

SHEIAILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: Is a berachah rishonah required when tasting food?

DISCUSSION: A berachah is required only when food is swallowed; if the food is merely tasted but not swallowed, no berachah is said. Thus one who tastes a food to determine whether or not it needs spices or other ingredients but does not swallow it, does not recite a berachah.(1) But even if one intends to swallow the food that he samples a berachah is still not recited, since many Rishonim are of the opinion that only food eaten for enjoyment requires a berachah, not food which is being tested for palatability.(2) In order to avoid a questionable situation, one should recite a berachah rishonah only in the following manner.(3) Either:

1. Taste and swallow at least 3 oz. of liquid or 1 oz. of solid food;(4) or
2. Swallow the food with the dual intention of tasting and enjoying it; (5) or
3. Recite a berachah over a different food that requires that same berachah. [Chewing gum requires a she'hakol,(6) since one swallows the gum's sugar or artificial sweetener. A berachah acharonah, however, is not recited since the minimum amount required for a berachah acharonah is not consumed.] The same halachah applies regarding smelling something to determine whether or not it has a pleasant fragrance. The required berachah over fragrances is not recited, since the intention of the smelling is not for enjoyment but rather for testing the quality of the fragrance.(7)

QUESTION Are there any mourning restrictions on a child, sibling or spouse of someone who is sitting shivah?

DISCUSSION: In Chazal's times, a child or a sibling of a mourner sat shivah along with him, which meant that all of the restrictions that were placed on the mourner were followed by his child or sibling as well. Although today we longer conduct ourselves in this manner, it is still customary in many communities that siblings, children and spouses(8) participate in some limited way with the mourners.(9) Since this custom was not universally accepted,(10) one should consult his rav to determine his community's custom. Even among communities that practice this custom, there are varying degrees as to what is restricted. It is, however, generally accepted that one does not attend weddings or eat any other meals outside of his home including a seudas mitzvah of any type or meals which are social get-togethers.(11) Also, one should avoid taking a hot bath or shower.(12) [Others are even more stringent: Relatives do not change their clothes (except for Shabbos), take a haircut, shave or cut their nails.(13)] The poskim debate whether or not restrictions on relatives apply

when the mourner is sitting shivah in another city.(14) All of these restrictions are in effect only from the day of the burial through the end of that week; once Motzaei Shabbos arrives these restriction are lifted, even if the shivah began on Friday.(15)

QUESTION: May one who does not use the city eiruv [for carrying on Shabbos] ask another person who does use the eiruv to carry on his behalf?

DISCUSSION: The answer will depend upon the reason why the first person does not make use of the eiruv. If, in his opinion or in the opinion of his halachic authority, the eiruv is not valid and may not be used at all, then he may not ask another person to carry for him either. This is because he is asking the other person to do something which is not halachically permitted. But if, in his opinion or in the opinion of his halachic authority, the eiruv is valid, yet he chooses to be stringent and not use the eiruv, it is permitted to ask another person to carry on his behalf. In this case, the other person is not performing an halachically forbidden action. The same principle applies in other areas of halachah. For example: Contemporary poskim disagree whether or not it is permitted to lift off the tab of a soda or a beer can on Shabbos.(16) One who does not remove tabs because he adheres to the halachic opinion that forbids it, may not ask another person to open a can on his behalf. If, however, it is only a personal stringency but in theory he agrees that it is permissible, he is allowed to ask another person who opens soda cans to open one for him as well. May a person who keeps Shabbos until 72 minutes past sunset ask another person who waits less than 72 minutes to perform a forbidden Shabbos "Labor" for him before 72 minutes are up? Again, it will depend on the previously mentioned principle. If waiting 72 minutes is based on a strict halachic interpretation, then asking someone else to do a forbidden Labor is like asking him to be mechalel Shabbos. If, however, keeping 72 minutes is a personal stringency or a family custom, it is permitted to ask another person who does not have this stringency or custom to "transgress" Shabbos on your behalf.(17)

FOOTNOTES:

1 O.C. 210:2.

2 Mishnah Berurah 210:19; Igros Moshe O.C. 1:79.

3 If none of the following options is practical, one should not recite a berachah even though he is going to swallow the food which he is tasting.

4 Mishnah Berurah 210:14; Igros Moshe O.C. 1:80.

5 Igros Moshe O.C. 1:79, based on Chayei Adam 49:5.

6 Based on Igros Moshe O.C. 2:57.

7 V'zos ha-Berachah, pg. 324, quoting oral rulings from Harav M. Feinstein and Harav C.P. Scheinberg.

8 Spouses participate in mourning only when when the deceased is either their father-in-law or their

mother-in-law; see Gesher ha-Chayim 19:5-3.

9 This custom is recorded by the Rishonim and quoted by the Rama Y.D. 374:4 and by almost all of the latter poskim, including the Chochmas Adam 161:5, Kitzur Shulchan Aruch 203:2 and Gesher ha-Chayim 19:3-5, as common practice.

10 Knesses ha-Gedolah Y.D. 374 writes that this custom was not practiced in his area at all. See also Aruch ha-Shulchan 374:16 who remarks that "some" are not careful about these restrictions. Harav M. Feinstein is quoted as orally ruling that it is not the custom nowadays. Sefaradim, too, do not practice this custom; Yalkut Yosef, Aveilus, 8:2).

11 Taz Y.D. 374:2 and Shach 7.

12 On Erev Shabbos, however, it is permitted to take a hot shower; Da'as Kedoshim Y.D. 374.

13 See the various views in Divrei Sofrim 374:54 and Eimek Davar 72.

14 See Pischei Teshuvah Y.D. 374:4 and Gesher ha-Chayim 19:5-3. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 65, note 80) tended to rule leniently on this issue. See also Orchos Rabbeinu, vol.4, pg. 116.

15 Rama Y.D. 374:4 and Shach 7.

16 See The Weekly Halachah Discussion, vol. 1, pg. 137.

17 Entire discussion based on the following sources: Darkei Teshuvah Y.D. 119:58 quoting Ksav Sofer; Igros Moshe O.C. 1:186; Harav S.Z. Auerbach (Peninei ha-Maor, letter 3-8 and letter 22-1; Shulchan Shelomo 318:57 and footnote); Shevet ha-Levi 1:53.

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