

HALACHICALLY SPEAKING

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{ TOPIC }

Select Halachos Relevant To The Workplace Part 1



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► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

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Select Halachos Relevant To The Workplace Part 1

From the day that *Adam* was cursed with “*bezeias apeicha tochal lechem*,”¹ man must work for his *parnasa*. There are many *halachos* which arise on a daily basis. Although these *halachos* are geared towards the workplace, they apply to everyday life as well.

On the Topic of *Parnasa*

Once a person enters the workplace to support his family, he can easily get carried away with working, as he wishes to work harder and harder. One should have in mind that he is working to support his family for what they need and to be able to serve *Hashem* properly.²

People who are wealthy should realize that their wealth is from *Hashem* and not because of any special talents that they may have.³

How Early Can One *Daven*

Those who have a long commute need to *daven shacharis* very early. How early can a person *daven shacharis* in the morning, especially during the winter? How early can he put on *tefillin*, say *birchos hatorah* or *birchos hashachar*? When is the earliest time to recite *krias shema*? All these questions will be addressed below.

1. Bereishis 3:19.

2. Shulchan Aruch Harav O.C. 156:2.

3. Igros Moshe Y.D. 4:36:1.



Shacharis – Shemonei Esrei

The preferred⁴ time for *shacharis (shemonei esrei)*⁵ is at *netz hachama* (sunrise),⁶ but one who *davened* after *alos hashachar* – dawn (which is seventy-two minutes before *netz hachama*)⁷ was *yotzei*⁸ *b'dieved*.⁹ One who needs to travel¹⁰ may *daven* before *neitz hachama*¹¹ (even *l'chatchilah*).¹² People who go to work early and have to *daven* between *alos* and *netz hachama* are included in this category.¹³ However, *krias shema* and the *berachos* of *krias shema* must be delayed until later (see below).¹⁴

Birchos Hashachar and Birchos Hatorah

Both *birchos haschachar* and *birchos hatorah* may be recited before *alos hashachar*.¹⁵ However, the *beracha* of *hanosein lasechvei* can only be recited after *alos hashachar*.¹⁶

4. Biur Halacha O.C. 89 "yotzei."

5. Mishnah Berurah 4.

6. Tosfas Maseches Berachos 31a "avuha," Shulchan Aruch 89:1. Refer to Mishnah Berurah 89:1, Aruch Hashulchan 11-12. Refer to Rashi Maseches Berachos "havei."

7. Refer to Yechaveh Daas 2:8 who brings all the opinions on this issue. In addition see Piskei Teshuvos 89:2 in great depth. See Biur Halacha 58 "misheiuleh," 89 "v'im".

8. Shulchan Aruch 89:1. Refer to Magen Avraham 3.

9. Rambam Hilchos Tefillah 3:4, Shulchan Aruch 89:1, Levush 89:1, Pri Megadim Eishel Avraham 3, Shulchan Aruch Harav 89:1, Mishnah Berurah 4, Yechaveh Daas 2:8. One who *davens* before *neitz hachama* should not be rebuked (Biur Halacha 89 "yotzei."

10. Mishnah Berurah 1, 4.

11. Shulchan Aruch O.C. 89:8, Mishnah Berurah 1.

12. Mishnah Berurah 4. Refer to Biur Halacha 89 "v'im."

13. Refer to Igros Moshe O.C. 4:6, Ohr Letzion 2:7:3.

14. See Shulchan Aruch O.C. 89:8.

15. Shulchan Aruch O.C. 47:13.

16. Shulchan Aruch *ibid*, Chai Adom 8:1, Kitzur Shulchan Aruch 7:2, Mishnah Berurah 30, see Magen Avraham 13.

כל השומה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

Tallis

There is a dispute between the *Shulchan Aruch* and the *Rama* regarding the earliest time one is allowed to recite a *beracha* when putting on a *tallis*. The *Shulchan Aruch*¹⁷ rules that the earliest time is when one can discern between blue and white on the *tzitzis* (when blue strings were worn);¹⁸ this is known as “*mishiyakir*.” There are different views as to how soon this is before *neitz hachama*. *Harav Moshe Feinstein*¹⁹ measured it at between 35-40 minutes before *neitz hachama*.²⁰ However, the *Rama*²¹ maintains that the time is from *alos hashachar* (which is earlier than *mishiyakir*). The *Mishnah Berurah*²² maintains that one should ideally follow the opinion of the *Shulchan Aruch*, although *b'dieved* if one did recite the *beracha* on the *tallis* even before *alos hashachar* one does not repeat the

beracha after the correct time for reciting the *beracha* arrives.²³ *Harav Moshe Feinstein* *zt”l*²⁴ maintains that one should not recite a *beracha* on a *tallis* before *mishiyakir*. In situations where one is permitted to *daven* after *alos hashachar* before *mishiyakir* one can wear the *tallis* but should not recite a *beracha*.

One who put on his *tallis* before *mishiyakir* should move his *tzitzis* a bit and then recite the *beracha* on the *tallis* after *mishiyakir*.²⁵

17. 18:3, Chai Adom 11:3.

18. Refer to Aruch Hashulchan 9.

19. O.C. 4:6. Refer to Piskei Teshuvos 18:5 in depth.

20. Refer to Orchos Rabbeinu 1:page 23:47.

21. 18:3.

22. 10.

23. The reason for this is the Rosh holds that a garment worn by day and is still required in *tzitzis* if it is worn at night (*ShulchanAruch* O.C. 18:1).

24. Igros Moshe O.C. 4:6.

25. Refer to Rama 18:3.

איך ללמוד ולהתפלל על התורה (ברכות ח)



Tefillin

The time for reciting a *beracha* on *tefillin* is when one can recognize a casual acquaintance²⁶ at a distance of four *amos*.²⁷ One should not place them on with a *beracha* at *alos hashachar*.²⁸

One who needs to travel early and cannot wait until the proper time may put on the *tefillin* even before *alos hashachar*²⁹ but no *beracha* can be said. When the time of *mishiyakir* arrives one should move his *tefillin* a bit and then recite the appropriate *berachos*.³⁰ One who did recite the *berachos* on the *tefillin* before *mishiyakir* does not have to recite them again when *mishiyakir* arrives.³¹

Pesukei Dezimra

There is a discussion in the *poskim* if one is permitted to recite *pesukei dezimra* before *alos hashachar*. Many permit this.³²

Krias Shema

The proper time for reciting *krias shema* and its accompanying *berachos*³³ is the time when one can recognize a casual acquaintance³⁴ from four *amos* away (*mishiyakir*).³⁵ In a case of pressing need (i.e. he has to

26. Refer to Taz 2, Mishnah Berurah 2, Aruch Hashulchan 1.

27. Shulchan Aruch 30:1. Refer to Magen Avraham 1.

28. Biur Halacha 30 "u'kesheyagea." Refer to Igros Moshe O.C. 1:10 who permits one to place the *tefillin* on earlier than *alos hashachar* with a *beracha* in a specific situation.

29. Mishnah Berurah 11.

30. Shulchan Aruch 30:3. Refer to Taz 5.

31. Mishnah Berurah 13.

32. Refer to Yechaveh Daas 2:8. See Biur Halacha 58 "zeman."

33. Mishnah Berurah 58:1.

34. Refer to Mishnah Berurah 2.

35. Shulchan Aruch 58:1.

travel)³⁶ one can say *krias shema* and the *berachos* from *alos hashachar*.³⁷ One who recited it after *alos hashachar* when he was not in a pressing need was *yotzei b'dieved*.³⁸ Others say that this dispensation is only available once a month, but if one does this too often then even *b'dieved* he has to repeat *krias shema* with the *berachos*. If one frequently finds himself in a pressing situation (such as businessmen during the winter months), then he may rely on this even on a daily basis.³⁹

Holding a Smart Phone While Davening

Many people have a *siddur* downloaded on their smart phones. This is common in an office where there may be a lack of enough *siddurim*.⁴⁰

The question arises whether it is permitted to use a phone as a *siddur* during *shemonei esrei*.

Certain items may not be held during *shemonei esrei*,⁴¹ such as *tefillin*, a *sefer Torah* (or any items since it is not *derech erez* to stand in front of an important person holding something).⁴² This is because one is worried that they may fall and will not concentrate properly⁴³ on

36. Mishnah Berurah 58:13.

37. Shulchan Aruch 58:3. Refer to Biur Halacha 58 "v'mi."

38. Shulchan Aruch 58:4.

39. Mishnah Berurah 19.

40. In regards to having your cell phone on your belt at all during davening see Lehoros Nossan 11:9, Mishnas Yosef 4:14.

41. Rambam Hilchos Tefillah 5:5, Shulchan Aruch O.C. 96:1. In regards to other areas in *davening*, see Mishnah Berurah 96:1.

42. Refer to Maseches Berachos 23b, Succah 41b. See Ritvah and Meiri on Maseches Succah 41b. Refer to Shulchan Aruch 96:1 regarding the holding of a *Lulav* on *Succos*. On *Rosh Chodesh* *benching* the *sefer Torah* is held by the *shatz* (Mishnah Berurah 96:2).

43. Some *poskim* maintain one should have a *siddur* open during *chazarashatz* to be able to concentrate on what the *shatz* is saying (Mishnah Berurah 96:9, Kaf Hachaim 9).

shemonei esrei.⁴⁴ One who *davened* while holding such an object is *yotzei b'dieved* according to most⁴⁵ *poskim*.⁴⁶ *Davening* from a *siddur* is permitted⁴⁷ since it is being used for *davening* and will not interfere with concentration.⁴⁸

If one will be using an app from his smart phone as a *siddur* it is permitted to use it during *shemonei esrei*, but it is not preferable to do so.

If one started *shemonei esrei* without a *siddur* he should not get a *siddur* unless it is readily available.⁴⁹ However, if he finds that he cannot keep the proper place, he may leave his place and get a *siddur*.⁵⁰

If there is a concern that an object will be damaged or stolen, then one may hold it during *shemonei esrei*,⁵¹ or place it in between his feet, as the worry about the welfare of the object is a greater impediment to concentration than actually holding it.⁵² This is common when *davening* at an airport and one wishes to hold his briefcase while *davening*.

Bowing During *Shemonei Esrei*

There are places in *shemonei esrei* where one has to bend and bow. In an office setting, where *davening* is conducted in a cramped area,⁵³ this may be very difficult. What is the

44. Bais Yosef O.C. 96, Shulchan Aruch 96:1, Levush 1, Shulchan Aruch Harav 1.

45. The Bach 96 argues.

46. Refer to Taz 1, Pri Megadim M.Z. 1, Pri Chadash 1, Elya Rabbah 1, Beer Heitiv 1, Yufei Leleiv 1, Mishnah Berurah 2, Kaf Hachaim 3. See Halacha Berurah 96:footnote 9.

47. Shulchan Aruch O.C. 96:2. Some maintain that one should *daven* from a *siddur* since it arouses ones concentration (Kaf Hachaim 96:9,12).

48. Bais Yosef O.C. 96, Shulchan Aruch 96:2, Shulchan Aruch Harav 2, Chai Adom 22:7.

49. Rama 96:1.

50. Chai Adom 22:7. See Beer Moshe 3:13.

51. Mishnah Berurah 96:6

52. Kaf Hachaim 96:7.

53. The room which one *davens* in while at work does not have *kedusha* like a *shul* (Harav Hershel Schachter Shlita).

bare minimum which is required according to *halacha* in this case?

We will begin to discuss the *halachos* below:

One should bow (we will discuss how this is done below) at the beginning and the end of the first *beracha* of *shemonei esrei* and at the beginning and end of the *beracha* of *hoda'ah* (*modim*).⁵⁴ One of the reasons for bowing is explained by the *Levush*:⁵⁵ “This is the practice, when one asks for his needs, he bows before Him as well as when he leaves His presence.” Others explain that the purpose is to remind ourselves before whom we are standing, and where our bodies will be after we leave this world (dirt).⁵⁶

One should bow far enough to bend all the vertebrae of his spine.⁵⁷ The head should also be slightly bent.⁵⁸ If one is weak or old and cannot bow properly, he should bow as much as possible, since it is obvious that he wishes to bow but cannot due to his condition.⁵⁹ Nonetheless, it is preferable if he bows properly.⁶⁰

One should bend his knees⁶¹ when he says *boruch*,⁶² his back when he says *atah*,⁶³ and straighten when he says the name of *Hashem*.⁶⁴ The reason is because *Hashem*

54. Shulchan Aruch O.C. 113:1, Mishnah Berurah 1.

55. 113:1.

56. Kaf Hachaim 113:4.

57. Rosh Maseches Berochos 5:2, Rambam Hilchos Tefillah 5:12, Shulchan Aruch O.C. 113:4, Mishnah Berurah 10, Aruch Hashulchan 7. See Elya Rabbah 113:4.

58. Shulchan Aruch *ibid*.

59. Shulchan Aruch 113:5, Chai Adom 23:2.

60. Kaf Hachaim 113:20.

61. The Sefardim do not bend their knees (Halacha Berurah 113:7, Piskei Teshuvos 113:3).

62. Shulchan Aruch 113:6-7, Magen Avraham 4, Elya Rabbah 5, Mishnah Berurah 12.

63. Magen Avraham 4, Elya Rabbah 5, Mishnah Berurah 12.

64. Shulchan Aruch 113:7. According to the Arizal there is a different method on how to bow. Refer to Beer Heitiv 113:5, Sharei Teshuva 5, Ben Ish Chai Beshalacha 1:21, Halacha Berurah

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straightens the bent.⁶⁵ He should first lift his head then his body, in order not to make it seem that it is a burden.⁶⁶

Bowing down until your mouth reaches your belt is not recommended,⁶⁷ as it looks like one is showing off by bowing more than necessary.⁶⁸

There is a discussion regarding the bowing at *Modim* (beginning and end).⁶⁹ The reason for this bowing is to humble oneself when expressing thanks to *Hashem*.⁷⁰

Some are of the opinion that one does not bend his knees, but simply bows his body at one time,⁷¹ and then straighten when reaching *Hashem's* name.⁷² Others say that it follows the same rules as the other bowings.⁷³ The punishment for not bowing at *Modim* is that seventy years⁷⁴ after ones death his spine turns into a snake.⁷⁵ This is because he should have bent as a snake at *Modim* and did not do so.⁷⁶

113:6, see Beer Moshe 3:11.

65. Taz 113:6, Kitzur Shulchan Aruch 18:11, Mishnah Berurah 13. Refer to Kaf Hachaim 113:21-22.

66. Shulchan Aruch 113:6. According to the Arzial one should straighten his head first then the rest of his body (see Kaf Hachaim 113:210).

67. Shulchan Aruch 113:5.

68. Taz 113:5, Mishnah Berurah 11, Aruch Hashulchan 7.

69. Shulchan Aruch 121:1, Shulchan Aruch Harav 1, Aruch Hashulchan 2. See Kaf Hachaim 121:2.

70. Levush 121:2.

71. Refer to Elya Rabbah 113:5, Piskei Teshuvos 113:footnote 21.

72. Kitzur Shulchan Aruch 18:11, Mishnah Berurah 3.

73. Chesed L'alafim 113:2, Ben Ish Chai Beshalach 1:21, Shulchan Aruch Harav 6, Chai Adom 23:2, Kitzur Shulchan Aruch 18:11, Aruch Hashulchan 7. Refer to Mishnah Berurah 113:7.

74. Others say seven years (Maseches Bava Kama 16a, Elya Rabbah 121:1, Shulchan Aruch Harav 1, Mishnah Berurah 2).

75. Tur 121, Levush 2, Elya Rabbah 121:1. See Kaf Hachaim 113:15-16.

76. Levush 121:2.

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An office setting has the same status as an old or sick person. If it is too cramped, it is sufficient to bend a bit.⁷⁷

Taking Three Steps Back

Another common problem that arises with a small, cramped location is that there is not enough space to take a complete three steps back before and after *shemonei esrei*. What are the *halachos* of taking three steps back before and after *davening*?

Before beginning *shemonei esrei*, one should take three steps forward, symbolically approaching his mission.⁷⁸ It is not necessary to walk three steps back before taking the three steps forward, but the custom is to do so.⁷⁹ The first step forward should be the right foot.⁸⁰

At the conclusion of *shemonei esrei* one should bow (to the point that the vertebrae on his spine protrude),⁸¹ and take three steps back.⁸² After the three steps,⁸³ he recites *osei shalom* to the left,⁸⁴ (some say his feet should be together like by *shemonei esrei*,⁸⁵ but the custom is not like this)⁸⁶

77. Piskei Teshuvos 113:3.

78. Rama O.C. 95:1, Kitzur Shulchan Aruch 18:2. Refer to Mishnah Berurah 2 and Aruch Hashulchan 3 for another reason for this. The Darchei Chaim V'sholom 154:page 61 did not have the custom to take three steps before starting *shemonei esrei*.

79. Mishnah Berurah 95:3, Aruch Hashulchan 3.

80. Orach Neman 95:3:page 60.

81. Shulchan Aruch 113:4, Mishnah Berurah 113:10, Biur Halacha "hamispallel," Mishnah Berurah 123:1. Refer to Aruch Hashulchan 113:7 who is lenient for the weak and sick.

82. Refer to Taz 123:1.

83. Not like those who say *osei shalom* while they are walking back (Magen Avraham 2, Mishnah Berurah 3).

84. Refer to Taz 2, Mishnah Berurah 4, Aruch Hashulchan 2.

85. Mishnah Berurah 123:6, Biur Halacha "yamod." Refer to Shar Hatziyon 5 who says from the Pri Megadim that one should stay like that until the *shatz* starts *chazarashatz* but he argues with him.

86. Aruch Hashulchan 3.

איך ללכת לאחור שלוש צעדים לפני וְאַחַר הַשְּׁמוֹנֵי עֶשְׂרִים (ברכות ה.)



when he says *hu ya'ase sholom* he turns to the right,⁸⁷ and then he should bow and say *ve'al kol yisroel*.⁸⁸ The reason for stepping back after *shemonei esrei* is like a servant who steps back from his master.⁸⁹

He⁹⁰ should remain in that place⁹¹ until the *shatz* reaches *kedusha*,⁹² or at least until he starts *chazaras hashatz*⁹³ (if the space is limited).⁹⁴ At *maariv* one should wait in his place until the *shatz* starts *kaddish*.⁹⁵ The reason for waiting is that if he would return to his place right away then it would seem like he wants to *daven* again (and the first *shemonei esrei* was not valid); this is comparable to a dog.⁹⁶ While standing in place, one should not look around since it disturbs the *kavana* of those who are still *davening*.⁹⁷ Once the *shatz* starts *chazaras hashatz* one can look around.⁹⁸

If the area is too small to stand in place until the *shatz*

87. Shulchan Aruch 123:1, see Magen Avraham 3.

88. Sharei Teshuva 3, Mishnah Berurah 4.

89. Magen Avraham 1, Mishnah Berurah 1.

90. The *shatz* should wait until the time it takes him to walk four *amos* (Rama 123:2, Biur Halacha "vehashatz," see Magen Avraham 7).

91. Kitzur Shulchan Aruch 18:14, Aruch Hashulchan 3, Kaf Hachaim 123:11. In regard to jumping after one takes three steps back and remains in his place see Piskei Teshuvos 123:footnote 36.

92. Refer to Sharei Teshuva 5 and Mishnah Berurah 9 regarding one who finished his *shemonei esrei* as the *tzibur* is about to start *kedusha*. One can go to his place in the above situation (Mishnah Berurah *ibid*, see Aruch Hashulchan 4 who says one should wait the time it takes to walk *four amos* before returning to his place).

93. Shulchan Aruch 123:2, Mishnah Berurah 12. Many are not careful with this *halacha* and it begs an answer why (Refer to Piskei Teshuvos 123:2). When *piyutim* are said one can return to his place at the onset of *chazarashatz* (Magen Avraham 6, Mishnah Berurah 10, Aruch Hashulchan 3).

94. Aruch Hashulchan 3.

95. Halichos Shlomo Tefillah 13:12.

96. Maseches Yoma 53b, Magen Avraham 7, Mishnah Berurah 7, Aruch Hashulchan 3.

97. Taz 5, Mishnah Berurah 12.

98. Magen Avraham 9.

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begins *chazaras hashatz* then he does not have to do so.⁹⁹ This is common in an office setting.

One should step back with the left foot first.¹⁰⁰ The left foot should reach the heel of the right foot, then the right foot should be moved back to reach the heel of the left foot, and then the left foot moved back to be equal with the right foot.¹⁰¹ One should not take large steps back after *shemonei esrei*.¹⁰² In addition, there is an element of showing off.¹⁰³

If there is not enough room, one can take smaller steps.¹⁰⁴ In addition, the *Aruch Hashulchan*¹⁰⁵ says that one may step to the side rather than straight back. This is also very common in an office.

According to many *poskim*, it is not necessary to take three steps forward after waiting.¹⁰⁶ Some are of the opinion that one needs six steps, three back and three forward. Therefore, they do not permit anyone to pass before them while waiting in place.¹⁰⁷ Some erroneously return to their place even before the *shatz* starts *chazaras hashatz* or *kedusha* in order to avoid someone passing before them. This is a mistake, and one should simply allow the other person to pass.¹⁰⁸

When walking back three steps one should make

99. Mishnah Berurah 10.

100. Shulchan Aruch 123:3, Taz 6, Magen Avraham 10, Aruch Hashulchan 123:1, Orach Neman 95:3.

101. Mishnah Berurah 13, Halichos Shlomo Tefillah 8:footnote 111, see Sharei Teshuvah 9. Refer to Biur Halacha "v'shiur."

102. Rama 123:3, Mishnah Berurah 16.

103. Shulchan Aruch 123:4, Aruch Hashulchan 1. Refer to Taz 7, Mishnah Berurah 17.

104. Refer to Rashba 381, Magen Avraham 10, Mishnah Berurah 14.

105. 125:5.

106. Mishnah Berurah 8.

107. Magen Avraham 6, Mishnah Berurah 8. Refer to Aruch Hashulchan 4.

108. Magen Avraham 6, Mishnah Berurah 8, Aruch Hashulchan 4.

איך ללמוד הלכות של אמות של הלכה בלבד... (ברכות ח')



כל השנה הלכות בכל יום מובטח להשתדל לו שיהא בו עולם תפא... (מדה עב)

sure not to step in the four *amos* of someone else who is *davening*.¹⁰⁹ This is very hard to avoid in an office. However, if *davening* is taking place in an area where people tend to walk past then one can pass by one who is *davening*.¹¹⁰

One who *davens* for the *amud* does not have to take three steps back after *chazaras hashatz*.¹¹¹ This is accomplished when he recites *kaddish* after *chazaras hashatz*.¹¹²

Reciting *Tehillim* by Heart

Tehillim are routinely recited by heart after *davening*. The question is if this practice is permitted.

Something which is written down (*Torah Shebekesav*) may not¹¹³ be recited by heart,¹¹⁴ even one word.¹¹⁵ There are a number of reasons offered for this. One reason is that one may not pronounce the word correctly.¹¹⁶ A *posuk* in which everyone is fluent may be recited by heart,¹¹⁷ such as *pesukei*

109. Shulchan Aruch 102:5, Mishnah Berurah 123:14, Halichos Shlomo Tefillah 8:33.

110. Shevet Hakehasi 2:49.

111. Shulchan Aruch 123:5.

112. Taz 8, Magen Avraham 11, Mishnah Berurah 18, If one does it there is no need to rebuke him (Magen Avraham 12, Mishnah Berurah 19).

113. Refer to Aruch Hashulchan 49:3 who says it is a *mitzvah min hamuvchar* not an *issur*.

114. Maseches Gittin 60b, Shulchan Aruch 49:1, 53:14, Chai Adom 8:11, Shulchan Aruch Harav 49:1, see Ritvah Maseches Gittin ibid. Refer to Birchei Yosef 49:2, Machzik Beracha 49:1, and Kaf Hachaim 2 who discuss if this is a *d'oraisa* or *d'rabannan*. One who is blind *r'l* or locked in jail can recite the *Torah Shebekesav* by heart (Magen Avraham 49:1, Mishnah Berurah 1, Kaf Ha'chaim 5). Refer to Rivevos Ephraim 4:79. Refer to Shevet Halevi 5:158 regarding the children *Sefer Torahs* and reading from them.

115. Rambam Hilchos Tefillah 12:8, Chessed Lalafim 49:1. The translation of *Torah Shebekesav* can be said by heart (Birchei Yosef 49:1, Sharei Teshuva I, Machzik Beracha 49:4, Kaf Hachaim 3).

116. Bais Yosef O.C 49, Elya Rabbah 1. Refer to Moadim U'zmanim 7:240.

117. Tur O.C 49.

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dezimra,¹¹⁸ *birchas kohanim*,¹¹⁹ *krias shema*¹²⁰ *shiras hayam*,¹²¹ and any other *pesukim* that are known by heart.¹²²

The opinion of many *poskim* is that the restriction only applies when being *motzei* someone else in their obligation.¹²³ However, saying a *posuk* which is praise to *Hashem* or for a *tefillah* is allowed.¹²⁴ Others limit the restriction to reciting a *pasuk* from the *Torah*,¹²⁵ while others maintain that even this is permitted if one recites it without the *trup*.¹²⁶

In regard to *Tehillim*, some permit it since it is considered a *tefillah*¹²⁷ especially if we adhere to the view of those *poskim* who maintain that the whole concern is being *motzei* someone in his obligation.¹²⁸ The *Chai Adom*¹²⁹ says that it is best not to say *Tehillim* by heart (if it is not well known by all). The custom is to be lenient with those chapters that are well known by all, such as *shir hama'alos mi ma'ma'akim*, and *shir ha' ma'alos esa einay*.

118. Tur ibid, Mishnah Berurah 5.

119. Bais Yosef 49.

120. Kol Bo 13, Bais Yosef ibid, Shulchan Aruch 49:1, Chai Adom 8:11, Shulchan Aruch Harav 49:1.

121. Chai Adom 8:11, Shulchan Aruch Harav 49:1.

122. Shulchan Aruch 49:1. Some include *Tehillim* in this (Refer to Chesed L'alafim 49:1). See Biur Halacha "kegon" on reciting *Hallel*.

123. Tosfas Maseches Temura 14b "devarim," Ravyah 3:878, Ritvah Maseches Yoma 70a, Tur ibid, G'ra 49, Pri Chadash 1, Elya Rabbah 2, Shulchan Aruch Harav 49:1 (do not rebuke someone for relying on this), Mishnah Berurah 49:2,6, Aruch Hashulchan 1-2.

124. Ritvah ibid.

125. Tosfas Maseches Temura 14b "devarim." Refer to Bais Yosef O.C. 49.

126. Kol Bo 2, 13, Bais Yosef O.C. 49.

127. Chavos Yuer 175, see Kaf Hachaim 6.

128. Mishnah Berurah 49:6.

129. 8:11, see Sharei Teshuva 49:1. Refer to Kitzur Shulchan Aruch 1:6.

איזן על להקדיף ה בעולמו אלז י אמות של הלכה בלבד... (ברכות ח)



A Sefardi Davening at an Ashkenazi Minyan and Vice Versa

People who *daven* with an office *minyan* rarely have the luxury of choosing their preferred *nusach*.

The question arises regarding how to recite *tachanun*, according to his custom or the custom of the *shul* where he is *davening*. If one *davens nusach Sefard* and he finds himself at a *nusach Ashkenaz minyan*, he should recite *nefilas apayim* as he normally does, but without reciting the thirteen attributes or hitting his heart.¹³⁰ If a person who *davens nusach Ashkenaz* is *davening* at a *Sefardi minyan* he should say the *tachanun* of *nusach Sefard*.¹³¹ On Monday and Thursday morning, one should recite *tachanun* and *v'hurachum* according to the way the *tzibbur* does.¹³² If one did not have time to recite *v'hurachum* during *davening* it may be recite the entire day.¹³³

Setting Time to Learn Torah

One of the most challenging aspects of a working man is setting aside time to learn *Torah*.¹³⁴

One of the questions asked after we leave this world is, "Did you set aside time to learn *Torah*?"¹³⁵ Similarly, after

130. Igros Moshe O.C. 4:34, Divrei Chachamim page 45:91, Siach Tefillah (sefer zichoron) page 474 Be'er Sarim 6:14:3, see Ohr L'tzyon 2:9:1 who says one should say the thirteen attributes in a secluded quiet place. Refer to B'mechitzas Rabbeinu page 52.

131. Igros Moshe O.C. 3:89, Rivevos Ephraim 2:46:2, 6; pages 70-71, 7:47:1, Teshuvos V'hanhagos 1:114, Ishei Yisroel 25:1, Sheilas Rav 2:11:27, see Orchos Rabbeinu 1:page 68:13.

132. Bunim Chavivim 10:8:page 326, Yugel Yaakov page 74:2, Halacha Berurah 134:footnote 2, Bais Avi 3:49, see Maharam Brisk 1:51:3, Kinyan Torah 2:18 who argue.

133. Rivevos Ephraim 3:141, 6:61:2, 8:48.

134. An ideal time to learn is early in the morning when one is not busy with work etc.

135. Maseches Shabbos 31a, Mishnah Berurah 155:2, Aruch Hashulchan 155:1. Refer to Toras Habayis (Chofetz Chaim zt"l) 1.

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (תדה עב)

we leave this world, the first item for which a person is punished is laxity in learning *Torah*.¹³⁶

Each person is obligated to set aside time from his day to learn *Torah*.¹³⁷ This applies to one who works and is not sitting and learning an entire day.¹³⁸

The ideal time during the day is right after *shacharis*,¹³⁹ (since one may get carried away with his work and miss learning for the daytime),¹⁴⁰ and the time for learning at night should be between *mincha* and *maariv* (if one *davens* them together at nightfall).¹⁴¹ The idea of a set time is that it is dedicated to learning only, and one will not give it up for any other activity.¹⁴²

*Harav Moshe Feinstein zt"l*¹⁴³ maintains that one is allowed to work as much as he wants, even to buy more than his basic necessities. One can learn one *mishnah* in the morning and another at night and fulfill the *mitzvah* of *Talmud Torah*, but he will not become a *talmid chacham* this way. One who works more than necessary is not called a *ben torah*.¹⁴⁴

Many people have a limited amount of time to learn after a long day at work, and they sit down to learn *gemora*. This is frowned upon by the *poskim*, since one who has a limited

136. Maseches Sanhedrin 7a, Shulchan Aruch Y.D. 246:19. See Kaf Hachaim 155:2.

137. Rambam Hilchos Talmud Torah 1:8, Tur O.C. 145, Shulchan Aruch Y.D. 246:1.

138. Shulchan Aruch Harav 156:1, Aruch Hashulchan 156:2, Y.D. 246:7. See Sefer Chassidim 17.

139. Refer to Maseches Berachos 64a, Bais Yosef 155, Shulchan Aruch O.C. 155:1, Levush 1, 156:1, Shulchan Aruch Harav 155:1, Mishnah Berurah 1-2, Aruch Hashulchan 2, Kaf Hachaim 3. See Yufei Leleiv 155:3.

140. Mishnah Berurah 2.

141. Biur Halacha 155 "eis," B'Toraso Y'heigeyh 1:18; page 338:3. Refer to Chesed Lalafim 1:page 9 (new print).

142. Yosef Ometz page 265, Kaf Hachaim 155:13.

143. Igros Moshe Y.D. 4:36:5. Refer to Shulchan Aruch Y.D. 246:21.

144. Igros Moshe Y.D. 4:36:15.

אין ללמוד להלכה בלבד... (ברכות ה')



amount of time should be learning *halacha*¹⁴⁵ in order to know what is permitted and what is forbidden.¹⁴⁶

It can happen that one has to stay at work from early in the morning until very late at night and he has to forgo his usual set time for learning. In this situation, one can fulfill the *mitzvah* by learning a little in the morning and a little at night, even a *posuk* or a *halacha*,¹⁴⁷ or a *perek* of *mishnah*.¹⁴⁸ One who is so busy that he cannot even learn a *perek* of *mishnayos* can be *yotzei* with saying *shema* in the morning at *shacharis* and at *maariv*.¹⁴⁹

When one is not working to support his family he should be learning.¹⁵⁰ However, this is very hard for most people to fulfill since people need to relax as well.¹⁵¹ There are many people who do not set aside time for learning. One of the reasons for this is that they do not recognize the greatness of this *mitzvah*.¹⁵²

Some opine that the learning should be in a *bais medrash*.¹⁵³ Even if a man's wife wants him to remain at home at night, he should arrange to learn in a *bais medrash*.

145. Refer to Birchei Yosef 155:3 who states that learning the Rambam and other such commentaries are considered *halacha*. See Kaf Hachaim 155:12 in depth.

146. Shulchan Aruch Harav O.C. 155:1, Hilchos Talmud Torah, 2:9, 3:4, Mishnah Berurah 155:3, 9.

147. Magen Avraham 155:1, Aruch Hashulchan 2, Beer Moshe 3:176, Yechaveh Daas 6:52.

148. Shulchan Aruch Harav Hilchos Talmud Torah 3:4.

149. Shulchan Aruch Y.D. 246:1, Shulchan Aruch Harav Hilchos Talmud Torah 3:4. See Shach Y.D. 246:1.

150. Shulchan Aruch Harav Hilchos Talmud Torah 3:6.

151. Refer to an article on www.torahmusings.com regarding the concept of Leisure. Also refer to Tradition 44:2.

152. Biur Halacha 155 "eis". See Shulchan Aruch Harav 156:1.

153. Kaf Hachaim 155:7. Refer to Rav Akiva Eiger Y.D. 246:2 in regard to a person who gets paid to learn and if it is counted towards setting aside time to learn. This is common for a *kollel* person etc. See Kaf Hachaim 155:4.

כל השנה הלכות בכל יום מובטח לישאור בן עולם הנא... (מדה עב)

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Short *Bentching*

In earlier years workers would recite a shorter version of *bentching* in order to dedicate their time to their employer.¹⁵⁴ However, today we recite the complete *bentching*,¹⁵⁵ since everyone has lunch breaks and can *bentch* within the time frame.

אין על להקדיף"ה בעולמו אלא די אמות של הלכה בלבד.... (ברכות ח')

154. Refer to Maseches Berachos 16a, Rambam Hilchos Berachos 2:2, Shulchan Aruch O.C. 191:1, Aruch Hashulchan 1-3.

155. Shulchan Aruch 191:2, Shulchan Aruch Harav 191:1, Aruch Hashulchan 191:4, Kaf Ha'chaim 191:2.



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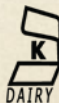
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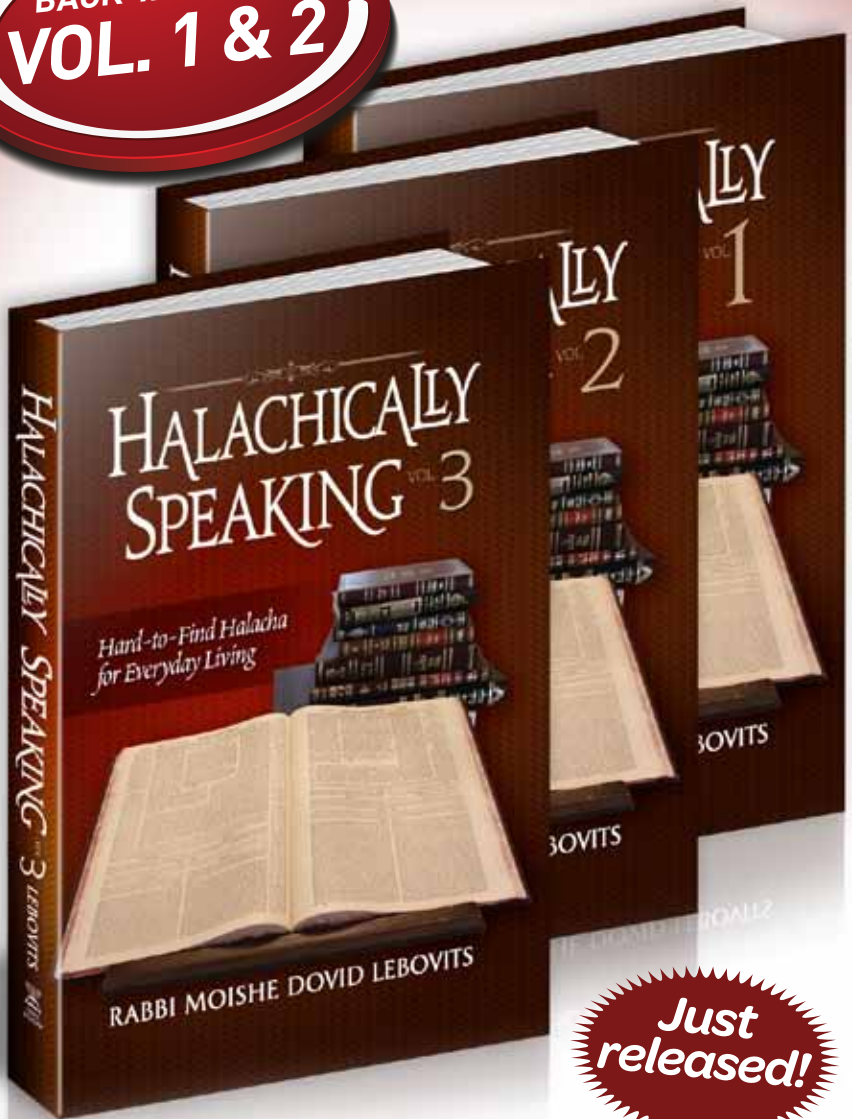
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