

SHE'AILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: When reciting Selichos early in the morning, should the sheliach tzibbur recite a berachah upon donning his tallis?

DISCUSSION: In many shuls, Selichos is recited early in the morning before the time period known as misheyakir, which is approximately 45 minutes⁽¹⁾ before sunrise. Although it is permitted to don a tallis at that time, it is not permitted to recite the berachah over it, in deference to the Rishonim who maintain that one cannot fulfill the mitzvah of tzitzis at night.⁽²⁾ What, then, should the sheliach tzibbur - who is required to wear a tallis for Selichos - do? Here⁽³⁾ are three possible solutions:

* Borrow a tallis from another congregant [with the explicit intention of merely borrowing it, as opposed to halachically "acquiring" it] and put it on without reciting a berachah. This solution is based on the principle that one does not recite a berachah on a borrowed tallis.⁽⁴⁾ When Selichos are over, the tallis is returned to its owner and the sheliach tzibbur can then don his own tallis and recites the berachah.

* Use the shul's tallis without reciting a berachah over it. [Although many poskim require a berachah when a shul's tallis is worn, nowadays, the prevalent custom follows the opinion of the poskim who hold that no berachah is recited on a shul's tallis when worn by the sheliach tzibbur or by a person receiving an aliyah, etc.⁽⁵⁾]

* Put on his own tallis without reciting the berachah. When the time for reciting the berachah arrives, there is no need to remove and put on the tallis again; simply looking at the strings⁽⁶⁾ and touching them⁽⁷⁾ is sufficient for reciting the berachah at that time. This solution is the least desirable halachically, since all too often one is distracted and forgets to recite the berachah when misheyakir arrives. This third solution should only be employed if the previous ones are not an option. [Those who recite Selichos after chatzos need not be concerned with this issue altogether; the sheliach tzibbur should wear the shul's tallis without reciting the berachah.⁽⁸⁾]

QUESTION: After reciting ha-motzi, must one eat a full k'zayis of bread immediately before talking or eating other foods?

DISCUSSION: One is not required to do so. After reciting ha-motzi one is required only to swallow any small amount of bread before talking or eating other foods.⁽⁹⁾ But though one is not required to eat a k'zayis immediately after ha-motzi, the poskim recommend that one do so if possible. This is

because one is required to eat a k'zayis of bread within 3-4 minutes at some point during the meal; if not, he is not allowed to recite birkas ha-mazon even if he is satiated from the other foods eaten during the meal.(10) In addition, one who does not eat a k'zayis within 3-4 minutes at some point during the meal would be required to recite a berachah rishonah over all of the other foods eaten during the meal.(11) In order to make sure that one not forget to eat a k'zayis sometime during the meal,(12) it is recommended that one eat a k'zayis immediately after reciting ha-motzi.(13)

QUESTION: If, mistakenly, one spoke after reciting ha-motzi but before biting or swallowing even a small amount of bread, does he need to repeat ha-motzi?

DISCUSSION: L'chatchilah, one is not allowed to speak at all until after he swallows at least a small piece of bread. As stated previously, it is recommended that an entire k'zayis be eaten at this time. If, b'diavad, one spoke - even a single word - between ha-motzi and the first bite, he must repeat ha-motzi before beginning to eat if what he said was completely unrelated to the meal. If, however, he spoke about something related to the meal, e.g., please bring the salt or ketchup; please serve this individual, then ha-motzi is not repeated.(14) If, b'diavad, one spoke after taking a bite but before swallowing, he should not repeat ha-motzi before continuing to eat.(15)

QUESTION: After changing a baby's dirty diaper during a meal, does one need to wash his/her hands again for netilas yadayim?

DISCUSSION: Yes, he does. Changing a dirty diaper, as well as urinating or using the bathroom, scratching one's scalp or touching the sweaty areas of one's body, is considered a hesech ha-da'as which "cancels" the original washing of the hands. Netilas yadayim, therefore, must be repeated before the meal may resume.(16) Whether or not the berachah of al netilas yadayim must be repeated as well is a subject of much debate among the poskim. Some rule that al netilas yadayim is repeated in all of the hesech ha-da'as cases mentioned above, (17) while others require that al netilas yadayim be repeated only in some of those cases, such as using the bathroom or diapering a baby.(18) While one may follow either view,(19) the prevalent custom today follows the opinion of the poskim who hold that the berachah of al netilas yadayim is not repeated in any of these hesech ha-da'as cases.(20)

QUESTION: Does the halachah that prohibits a person who owns an animal from eating a meal before feeding his animals, apply only to the first mealtime in the morning or to any mealtime?

DISCUSSION: In order to avoid tza'ar ba'alei chayim, cruelty to animals, the halachah(21) mandates that the owner of an animal feed those animals which are dependent on him for their food(22) before taking food(23) for himself. This law applies not only to farm animals, but also to pets, birds and fish. It applies to all mealtimes - whether the owner is at home or away, on Shabbos(24) or weekday - if his mealtime coincides with the animal's feeding time, then the animal must be fed first. Some poskim hold that it is prohibited to eat even a snack before feeding one's animals,(25) while others

permit the owner to have a snack first. (26) Taking a drink before one's animal is permitted.(27) There is no requirement that the animal actually eat before the owner does; as long as food was placed before the animal, or arrangements made for the food to be brought to the animal, the owner may proceed with his meal.(28) It is permitted for one to feed his small children who cannot feed themselves before he feeds his animals.(29)

Important Note: A number of weeks ago we discussed the various opinions regarding the prohibition of chodosh and how these halachos apply in our times. We neglected to mention that keeping yoshon is much easier today due to the handbook and updates provided by Rabbi Yosef Herman (845-356- 5743). Rabbi Herman also maintains an e-mail distribution list which notifies people as to how to receive the most current guide by e-mail when it becomes available. He also uses the e-mail list to send out bulletins of yoshon information which he receives before and after the guide is published. To put one's name on the list, send an e-mail message to: chodosh-subscribe@jif.org.il.

FOOTNOTES:

- 1 There are several views among contemporary poskim as to when, exactly, misheyakir occurs, ranging from 60 to 35 minutes before sunrise.
- 2 O.C. 18:3 and Mishnah Berurah 10.
- 3 See Mishnah Berurah 581:6 and Sha'ar ha-Tziyun 5.
- 4 O.C. 14:3 and Mishnah Berurah 11.
- 5 See Beir Halachah O.C. 14:3, s.v. shalah and Halichos Shelomo 2:1-1.
- 6 O.C. 24:3.
- 7 O.C. 8:10. See Igros Moshe O.C. 4:7.
- 8 See Halichos Shelomo 2:1-1 and Shalamei Moed, pg. 22. Alternatively, he could wear his own without a reciting a berachah, since in this case there is no concern that he will forget to recite the berachah when the appropriate time arrives.
- 9 Mishnah Berurah 167:35.
- 10 See Mishnah Berurah 210:1 and Sha'ar ha-Tziyun 10; Beir Halachah 208:9, s.v. aino; Igros Moshe O.C. 1:76. See Shevet ha-Levi 4:21 for a dissenting opinion.
- 11 Aruch ha-Shulchan 177:2; Igros Moshe O.C. 4:41. See V'zos ha-Berachah, pg. 71, for a dissenting opinion.
- 12 Another reason to eat a k'zayis at the beginning of the meal is to satisfy the opinion of the Dagul M'irvavah (O.C. 167:7) who holds that one must recite a berachah rishonah on all other foods during the meal if he did not eat a k'zayis immediately after ha-motzi.

13 Mishnah Berurah 167:35. See also Igros Moshe O.C. 5:16-4.

14 O.C. 167:6.

15 Sha'ar ha-Tziyun 167:30; Aruch ha-Shulchan 167:13. See Yabia Omer 5:16 for an elaboration.

16 O.C. 164:2. Mishnah Berurah 164:8 rules that even if there was already a piece of bread in his mouth when the hesech ha-da'as took place, he may not swallow the piece until he washes again. Other poskim, however, disagree; see: Pri Megadim 7, Kaf ha-Chayim 10; Aruch ha-Shulchan 5.

17 O.C. 164:2 and a host of poskim mentioned in Sha'ar ha-Tziyun 164:10.

18 Chayei Adam 40:14; Mishnah Berurah 164:13; Aruch ha-Shulchan 164:5.

19 See Beur Halachah 164:2, s.v., lachzor; Chazon Ish 25:9.

20 Pri Megadim 170:2; Siddur Derech ha-Chayim; Shulchan Aruch ha-Rav 164:2; Kitzur Shulchan Aruch 40:16; Ben Ish Chai, Kedoshim 21; Kaf ha-Chayim 164:16. See also Chazon Ish 25:9.

21 Some hold that this is a Biblical prohibition, while others hold that it is a Rabbinical mitzvah; see Beur Halachah 167:6, s.v. umikal makom.

22 Thus one who owns a dog or a cat who scrounge around for their own food (and do not need to be fed by the owner), may eat before he feeds his pets; She'alas Ya'avetz 1:17, quoted in Sha'arei Teshuvah 167:2.

23 But it is permitted to eat food which does not belong to him but is given to him by others; Chasam Sofer, quoted by Ksav Sofer 32.

24 See Kaf ha-Chayim 167:54.

25 Magen Avraham 167:18 as explained by Pri Megadim; Kitzur Shulchan Aruch 42:1; Mishnah Berurah 167:40; Kaf ha-Chayim 167:51.

26 Taz O.C. 167:7; Shulchan Aruch ha-Rav 167:19; Nishmas Adam 5:11.

27 Mishnah Berurah 167:40. See Har Tzvi 1:90 for an explanation. See dissenting opinion in Kaf ha-Chayim 167:50.

28 See Yad Efrayim and Eishel Avraham O.C 167:6 and Kaf ha-Chayim 167:52.

29 Igros Moshe O.C. 2:52.

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