

HALOCHOSCOPE



mitzvos have a specific time frame. One may not perform those *mitzvos* early. Early performance does not fulfill a *mitzvah* and obviously has no *brocha* recited on it. Certain *mitzvos* have an ideal time and an early time for difficult situations. For example, one leaving home within thirty days before *Pesach* must search for *chameitz*. The ideal time is the night before *Pesach*. If he leaves early, he must search the night before he leaves, but he may not recite a *brocha* then, according to most poskim.

A *brocha* may not be recited *ovair leovair*, or 'before before'. This means that there may not be a delay between the *brocha* due to an additional activity in preparation for the performance. For example, one must have his *tefilin* ready to tighten when he recites the *brocha*. They may not be in their containers, or even in one's hands. Is our case *ovair leovair*? At this point in time, the *mitzvah* is not quite ready to be fulfilled. Or since there will be no break between the *brocha* and the *mitzvah*, maybe this issue does not arise.

In reality, from their language, it appears that the poskim consider the *brocha* on the *mitzvah* an obligation in its own right. This obligation also has a time, which is the time of the obligation of the *mitzvah*. Therefore, the cases raised in our question that relate to *birchas hamitzvah* must be performed at the time of the *mitzvah*. [See Psachim 7b Sukah 39a, Poskim. Tur Sh Ar OC 25:8 YD 19:1 etc., commentaries.]

In conclusion, the *brochos* on benefit may be recited immediately before the benefit, provided that there will be no break between them. It does not appear that this would be a *brocha* in vain, nor a *hefsek*. *Brochos* on a *mitzvah* must be recited in their correct time. However, the *birchas hamitzvah* of *kiddush* may be said as soon as *Shabbos* begins. Therefore he may time its recital to drink at nightfall. *Havdalah* is also a *birchas hamitzvah*. Its true time is after *Shabbos* is over. Therefore, one should wait to recite *havdalah* until after *Yom Kippur* is over.

On the Parsha I have seen the suffering .. and heard their cries .. I will go down to save them .. Now behold, the crying out .. comes to me .. Now you go and I will send you to Paroh .. [3:7-10] Why is the word 'now' inserted here twice? Hashem had a plan and an order in which the events would unfold. Perhaps, then, the small amount of time between the two parts of this dialog was important. First, Hashem said that the time had come for the step of being attentive to the crying. Then, a few moments later, the time had come for the next step, Moshe being sent on his mission. There is an exact moment for everything.

Sponsored by the Bass-Rottenstein family in honor of the wedding of Avi Bass to

Nechama Horowitz, mazal tov.

Sponsored by the SINDLER Family to commemorate the 4th birthday of Noah Andrew

on the 12th of Tevet.

© Rabbi Shimon Silver, December 2010.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com

This week's question:

- (i) Assuming that one can determine the exact timing, may one recite a *brocha* on food before the end of a *taanis*, such that he will be able to eat at the first possible moment? May he wash for bread before the fast is over, with the same calculation?
- (ii) May one recite *kiddush* on *Shabbos*, the 11th of *Teves*, before the end of the fast, in order to drink right when the fast ends?
- (iii) May one recite *havdalah* at the end of *Yom Kippur* before the fast is over, to be ready to drink exactly when it ends?
- (iv) Similarly, may one recite the *brocha* on *talis* or *tefilin* a few seconds before the correct time (*misheyakir*), so that he will wear them at the first moment?

The issues:

- A) *Birchos hanehenin*, *brochos* before eating
- B) *Kiddush*; *Havdalah*; their *brochos*; *bimkom seuda*, at the venue of the meal
- C) *Birchas hamitzvah*, *ovair la'asiyasan*, right before performance of the *mitzvah*

A) *Birchos hanehenin*

Brochos are based on a Scriptural concept, though most are Rabbinically ordained. *Bircas hamazon*, the grace after a bread meal, is a Scriptural obligation. Many maintain that *bircas hatorah*, recited before fulfilling the *mitzvah* of Torah study, is also Scripturally mandated. Based on this, the Rabbis instituted *brochos* of three types. *Birchos hamitzvah* recited before performing a *mitzvah*. *Birchos hashevach* recited as praise on the existence of Hashem's Creation, His control and monitoring of nature, and other kindnesses. *Birchos hanehenin* are recited before benefiting from the bounty of the Creation.

The principal benefit referred to is eating and drinking. The logic for instituting *birchos hanehenin* is that before benefiting from this world one should acknowledge Hashem Who created it. Taking it without a *brocha* is akin to stealing. The *brocha* is to 'ask permission' before benefiting from the item in the way Hashem intended it. Hashem created types of foods, used in their intended way to benefit mankind.

One may not recite a *brocha* on something forbidden. The Talmud says that one who stole flour, kneaded dough, separated *challah* and recited a *brocha*, antagonized Hashem. Some maintain that this only applies to a *mitzvah brocha*. On food, which is ultimately physical benefiting, one is always obliged to recite the *brocha*. If one recited the *brocha* by mistake, the issue arises whether one should try to save his *brocha* from having been recited in vain, a serious violation. He did not knowingly antagonize Hashem. The poskim discuss one who mistakenly recited a *brocha* on a fast day, then realized he may not eat. The *brocha* violation could be Scriptural. The fast day might be Scriptural or Rabbinical, or a personal *neder*, vow, Scripturally binding. Should he eat a little, or should he not eat at all? Eating a little reduces his eating violation to *chatzi shiur*, less

than the minimum to be considered a punishable violation. On the other hand, eating is an active act, while letting the *brocha* go in vain is passive. In our case, the person wishes to knowingly recite the *brocha* at a time that the food is forbidden. Fast days must be observed until nightfall, even if they fall on *Erev Shabbos*. There is a minority view that one may eat earlier, which is not followed. There is a view that personal fasts do not have the same severity, but we are discussing a communal fast.

The food must be present when the *brocha* is recited. After reciting a *brocha*, one must eat immediately. If he interrupts before eating, he invalidates the *brocha* and must repeat it. This is called a *hefsek*. An interruption necessary for the eating is not called a *hefsek*. In one view the main issue with *hefsek* is *hesech daas*, distraction from the *brocha* before benefiting. A *hefsek* necessary for the eating is obviously not *hesech daas*. In another view, the *brocha* must be connected directly to the food item eaten or to the *mitzvah* performed. *Hefsek* disconnects them. A necessary *hefsek* does not disconnect them, because it is not a break in the action. An apparent third view allows a long break if it is silent. Speech causes a *hefsek* between the *brocha* and the eating act.

Can eating immediately following a *brocha* connect the *brocha* to the benefit, even though at the time it was recited, that benefit was forbidden? The person clearly has *daas* to directly connect his *brocha* to his benefit. Furthermore, there is no real 'time' for *bircas hanehenin*. It is a prerequisite for the benefit. Therefore, as long as one plans on benefiting permissibly, he is obliged to recite the *brocha*. [Incidentally, if one finished eating before the onset of a fast, he must recite *bircas hamazon*, even in the time forbidden to eat.] [See Terumos 8:2 Brochos 35a 40a Menachos 36a Chulin 87a, Poskim. Tur, Sh Ar OC 25:9 167:6 172:1 202:1 etc 206:3 5-6 215:4 249:4 567 568:1, commentaries.]

B) Kiddush; havdalah; their brochos; birkom seuda

The Torah instructs us to 'remember' or 'mention' *Shabbos* to make it holier for us than any other day of the week. We use words to formally sanctify *Shabbos* as it begins, to distinguish it from the preceding days. To properly highlight its holiness, we also distinguish *Shabbos* from the days following it. These are the *mitzvos* of *kiddush* and *havdalah*. The rabbis instituted an additional *kidusha raba*, the *kiddush* on *Shabbos* by day.

Some references in the Talmud imply a Scriptural obligation for *kiddush*. There is also a reference in Mechilta to both *kiddush* and *havdalah* being Scriptural. The obligation also applies to both men and women. On the other hand, there seems to be a reference implying that the obligation is really Rabbinical. If one adopted a self-imposed ban on wine is he able to restrict himself from his *mitzvah* obligations? The Talmud asks rhetorically "are people obliged to recite *kiddush* and *havdalah* from the time of the giving of the Torah?" this implies a Rabbinical obligation. One answer is that the *mitzvah* to verbalize *kiddush* and *havdalah* is Scriptural. Doing it over a cup of wine is Rabbinical. Deriving the connection to wine from Scripture is considered *asmachta*, a linkage based on the Torah's reference to things adopted by the Rabbis. A second answer is that reciting over the wine is Scriptural. Drinking the wine is Rabbinical. In a third view, the reference to Sinai is not to be taken rhetorically. Literally, there is a Scriptural obligation for both *kiddush* and *havdalah*, and to drink the wine.

The *Tanach* links *zechirah* to wine. Also, it arouses people and leads them to appreciate how special is *Shabbos*! The consensus is that the requirement to recite of wine is

considered Rabbinical. A minority maintain that it has Scriptural origins. When no wine is available, it should not prevent the fulfillment of the *mitzvah*.

The text of *kiddush* is authorized Rabbinically. It takes the form of a *brocha*, preceded by the concluding passage of the story of Creation. The *Shabbos amidah* includes basic references to *kiddush*. Some say that reciting the *amidah* fulfills the Scriptural obligation. Subsequently, one is Rabbinically obliged to recite it again over wine, this time using the standard *brocha*. Some say that simply saying "good *Shabbos*" at the onset of *Shabbos* satisfies the basic requirement of *kiddush*. Others contend that this works when there is no alternative intent. Performance of a *mitzvah* requires intent, but the mere performance implies this intent. However, when one has intent for a different act, such as a *tefillah* or a greeting, it cannot also serve as implied intent for *kiddush*. Moreover, people usually have in mind to recite *kiddush* later over wine. They do not intend their *amidah* or greeting to serve as a way to discharge their obligation for *kiddush* as well.

The proper time for *kiddush* is the onset of *Shabbos*. If one did not say it then, he may say it at any time during *Shabbos*. [This is the Friday night version. The *Shabbos* day version is a Rabbinical institution with only the *brocha* on the wine.] Ideally, one should do it as early as possible. One may do it as soon as he has accepted *Shabbos*. This could be while it is still light, if he accepted an early *Shabbos*.

Kiddush must be recited *birkom seuda*, at the place where the meal will be eaten. Wine arouses one's spirits by giving physical pleasure. One should therefore be ready to eat food at the same time. Also, wine only stands out in its significance at the beginning of a meal. This way, it acts as the main 'meal', known as *kovaia seudas al hayayin*, basing one's meal on wine. [By night, the *kiddush brocha* may be made over bread in pressing situations. By day, when there is only a wine *brocha*, there would be no discernible difference between this *Shabbos* meal and any ordinary meal.] Being linked to the *seuda*, *kiddush* should be said at the seat where one will eat, and according to many, sitting down. There should be no delay between *kiddush* and the meal.

The initial institution of *havdalah* was a formal inclusion in the *shemone esrai* at *maariv*. The obligation on wine was added at a later date. If the primary Scriptural obligation is over wine, how could the Sages neglect this when instituting their authorized version? Accordingly, the poskim conclude that, at least in the view of this Talmudic passage, the entire *mitzvah* of *havdalah* is Rabbinical.

The *mitzvah* is to recite the *brochos* over a cup of wine. However, to fulfill one's obligation it is not necessary to actually drink the wine. One may listen to the pronouncement of *havdalah* by another. The *brocha* on the wine is both a *bircas hanehenin* and a *brocha* on the *mitzvah*. As such, in order to avoid having recited the *brocha* in vain, someone who listened to the *brochos* must drink it. Usually it is the person who recites it, but in many instances it is given to another person. Do the rules of *birkom seuda* preclude reciting the *brocha* too early to actually eat the *seuda*, even though one will be ready to eat it immediately afterwards. [See Psachim 101a 105a 106a Rosh Hashanah 29a-b Sukah 38b, Poskim. S Hamitzvos Asei 155 Chinuch 31. Tur Sh Ar OC 271-273, commentaries. Shaagas Aryeh 62.]

C) Bircas hamitzvah; ovair la'asiyasan

Most *Birchos hamitzvah* are recited *ovair la'asiyasan*, before doing a *mitzvah*. Many