

SHE'AILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: At what age must a child-with or without his parent's help-wash his hands properly upon rising in the morning (negel vasser)?

DISCUSSION: There are a number of opinions in the poskim as to the age when parents should make sure that a child washes netilas yadayim in the morning:

* Some hold that the obligation begins when the child reaches the age of chinuch,(1) which- depending on the child-is approximately 5-6 years old.(2)

* Others write that once the child is old enough to touch food, his hands should be washed,3 since a ruach ra'ah (a spirit of impurity) adheres to objects that are touched by hands that have not been ritually washed upon awakening.(4)

* Harav Y. Kamenetsky is quoted as ruling that once a child is old enough to recite a verse from the Torah or answer Amen to a berachah, the parents should make sure that that his hands are washed properly.(5)

* Some poskim recommend that an infant's hands-even a newborn's-should be washed.(6)

QUESTION: Why do some people say morid ha-gashem with a kametz under the gimmel while others pronounce it with a segol under the gimmel- ha-geshem?

DISCUSSION: The Hebrew word for rain is "geshem," with a segol under the gimmel (and under the shin). Like many other words of comparable structure-two syllables, both vocalized with a segol (e.g., eretz, kesef, eved, etc.), the first segol is changed to a kametz when the word appears at the end of a Biblical phrase(7) or sentence.

The correct pronunciation of the word ha-geshem or ha-gashem, therefore, depends on its location within the second blessing of Shemoneh Esrei. If the sentence- which began with the words ata gibor-ends with the words mashiv ha-ruch u'morid ha-geshem, then ha-gashem is correct. If, however, mashiv ha-ruach u'morid hagashem is part of a longer sentence which ends with the words berachamim rabim, then the correct pronunciation is ha-geshem. In all of the old siddurim which were published hundreds of years ago, the word is written as ha-geshem with a segol. While more recently, many publishers changed the vocalization and printed ha-gashem instead(8) - and some poskim maintain that ha-gashem is the correct pronunciation(9) - most poskim(10) hold that the correct way to pronounce the word is ha- gehsem, and this is how most contemporary siddurim

print that word.

QUESTION: If one forgot to daven Mussaf (on Shabbos, Rosh Chodesh or Yom Tov) and only remembered to do so in the afternoon, which should he daven first - Mussaf or Minchah?

DISCUSSION: In most cases, Mussaf should be davened first, followed by Minchah. This is because the correct order of the tefillos follows the order of the korbanos that were brought in the Beis ha-Mikdash, and the Korban Mussaf was always brought before the afternoon Korban Tamid, which was the last korban of the day.(11)

[The only exception to this halachah is the case of a person who is required to daven Minchah at that particular time, e.g., before partaking in a wedding or a Sheva Berachos meal. In such a case, since one is not allowed to partake of such a meal before davening Minchah, it is considered as if the time of Minchah has arrived and one should not daven Mussaf first.(12)]

The halachah remains the same even if a man remembered to daven Mussaf so late in the day that he would not have time to daven Minchah any longer. He should daven Mussaf, and then daven Maariv twice, once for Maariv and a second one as a tashlumin ("make up") for Minchah.(13) If this happened to a woman, however, she should daven Minchah and omit Mussaf, since she is obligated to daven Mincha and it is questionable whether she is obligated to daven Mussaf altogether.(14)

QUESTION: On Shabbos, is it permitted to leave an intercom on in a baby's room in order to allow parents to monitor their child's welfare?

DISCUSSION: All contemporary poskim agree that it is forbidden - for various reasons - to speak into a microphone on Shabbos even if it was turned on before Shabbos.(15) The same halachah applies to speaking into an intercom. It is, therefore, forbidden to leave a monitor on in a baby's room, since adults, too, will be entering the child's room and their voices will carry over the intercom system. In a situation where parents are justifiably hesitant to leave a baby alone in a room overnight, e.g., the baby is ill or is having trouble breathing, they may connect the intercom to a Shabbos clock which will turn the intercom off in the morning. If the parents must enter the room during the night to check or take care of the baby, they must be careful not to speak while they are in the vicinity of the intercom.

QUESTION: May one comfort a mourner on Shabbos and Yom Tov?

DISCUSSION: Although the Halachah permits nichum aveilim on Shabbos, the general custom is not to do so.(16) If, however, one would not be able to be menachem at any other time, he may do so on Shabbos.(17) Some have a custom that on Shabbos, nichum is not more than a brief stay without any explicit words of nechamah.(18)

QUESTION: Can one fulfill mitzvas nichum aveilim over the telephone?

DISCUSSION: The Rambam(19) says that there are two facets to mitzvas nichum aveilim: The first is

to comfort the mourners who are distressed over the death of a loved one. This can be done by expressing sympathy to them and consoling them over their loss. One's mere presence at a house of mourning is a show of respect and a source of comfort at a time of sorrow. (20)

The second part of the mitzvah is for the sake of the deceased. By visiting the home of the deceased during the Shivah period, one "elevates the soul" of the departed individual.(21)

Accordingly, Harav M. Feinstein rules(22) that while it is possible to console a mourner over the telephone, it is not possible to "elevate the soul" of the deceased unless one actually comes to the house of mourning. Nor does one show proper honor to a mourner through a mere phone call.(23) Thus, if one can, he must be menachem avel in person. If, for some valid reason, he cannot visit the home of a mourner, he should still call him and console him and thereby fulfill at least part of the mitzvah.

The mourner may come to the phone and accept a caller's words of condolence. He may not, however, speak about other matters or ask about the welfare of the caller, even if the caller is a child or close relative. (24)

FOOTNOTES:

1 Shulchan Aruch ha-Rav 4:2; Eishel Avraham O.C. 4; Harav S.Z. Auerbach (Halichos Shelomo 20, Devar Halachah 25).

2 See Mishnah Berurah 343:3 and 640:4 and Sha'ar ha-Tziyun 3.

3 Mishnah Berurah 4:10, based on Peri Megadim 7.

4 See O.C. 4:5. B'diavad, however, it is not forbidden to eat such foods; Mishnah Berurah 14.

5 Emes L'yaakov O.C. 4, note 10.

6 See Ben Ish Chai, quoted by Kaf ha-Chayim 4:23 and several poskim quoted in Tzitz Eliezer 7:2-4.

7 Most often the end of a phrase is indicated by an esnachta or a zakef katan.

8 See Minhag Yisrael Torah 114:1 that the original change was implemented by the maskilim.

9 Igros Moshe O.C. 4:40-15. See, however, Tefillah K'hilchasah 12:27 that Harav Feinstein subsequently revised his opinion on this matter.

10 Levushei Mordechai 4:213; Harav Y.Y. Kanievsky (Orchos Rabeinu, 1:213); Harav Y. Kamenetsky (Emes L'yaakov al ha-Torah, Bereishis 3:19); Harav Y.Y. Weiss (quoted in Ishei Yisrael 23:25); Harav S.Z. Auerbach (Halichos Shelomo 1:8-14); Az Nidberu 12:28; Teshuvos v'Hanhagos 1:81.

11 Based on Mishnah Berurah 286:12, Aruch ha-Shulchan 286:17 and Kaf ha-Chayim 286:35-36.

12 O.C. 286:4.

13 See Mishnah Berurah 286:13, Aruch ha-Shulchan 286:17; Da'as Torah 286:4 and Kaf ha-Chayim 286:36.

14 See Mishnah Berurah 106:4.

15 See Igros Moshe O.C. 3:55.

16 Aruch ha-Shulchan O.C. 287:3; Gesher ha-Chayim 20:5-2.

17 Aruch ha-Shulchan O.C. 287:1.

18 Kaf ha-Chayim O.C. 287:4.

19 Hilchos Avel 147.

20 Based on the Talmud (Moed Katan 21b) which quotes Rabbi Akiva's expression of gratitude to the multitudes of people who came to console him.

21 Based on the Talmud (Shabbos 152a) which states that ten people should sit shivah in the house of the deceased even if the deceased left no mourners behind.

22 Igros Moshe O.C. 4:40-11.

23 It can be argued, however, that a phone call from an honorable person can be considered as showing honor to the mourners.

24 Igros Moshe O.C. 4:40-11.

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