

# YOUNG ISRAEL OF RIVERDALE

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דן חכם ישמח אב (משלי י, א) פירש רש"י, זה הקב"ה. דבר אחר, אביו ממש. מאמר העם, קודשא  
בריך הוא חדי בפלפולא דאורייתא, מקורו כנראה מדברי רש"י.  
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אביו שבשמים. ואביו ממש משתתף בשמחה זו.  
ספר תשובות רבנים, שחיבר בני יקרי הרב עקיבא שליט"א, מתקיים בו בן חכם ישמח אב במלא  
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עברתי על כל הספר. הכל נכתב בלשון צח וברור, עם מקורות משי"ס ופוסקים, עם הוספת נופך  
המחבר, כדרכה של תורה. הניחונים עתיקים וחדשים, פשוטים ומסובכים, ותמיד מענינים.  
יהי רצון שהרב עקיבא שליט"א ימשך לקדש שם שמים בקהלתו ובתשובותיו, ויצליח בכל מעשי  
ידיו, ביחד עם רעייתו מרת יעל שתחיי. ושנזכה אנחנו, ומחותננו החשובים משפחת קרסיק, להשתתף  
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כברכת ועתירת אביך אהבך בלב ונפש,

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מרדכי וויליג

## אשר זעליג וייס

כגן 8  
פעיה"ק ירושלם ת"ו

בס"ד

ו' טבת תשפ"ד

הן ראיתי את ספרו היקר של ידיד בן ידיד האברך המופלא מרביץ תורה ומורה הוראה הרה"ג ר' עקיבא ויליג שליט"א, רב בית המדש בוודמיר, ניו יורק.

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באהבה ביקר

אשר וייס



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# Rosh Chodesh

1

6 Kislev 5778

*I was davening Maariv after Rosh Chodesh, and I couldn't remember whether it was a two-day Rosh Chodesh or not. Should I have inserted Yaaleh V'Yavo in my Shemoneh Esreh, or should I have omitted it?*

In this case, it is clear that *Yaaleh V'Yavo* should be omitted. *Yaaleh V'Yavo* is not critical to the *Maariv Shemoneh Esreh* of Rosh Chodesh, as the Gemara states that a person need not repeat *Shemoneh Esreh* if he forgot to say *Yaaleh V'Yavo* in *Maariv* of Rosh Chodesh because “אין מקדשין את החדש בערב—[The *beis din*] would not declare Rosh Chodesh at night.”<sup>1</sup> *Tosafos* notes that some believe that this only applies to the first *Maariv* of a two-day Rosh Chodesh, but *Tosafos* themselves disagree and posit that this principle holds true on the second day of Rosh Chodesh as well.<sup>2</sup> Thus, in a situation of doubt, a person should omit *Yaaleh V'Yavo* in *Maariv*, since its omission is not something that would require him to repeat his *Shemoneh Esreh* in any case.

One could also avert this problem by clarifying if it is, in fact, Rosh Chodesh—even in the middle of *Shemoneh Esreh*. Normally, a person may not interrupt *Shemoneh Esreh*—as is clearly stated in the Mishnah—since he is standing in front of Hakadosh Baruch Hu, and he therefore must

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1 *Berachos* 30b.

2 *Tosafos* ad loc., s.v. לפי שאין.

stand in place with his feet together.<sup>3</sup> Thus, the *Shulchan Aruch* writes that extraneous speech as well as movement is prohibited while in the midst of *tefillah*.<sup>4</sup> The *Taz* points out that Rabbeinu Yonah holds that merely walking without talking is considered a *hefsek*, but the *Rosh* understands that it is not a *hefsek*.<sup>5</sup> The *Magen Avraham* writes that while one certainly should not move for no reason, movement is not considered a *hefsek*.<sup>6</sup> The *Mishnah Berurah* cites the *Chayei Adam*, who writes that one who is unsure of a particular halachah relevant to his *tefillah* may walk to the bookshelf while in the middle of *Shemoneh Esreh* to look it up.<sup>7</sup> In fact, the *Chayei Adam* maintains that in this situation one can even talk if necessary. In another place, the *Mishnah Berurah* utilizes this ruling of the *Chayei Adam* to permit one who became confused while davening to walk and get a siddur.<sup>8</sup> If so, a person in your case should similarly be permitted to walk in the middle of *Shemoneh Esreh* to retrieve a calendar to ascertain if it is Rosh Chodesh.

What if one is davening *Shemoneh Esreh* of *Shacharis* or *Minchah* and cannot determine if it is Rosh Chodesh? This is a much more difficult issue, since omitting *Yaaleh V'Yavo* during *Shemoneh Esreh* of these *tefillos* requires one to repeat the *tefillah*, but if it turns out that it is not Rosh Chodesh, inserting *Yaaleh V'Yavo* might be considered a *hefsek*. The *Shulchan Aruch* rules that if one mistakenly inserts a section in *tefillah* that does not belong there (e.g., he says either *Al Hanissim* or *Yaaleh V'Yavo* on a regular weekday), it is not considered an interruption in his davening.<sup>9</sup> However, the *Mishnah Berurah* writes that most *poskim* disagree and assume that such an insertion would constitute a *hefsek*.<sup>10</sup> In fact, in his *Shaar Hatziyun*, the *Mishnah Berurah* notes that according

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3 *Berachos* 30a; see *Shulchan Aruch*, *Orach Chaim* 95:1.

4 *Orach Chaim* 104:2.

5 *Ad loc.*, § 1.

6 *Ad loc.*, § 3.

7 *Mishnah Berurah* 104:2; *Chayei Adam* 25:9.

8 *Mishnah Berurah* 96:7.

9 *Orach Chaim* 108:12.

10 *Ad loc.*, § 38.



to the Vilna Gaon, inserting an improper text in a berachah may be worse than an interruption of speech.<sup>11</sup> The *Mishnah Berurah* also notes that some Acharonim distinguish between insertions that are not true (e.g., saying “ביום ראש החודש הזה” when it is not Rosh Chodesh), which are deemed a *hefsek*, and insertions that are misplaced but true (e.g., saying “זכרנו לחיים” when it is not the Aseres Yemei Teshuvah).

Since mistakenly inserting *Yaaleh V’Yavo* is problematic, if one is uncertain and unable to ascertain if it is Rosh Chodesh, it is best to leave it out, even though that means one will possibly need to repeat the *Shemoneh Esreh*.

## 2

4 Teves 5778

*What should I do if I forget to say “זכרנו לטובה” in Al Hamichyah on Rosh Chodesh?*

The *Yerushalmi* states that when reciting *Al Hamichyah* on Shabbos, Yom Tov, or Rosh Chodesh, it is proper to mention the specific day in the text.<sup>12</sup> This view is codified by the *Rambam*<sup>13</sup> as well as the *Rosh*.<sup>14</sup> However, *Tosafos* notes that many have the custom not to mention the day.<sup>15</sup> The *Beis Yosef* cites numerous Rishonim who record the custom to mention the day,<sup>16</sup> and in the *Shulchan Aruch*, he codifies this practice.<sup>17</sup>

Nevertheless, the *Mishnah Berurah* writes that if one forgets to insert “...זכרנו לטובה ביום...” there is no need to repeat *Al Hamichyah*.<sup>18</sup> In the *Shaar Hatziyun*, he offers a number of reasons for this ruling. First of all, since the snack one is eating is not an obligatory meal, it does not necessitate

11 § 60.

12 *Yerushalmi, Berachos* 6:1.

13 *Mishneh Torah, Berachos* 3:13.

14 *Berachos* 6:42.

15 *Ibid.*, 44a, s.v. על העץ.

16 *Orach Chaim* 208:12.

17 *Ad loc.*

18 *Ad loc.*, § 58.

repetition of the *berachah acharonah*. Moreover, some Rishonim do not require the insertion at all. Finally, he claims that even according to the *Yerushalmi*, it isn't an absolute requirement.<sup>19</sup>

It should be noted that on Rosh Chodesh, even if a person forgot to insert *Yaaleh V'Yavo* in *Birkas Hamazon*, he would not have to repeat it, as there is no absolute obligation to eat bread on Rosh Chodesh. In contrast, if one neglected to insert *Retzei* in *Birkas Hamazon* on Shabbos, or if he forgot to say *Yaaleh V'Yavo* in *Birkas Hamazon* on Yom Tov, he would be required to repeat it, as there is an obligation to eat bread on those days.<sup>20</sup> The *Shulchan Aruch* notes that the halachah regarding forgetting *Retzei* after *seudah shelishis* differs from that of the other two Shabbos meals, and is the same as the halachah regarding Rosh Chodesh.<sup>21</sup> This is because, if need be, one can fulfill the obligation of the third meal without bread.<sup>22</sup>

Based on this, the *Pri Megadim* discusses the case of one who does not have bread and fulfills the obligation of the primary Shabbos meals with cake or cookies. In that case, if he forgets to say “ורצה והחלצנו ביום” *השבת הזה* in *Al Hamichyah*, he arguably needs to repeat the berachah, as he is fulfilling the obligatory Shabbos meal with *Mezonos* foods.<sup>23</sup> However, Rav Shlomo Zalman Auerbach asserts that one need not repeat *Al Hamichyah* in such a case.<sup>24</sup>

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19 § 60.

20 *Shulchan Aruch, Orach Chaim* 188:6–7; see *Berachos* 49b.

21 188:8.

22 *Mishnah Berurah* 188:31, citing *Shulchan Aruch, Orach Chaim* 291:5.

23 *Orach Chaim* 188, *Eshel Avraham* 9.

24 Cited in *Shemiras Shabbos K'Hilchasah*, ch. 57, n. 30.

## 3

1 Elul 5778

*What is the correct course of action if I accidentally started Mussaf of Rosh Chodesh while wearing my tefillin and only realized halfway through?*

The *Shulchan Aruch* writes that it is customary to remove one's tefillin when davening *Mussaf* on Rosh Chodesh.<sup>25</sup> The *poskim* suggest two explanations for this custom. The *Mishnah Berurah* writes that since Rosh Chodesh is a quasi-Yom Tov, and as such we do not wear tefillin on Yom Tov, we remove the tefillin before beginning *Mussaf*, which focuses on the special *korbanos* of Rosh Chodesh.<sup>26</sup> The *Beis Yosef* writes that when the *Kedushah* of *Kesser* is said, describing the "crown" of Hakadosh Baruch Hu, it is improper for one to be wearing tefillin, which is also considered a crown.<sup>27</sup> The *Mishnah Berurah* understands that this is the view of the *Rama* there as well.<sup>28</sup> The *Rama* adds that even Ashkenazim, who do not recite the *nusach* of *Kesser*, nevertheless remove their tefillin for *Mussaf*. The *Taz* writes, however, that some have the custom to keep their tefillin on, as they do not say *Kesser*.<sup>29</sup>

The *Mishnah Berurah* writes that if a person mistakenly kept his tefillin on for *Mussaf* and is in the midst of davening, he certainly should not remove them, as it is only a custom to daven *Mussaf* without tefillin.<sup>30</sup> However, it should be noted that some take this custom very seriously. The *Taz* writes in the name of the *Zohar* that one who wears tefillin while davening *Mussaf* is *chayav misah*.<sup>31</sup> Thus, the *Shaarei Teshuvah* suggests moving or lifting the tefillin *shel rosh*,<sup>32</sup> and then

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25 *Orach Chaim* 423:4.

26 *Mishnah Berurah* 423:10.

27 *Orach Chaim* 25:13.

28 § 61.

29 *Ad loc.*, § 16.

30 *Ad loc.*, § 61.

31 *Orach Chaim* 31:2.

32 *Ibid.*, 25:22.

it can be considered as though one is not wearing tefillin, thereby alleviating any problem.

## 4

1 Elul 5781

*If a person is repeating Shemoneh Esreh because he was unsure if he said Yaaleh V'Yavo, and he suddenly remembers that he did, in fact, say it the first time, should he complete his Shemoneh Esreh, or stop in the middle?*

The Gemara states that if a person forgets *Yaaleh V'Yavo*, he must repeat *Shemoneh Esreh* (with the exception of *Maariv* on Rosh Chodesh).<sup>33</sup> The *Beis Yosef* rules that if a person is uncertain whether he said *Yaaleh V'Yavo*, he must repeat the *Shemoneh Esreh*, because the assumption is that he said the standard text and omitted *Yaaleh V'Yavo*.<sup>34</sup> However, the *Rama* argues that because one recites *Yaaleh V'Yavo* every thirty days on Rosh Chodesh, one never develops the “habit” of omitting *Yaaleh V'Yavo*, and it is thus fair to assume that he did say it.<sup>35</sup> The *Shulchan Aruch* does not discuss this case, but the *Rama* rules that in a situation of doubt, one need not repeat *Shemoneh Esreh*.<sup>36</sup>

The *Mishnah Berurah*, however, cites many Acharonim who disagree with the *Rama* and require one to repeat *Shemoneh Esreh* in a situation of doubt.<sup>37</sup> In the *Shaar Hatziyun*, he adds that this second *Shemoneh Esreh* is obligatory and not merely a *tefillas nedavah*.<sup>38</sup> Because this is the accepted *p'sak*, one who is unsure if he inserted *Yaaleh V'Yavo* must repeat *Shemoneh Esreh*.

What should one do if they remember during this repetition that they did, in fact, say *Yaaleh V'Yavo* the first time? The Gemara states that if

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33 *Shabbos* 24a.

34 *Orach Chaim* 422.

35 *Darkei Moshe* ad loc.

36 *Orach Chaim* 422:1.

37 Ad loc., § 10.

38 § 9.

a person is in the midst of davening and realizes that he already davened that *tefillah*, he should stop, even in the middle of a berachah.<sup>39</sup> This is codified in the *Shulchan Aruch*.<sup>40</sup> The *Mishnah Berurah* explains that although it is possible to voluntarily offer an extra *tefillah* as a *tefillas nedavah*, since he began his *tefillah* with the intent that he was saying an obligatory *tefillah*, he cannot shift and decide that it is only a *nedavah*, as one cannot offer a *korban* that is half obligatory and half voluntary.<sup>41</sup> Thus, in that case, one must stop even in the middle of a berachah. Accordingly, if a person remembers that he did say *Yaaleh V'Yavo* in our case, he should stop his repetition of *Shemoneh Esreh*, even in the middle of a berachah.

## 5

1 Cheshvan 5778

*If someone davens his Shemoneh Esreh with the tzibbur and forgets Yaaleh V'Yavo, and he remembers only after the sheliach tzibbur finishes the repetition, should he go to another minyan in order to recite his Shemoneh Esreh b'tzibbur, or can his first Shemoneh Esreh satisfy the requirement of tefillah b'tzibbur, even if he has to repeat Shemoneh Esreh again?*

This question hinges on the status of a *Shemoneh Esreh* that was recited without *Yaaleh V'Yavo* when the insertion was necessary. Is this *tefillah* considered a *tefillah* but with a forgotten insertion, or is it not considered a valid *tefillah* at all?

These options appear to be reflected in the two opinions cited by *Tosafos* regarding one who forgot *Yaaleh V'Yavo* in *Minchah* of Rosh Chodesh and remembered only after dark, when it was no longer Rosh Chodesh.<sup>42</sup> Under ordinary circumstances, one who forgets *Yaaleh V'Yavo*

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39 *Berachos* 21a.

40 *Orach Chaim* 107:1.

41 *Ad loc.*, § 7.

42 *Berachos* 26b, s.v. טעה ולא התפלל.

in one *tefillah* and remembers only after the *z'man* has passed must daven the next *tefillah* twice as *tashlumin*. In this scenario, however, one is no longer able say *Yaaleh V'Yavo*, as it is no longer Rosh Chodesh. According to one view, there is therefore no purpose in repeating the *Shemoneh Esreh* at this point, as he already davened and is now unable to say *Yaaleh V'Yavo*. According to the second view, since he omitted *Yaaleh V'Yavo*, it is as if he didn't daven at all, and *tashlumin* is therefore appropriate. The *Shulchan Aruch* writes that in this scenario, one should make up the mistaken *Shemoneh Esreh* by saying it twice at *Maariv*, but he should have in mind that it should be considered a *tefillas nedavah* if he is not in fact obligated.<sup>43</sup> Because of this, the *Mishnah Berurah* writes that if this situation occurred when Rosh Chodesh was on Friday, one should not recite an additional *Shemoneh Esreh* on Friday night, as we do not recite *tefillas nedavah* on Shabbos.<sup>44</sup>

Chazal point to the importance of davening with a minyan,<sup>45</sup> and the *Shulchan Aruch* writes that one should try to daven with a minyan.<sup>46</sup> In fact, the *Mishnah Berurah* assumes that when one is at home, he must travel a *mil* (eighteen minutes) in order to join a minyan.<sup>47</sup> In light of this, in the above question, perhaps because the first *Shemoneh Esreh* that was said might not be considered *tefillah b'tzibbur*, it would be a nice idea to daven the "make-up" *Shemoneh Esreh* with a minyan. This is not required, however.<sup>48</sup>

## 6

1 Cheshvan 5778

*If the sheliach tzibbur omits Yaaleh V'Yavo in Chazaras Ha'shatz on Rosh Chodesh and no one catches the mistake until the end,*

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43 *Orach Chaim* 108:11.

44 *Ad loc.*, § 36; see *Ishei Yisrael*, ch. 30, n. 73.

45 *Mishnah, Berachos* 6:8.

46 *Orach Chaim* 90:9: "יִשְׁתַּדֵּל אָדָם..."

47 *Ad loc.*, § 52.

48 See *Ishei Yisrael*, comments of Rav Chaim Kanievsky, no. 147.

*should he repeat the Chazaras Ha'shatz? What if they did a short Minchah ("Heicha Kedushah") and the sheliach tzibbur then forgot Yaaleh V'Yavo in the silent part of his Shemoneh Esreh? Should he repeat the beginning of Shemoneh Esreh out loud and then repeat Kedushah?*

The *Shulchan Aruch* writes that although we ordinarily rule that one who omits *Yaaleh V'Yavo* must repeat the *Shemoneh Esreh*, we are more lenient if a *sheliach tzibbur* erred in his repetition during *Shacharis*.<sup>49</sup> This is because it would be a burden on those present to listen again to *Chazaras Ha'shatz* and because it suffices to mention Rosh Chodesh in the upcoming *Mussaf*.<sup>50</sup>

If the mistake were to occur during *Minchah*, however, where there is no *Mussaf* upon which to rely, the *sheliach tzibbur* would have to repeat the entire *Shemoneh Esreh*. Even during *Shacharis*, if the mistake is caught before the *sheliach tzibbur* finishes his davening, he should go back to *Retzei* and continue from there.

Importantly, the *Shulchan Aruch* writes that if the *sheliach tzibbur* makes a mistake in his silent *Shemoneh Esreh*, he need not repeat it, as he may rely on the *Chazaras Ha'shatz* that he is about to recite.<sup>51</sup> Because of this, the *Mishnah Berurah* notes that this ruling does not apply to *Maariv*, which has no *Chazaras Ha'shatz*.<sup>52</sup>

In a "short *Minchah*" davening, the *sheliach tzibbur* recites the first two berachos of *Shemoneh Esreh* out loud with the rest of the *tzibbur*, either saying them along silently or saying them silently afterward. The *sheliach tzibbur* then recites *Kedushah*, and he and the *tzibbur* proceed to say the rest of *Shemoneh Esreh* quietly. Is the part of *Shemoneh Esreh* that the

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49 *Orach Chaim* 126:3.

50 The *Mishnah Berurah* (13) points out that this halachah applies only to *Yaaleh V'Yavo*; if the *sheliach tzibbur* forgets other insertions, such as *Mashiv Ha'ruach*, he would certainly need to repeat *Shemoneh Esreh*. This is because that is part of the core text of *Shemoneh Esreh*. See footnote 51.

51 *Orach Chaim* 126:4.

52 *Ad loc.*, § 16.

*sheliach tzibbur* says out loud considered a private *Shemoneh Esreh* or a *tefillas ha'tzibbur*? If we consider it a private *tefillah*, the *sheliach tzibbur* certainly should not repeat anything out loud if he omits something later in the *tefillah*; he should rather repeat *Shemoneh Esreh* privately, as only his own *tefillah* was lacking. However, if the part he recited out loud is considered a *tefillas ha'tzibbur* because it leads into *Kedushah*, one could argue that the *sheliach tzibbur* would need to repeat the first two berachos, and possibly *Kedushah*, out loud for the *tzibbur*.

In a similar case, the *Shaarei Teshuvah* writes that if a *sheliach tzibbur* were to forget *Hamelech Hakadosh* during his repetition, he would need to repeat *Shemoneh Esreh*, including *Kedushah*.<sup>53</sup> This seems to be because if *Hamelech Hakadosh* was omitted, it is as if *Shemoneh Esreh* wasn't davened at all. However, it is possible that the omission of *Yaaleh V'Yavo* is not comparable to this case, and the *tefillah* remains a *tefillah*, despite it being lacking.<sup>54</sup> Since this is a matter of doubt, it is best that the *sheliach tzibbur* not repeat anything aloud; he should daven another *Shemoneh Esreh* privately.

## 7

1 Elul 5779

*The reason a person doesn't repeat Shemoneh Esreh if he forgot Yaaleh V'Yavo in Maariv of Rosh Chodesh is because beis din does not proclaim the new month at night. Based on this, if someone davens Maariv after p'lag haMinchah (but before shekiah) and he forgot Yaaleh V'Yavo, would he need to repeat Shemoneh Esreh?*

The Gemara states that if one forgets *Yaaleh V'Yavo* in *Maariv* of Rosh Chodesh, he need not repeat *Shemoneh Esreh*, because “אין מקדשין את”

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53 *Orach Chaim* 582:1.

54 See previous question. See also *Chiddushei HaGrach* (*Berachos* 26b), *Zichron Shmuel* 22, regarding status of the various insertions into *Shemoneh Esreh*.