

QUESTIONS AND ANSWERS

by Rabbi Doniel Neustadt

Question: On Erev Rosh Hashanah, does one recite Aneinu during Minchah if he knows that he will need to break his fast after Minchah?

Discussion: Although there are a number of opinions regarding this case, the custom^[1] follows the Mishnah Berurah's^[2] ruling that Aneinu is recited by one who is fasting even though he is planning to break his fast after Minchah. The only exception to this rule concerns the Sheliach Tzibbur: If he is planning to break his fast after Minchah, then he should not recite Aneinu during chazaras ha-shatz at all—neither as an independent blessing (as he normally would) nor as part of Shomea Tefillah^[3]. But minors, or adults who, for medical reasons, must eat before Minchah, should not recite Aneinu at all^[4].

Question: Is there any reason to have a new fruit on the table during Kiddush on the first night of Rosh Hashanah?

Discussion: No, there is not. Many people mistakenly confuse the first night of Rosh Hashanah with the second night and place a new fruit on the table on both nights^[5]. But there is no basis for eating a new fruit on the first night, and indeed, l'chatchilah, one should specifically remove any such fruit from the table when Kiddush is recited. This is because some poskim hold that the shehecheyanu recited during Kiddush, which is a blessing over the Yom Tov day, and the shehecheyanu that one needs to recite over a new fruit, are two different "types" of shehechey-anu blessings, and one cannot fulfill both requirements with one shehecheyanu blessing^[6]. According to this opinion, even if the fruit were on the table during Kiddush, another shehecheyanu would have to be recited over the fruit when it is time to eat it. While this is not necessarily the opinion of all poskim, in order to avoid getting involved in this dispute one should remove the fruit from the table before Kiddush, and then recite shehechey-anu over it when he is ready to eat it during the meal^[7].

Question: If a new fruit is not available for the second night of Rosh Hashanah, may shehecheyanu be recited during Kiddush?

Discussion: Absolutely. The reason that we place a new fruit on the table during Kiddush on the second night of Rosh Hashanah is to satisfy a minority opinion which holds that no shehecheyanu is recited over the second day of Rosh Hashanah as we normally do on Yom Tov Sheini — the two days of Rosh Hashanah are halachically considered as one long day, and shehecheyanu over this long day was already recited during Kiddush on the first night of Rosh Hashanah. But the majority of

the poskim disagree and hold that the two days of Rosh Hashanah are considered — in regard to this halachah — as two separate days, and a shehecheyanu must be recited over the second day as well. While l'chatchilah we look for a new fruit so that shehecheyanu could be recited according to all opinions, if for any reason a new fruit is not available^[8], we rely on the majority opinion and recite shehecheyanu over the second day of Rosh Hashanah^[9].

Indeed, it is important to remember that even when a new fruit is on the table on the second night of Rosh Hashanah, the primary reason that the shehecheyanu is recited is not because of the fruit, but because of the new day of Rosh Hashanah. Thus the proper kavanah (intent) of the person reciting Kiddush (and all those who are yotzei with him) should be as follows: Primarily, the shehecheyanu is being recited because another day of Yom Tov has arrived; and, secondly, in case this second Yom Tov day does not warrant a shehecheyanu, the blessing should be over the new fruit^[10]. B'diavad, however, one does not need to repeat Kiddush if, mistakenly, his primary intent was to recite shehecheyanu over the fruit^[11]. Question: Should people who continue to rely on the lenient opinion of those poskim who permit drinking "company milk" ^[12] (chalav stam) throughout the year^[13] be encouraged to drink only chalav Yisrael during Aseres yemei teshuvah—just as they are careful to eat only pas Yisrael at this time of year?

Discussion: While this issue is not explicitly addressed by the poskim^[14], we may assume that it is appropriate to be stringent about chalav Yisrael during Aseres yemei teshuvah. This is because the poskim suggest a number of reasons, all interrelated, as to why everyone should be careful to eat only pas Yisrael during Aseres yemei teshuvah, and the parallel between pas Yisrael and chalav Yisrael is obvious:

- So that we conduct ourselves with an extra measure of purity during these Ten Days of Repentance^[15].
- To serve as a reminder of the unique status of these days^[16].
- To beseech Hashem not to judge us stringently, just as we have adopted a practice which is not strictly required of us^[17].

Those who are lenient regarding chalav stam rely on a controversial ruling of some poskim who in the past—when chalav Yisrael was not readily available—reluctantly permitted the consumption of "company milk." Clearly, then, for all of the reasons cited above, it is appropriate not to rely on this leniency during Aseres yemei teshuvah^[18].

1. Among Ashkenazim. Most Sefaradim, however, follow the ruling of the Shulchan Aruch that Aneinu is only recited as part of Elokai Netzor in this case; Kaf ha-Chayim 562:8.

2. 562:7.

3. Beur Halachah 562:1, s.v. aval.

4. Beiur Halachah 565:1, s.v. bein. See also Shevet ha-Levi 5:60 and 8:131.
5. Mishnah Berurah 600:5.
6. Ksav Sofer, O.C. 26.
7. Harav S.Z. Auerbach (Minchas Shelomo 1:20; Halichos Shelomo 2:1-16).
8. In the United States, especially, it is most difficult to find a shehecheyanu fruit, since almost all fruits are available throughout the year.
9. O.C. 600:2 and Mishnah Berurah.
10. One who intends the shehecheyanu to be solely over the fruit is actually making an improper hefsek between borei pri ha-gafen and the drinking of the wine, since reciting shehecheyanu over a new fruit at this point has nothing to do with the Kiddush. It is only if the shehecheyanu is recited over the Yom Tov that it would not be considered a hefsek.
11. Harav S.Z. Auerbach (Minchas Shelomo 1:20; Halichos Shelomo 2:1-20); Teshuvos v'Hanhagos 2:272; 2:303.
12. Although Shulchan Aruch rules that for milk to be kosher, the milking must be supervised by a Jew, some have argued that in the United States (and other developed countries) where government authorities closely monitor the dairy industry and strictly enforce the law against mixing other milk with cow's milk, government regulation should be tantamount to supervision. According to this opinion, the fear of being caught by government inspectors who are empowered to levy substantial fines serves as a sufficient deterrent, and may be considered as if a Jew is "supervising" the milking. Based on this argument, several poskim allowed drinking "company milk" (chalav stam), i.e., milk produced by large companies, without supervision by a Jew.
13. See The Monthly Halachah Discussion (Jerusalem: Feldheim Publishers, 2001), pgs. 145-150, for a complete overview and analysis of this subject.
14. Obviously, the earlier poskim could not have dealt with this question, since chalav akum is forbidden according to all views all year round. It is only with the fairly recent introduction of chalav stam, which is permitted by some poskim during the year, that this question arises.
15. In Talmudic times, everyone was careful not to allow their food to become impure (chullin b'taharah) during Aseres yemei teshuvah; Tur quoting the Yerushalmi (Shabbos 3:3).
16. Levush, O.C. 603.
17. Chayei Adam 14:1; Kitzur Shulchan Aruch 130:2.
18. See Sha'ar ha-Tziyun 609:1 and Igros Moshe, O.C. 3:12 who write that during Aseres yemei teshuvah we should be stringent when it comes to all questionable issues.

Weekly-Halacha, Text Copyright © 2012 by Rabbi Neustadt, Dr. Jeffrey Gross and **Torah.org**.

Rabbi Neustadt is the Yoshev Rosh of the Vaad Harabbonim of Detroit and the Av Beis Din of the Beis Din Tzedek of Detroit. He could be reached at dneustadt@cordetroit.com