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On the other hand, Shu"t Ohr Letziyon (vol. 2 Perek 7 §38) writes that the Shaliach Tzibbur must always pray with his own pronunciation. Therefore, he believes that it is not recommended for this person to be a Shaliach Tzibbur in such a congregation (due to the contrast between his pronunciation and that of the congregation) unless he is a chiyuv (has an obligation to serve as Shaliach Tzibbur) such as a mourner.

The Steipler Gaon (Orchos Rabeinu vol. 1 page 50) expressed a different opinion, maintaining that a Sephardic Jew may be the Shaliach Tzibbur for an Ashkenazic congregation and may pray with either Ashkenazic or Sephardic pronunciation.

according to Halachah. Since the manner in which the siddur was written affects the actual fulfillment of the mitzvah of prayer and its acceptance, and if it was written for the sake of Heaven the Shaliach Tzibbur's prayer is more readily accepted, Rav Moshe recommends that one should be careful not to pray from a siddur which is suspect of having been printed through chillul Shabbos (desecration of Shabbos), even if only by non-Jewish workers. He mentions the concept of "ein kateigor naaseh saneigor (the prosecutor cannot become the defender)," and that such a siddur will prevent the prayers from being accepted. He adds that one should be meticulous not to learn Torah from such seforim.

What is the drawback of using a siddur which was printed through chillul Shabbos?

The Rema (end of Siman 53) writes, "There is one who wrote that the Sheliach Tzibbur should pray from the siddur that is designated for the congregation, because it was certainly written lishmo (for its sake)." The Mishnah Berurah (S87) explains that the siddur designated for the congregation refers to one that was written for the sake of Heaven and not for the sake of gaining glory; it is preferable even if a private siddur written in a nicer script is available. He adds that with regards to praying from printed siddurim there is no difference between an individual's siddur and the congregation's siddur.

Rav Moshe Feinstein (Iggros Moshe O"Ch vol. 2 Siman 17) derives from this that there is substantial significance to praying from a siddur which was printed

יו"ב	תאריך	DATE	דף היומי בהלכה (משנה ברורה)	מוסר	בבלי
א	י"ב חשוון	10/25/15	מסימן נ"א אמצע סעיף ד' 'ושלא יצא עליו' עד סעיף ו'	וגם הוא' עד פרק י'	נויר סד
ב	י"ג חשוון	10/26/15	מסעיף ו' עד סעיף י"א	פרק י' עד 'הג"ה וזה'	נויר סה
ג	י"ד חשוון	10/27/15	מסעיף י"א עד סעיף ט"ז	'הג"ה וזה' עד 'ואמרו חו"ל'	נויר סו
ד	ט"ו חשוון	10/28/15	מסעיף ט"ז עד אמצע סעיף י"ט 'ודוקא'	'ואמרו חו"ל' עד פרק י"א	סוטה ב
ה	ט"ז חשוון	10/29/15	מאמצע סעיף י"ט 'ט' ודוקא' עד סעיף כ"ב	פרק י"א עד 'עוד יש מעלה'	סוטה ג
ו	י"ז חשוון	10/30/15	חזרה מסימן נ"א אמצע סעיף ד' 'ושלא יצא עליו'	'עוד יש מעלה' עד 'וכדי לבאר'	סוטה ד
ז	י"ח חשוון	10/31/15	עד סעיף כ"ב	'וכדי לבאר' עד 'בואו וראו'	סוטה ה
ח	י"ט חשוון	11/1/15	מסימן נ"ג סעיף כ"ב עד סעיף כ"ה	'בואו וראו' עד 'ומצווה זו'	סוטה ו
ט	כ' חשוון	11/2/15	מסעיף כ"ה עד סעיף כ"ו	'ומצווה זו' עד פרק י"ב	סוטה ז
י	כ"א חשוון	11/3/15	מסעיף כ"ו עד סימן נ"ד אמצע סעיף ג' 'וכן מי שלא היה'	פרק י"ב עד 'וגדולה הזכות'	סוטה ח
יא	כ"ב חשוון	11/4/15	מאמצע סעיף ג' 'וכן מי שלא היה' עד סימן נ"ה אמצע סעיף א' 'ואין אמורים אהו'	'וגדולה הזכות' עד 'ודע אחי'	סוטה ט
יב	כ"ג חשוון	11/5/15	מאמצע סעיף א' 'ואין אמורים אהו' עד אמצע סעיף ג' 'אבל אין קורין'	'ודע אחי' עד פרק י"ג	סוטה י
יג	כ"ד חשוון	11/6/15	חזרה מסימן נ"ג סעיף כ"ב עד סימן נ"ה אמצע סעיף ג' 'אבל אין קורין'	פרק י"ג עד 'הג"ה ופן'	סוטה יא
יד	כ"ה חשוון	11/7/15	סעיף ג' 'אבל אין קורין'	'הג"ה ופן' עד 'וביותר אם'	סוטה יב
טו	כ"ו חשוון	11/8/15	מסימן נ"ה אמצע סעיף ג' 'אבל אין קורין' עד סעיף ו'	'וביותר אם' עד 'ומה טוב'	סוטה יג
טז	כ"ז חשוון	11/9/15	מסעיף ו' עד סעיף י'	'ומה טוב' עד פרק י"ד	סוטה יד
טז	כ"ח חשוון	11/10/15	מסעיף י' עד סעיף י"ג	פרק י"ד עד 'על כן'	סוטה טו
יז	כ"ט חשוון	11/11/15	מסעיף י"ג עד סעיף י"ז	'על כן' עד 'וראה אחי'	סוטה טז
יח	ל' חשוון	11/12/15	מסעיף י"ז עד סעיף כ"ב	'וראה אחי' עד פרק ט"ו	סוטה יז
יט	א' כסלו	11/13/15	חזרה מסימן נ"ה אמצע סעיף ג' 'אבל אין קורין'	פרק ט"ו עד 'והנה אם'	סוטה יח
כ	ב' כסלו	11/14/15	עד סעיף כ"ב	'והנה אם' עד 'וגם השטן'	סוטה יט
כא	ג' כסלו	11/15/15	מסימן נ"ה סעיף כ"ב עד סימן נ"ו אמצע סעיף א' 'ולא יפסיק'	וגם השטן' עד 'קשה היא'	סוטה כ
כב	ד' כסלו	11/16/15	מאמצע סעיף א' 'ולא יפסיק' עד סעיף ב'	'קשה היא' עד פרק ט"ו	סוטה כא
כג	ה' כסלו	11/17/15	מסעיף ב' עד תחילת סימן נ"ח	פרק ט"ו עד 'עוד אמרינו'	סוטה כב
כד	ו' כסלו	11/18/15	מתחילת סימן נ"ח עד סעיף ב'	'עוד אמרינו' עד 'ולפלא גדול'	סוטה כג
כה	ז' כסלו	11/19/15	מסעיף ב' עד סעיף ד'	'ולפלא גדול' עד 'עוד בוא'	סוטה כד
כו	ח' כסלו	11/20/15	חזרה מסימן נ"ה סעיף כ"ב עד סימן נ"ח סעיף ד'	'עוד בוא' עד 'ואפילו אם'	סוטה כה
כז	ט' כסלו	11/21/15		'ואפילו אם' עד פרק י"ז	סוטה כו

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DAF HAYOMI B'HALACHA MONTHLY BULLETIN Issue #24

חשוך תשע"ו: סימן נ"א סעיף ד' עד סימן נ"ו סעיף ב'

Topics relevant to the material learned this month in Daf HaYomi B'Halacha

- For whom does the Baal "Seder HaYom" serve as guarantor?
- Is it permitted to recite Vayechulu of Friday night's Kiddush by heart?
- Which halacha does the Chasam Sofer derive from the manner that the Leviim sang in the Bais Hamikdash?
- How long should it take to recite Pesukei Dezimrah according to the Mishnah Berurah?
- If the Shaliach Tzibbur's customary nusach is different from the nusach of the congregation, how should he pray his silent Shemoneh Esrei?
- How should a Shaliach Tzibbur pray when in a congregation whose pronunciation is different from that to which he is accustomed?
- What is the drawback of using a Siddur which was printed through Chillul Shabbos?

For whom does the Baal "Seder HaYom" serve as guarantor?

The Mishnah Berurah (48:1S1) writes that the daily recitation of Pitum Haketores (the parshah of Ketores) stands in place of the actual offering of the Ketores in the Bais Hamikdash. This is in accordance with what Chazal teach that when there is no Bais Hamikdash, anyone who learns the laws and explanations of the Korbanos is considered as if he brought them. However, the Mishnah Berurah adds that this applies only when one understands what he says; similar to the way the seforim explain that the Gemara (Menachos 110a), which states that one who learns the parshah of Olah is considered as if he actually offered an Olah, refers to one who toils to understand its topics. Merely reciting the words is insufficient.

The Zohar (Vayakhel 218b) states that one who recites the Pitum Haketores is saved from damaging occurrences, bad thoughts, evil decrees, and death, and he will not be injured that entire day - so long as he concentrates when he recites it. The "Seder Hayom" (in Seder Avodah) writes that it is proper for one who is concerned for his physical and spiritual welfare to invest much effort in this; he should write the entire subject of the ketores on kosher parchment in Ksav Ashuris (the script used in the Sefer Torah) and read it with great concentration once in the morning and once at evening, "and I will be a guarantor for him". The Seder Hayom adds (in Seder Pitum Haketores) that the recitation of Pitum Haketores is considered in place of the actual offering of the Ketores, which prevents death, withholds plague, and distances evil spirits and heavenly accusers from the entire world. Therefore, one who is scrupulous to recite Parshas Haketores twice daily, concentrating upon each word, brings blessing and success to all his actions, will not become impoverished, and merits abundant sustenance.

Is it permitted to recite Vayechulu of Friday night's Kiddush by heart?

The Shulchan Aruch (Siman 49) discusses the rule that devarim shebiksav (portions of Torah Sheb'al Peh, the Written Law) are not permitted to be recited by heart. He enumerates sections in which everyone is fluent (such as keriyas shema, birchas kohanim, and parshas hatamid, etc.) which are exceptions and are permitted to be recited by heart. The Mishnah Berurah (S6) cites the Mogen Avrohom, who rules that since there are conflicting opinions regarding the halachic basis for the exception of these portions, one should be stringent and not recite by heart any portion other than these enumerated by the Shulchan Aruch.

The Mishnah Berurah adds that there are Poskim (Radba"z, Ateres Zekeinim, and the Gr"a) who are of the opinion that the prohibition against reciting devarim shebiksav by heart only applies when one reads for others to be motzei (in order to fulfill their obligation) them in their reading (such as when reading the weekly Torah portion).

A common example of this occurs during Friday night Kiddush, when the verses of Vayechulu (Beraishis 2:1-3) are recited. Often, the head of household is being motzei the rest of the family. The question arises whether it is permitted to recite these verses by heart. Rav Shmuel Avigdor, the Baal "Tana Tosfa'ah" (Hagaddah Shel Pesach - Maharsh"a, page 24, s.v. yesh) writes that, due to this concern, the one who makes Kiddush should read the verses from a siddur (or bentcher); in cases where it is being recited by heart, the listeners should recite those verses along with the one making Kiddush. Since the listeners are hearing these verses to fulfill their obligation, they may not be recited by heart; however, the listeners may rely upon the

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lenient opinion who allows them to recite the verses for themselves by heart. However, Rav Elyashiv (Hilchos Shabbos BaShabos Perek 7 Hilchos Kiddush S16) explains that the opinion of the Gr"א only prohibits reciting the verses by heart when a tzibbur (congregation) is fulfilling their obligation. (He bases this ruling upon the Gemara (Taanis 28a) which expresses the question, "May an individual recite words of Torah by heart in a tzibbur?" The inference is that there is no problem to recite by heart when being motzei others; there is only a problem when there is a tzibbur which needs to fulfill their obligation.) In such a case where the listeners are one's family, they are individuals and may fulfill their obligation with verses read by heart. Rav Elyashiv continues that his personal practice to read the Kiddush (Vayechulu) from a siddur is merely a hiddur (meritorious practice). The Kovetz Mevakshei Torah (Vol. 42, page 56) adds in Rav Elyashiv's name that the same applies to Kiddush of Shabbos morning (which contains the verses in Shemos 31:16-17, 20:8-11). Rav Chaim Kanievsky Shlita (Shabbos LeYisroel Shu"t S8) writes that the Chazon Ish was not careful to avoid reciting Vayechulu of Kiddush by heart.

Rav Elyashiv (Tefillah Kehilchasah 4:27) says that the reason that devarim shebiksav are often taught by heart in schools is that we rely upon the view which permits the recitation of devarim shebiksav by heart when there is no tzibbur which needs to fulfill their obligation.

What halacha does the Chasam Sofer derive from the manner that the Leviim sang in the Bais Hamikdash?

The Mishnah Berurah (ibid.) cites the Teshuvos Chavos Yair who permits the recitation of the entire Sefer Tehillim by heart, despite their being devarim shebiksav. The reason for this is that the recitation is in order to invoke Divine Mercy and is considered prayer. The Mishnah Berurah rules that one may rely upon this opinion, since the opinions of the Gr"א and Ateres Zekeinim are that the prohibition only applies when one is being motzei a congregation their obligation.

An additional reasoning for permitting the recitation of Sefer Tehillim by heart is mentioned in Shu"t Chasam Sofer (Yo"D siman 191 s.v. Ivra). He explains that the original method of reciting Tehillim was by heart, since the Leviim who sang the psalms in the Bais Hamikdash did not sing from a sefer. Also, the people who brought the Korban Pesach and sang Hallel in the Bais Hamikdash did not recite from a sefer. Since the verses of Tehillim were originally composed to be recited by heart, they never were included in the prohibition of reciting devarim shebiksav by heart.

How long should it take to recite Psukei Dezimrah according to the Mishnah Berurah?

The Shulchan Aruch (51:8) writes that pesukei dezimrah are not to be recited in a rushed manner; they should be recited calmly. The Mishnah Berurah (S20) adds that no word should be skipped or slurred; each word is to be enunciated, similar to the way one counts money slowly and carefully.

Regarding the time it should take to recite pesukei dezimrah, there seems to be some difference among the Poskim. The Pri Megadim (Aishel Avrohom 93:1) writes that the amount of time it takes to recite pesukei dezimrah is a half-hour. This also appears to be the length of time according to the Mishnah Berurah (53 S10), the Shulchan Aruch HaRav (S3), and the Mogen Avrohom (S5) who explain that the opinion of the Maharil that the Shaliach Tzibbur may wait in silence up to a half-hour after completing his pesukei dezimrah before beginning Yishtabach is because this is the length of time it takes to complete pesukei dezimrah from beginning to end. (This is in accordance with the opinion mentioned by the Rema

Regarding the time it should take to recite pesukei dezimrah, there seems to be some difference among the Poskim.

(65:1) that if one paused in silence for the length of time it takes to complete the material from beginning to end he needs to begin it anew.) In contrast to this opinion that the length of time for pesukei dezimrah is a half-hour, the Levushei Serad explains that according to the Maharil the Shaliach Tzibbur may only wait up to a half-hour because this is usually less than the full time necessary to complete pesukei dezimrah. (He seems to be explaining the opinion of the Maharil that the pause of silence must be shorter than the full amount of time it takes to complete the material. The Kitzur Shulchan Aruch also seems to understand the Maharil that the pause must be shorter than the full amount of time, but believes that the length of time is only a half hour; thus he writes that the Shaliach Tzibbur may wait until a bit less than a half-hour.) The Elyah Rabbah (S4) seems to be of the same opinion as the Levushei Serad regarding the length of time for pesukei dezimrah, as he writes that according to the opinion of the Maharil the Shaliach Tzibbur may wait a bit more than a half-hour (but he explains the opinion of the Maharil that the pause may be as long as the length of time needed to complete the material, like the Shulchan Aruch HaRav).

If the Shaliach Tzibbur's customary nusach is different from the nusach of the congregation, how should he pray his silent Shemoneh Esrei?

The Shulchan Aruch (53:4) includes among the necessary traits required of a Shaliach Tzibbur that he be fluent in reading Torah, Neviim, and Kesuvim. The Mishnah Berurah (S18) explains that this is so the verses interspersed throughout the prayers should be read fluently. (An additional reason is so that his prayers be accepted, in accordance with the verse (Mishlei 28:9) "One who turns his ears away from hearing Torah, his prayers are also rejected.")

Another law ensuring that the Shaliach Tzibbur be fluent in his prayers is found in the Gemara (Rosh Hashanah 34a), where the Shaliach Tzibbur is required to pray the silent amidah together with the congregation despite his public repetition of Chazaras Hashatz in order to arrange the prayers fluently (see further discussion in Mogen Avrohom 124 S3). The Acharonim question why a Shaliach Tzibbur has greater need to prepare his prayers than individuals, who are only required to prepare the prayers of the holidays which differ from the regular prayers (as ruled in Shulchan Aruch 100:1). The Aruch Hashulchan (124:4) answers by explaining that the individual is praying for himself; whereas the Shaliach Tzibbur is praying publicly, aloud, and for the congregation, so he has "aims detzibura" (fear of the public) and needs to prepare his prayers each time.

In light of this, when a Shaliach Tzibbur prays in a congregation whose nusach differs from that of his own, it becomes questionable how he should pray the silent amidah, since the public chazaras hashatz must be done according to their custom. Rav Moshe Feinstein (Igros Moshe O"Ch vol. 2:29, and vol. 4:33) rules that since the silent amidah of the Shaliach Tzibbur is to prepare him for the chazaras hashatz, the silent amidah must match the public's nusach.

On the other hand, the Minchas Yitzchak (vol. 6 :31S3) writes that despite the need for the chazaras hashatz to match the congregation's custom, the silent amidah which is private may be prayed in accordance with the Shaliach Tzibbur's personal custom. The reasoning is that since we are accustomed to pray from a printed siddur, there is very slight concern that the Shaliach Tzibbur will make a mistake. Rav Shlomo Zalman Auerbach (Halichos Shlomo: Tefillah 5:19 and in Devar Halachah S31) concurs with this ruling and adds that during the silent amidah he should pray from the congregation's siddur and pay attention to the differences between his personal custom and that of the congregation's. Rav Elyashiv (Shevus Yitzchok Dinei Ner Shabbos page 245) and Rav Shmuel Vozner (Kovetz MiBais

Levi vol. 6 page23) rule this way, too, with Rav Vozner stipulating that the Shaliach Tzibbur must be confident and assured that he will not make an error. There are those who attest that this was the practice of the Chofetz Chaim (Derech Sichah vol. 1 page 533). See also Biurim Umusafim in the Dirshu edition of the Mishnah Berurah (Siman 68 S4 and Siman 100 S1).

How should a Shaliach Tzibbur pray when in a congregation whose pronunciation is different from that to which he is accustomed?

The Shulchan Aruch (53:12) writes that one should not appoint as a Shaliach Tzibbur someone who pronounces "Aleph" as "Ayin", or "Ayin" as "Aleph". The Mishnah Berurah (S37) explains that the difference is that the "Ayin" is deeper and stronger than the "Aleph".

There are numerous customs of pronunciation among different sectors of Jews from different places of origin (Sefardic, Taimani, Ashkenazic, Litvish, Chasidish, etc.). Is it preferable to avoid having a Sheliach Tzibbur whose custom of pronunciation differs from that of the congregation?

Rav Shlomo Zalman Auerbach (Halichos Shlomo: Tefillah 5:20 and Devar Halacha S34, Orchos Halachah S67) rules that the Shaliach Tzibbur should pronounce the prayers in accordance with the manner of the congregation unless he assumes that doing so will cause him to confuse both pronunciations, in which case it is better that he use his accustomed manner of pronunciation. He adds however, that if one is praying in an Ashkenazic congregation which prays with Sephardic pronunciation, he should not use the Sephardic pronunciation; since the Ashkenazic congregation has switched to a pronunciation foreign to their custom without Torah guidance (Rav Shlomo Zalman is of the opinion that it is improper for those of Ashkenazic heritage to switch their pronunciation), the Shaliach Tzibbur is not required to adhere to their improper custom. Rav Elyashiv (Yisa Yosef O"Ch vol. 2 siman 21) is of similar opinion that when the congregation prays with the pronunciation of their forefathers' heritage, the Shaliach Tzibbur should pray with the congregation's pronunciation; however, since it is improper to appoint a Shaliach Tzibbur who is unable to enunciate the words precisely, it is not lechatchilah for this person who is unfamiliar with their pronunciation to be the Shaliach Tzibbur. Rav Elyashiv adds that this applies only to Chazaras Hashatz; therefore it is acceptable for this person to be the Shaliach Tzibbur for portions of the prayers where there is no Chazaras Hashatz (such as the last parts of Shacharis (Ashrei and Uva Letziyon) and Maariv), and he may use his own pronunciation with which he is familiar.

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