

SHE'AILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: When reciting Selichos early in the morning, should the sheliach tzibbur recite a berachah upon putting on 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 put on his own tallis and recite 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: May a safety pin be used on Shabbos and Yom Tov?

DISCUSSION: This issue is widely debated by the poskim. A minority opinion maintains that using a safety pin (or a straight pin) to connect fragments of a torn garment, to pin up a loose hem or to fasten a shank button to a garment, should be avoided on Shabbos and Yom Tov. In their opinion, pinning is included in the Shabbos Labor of Sewing, since the safety pin binds two (or more) previously disconnected or torn parts of a garment, just as Sewing does.⁽⁹⁾

But the vast majority of the poskim disagree and maintain that it is permitted to use a safety pin on Shabbos without restriction. They explain that using a pin is not considered Sewing at all, since no thread or other bonding agent is being used. In addition, Sewing is defined as connecting two pieces of material into a single solid piece; an entity that could only be separated by the process of tearing or cutting.⁽¹⁰⁾ Using a safety pin to connect two pieces of fabric is similar to buttoning a shirt or zipping a zipper, which is not considered Sewing at all.⁽¹¹⁾

The basic halachah follows the lenient opinion.⁽¹²⁾ Still, when possible, it is recommended that one or more of the following be done in order to satisfy the more stringent opinion:

- * Insert the safety pin only one time into each section of the materials being connected.⁽¹³⁾
- * After Shabbos, remove the safety pin and separate the pinned-together pieces.⁽¹⁴⁾
- * Avoid using small, less noticeable safety pins, since they are more likely to be left in place for an extended period of time.
- * Use a straight pin rather than a safety pin, since a straight pin is less likely to be left in a garment for an extended period of time.

QUESTION: Many banks offer a service whereby customers may instruct the bank to pay their utility (or other) bills on a specific date of the month. Should one refrain from using this service since eventually a payment will be made on his behalf on a Shabbos (or Yom Tov)?

DISCUSSION: There is no halachic reason not to use this service. While it is true that eventually a payment date will fall on Shabbos, and one may not instruct a non-Jew - even before Shabbos - to perform a service on his behalf on Shabbos,⁽¹⁵⁾ in this case there is no action performed by a non-Jew on Shabbos; the entire process from beginning to end is automated. The bill is actually paid through a computer transaction from one account to the other. There is no halachic restriction on having a machine perform a service on Shabbos on behalf of a Shabbos-observant Jew, if the machine is programmed in advance to do so.⁽¹⁶⁾

QUESTION: Where should the bayis of the tefillin shel yad be placed if one's left arm is in a cast (or wrapped in a bandage)?

DISCUSSION: It depends on which part of the arm is covered by the cast. If the entire biceps area is covered, then the bayis shel yad should be placed on top of the cast. The bayis must then be covered with the sleeve of the shirt or jacket.⁽¹⁷⁾ No blessing is recited at this time. But when the bayis shel rosh is placed on the head, the two berachos are recited - lehaniach tefillin, followed by al mitzvas tefillin and baruch Sheim.⁽¹⁸⁾

If, however, the cast does not cover the entire biceps area⁽¹⁹⁾ and there is enough room to place the bayis shel yad directly on the upper arm, then the bayis should be placed there and the retzuos are wound around the cast. The blessing of lehaniach tefillin is recited.⁽²⁰⁾

QUESTION: Some women do not blow out the flame of the match, lighter, etc. after lighting candles on erev Shabbos; instead, they allow the flame to extinguish on its own. They do this in order to avoid transgressing a Shabbos Labor - "Extinguishing" - once they have accepted Shabbos with the kindling of the candles. Should all women observe this custom?

DISCUSSION: No, they need not do so. It is permitted to extinguish the flame after lighting candles as long as one does so before reciting the blessing of l'hadlik ner shel Shabbos. Although Shulchan Aruch does note the custom of "some" women who are careful not to put out the flame after lighting candles,(21) this custom no longer applies today when all women (who follow the Ashkenazi custom(22)) recite the blessing over the candles after kindling them. Since Shabbos does not begin until after the blessing is recited, there is ample time to blow out the flame before reciting the blessing.(23)

QUESTION: Does the same halachah apply to Yom Tov?

DISCUSSION: On Yom Tov when many women follow the custom of reciting the blessing before lighting candles,(24) care should be taken not to put out the flame after lighting them. This is because once Yom Tov has begun, it is forbidden to extinguish a fire. The match, therefore, should be carefully put aside and allowed to extinguish on its own or she may hand it over to another person to extinguish it.(25) [A woman who is afraid to allow a match to extinguish on its own should light her candles first, blow out the match, and then recite the blessing, as she does on a regular erev Shabbos.(26) Of course, she may do this only if she lit candles before sunset. If she is lighting after Yom Tov has begun, she may not put out the flame.]

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 Shalmei 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 340:27, quoting Korban Nesanel.

10 See Aruch ha-Shulchan 317:18.

11 Aishel Avraham, O.C. 526; Chazon Ish, O.C. 156; Igros Moshe, O.C. 2:84; Be'er Moshe 2:29; Tzitz Eliezer 13:43. See Binyan Shabbos, Tofer 10:2.

12 Harav S.Z. Auerbach (Shemiras Shabbos k'Hilchasah 15, note 244).

13 Minchas Yitzchak 2:19; Shevet ha-Levi 4:35.

14 Based on Sha'arei Teshuvah 340:3.

15 O.C. 307:2. [Although in our case there is no direct command to pay the bill on Shabbos but rather to do so on a specific date of the month, it still would be prohibited to specifically tell a non-Jew to do so, since that date will, at one time or another, fall out on Shabbos. This is halachically considered as if he instructed the non-Jew to make payment on Shabbos; based on Igros Moshe, O.C. 3:44, s.v. aval.]

16 O.C. 252:1.

17 Although when placing the bayis shel yad directly on the bare arm one is not required to cover it and it may be exposed (Rama 27:11), in this case, when the bayis is placed on a chatzitzah (an obstruction), the bayis must be covered; Mishnah Berurah 27:16, 18. See explanation in Shulchan Aruch ha-Rav 27:8.

18 Mishnah Berurah 27:18. See Minchas Yitzchak 2:46.

19 Although the opinion of the Rama in O.C. 26:1 is that the proper position of the bayis shel yad is at the midpoint of the humerus bone, in this case we may follow the view of the Gra, quoted by Mishnah Berurah (26:4), who holds that the bayis shel yad may be positioned anywhere on the biceps muscle.

20 Mishnah Berurah 27:16.

21 O.C. 263:10.

22 Most Sefaradim, however, recite the blessing before kindling; Yechaveh Da'as 2:33.

23 Aruch ha-Shulchan 263:14; Yechaveh Da'as 2:33, quoting Mateh Yehudah 263:2. [Note that Mishnah Berurah does not disagree with this; indeed, he repeatedly rules that Shabbos begins after the blessing is recited; see 263:21 and 27. See also Da'as Torah 263:5 (s.v. v'yesh).] Chayei Adam and Kitzur Shulchan Aruch, too, do not mention the custom of allowing the flame to extinguish by itself. See also addendum to Shulchan Shelomo, vol. 1, pg. 19.

24 As ruled by Mishnah Berurah 263:27.

25 Harav S.Z. Auerbach (Shemiras Shabbos k'Hilchasah 43, note 179).

26 Based on the ruling of the Magen Avraham (263:12) and Kitzur Shulchan Aruch (75:4), who rule that women should light on erev Yom Tov exactly as they do on erev Shabbos: first light the candles and then recite the blessing.

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