

# SHE'AILOS U'TESHUVOS

*by Rabbi Doniel Neustadt*

**QUESTION:** What is the halachic definition of Tefillah b'tzibur?

**DISCUSSION:** Tefillah b'tzibur means that ten adult men are davening Shemoneh Esreh together.(1) L'chatchilah, the ten men should begin davening Shemoneh Esreh at the exact same moment,(2) but b'diavad, even if all ten men did not begin the Shemoneh Esreh at the same time. it is still considered tefillah b'tzibur.(3)

Some poskim hold that if ten men are present but only six of them are davening Shemoneh Esreh, it is still considered tefillah b'tzibur.(4) Many other poskim, however, disagree.(5)

Some poskim hold that one who davens his own Shemoneh Esreh along with the sheliach tzibur's chazaras ha-shatz also fulfills the obligation of tefillah b'tzibur.(6) Most poskim, however, disagree.(7)

**QUESTION:** If one came late to shul for Shacharis, can he still manage to daven tefillah b'tzibur?

**DISCUSSION:** It depends on how late he came. Shulchan Aruch rules that it is more important to daven tefillah b'tzibur than to recite the entire Pesukei d'zimrah. Therefore, one who came late should skip as much of Pesukei d'zimrah as necessary - except for Boruch she'omar, Ashrei [Nishmas on Shabbos] and Yishtabach - in order to be able to begin davening Shemoneh Esreh with the rest of the congregation.(8)

If one came so late that even if he would skip Pesukei d'zimrah he would still be unable to begin Shemoneh Esreh with the tzibur, he should still skip Pesukei d'zimrah as long as he will be able to a) begin Shemoneh Esreh while there are still ten (at least) people davening;(9) and b) complete his entire Shemoneh Esreh before the sheliach tzibur begins to recite Kedushah during chazaras ha-shatz.(10) If, however, he estimates that he does not have enough time to complete his Shmoneh Esreh before Kedushah will be recited, he should not daven Shemoneh Esreh with the tzibur. Instead, he should wait and daven Shemoneh Esreh along with sheliach tzibur's recitation of chazaras ha-shatz.(11) [Whether or not it is permitted to skip Pesukei d'zimrah in order to be able to daven Shemoneh Esreh along with the chazaras ha-shatz will depend on the previously-mentioned dispute among the poskim as to whether or not reciting Shemoneh Esreh along with chazaras ha-shatz is considered tefillah b'tzibur.]

**QUESTION:** Should a woman who comes late to shul for Shacharis skip parts of Pesukei d'zimrah in order to be able to daven Shemoneh Esreh with the tzibur of men?

**DISCUSSION:** Contemporary poskim are divided on this point: Some hold that since women are not considered as part of a tzibur in any way, even if they daven at the same time that the tzibur does, their tefillah is not considered tefillah b'tzibur. They should not, therefore, skip any part of Pesukei d'zimrah - which, according to many poskim, they are obligated to recite(12) - in order to daven with the tzibur.(13) Other poskim, however, disagree. In their opinion, a woman who davens Shemoneh Esreh while the tzibur is davening is considered as if she davened tefillah b'tzibur, and she is permitted, therefore, to skip parts of Pesukei d'zimrah in order to be part of the tefillah b'tzibur.(14)

**QUESTION:** What is the proper berachah rishonah over avocado?

**DISCUSSION:** A plant whose trunk survives the winter months and produces fruit annually is classified as a tree in regard to hilchos berachos.(15) The avocado is such a tree and its berachah rishonah, therefore, is Borei peri ha-eitz.

When avocado is eaten as part of a vegetable salad, and the majority of the salad consists of vegetables such as lettuce, tomatoes or cucumber, then a Borei peri ha-adamah is recited over the entire salad and no specific blessing is recited on the avocado.(16) Even if, mistakenly, one made a Borei peri ha-aeitz over the avocado, he would be required to recite a Borei peri ha-adamah over the rest of the salad.(17)

**QUESTION:** If avocado is eaten as a spread on crackers, does it require its own berachah rishonah?

**DISCUSSION:** It depends if one is eating avocado spread on crackers or crackers with avocado. In other words, if the main intent is to eat crackers and the avocado is merely being used to enhance the flavor of the crackers, then only a Borei minei mezonos [and Al ha-michyah afterwards] is recited over the crackers. If, however, the main - or equal - intent is to partake of the avocado, and the crackers are merely being used as a "base" for the avocado spread, then two berachos are required - first a Borei minei mezonos on the crackers and then a Borei peri ha-aeitz over the avocado.(18) [Afterwards, Borei nefashos must be recited as well, but only if at least 1 oz. of avocado was consumed.]

The same halachah applies to other foods which are not cooked together but are still eaten together, like tuna fish salad eaten along with vegetables. If the core of the meal is the tuna, and the vegetables are merely enhancers for the tuna, like diced celery or pickles that are added to perk up the flavor of the tuna, then only a Shehakol is recited. If, however, an entire salad is served with the tuna and the intent is to serve both tuna and vegetables as equally important parts of the meal, then two separate berachos are required.

**QUESTION:** If a utensil was mistakenly used several times without immersion, does it still need tevilah?

**DISCUSSION:** Yes. The obligation of tevilah remains no matter how many times a utensil was previously used, even if years elapsed from the time it was purchased. Thus a newly-observant

family must immerse all of their old dishes. If the dishes also need to be koshered, then the koshering is done first, followed by the tevilah.(19) But, b'dieved, if the tevilah was done first, the immersion does not need to be repeated after the koshering. (20)

**QUESTION:** Is it permitted to eat food that was inadvertently cooked in a pot which was not immersed?

**DISCUSSION:** Yes. Non-immersed utensils are not treif utensils and the food cooked in them does not become non-kosher.(21) Even if one knew that the pot was not immersed and cooked food in it anyway, the food may still be eaten.(22)

**QUESTION:** On Shabbos [or Yom Tov], is it permitted to discuss purchases, e.g., to ask someone where he bought a particular item such as a suit or a painting?

**DISCUSSION:** If the questioner is interested in buying a similar item, then it is forbidden for him to ask the question and it is forbidden to answer him. If, however, the question is being asked as part of a theoretical discussion with no intent to act upon the topic being discussed, it is permitted.

The same halachah applies if the questioner wants to know how much that particular item cost. If the question is being asked because he is contemplating buying a similar item, it is forbidden to talk about that on Shabbos. If, however, he has no interest in buying such an item but is just asking out of curiosity, it is permitted.(23)

Please note that while this type of conversation is not halachically forbidden on Shabbos, it is still considered "idle talk." Shulchan Aruch expressly urges us to minimize idle talk on Shabbos.(24)

#### FOOTNOTES:

1 Mishnah Berurah 90:28, quoting Chayei Adam 19:1.

2 Mishnah Berurah 66:35.

3 See Igros Moshe, O.C. 3:4 and Halichos Shelomo 8:7.

4 See Eimek Berachah, Tefillah 6, Chelkas Yaakov 2:138 and Minchas Yitzchak 3:10 and 9:6-7.

5 Harav Y.Z. Soloveitchik, quoted in Teshuvos v'Hanhagos 1:104; Orchos Rabbeinu 1:160; Igros Moshe, O.C. 1:28-30; Halichos Shelomo 1:5-8. [All poskim agree that it is permitted to recite Kaddish or chazaras ha-shatz for only six mispallelim, as long as ten men are present; Mishnah Berurah 69:8.]

6 Eishel Avraham, O.C. 52; Chasam Sofer (Igros Sofrim 14).

7 Peri Megadim (Eishel) 52:1 and 109:4; Shalmas Chayim 91, Igros Moshe O.C. 3:9.

8 See Shulchan Aruch, O.C. 52:1 who lists the various parts of Pesukei d'zimrah in order of "importance." Certain parts of Pesukei d'zimrah take priority over others when time constraints prevent one from reciting all of Pesukei d'zimrah.

9 Halichos Shelomo 8:7 and Devar Halachah 8.

10 See Mishnah Berurah 109:2 and Beiur Halachah, s.v. ha-nichnas.

11 Mishnah Berurah 109:14; Aruch ha-Shulchan 109:11-12.

12 See Mishnah Berurah 70:1 and Sha'ar ha-Tziyun 4. See also Aruch ha- Shulchan 47:25.

13 Harav S.Z. Auerbach (Avnei Yashfei, Tefillah, 16 note 13 and Halichos Shelomo 1:5, Devar Halachah 4); Harav M. Shternbuch (Rigshei Lev, pg. 156)

14 Harav Y.S. Elyashiv and Harav S. Vosner (Avnei Yashfei, Tefillah, 16 note 12); Harav C.P. Scheinberg (Rigshei Lev, pg. 154); Harav M. Halberstam (Rigshei Lev, pg. 155)

15 Rama O.C. 203:2.

16 Mishnah Berurah 212:1.

17 O.C. 206:1.

18 Based on Mishnah Berurah 168:44, 212:6 and Igros Moshe O.C. 4:43.

19 Y.D. 121:2.

20 Dagul Mirevavah, Y.D:121:2; Aruch ha-Shulchan Y.D. 121:9.

21 Rama, Y.D. 120:16.

22 Igros Moshe, Y.D. 2:41.

23 Mishnah Berurah 307:27, quoting Rambam.

24 O.C. 307:1.

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