

# SHE'AILOS U'TESHUVOS

*by Rabbi Doniel Neustadt*

**QUESTION:** Should a sheliach tzibbur pause between berachos when reciting chazoras ha-shatz?

**DISCUSSION:** A sheliach tzibbur must pause between the berachos of Shemonei Esrei for at least as long as it takes the majority of the congregation to answer amen to that berachah.(1) Unfortunately, some people who serve as sheliach tzibbur are unaware of this requirement and rush into the next berachah immediately upon finishing the previous one, without giving the congregation any chance to answer amen.

This halachah is not just a mere advisory; it is only permitted to answer amen to a berachah of chazaras ha-shatz if the sheliach tzibbur did not yet begin the next one. Once the sheliach tzibbur begins the next berachah, one is no longer permitted to answer amen to the previous berachah.(2) The same halachah applies to kaddish. A sheliach tzibbur or a chiyuv who is reciting kaddish must wait for the majority of the congregation to finish answering amen yehei shmei rabah before continuing on with yisborach veyishtabach.(3)

**QUESTION:** If one finished eating, forgot to bentch, and left the premises, must he return to where he ate in order to recite birkas ha-mazon?

**DISCUSSION:** If, by the time he remembers to bentch, the food has already started to become digested, i.e., he no longer feels full,(4) then he can no longer recite birkas ha-mazon. But one who remembers to bentch before the food has begun to be digested is obligated to bentch even though he is no longer at the premises where he ate. The Rishonim, however, disagree on whether or not the halachah requires him to return, to where he ate in order to bentch, or whether he may bentch at his present location. Whenever possible, therefore, one should make every effort to quickly return to the place where he ate and bentch [even if this will cause him to miss tefilah b'tzibur(5)]. But under extenuating circumstances one may rely on the lenient opinions and bentch wherever he finds himself at the time he remembered to bentch.(6) There are two exceptions to the above rule:

1. If, by the time he will return to the place where he ate, more than 72 minutes will have passed from the time he finished eating, he should bentch immediately and not go back.(7)
2. If there is bread available at the place where he presently finds himself, he need not return to the place where he ate originally. Instead, he should wash his hands [without reciting al netilas yadayim(8)], recite ha-motzi,(9) eat [at least] a small amount of bread(10) and then recite birkas ha-mazon.

**QUESTION:** If one finished eating cake [or any other mezonos foods] or wine or fruits of shiva'as ha-minim, forgot to recite Al ha-Michyah, etc., and left the premises, must he return to where he ate in order to recite Al ha- Michyah, etc.?

**DISCUSSION:** If he can return to where he ate without undue delay, he should do so. Otherwise, he may be lenient and recite Al ha-Michyah in his present location.<sup>(11)</sup> However, when one eats foods whose berachah acharonah is borei nefashos, he need not return to where he ate if he left without reciting a berachah acharonah;<sup>(12)</sup> he recites borei nefashos at his present location.

**QUESTION:** Is it permitted to put cooked kishke, kugel, rice, etc., wrapped in plastic bags or aluminum foil into the cholent before Shabbos?

**DISCUSSION:** Some poskim<sup>(13)</sup> hold that it is prohibited because it violates the Rabbinic injunction of Hatmanah. Usually, Hatmanah means to insulate a pot of food so that its heat is retained or even intensified [depending on the type of material used for insulation].<sup>(14)</sup> But in the opinion of the Taz, quoted by the Mishnah Berurah,<sup>15</sup> to submerge a vessel containing food into another vessel containing food is also a form of Hatmanah.<sup>(16)</sup> Thus, a plastic bag containing kishke or a foil-wrapped kugel which is submerged in a larger pot of cholent, may be considered a violation of Hatmanah. Other poskim, however, do not consider this a form of Hatmanah.<sup>(17)</sup> They maintain that this is a case of two separate foods - cholent and kugel - that are being kept warm on a fire; it is not a case of the main food (cholent) maintaining the heat level of the lesser food (kishke, kugel). <sup>(18)</sup> Still other poskim suggest that a foil or plastic wrapping is not considered a "vessel" normally used for "insulation."<sup>(19)</sup> But all poskim permit placing wrapped kishke or kugel in a cholent - before Shabbos - if one of the following conditions is met:

3. If the kishke or kugel is not completely cooked before it is placed in the cholent, and it is being put into the cholent to finish cooking.<sup>(20)</sup> This is permitted because the purpose of putting the bag or foil into the cholent is not to insulate the kishke or kugel. Rather, the bag or foil is merely holding food that requires further cooking, which is permitted.<sup>(21)</sup>
4. If the bag or foil is left partially open, or if it is punctured.<sup>(22)</sup> This way, one is permitted to submerge the bag or foil in the cholent, even if its contents are fully cooked, because one would never insulate food in an open or punctured container. Obviously, the foods were placed in the cholent in order to absorb its taste.<sup>(23)</sup>

Note: Some people who cook cholent in a Crock-Pot place the cholent ingredients in a bag and then put the bag in the pot. This is permitted according to all views, since the purpose is not to "insulate" the food but to keep the pot as clean as possible.<sup>(24)</sup>

**QUESTION:** If a Jewish-owned corporation declares bankruptcy, does the halachah require the shareholders to pay the suppliers and creditors from their personal funds?

**DISCUSSION:** Generally, no. A corporation, by definition, means that the shareholders are not held

accountable for the debts of the corporation. The halachah recognizes this as well,(25) since the suppliers and lenders are aware that they are doing business with a corporation, and that the shareholders are not personally liable. In the atypical case where the suppliers or lenders were unaware that they were doing business with a corporation but were under the mistaken impression that they were lending money or selling goods to a private partnership or to the shareholders as individuals, then the halachah may be different. A rav or a beis din must be consulted. Another case where the shareholders could be personally liable for the corporation's debts is if the shareholders abused their trust and illegally deposited company money in their personal accounts. Technically speaking, the money which is in their personal accounts is not "personal" at all; it is still the corporation's money, and the creditors or suppliers should receive their due. A rav or a beis din must be consulted.(26)

*FOOTNOTES:*

1 Mishnah Berurah 124:37.

2 Sha'arei Teshuvah 124:5, quoted by Mishnah Berurah, ibid.

3 Mishnah Berurah 124:37.

4 Although many poskim mention 72 minutes as the time when digestion begins, in reality, this time frame depends on each individual's digestive system and on the amount of food that he ate. Thus a better method to determine the onset of digestion is when one no longer feels full from the previous meal and is ready to eat again.

5 Harav C. Kanievsky; She'ulas Rav, pg. 276.

6 Mishnah Berurah 184:7.

7 Mishnah Berurah 184:3.

8 Beur Halachah 178:2, s.v. tzarich.

9 Beur Halachah 178:2. s.v. im heisiach.

10 Even if it is less than a k'zayis; Mishnah Berurah 184:9.

11 Based on Aruch ha-Shulchan 184:3.

12 But l'chatchilah he should not leave the location where he ate until after reciting borei nefashos; Mishnah Berurah 178:36.

13 Aruch ha-Shulchan 258:3; Minchas Yitzchak 8:17; Shevet ha-Levi 3:47. See Igros Moshe O.C. 4:74 (Hatmanah 3), who prohibits placing kugel completely wrapped in aluminum foil on top of the cholent pot cover.

14 Insulating a pot which is left on the fire - even prior to Shabbos - is prohibited because the Rabbis

feared that if one were to find on Shabbos that the insulation failed to heat the food sufficiently, he would inadvertently adjust the temperature of the fire.

15 258:2 and Sha'ar ha-Tziyun 6. [Chazon Ish O.C. 37:32 disagrees with the basic ruling of the Taz and does not consider a submerged vessel as a violation of Hatmanah.]

16 This ruling is based on the argument that when an item is submerged, it is in fact being "insulated," since the submersion causes the temperature of the submerged item to be retained or intensified.

17 Note that the case that the Taz discusses involves a bottle of cold liquid being submerged in a bowl of hot water which is not on a fire. Our case involves a food being submerged in a food which is on a fire. The cases are not comparable for several reasons.

18 Harav S.Z. Auerbach (Tikunim u'Miluim 42, note 242).

19 See L'horos Nasan 7:12; Az Nidberu 6:78; Am ha-Torah, vol. 13, quoting the Debreciner Rav.

20 Minchas Yitzchak 8:17.

21 Provided that the item will be fully cooked before Shabbos or the heat source is covered, as explained in detail in The Weekly Halachah Discussion, pgs. 207-209.

22 Or if the bag is porous; Harav Y.S. Elyashiv (Shevus Yitzchak, pg. 251).

23 Shemiras Shabbos K'hilchasah 42:63; Otzros ha-Shabbos 2:56, quoting Harav S. Vosner.

24 Based on O.C. 257:2 and Igros Moshe O.C. 1:95.

25 A corporation is similar to the the talmudic concept of apotiki; see Bava Kama 96a.

26 See Pischei Choshen, Halvahah 7, note 17; Koveitz Meishiv ba-Halachah 10:142.

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