kaporos with a chicken that turned out to be a treifoh, he does not need to do the kaporos again since the main kaporoh is achieved by giving the money value of the chicken to the poor (א"א בוטשאטש מהדו"ת ס"א).
44. If one did kaporos in a place where chickens are shechted on site and taken home or given directly to the poor to eat [as is done at Beis Yaakov Hayoshon in Yerushalayim] and his turned out to be a treifoh, some say that since he does not need to do kaporos again, they do not need to give him another chicken since his payment was primarily to fulfill the minhag (מו"ר הגר"מ) (בראנדסדאפרר זצ"ל); others say that they definitely must give him another chicken since he paid full price to get a kosher chicken for a kaporoh that he will later be able to eat or give directly to the poor (מו"ר הגר"י בלויא זצ"ל).

Kesivoh Vachasimoh Tovoh!

גליון זה נתרם ע"י הרוצה בעיקום שמו
לזכות את מי שהוא הייב לו כסף אבל אינו מכיר
ורוצה להחזירו ע"י זיכוי הרבים לזכותו
זכות התורה תגן עליו ועל משפחתו ליחתם בספרו של צדיקים