

Kitzur Shulchan Arukh

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Siman 1

- ¹ "I have set Hashem before me always." This is a fundamental rule of the Torah and of the attributes of the righteous who walk before God. For we cannot compare a person's lifestyle, his activities and affairs when he is alone, to his lifestyle, and activities and affairs when he is before a great king. Similarly, his conversation and speech when he is amongst family or relatives, [cannot be compared] to what they would be in the presence of a king, because then he would certainly take special care that all his activities and conversations be refined and correct. How much more so when you contemplate that Hashem, the greatest of kings, the Holy One, blessed is He, Whose glory fills the entire world, stands above you and views your actions, as it is said: "If a person will hide in hidden places will I not see him? Says the word of Hashem, Do I not fill the heavens and the earth!" [Bearing this in mind] it is certain that you will immediately acquire a feeling of reverence and submissiveness for the awesomeness of Hashem, Blessed be He, and be ashamed [to sin] before Him.
- ² Also, while lying in bed you should realize before Whom you lay and as soon as you awaken you should remember the kindnesses of Hashem, Blessed be His Name, that were granted to you; that He returned your soul to you. You committed it to Him faint and weary and it was returned to you new and refreshed, enabling you to worship Hashem, Blessed be His Name, with all of your capacity and serve Him the

entire day; because this is the essence of Man, as it is said in Scripture: "They are new every morning how great is Your faithfulness." This verse teaches that every morning a person becomes a new creation, and he should give thanks with all his heart to Hashem, Blessed be His Name, for this (good fortune). While still in bed you should recite: I give thanks to You, living and everlasting King for You have restored my soul with mercy. Great is Your faithfulness. (Even though your hands are not yet clean, you may say this, since the name of Hashem is not mentioned.) You should pause slightly between the word *chemlah* "with mercy," and the word, *rabbah* "great."

- ³ Yehudah son of Taima says: "Be bold as a leopard, light as an eagle, swift as a deer and strong as a lion to do the will of your Father in heaven." "Bold as a leopard" means, you should not be ashamed before people who mock you for worshipping Hashem, Blessed be His Name. "Light as an eagle" refers to what the eye sees. This alludes to the requirement to be swift to close your eyes to prevent the seeing of evil because the sight of evil constitutes the beginning of sin. The eye sees and the heart desires and the organs capable of action culminate the sin. "Swift as a deer" refers to the legs, for your legs should run to do good things. "Strong as a lion" is a reference to the heart, because true valor in serving the Creator, Blessed is He, emanates from the heart. He also states: "Strengthen your heart to serve Him, and overpower your evil inclination and defeat it as a hero triumphs over his enemy, defeating him, and casting him to the earth."

- ⁴ Therefore, it is imperative for a person to be strong as a lion. Immediately upon awakening (and reciting the *Modeh Ani* prayer) you should rise with alacrity for the service of the Creator, Blessed and

Elevated is He, before you are over-whelmed by your evil impulse with various excuses not to rise, and be outsmarted and seduced in the winter [with this argument]: "How can you rise now so early in the morning when the weather is so cold?" Or, in the summer it will argue: "How can you rise from your bed while you are still not satisfied with enough sleep?" or other similar claims. The evil impulse knows very well the art of entrapping a person with all kinds of snares to prevent him from rising. Therefore every sensitive person who fears and trembles before the word of Hashem must triumph over the evil impulse and not listen to it, even if it is extremely difficult because of physical considerations or laziness. Your aim must be to fulfill the will of the King of kings, the Holy One, Blessed be He. You should realize that if you were called by any individual to participate in a business transaction in which there is profit, or to collect a debt, or if someone called with a plan to save your wealth from disaster, for example, if a fire occurred in the city or something similar occurred, you certainly would be quick to awaken immediately because of your concern for your wealth and you would not act sluggishly. Similarly, if you would need to go to the service of the king you would rise with alacrity and not be sluggish lest you be denigrated. [Or you would rise with alacrity] in order to find favor in the eyes of the king. How much more so should this apply for the service of the King of kings, the Holy One, Blessed is He, that you should be concerned to rise quickly and with alacrity. Once you accustom yourself to this practice four or five times you will no longer find it difficult, [as our Sages have said:] "He who makes an effort to purify himself is [Divinely] assisted in his efforts."

⁵ If you are able to awaken and rise at midnight to recite the prayer of *Tikun Chatzos* it is most praiseworthy, as it is said: "Rise, cry out in the

night at the peak of the night watches" etc. For the Holy One, Blessed is He, [also] laments at that time, as it is said: "Hashem from His high place cries, and from the Dwelling Place of His Holiness He sends forth His voice, as He cries for His Sanctuary." And He says, "Woe unto the children that on account of their sins I destroyed My house, and I burned My Sanctuary, and I exiled them among the nations." If you cannot rise at midnight, you should nevertheless exert yourself to rise before daybreak, as said King David, may he rest in peace, "I will awaken the dawn," [He meant] "I awake the dawn but the dawn does not awaken me." You may recite *Tikun Chatzos*, even after midnight and then afterwards engage in Torah study according to your ability [or capacity]. A lesson in *Mishnah* is preferable to any other study, (and by so doing you will be worthy of [your] *neshamah* [soul] [as inferred from the word] *Mishnah* which has the same letters as *neshamah*. If you are not capable of this [studying *Mishnah*], you should recite Psalms and *Ma'amados* and study works of ethics. A little learning or recitation with concentration is better than a great deal without concentration. Rabbi Chiyah taught: "Whoever studies Torah at night the Divine Presence is before him, as it is said: "Rise, cry out in the night at the peak of the night watches. Pour out your heart like water before the Presence of Hashem." This verse signifies that the Divine Presence is before us at that time. It was also said by our Sages, of blessed memory: "Whoever studies Torah at night is called a servant of Hashem, as it is written: [Behold, Bless Hashem] all [you] *servants* of Hashem who stand in the House of Hashem, during the *nights*." During the short nights when it is difficult to rise so early, you should at least endeavor to rise while there is sufficient time to prepare yourself to go to the synagogue to pray together with the congregation.

- 6 Chapters of the Psalms, and other sections of the Torah, Prophets and Scriptures, in which all are not sufficiently fluent, must not be recited by heart. Even someone who knows [them sufficiently] to recite them by heart should be careful not to recite them by heart. However, a blind person may recite them by heart.

- 7 We must object to the practice of those who recite the supplications of the *Ma'amodos* and conclude: "Blessed are You Hashem, Who listens to prayer." Rather, the proper conclusion is: "Blessed is the One Who listens to prayer," omitting the Name of Hashem. (See *Turei Zahav*, end of Chapter 131).

Siman 2

- 1 When he arises from his bed in the morning a person is considered as a newly created being, to serve the Creator, Blessed be His Name. He, therefore, must sanctify himself and wash his hands from a vessel, [just] as a *Kohein* washed his hands each day from the special basin [located in the Temple] prior to his service. This washing is indicated in the Scripture as it is said: "I will wash my hands in purity and I will encircle Your altar, Hashem, to proclaim a sound of thanks, etc." There is also another reason for this washing. When man is asleep, his holy soul departs from him, and an unclean spirit comes and dwells upon his body. When he awakens from his sleep, the unclean spirit departs from his entire body except from his fingers, from which it does not depart until he pours water upon them three times alternately. It is forbidden to walk a distance of four *amohs* without washing the hands except in cases of extreme necessity.

- ² The first garment you should don is the small *tallis* in order not to walk four *amohs* without fulfilling the *mitzva* of *tzitzis*. However, since your hands are still unclean, you should not [yet] recite the berachah.
- ³ The procedure for washing hands in the morning is as follows: take the vessel in your right hand and then place it in your left hand, and then first pour on the right hand; and then take the vessel in your right hand and pour upon the left hand. This procedure is repeated three times. It is preferable to wash your hands until the wrist. However, in extreme circumstances it is sufficient to wash them until the knuckles. You should also wash your face in deference to the Creator, as it is said: "For in the image of God He created Man." You should also rinse your mouth because of the spittle in it, for you must pronounce the great Name [of God] in holiness and purity. After this dry your hands and be careful to dry your face well.
- ⁴ The hands must be washed only into a vessel. It is forbidden to derive benefit from the water used for washing because of the foul spirit that rests upon it, and [therefore] you should pour it in a place where people do not walk.
- ⁵ Before washing you should not touch your mouth or nose, your eyes or ears or anus, or food, or the place where blood was let; because the foul spirit that rests upon the hands before washing is damaging to these things.
- ⁶ It is preferable to be careful to wash your hands in the morning with water poured from a vessel with human effort, similar to the washing of hands before a meal (See Chapter 40). However, in extreme

circumstances, where you do not have suitable water and you wish to pray, you may wash your hands from any [vessel], with any kind of water, even if the water is not poured with human effort, and you may still recite the berachah: *al netilas yadayim*. If there is a river close by it is preferable to dip your hands in it three times, or even [to dip them] in snow. However, if there is no water at all you may wipe your hands on anything and recite the berachah, *al nekiyas yadayim*, and this is sufficient [preparation] for prayer. Afterwards, upon finding water and proper vessels you should wash your hands again properly, but without pronouncing an additional berachah.

⁷ It is written: "My soul, bless Hashem and all that is within me [bless] His holy Name." It follows that since a person needs to bless God with all his innards, he is forbidden to recite the berachah until he cleans his intestines from excrement and urine. In the morning when a person awakens he probably has a need to relieve himself or at least to urinate; therefore he should not recite the berachah over the washing of the hands at the time of washing, but rather after he relieves himself. He then washes his hands again and then recites the berachah *al netilas yadayim*, and then the berachah of *asher yatzar*, followed by the *berachos* on the Torah and then the berachah of *Elokai neshamah*.

⁸ If you awakened and washed your hands while it is still night, as required, and remained awake until daybreak, or if you slept a second time while it was still night, or if you slept during the day [long enough] for sixty breaths (which is about one half hour), or if you are awake all night [without sleeping long enough for sixty breaths,] in all of these cases it is doubtful if there is a requirement to wash the hands

or not. You should, therefore, wash three times in the alternate manner (as mentioned in paragraph 3) but without reciting the berachah.

- ⁹ These following situations require the washing of hands with water: upon rising from bed [after sleeping], when leaving the lavatory or bathhouse, after cutting nails or hair, after removing shoes, after sexual intercourse, after touching vermin, or delousing a garment even without touching vermin, after a head shampoo, or touching parts of the body that are usually covered [out of modesty], after leaving a cemetery, or walking after a funeral procession, or leaving a room in which there was a corpse, or after blood-letting.

Siman 3

- ¹ It is written: "You shall walk modestly with your God." It is therefore necessary to be modest in all your ways. Thus when putting on or removing your shirt or any other garment from your body you should be very careful not to uncover your body. You should put on and remove the garment while lying in bed under a cover. You should not say: "I am in a private, and dark place." "Who will see me?" Because the Holy One, Blessed is He, Whose glory fills the entire world [sees] and to Him darkness is like light, Blessed be His Name. Modesty and shame bring a person to submissiveness before Him, Blessed be His name.
- ² We are not permitted to follow the ways of the gentiles, nor adopt their styles in dress or in hair style or similar things, as it is said: "You shall not follow the ways of the gentile." It is [also] said: "In their ways you shall not follow" It is [also] said: "Guard yourself lest you be ensnared

to follow them." You should not wear a garment which is specifically worn by them as a symbol of ostentation, such as a garment of high-ranking officers. For example, the Talmud states: that it is forbidden for a Jew to be similar to them even in regard to shoelaces; if their practice was to tie one way and the practice of Jews to tie another way, or if their practice was to wear red shoelaces and Jews wear black shoelaces because the color black indicates humility, submissiveness and modesty. [In all such instances] it is forbidden for a Jew to deviate. From these examples everyone should learn how to apply these standards to his time and place. A garment designed for showiness or immodesty must not be worn by a Jew, but rather his clothing should be made in a style which suggests humility and modesty. The following is mentioned in *Sifrei*: You should not say that since they go out with scarlet I shall go out with scarlet, since they go out with *kulsin* (the word *kulsin* meaning weaponry) I also shall go out with *kulsin*, because these practices are indicative of arrogance and haughtiness which are not the heritage of Jacob. Rather, our heritage demands of us to be modest and humble, and not be influenced by the haughty. Similarly, any custom or statute of which there is a suspicion of idolatrous intent or background should be avoided by Jews. Similarly, you should not cut your hair or style your hair as they do, but rather you should be distinct, in your clothing and speech and all other endeavors just as you are distinct in your perspectives and concepts. Similarly, it is said: "I have set you apart from the nations."

³ You should not dress in extravagant clothing because such a practice brings a person to haughtiness, nor should you wear tattered or soiled clothing and appear repulsive in the eyes of people. Rather you should

dress in moderate, clean clothing. A person should even sell the beams of his house in order to buy shoes for his feet.

- 4 Since we find that the Torah gives deference to the right hand: in regard to service in the Temple and in regard to the thumb and big toe referred to in the *milu'im* and purification of the *metzora* and in the mitzvah of *chalitzah*; therefore in dressing and in other activities you should begin with the right [hand or foot] as opposed to the left [hand or foot.] When removing shoes or other clothing you should first remove the left (because this shows respect for the right.) However, in regard to tying [a lace] the left is held in higher esteem because we tie the tefillin on the left [hand]. Therefore when you tie your shoes, you should first tie the left. For example, with shoes that must be tied, put on the right shoe without tying it, and then the left shoe and tie it, and then tie the right shoe. This also applies to other clothing.
- 5 You should be careful not to put on two garments simultaneously because this causes forgetfulness.
- 6 It is prohibited to walk four *amohs* or to utter sacred words with an uncovered head. Also small children must be trained to cover their heads in order to encourage them to have reverence for God, as it is said of Rav Nachman bar Yitzchak: The mother of Rav Nachman bar Yitzchak was told by Coldai, ("Coldai" referring to astrologers), "Your son will be a thief." [Upon hearing this] she did not permit him to uncover his head. She said to him, "Cover your head in order that there be upon you the reverence of Heaven. (*Maseches Shabbos*, 156 b.)

- ⁷ You should not walk with an upright [haughty] posture and an outstretched neck, as it is said: "And they walked with outstretched necks." Nevertheless, you should not bend your head excessively, but only moderately so that you will be able to see anyone approaching you and also see where you are walking. (Rabbeinu Yonah in *Sefer Hayinah*). From the way a person walks we can tell if he is wise and intelligent, or if he is a fool and a boor. Thus said King Solomon in his wisdom: "Also in the manner that a fool walks his heart fails him, and he announces to all his foolishness," thereby informing everyone that he is a fool.
- ⁸ You should be careful not to walk between two women. Similarly, two men should not permit a woman to walk between them.

Siman 4

- ¹ You should accustom yourself to move your bowels in the evening and in the morning because this habit is conducive to vitality and cleanliness. If you are unable to do so you should walk four *amohs* and sit and stand and sit [repeating this procedure] until you move your bowels; or you should divert your thoughts from other matters. If you delay going to the lavatory you transgress the prohibition of *bal teshaketzu*. And if you delay urinating when you feel the urge you also transgress the prohibition against bringing about sterility.
- ² You should act modestly in the lavatory. You should not expose yourself until you sit down. Also, then you should be careful to expose only those parts of the body that are absolutely necessary in order not to soil your clothing. You should be careful in this practice at night, just as

during the day. If you move your bowels in an open area around which there are no partitions, you should position your body so that your front faces southward and your back is toward the north or the reverse. But to be positioned between east and west is prohibited. If there is a partition you may move your bowels facing any direction if your back is toward the partition. When urinating, you may face any direction. You must not move your bowels in front of any person, including a gentile. However, urinating is permissible, even during the daytime, even in the presence of many people, when you must; because it is dangerous to your health to refrain from urinating [when the need arises.] Nevertheless, you should turn aside when doing so.

- ³ You should not move your bowels while standing and you should not strain yourself more than necessary in order not to rupture the glands of the rectum. You should not hasten to leave the lavatory until you are sure that you no longer require it. When you urinate while standing be careful that the urine doesn't splash on your shoes and clothing. You should also be very careful not to hold in your hand the organ which was circumcised. (See Chapter 151).
- ⁴ In the lavatory it is forbidden to think about Torah matters (as is stated later, Chapter 5 par. 2). Therefore while you are there, it is best to think of business affairs and accounts in order not to think of Torah or God forbid indulge in sinful thoughts. On Shabbos, when it is forbidden to think of business you should think of interesting events that you saw or heard.
- ⁵ You should be careful to clean yourself well because if you have even the slightest amount of excrement at the opening of the rectum you are

forbidden to utter any sacred word. (See Chapter 5 par. 3). You should not clean yourself with your right hand because this hand is used to tie the tefillin. Because of this reason you also should not clean yourself with the middle finger of the left hand because the tefillin strap is tied around it. A left-handed person should clean himself with his right hand [because his left hand] is like everybody else's right hand.

- ⁶ After each defecation or urination, even of one drop, you should wash your hands with water and recite the berachah, *asher yatzar*. If you urinated or moved your bowels and forgot to recite the berachah, *asher yatzar* and after urinating or moving your bowels again you remembered that you did not recite the berachah you need to recite the berachah only once. After drinking a laxative that induces diarrhea, and you know that you will need the lavatory numerous times, you should not recite the berachah until after all excrement has been passed.

Siman 5

- ¹ It is written: "You shall cover your excrement because Hashem, your God walks in the midst of your camp ... your camp shall be holy and there should not be seen in you any unclean thing." From here our Sages, of blessed memory, infer that wherever Hashem, our God walks with us, meaning when we are engaged in a sacred matter such as reciting the *Shema*, or prayers, or study, Torah, or the like, the place must be holy. No uncovered excrement should be found there nor any nakedness be visible in the presence of the person reciting the *Shema* or praying.

- ² Even to think of sacred things in a place with excrement or urine or anything with a foul odor is forbidden unless it is covered, as it is said: "You shall cover your excrement." [In the case of urine] you may pour a *reviyis* of water into the urine. It is immaterial if the urine was originally in a vessel and you then poured water into it or if the water was in the vessel first. (If the urine was in a trough specifically designated for it, the mixture with water does not help as is explained later in par. 13). For two urinations, we require two *revi'iyos* of water and so on. Even if the urine was absorbed into the ground or in a garment, as long as there remains some moisture from it, water must be poured over it.
- ³ If there is some excrement on the body, even if it is covered with clothing it is forbidden to speak about sacred things as it is said: "All my bones shall say, Hashem who is like You?" Therefore the entire body must be clean. Some authorities are lenient in this matter, but it is proper to follow the stricter opinion. If there is even the slightest bit of excrement on the edge of the anus, even if it is covered, according to all opinions it is of no avail, because in its original place it is more loathsome. In the case of one ill with hemorrhoids, see *Magen Avroham* 76: 8 who quotes from the Responsa of *Radvaz*, Volume III 315. The *Magen Avraham* concludes that such a person is not required to do anything [in order to pray.]
- ⁴ Wherever there is any doubt concerning the existence of excrement or urine we must take care not to utter a holy word until the place is examined. We should not pray in a house in which there is filth in the attic. (See *Pri Megadim* chap. 154 and *Mishbetzos Zahav* par. 1)

- 5 In the case of an infant—if others of his age are able to consume a *kezayis* of grain even when cooked, in the time that an adult can eat a quantity of bread equal to a *p'ras*, (in the *Migdal Oz*, authored by the great Gaon, *Yaavetz*, it states that this refers to a child of one year) we must distance ourselves from his excrement or his urine; and it is even preferable to keep away from the excrement of an infant who is merely eight days old.
- 6 We must keep a distance from the excrement of a person even when there is no foul odor. This also applies to the excrement of a cat, weasel, or from an Edomi hen, (a turkey). Excrements from other animals, beasts, or birds probably do not have a foul odor and we need not distance ourselves. However, if there is a foul odor, or a foul smelling carcass, and anything with a foul odor caused by decay, or from a chicken coup, we must keep a distance. We also must keep a distance from foul-smelling water. [Standing] water in which flax or hemp was soaked ordinarily omit a foul odor and we must distance ourselves from them just as from excrement.
- 7 When excrement has become so dry that is crumbles when rolled, it is considered as dust, provided it does not have a foul odor. However, if it becomes frozen, since it can revert to its original state when the weather becomes warm, it is still considered excrement. Excrement which is covered with snow is considered covered.
- 8 How much must we distance ourselves? If the excrement is behind you, you must keep a distance of four *amohs* from the spot where the foul odor ceases. Even if you are unable to smell anything, you must keep

the same distance as if you actually did smell something. If it has no odor it is sufficient to keep a distance of four *amohs*. If the excrement is in front of you, you must remove yourself as far as the eye can see. Even at night you must keep the same distance you would keep if it were daytime. If the excrement is to your side the same strictness applies as if it were in front of you, and you therefore should turn aside so that it will be behind you.

- ⁹ If excrement is found, in a house in which a congregation prays even though it is found behind the chazzan and is distant from him, four *amohs* from the point at which the odor ceases, he nevertheless must remain silent and wait until it is removed or covered, because it is impossible that one of the congregation should not be within four *amohs* from the place where the odor ceases, and this man is forbidden to listen and to pay attention to what the chazzan is saying.
- ¹⁰ If you prayed and later found that the place contained excrement—if it was a place that should have been inspected for possible excrement and you neglected to inspect it, since the prayer of the *Shemoneh Esrei* is in place of a Sacrificial offering, this Scriptural verse is applicable, "The sacrifice of the wicked is abominable" and you are therefore required to repeat the *Shemoneh Esrei*. Similarly, in regard to *Shema* which is a Biblical command; since there is no problem of reciting a berachah in vain you must again recite the *Shema*, without the *berachos*. Likewise other *berachos* recited there, and even the *Birkas Hamazon*, need not be repeated. If the place is one that did not require inspection for excrement, you are not considered negligent, and even in regard to *Shemoneh Esrei* your obligation is fulfilled. If urine is found, even in a

place where its existence should have been suspect, your obligation is fulfilled even in regard to *Shemoneh Esrei*.

- ¹¹ If a person flatulates, he is forbidden to utter anything holy until the odor evaporates. If his neighbor flatulates, he also must wait until the odor evaporates. But if he is engaged in studying Torah, it is not necessary for him to wait for the odor to evaporate when it is emitted from his neighbor.
- ¹² In the case of a lavatory, even if it has partitions and has no excrement, we must keep a distance from it [when praying]. Therefore, a seat in which there is a hole under which a container is placed to retrieve excrement, even if the container is removed and the hole is covered with a board, this seat nevertheless is regarded *halachically* as a lavatory, and must be removed from the house [i.e. room] or completely covered. However, there are chairs designated for sitting and covered with a cushion, and when the need arises the pillow is removed and the chair is used as a toilet. The pillow is then returned to its place. In this case we may be lenient.
- ¹³ A bed pan for holding excrement or a urinal, if they are made of earthenware or wood are regarded as a lavatory. Even if they are clean and have no foul odor, and even if water was poured into them or they were inverted, it is to no avail. Even if they were placed under a bed, it is of no avail (because our beds do not serve as partitions), rather they must be removed from the house or covered. If they are made of metal or of glass, if they are washed well and have no foul odor, there is no need to keep a distance from them. With regard to the mouth of a hog,

since it pecks at excrement, it has the status of a bed pan. Even if it [the hog] emerges from a river, the washing does not change its status.

- ¹⁴ In a bathhouse it is also forbidden to speak or think about sacred matters. It is also forbidden to mention the specific Names of the Holy One, Blessed is He, even in a secular language, (for example *Gott* in German, or in any other language) in a bathhouse or in a filthy alley. Similarly it is forbidden to extend shalom to your friend there, because Shalom is the Name of the Holy One blessed is He. As it is said: "And he called it *Hashem* Shalom." Regarding a person whose name is Shalom, some authorities forbid calling him by his name in the above-mentioned places. Others permit it since the intent is not the concept of peace but merely to mention the name of that particular person. Our practice is to be lenient. However, a God-fearing person should preferably adopt the stricter view.

- ¹⁵ It is forbidden to speak words of Torah or other sacred words in the presence of nakedness, whether your own or another's. Even a small child's nakedness is included. (An exception is for the mitzvah of *milah*, when a berachah may be recited in the presence of the child's nakedness.) Even closing your eyes in order not see the nakedness does not suffice, since it is in front of you, but you should turn your face and body away from the nakedness.

- ¹⁶ With regard to the body of a woman, any place that is customarily covered for modesty, of which a *tefach* is revealed, [is considered nakedness]. The hair of a married woman should be covered, and if part of her hair is revealed, it is in the same category as nakedness as far as a man is concerned. There is no distinction between his wife or any

other woman. However, [when it is exposed] in the presence of another woman, it is not considered nakedness. The voice of a woman while singing, is also considered nakedness. Nevertheless, in unavoidable circumstances when you hear women singing and cannot prevent it, you should not refrain from reciting the *Shema*, prayers, or Torah. Rather, you should concentrate intensely upon the sacred subjects in which you are engaged, and pay no attention to their singing.

¹⁷ If your heart sees your own nakedness, even if your private parts were covered, as when wearing a robe, it is also forbidden to recite any sacred text. You must either wear trousers, which cling to your body, or put on a belt, or place your arms against your robe, in order to create a separation between your heart and your nakedness. A woman is not required to do this.

Siman 6

- ¹ Before reciting a berachah you must be sure which berachah you are required to recite, so that when you mention Hashem's Name which is the principle part of the berachah, you will know how to conclude the berachah. It is forbidden to do anything else while reciting a berachah. Do not recite the berachah hurriedly but think of the meaning of the words. The *Sefer Chassidim* states: "When you wash your hands or recite the berachah on fruit or on the performance of a mitzvah,—berachos which everybody knows— you should direct your attention to recite them in the Name of your Creator Whose goodness is bountiful, Who granted you the fruit or bread for your pleasure, or commanded you to perform the mitzvah. You should not recite the berachah automatically, out of habit, spouting words from your mouth without

thinking of their meaning. On account of such practice Hashem's anger was kindled, and He sent us word through the prophet, Isaiah, saying: "Because this people approaches [Me] [only] with their mouths and honor Me [only] with their lips and their heart is distant from Me and their reverence for Me is merely perfunctory." The Holy One Blessed is He said to Isaiah, See how the deeds of My children are merely external and they adhere to them [only] as a person adheres to and practices a custom of his forbearers; they enter My house and pray to Me the designated prayers merely as a custom of their fathers but not with their whole hearts. They wash their hands, and recite the berachah over the washing and then break bread and recite the *hamotzi*, they drink and recite the berachah out of habit. When they recite the berachos they have no real intention of praising Me. Therefore, His anger was fierce and He swore by His great Name to destroy the wisdom of their Sages who know Him and still praise Him perfunctorily, without sincerity as it is written thereafter: "Therefore I shall do yet more ... and the wisdom of their Sages will be lost." Therefore our Sages warned us regarding this and said: "Fulfill [your] obligations for the sake of the Creator etc." This concludes his [*Sefer Chassidim's*] remarks. It is proper to accustom yourself to recite the berachos aloud because the voice arouses concentration.

² When you recite a berachah your mouth should be free of saliva nor should anything else be in your mouth, as it is said: "My mouth shall be full of Your praises."

³ It is forbidden to utter the Name of God in vain. Whoever utters the Name of God in vain violates a positive commandment, as it is written: "You shall fear Hashem, your God." It is also written: "If you will not

heed etc. to fear this glorious and awesome Name." Included in the concept of fear is not mentioning His great Name except in praise of Him or when reciting a berachah whenever required, or when studying Torah. You should fear and tremble when you mention the Name of Hashem, Blessed Be His Name, but you should not utter it God forbid in vain. This not only applies to the ineffable Name but includes all Names that are ascribed to Hashem, Blessed be He. It is not only forbidden in Hebrew but is forbidden in any language. He who curses his friend or himself in the Name of Hashem, Blessed be He or in one of the allusions to Hashem, (the allusions refer to the adjectives that are used to praise the Holy One Blessed is He, e.g., the Great, the Powerful, the Awesome, the Faithful, the Glorious, the Mighty, the Valiant, the Strong, the Gracious, the Merciful, the Zealous, Prolonger of Wrath, and Bestower of Kindness) in any language, incurs the penalty of lashes. In our sinfulness many people are careless and say: "God should punish him" or something similar to that, thereby violating a prohibition of the Torah. If one curses without using Hashem's Name or without the allusion to Him or if the curse was implied from something else that was said, for example: May that person not be blessed by Hashem or a similar statement, even though there is no penalty of lashes there is still a violation (see *Choshen Mishpat* ch. 27). Similarly it is forbidden to write His Name Blessed be He, in any letter, in any language. Many people mistakenly write His Name, Blessed be He, in German or write the word, *adieu* which in French means "with God," and this constitutes a clear violation since after a while the letter will be thrown away with trash. When the Name of God is mentioned frequently, especially when mentioned disdainfully, God forbid it causes poverty among Jews. Wisdom and

effort are required to halt this practice (See *Urim* there). When saliva accumulates in your mouth, you should remove it and then say the Name of Hashem, and not say the Name and then spit. Similarly, when kissing the Torah, remove any saliva before kissing the Torah and not afterwards. When you wish to mention the Name of Hashem you should say the word *Hashem*, and not as the common people who say *Adoshem*, because this reference is undignified when referring to Heaven. (See *Turei Zahav*, Chapter 621).

- ⁴ You must be careful never to recite a berachah in vain God forbid, or cause yourself to recite a berachah which is unnecessary. If you recited a berachah in vain, or if you uttered the Name of Hashem in vain, you should immediately say: *Boruch sheim kevod malchuso le'olam va'ed* ["Blessed [is His] Name, Whose glorious kingdom is forever and ever."] If immediately after pronouncing Hashem's Name you remember that the berachah is unnecessary, you should conclude [with]: *lamdeini chukecha*, (teach me Your laws), which is a complete verse. Thus it is considered as learning [Torah] and [the Name] was not mentioned in vain. If you began the word *Elokeinu* [our God], and immediately recall after saying *Elokei* and have not said the suffix *nu* you should conclude by saying: *Yisrael Aveenu meolam ve'ad olam* [Israel our father forever and ever] (which is also the syntax of a verse in *Chronicles I*, Chapter 29). Nevertheless you should also say: *Boruch sheim kevod malchuso le'olam va'ed* (See *Tzalach, Maseches Berachos*, Page 39).

- ⁵ If you recited a berachah over water and heard there was a corpse in the vicinity, and the custom in your community is to pour out the water in the vicinity of the dead person, (as mentioned later in Chapter 194) because such water is considered dangerous, nevertheless, since you

recited the berachah you should drink a bit of it so that the berachah not be in vain, and do not worry about the health hazard, because "One who performs a mitzvah will not suffer adverse consequence." (See later Chapter 109 par. 9). [However,] after drinking a bit of the water you should pour out the rest.

- ⁶ With regard to all berachos (except for Birchaz Hamazon which will be elaborated upon, God willing in Chapter 44, par. 11), if you are in doubt whether you said them or not, you should not repeat them.

- ⁷ A man must recite at least one hundred berachos each day. King David instituted this obligation. A hint to this effect is found in Scripture: "[These are the words] of the man [David] who was raised high." The numerical value of לְעֵגֶל is one hundred. Support for this is found in the Torah: "And now Israel, what does *Hashem*, your God request of you but to fear *Hashem* etc." Do not read the word *mab*, [what] but rather read *me'ah* [one hundred] which refers to the hundred berachos which will cause us to fear God, and to love Him, and constantly remember Him through the berachos we recite. The curses in the book of *Deuteronomy* number ninety-eight, and then it is stated: "All sicknesses and plagues etc." bringing the total to one hundred. The hundred berachos we recite each day shield us and save us from these curses. On Shabbos and Yom Tov and on fast days which lack the hundred berachos, we compensate by concentrating on the berachos recited by the chazzan when he repeats the *Amidah*, and on the berachos recited over the Torah reading and the reading of *Mafotir*, after which we answer *Amein*. Similarly berachos over foods add to the total.

- ⁸ Upon hearing any berachah made by someone, when you hear the words: *Baruch Attah Hashem*, [Blessed are you Hashem] you should say: *Baruch Hu Uvaruch Shemo* [Blessed is He and Blessed is His Name] and when he completes the berachah you should say Amein. Amein means *it is true*, and you should have in mind: "The berachah which was recited is true and I believe in its truth." In the berachos which also include prayer such as the berachos of the *Shemoneh Esrei* beginning with *Atah Chonein* until *Hamachazir Shechinaso Letzion* and also the berachah of *Sim Shalom*, you should have in mind these two things when saying Amein: The berachah is true and that it be the will [of God] that the prayers be fulfilled speedily. When answering Amein to the *Kaddish* which is a prayer for the future, you should have in mind only that the prayer be fulfilled soon.
- ⁹ If you are reciting prayers where an interruption is forbidden, you should not say *Baruch Hu Uvaruch Shemo*. Similarly if you hear a berachah which you must hear to fulfill your obligation, so that it be considered as though you recited it yourself, as for instance the berachah over the *Shofar*, or the berachah over the *Megillah*, you should not say *Baruch Hu Uvaruch Shemo* because this constitutes an interruption in the middle of the berachah. (See *Dagul Merevavah* Chapter 124). The laws of answering Amein when you are reciting prayers where interruption is prohibited, will be explained, God willing, later in special chapters. (Chapter 14 and Chapter 16).
- ¹⁰ You must be very careful to say the word Amein properly, and not say the *Aleph* hastily nor "swallow" the *Nun*. You also should be careful not to answer Amein before the one reciting the berachah has concluded

the entire berachah, because this is termed a hasty Amein. You also should not delay the answering of Amein because this is an orphaned Amein. Rather, immediately upon the conclusion of the berachah, you should answer Amein. You should not raise your voice louder than the one who recites the berachah, as it is said: "Declare the greatness of Hashem with me and let us exalt His Name *together*."

- ¹¹ You must not answer Amein to your own berachah (except in the Birchas Hamazan, after the berachah to rebuild Jerusalem). Even if you conclude a berachah simultaneously with the chazzan you should not answer Amein. However, if you are reciting one berachah and the chazzan is reciting another berachah and you conclude the berachah simultaneously you should answer Amein to the berachah of the chazzan. If you concluded the berachah of *Yishtabbach*, or the berachah of *Shomer Amo Yisroel La'ad*, or the berachah *Yehalleluchah*, which concludes the *Hallel* prayer, together with the chazzan you should also answer Amein (Since according to numerous opinions even after your own berachah in these instances you may answer Amein).

Siman 7

- ¹ There is a dispute among the authorities if the listener should answer Amein after hearing [the berachah] *La'asok B'divrei Torah*. Some maintain that this is *not* the conclusion of the berachah but rather that *Veha'arev nah* etc. [please make pleasant] is a continuation of the above, thereby making the entire text one berachah, and therefore you should not answer Amein. Others maintain that this *is* the conclusion of the berachah and *Veha'arev nah* begins another berachah and therefore you

- should answer Amein. Therefore you should recite this berachah in an undertone, so no one should hear it, and become involved in doubt.
- ² The berachah, *Hanosein lasechvi vinah*, should not be recited until the light of the day appears.
- ³ The berachah, *Poke'ach ivrim*, may be said even by a blind person, because he also benefits from others who show him the way. If you recited the berachah, *Zokeif kefufim*, before you recite the berachah, *Mattir asurim*, You should not recite the berachah, *Mattir asurim*, since it is included in the berachah of *Zokeif kefufim*, because the uprightness of posture includes the free movement of the limbs.
- ⁴ After [the berachah], *Hama'avir sheinah mei'einai usenumah mei'afapoi*, you should not answer Amein, because this is not the conclusion of a berachah, for *Vihi ratzon* etc. [may it be Your will] is also part of this berachah, and the actual conclusion of the berachah is *Hagomeil chasadim tovim le'amo yisrael*.
- ⁵ [Even] If you are awake the entire night, in the morning, you should recite all of the morning *berachos*, except for the berachah of *Netilas yadayim*, which you do not recite. There is a question if the berachah of *Elokai neshamah*, and the berachah *Hama'avir sheinah*, and also the *berachos* on the Torah should be said, and therefore it is best to hear them from another person and to answer Amein. (See Chapter 6: 9 and Chapter 2: 8)
- ⁶ If you did not say all the morning *berachos*, before the morning prayers, you may say them after prayers, except for the berachah of *Netilas yadayim*, (some authorities hold that washing the hands in the morning

was instituted as a preparation for prayers; if so, after the prayers are concluded there is no need for this berachah), and the berachah of *Elokai neshama* (for which the obligation was fulfilled with the berachah of *Mechayei hameisim*.)

- ⁷ Regarding the *berachos* on the Torah, if they were not said before the morning prayers, there is a controversy among the authorities if they are to be said after the prayers. Some maintain not to say them because they were exempt with the saying of *Ahava rabbah* [With unbounded love] (or *Ahavas olam*) [With an everlasting love] which are *berachos* whose contents are also similar to those of the Torah *berachos*: "Grant into our hearts the ability to understand to listen, to learn, and to teach etc." And, others maintain that saying *Ahava rabbah* does not exempt the reciting of the Torah *berachos* unless one learns after the *Amidah* immediately without any interruption. Therefore, initially, you should be careful to recite the Torah *berachos* before the morning prayers. In the event, however, that you forgot to recite [the Torah *berachos*] before morning prayers, you should study a Torah text immediately after the *Amidah*. If you also forgot to do this, then because of doubt you are not required to recite the *berachos* on the Torah.

- ⁸ If you are called to the Torah before having recited the *berachos* on the Torah, if it is possible before the *Aliyah* to recite all the Torah *berachos* and also to say at least one Torah verse, for example *Yevarechecha* etc, [May He bless you], you should do so and then go to the Torah and recite the *berachos*. If, however, it is impossible to follow this procedure you should go to the Torah anyway. Since at the Torah you will have recited *Asher bachar banu* etc, [Who chose us] you should say afterwards, only the berachah of *Asher kiddeshanu* etc. [Who sanctified

us] and *Veha'arev nah* etc. [Please make pleasant] until *Le'amo yisrael* [to His people Israel] and then say *Yevarechecha* etc.

Siman 8

- ¹ As soon as the day dawns, when a ray of light shines from the sun in the east, since this begins the time when prayers may be said, (for if you had prayed then, your obligation, would have been fulfilled) it is forbidden to begin work or indulge in your affairs or set forth on a trip before praying, as it is said: "Righteousness will precede him and he will set his footsteps upon the way." "Righteousness" refers to prayer for we declare the righteousness of our Creator, and then afterwards we may set our footsteps on the road to our personal endeavors.
- ² You may not eat or drink [before praying] as it is said: "You shall not eat anything with blood," [which means] You shall not eat before you pray for your blood (life and welfare). Whoever eats or drinks and then prays, of him, the Scripture says: "And hast cast Me behind your back." Do not read *gavecha* [your back] rather *gei'echa* (your pride); said the Holy One, Blessed is He, "After this person catered to his pride, he accepted the yoke of Heaven." It is forbidden even to drink coffee or tea with sugar or milk before praying. An old or weak person who cannot wait for his food until the time the congregation leaves the synagogue, especially on Shabbos or Yom Tov when the prayers are very prolonged, may pray the *Shacharis* service in his home, slowly, then recite *Kiddush* and eat something. Afterwards he should go to the synagogue and listen intently as the congregation prays the *Shacharis* service, and then pray the *Musaf* prayers with them. [This is more

appropriate than permitting him] to drink coffee with sugar or something similar without first accepting God's kingship. However, for reasons of health, it is permissible to eat or drink before prayers, since this is not an act of pampering one's ego. Similarly, one who is unable to concentrate properly during prayer without eating or drinking, may eat or drink if he wishes before praying.

- 3 Some [authorities] maintain that even if you arise at midnight it is forbidden to taste anything before prayer and it is proper to follow this stricter opinion. However, if you feel weak you may eat or drink something to strengthen yourself for Torah [study].
- 4 Water, coffee, or tea without sugar or milk may be taken before prayers even after daybreak because, there is no egotistic indulgence in doing this. Even on Shabbos or Yom Tov when you are obligated to recite *Kiddush*, you may drink these liquids before praying, without saying *Kiddush*, because before prayers there is no obligation to recite *Kiddush*, as *Kiddush* is said only at a meal and immediately prior to that meal. Thus, since you may not eat before *Shacharis* prayers there is no requirement of *Kiddush*.
- 5 [Before praying] It is forbidden to go to a friend to meet him, or greet him with *Shalom*, or even to say good morning; to him as it is said: "Withdraw yourselves from man whose breath is still in his nostrils; because for what is he to be esteemed." This means: what is his importance that you honor him before honoring Me? If you meet him by chance, according to the strictness of the law, it is permissible to say *Shalom*. However, it is proper to alter your usual form of greeting, in

order to remember that it is forbidden to engage in other matters before praying.

- ⁶ It is even forbidden to begin learning Torah after daybreak. However, if you are accustomed to go to the synagogue and there is no likelihood that the time [for prayer] will elapse, it is permissible to begin learning. Similarly one who studies with others and if they do not study now they will not study later, it is permissible to study with them because the collective merit of a group is very great. They must take care however not to overlook the time for prayer.

Siman 9

- ¹ The mitzvah of tzitzis is very great for according to the Scriptures all the mitzvos depend on it, as it is said: "And you will look upon it and you will remember all the mitzvos of Hashem." The numerical value of the word, tzitzis equals 600, and the eight fringes and five knots make a total of 613. Therefore every Jew should endeavor to have a *tallis katan* which he should wear the entire day. It should be [made] of white sheep's wool measuring three quarters of an *amah* in length and a half *amah* in width. Others maintain that it should be an *amah* by an *amah*. Those who make the *tallis katan*, sewing its sides together [making it like a shirt], should take care that both sides of the garment are left open, i. e. the greater part of the visible sides are left open. Even hooks may not be used to join the open parts. Also, every Jew should endeavor to have a large garment with tzitzis [attached] to wear during prayer. He should endeavor to have a beautiful garment. Similarly, all mitzvos should be performed with as much splendor as possible, as it is said: "This is my God and I shall glorify Him," and we learn from this

be adorned before Him with *mitzvos*. You should take care to purchase tzitzis from a trustworthy person to be sure that they were spun and twisted specifically for the purpose [of tzitzis,] and according to the prescribed laws. (The tzitzis) should also be adequately long.

² If only a linen garment is available, in which it is prohibited to tie tzitzis of wool because of the prohibition of *sha'atneiz*, according to one opinion, the corners [of the garment] should be made of leather to which woolen tzitzis can be tied. Others, however, dispute this view, and maintain that this should not be done.

³ The Torah writes (*Deut. 22,12*) **גָּדְלִים תַּעֲשֵׂה לְקָדְמָיו עַל־אֶרְבַּע כֶּנֶפֶת כְּסֻוֹתָךְ**—"Make for yourself bound tassels (tzitzis) on the four corners of your garment."

Among the laws the Sages learned from this verse are:

1) "תַּעֲשֵׂה" —the tzitzis must be "made" i. e. the attaching of the tzitzis is the final act which makes the garment fit for the fulfillment of the mitzvah. If, however, after attaching the tzitzis there is something else to be done to complete the mitzvah then it is invalid because the tzitzis were not "made" but came into being. We call this "תַּעֲשֵׂה וְלֹא מִן הַעֲשֵׂה" —"make" and not that which came into being by itself (v. para. 6).

2) "עַל אֶרְבַּע כֶּنֶפֶת" —"on the four corners" —The mitzvah is to attach the tzitzis at the "corners." It is considered the corner [when it is] no more than three thumb breadths (*agudlin*) and not less than the distance between the thumb's middle knuckle to the end of the nail from the edge of the garment.

The hole through which the *tzitzah* is inserted should be no further than three thumb-breadths from the edge of the garment, whether along its length or width. (Some maintain that these thumbs are measured at the narrow part of the thumb, that is, at its tip, and it is proper to follow this stricter [opinion] see *Sha'arei Teshuva*), because if it is more than three thumb-breadths [away] it is not considered the

corner of the garment but [rather] the garment itself. If the hole was made above three thumb-breadths, although upon tying the *tzitzah* and drawing the knot, the garment is creased causing the hole to be lowered, it is nevertheless invalid. If, after threading the *tzitzah* through the hole which is above the prescribed distance, he widened the hole by cutting it in order that the *tzitzah* hangs within three thumb-breadths [of the edge], it is [still] invalid because Scripture states: "You shall make," and not [that] which is already made. Likewise, the hole should not be closer to the garment edge, whether along its length or width, than the distance from the middle knuckle of the thumb to the end of the thumb nail, because less than this amount is also not considered the corner but rather *under* the corner. If the hole was the proper distance [from the edge] but by pulling the knot the garment edge shrank so that there is no longer the proper distance, it is nevertheless valid. If there are fringes on the garment edge and they are not woven into the garment, it is questionable if they are included as part of these measurements or not. Therefore, it is necessary to cut them before attaching the tzitzis. Regarding the small tallis, some people have the custom to make two holes next to each other similar to the vowel *tzeirei*, and they thread the tzitzis through both holes so that they hang on the garment towards the outside.

- ⁴ If at the time of tying the tzitzis the hole was at the proper distance, but afterwards the hole tore slightly or the edge of the garment tore so that the tzitzis are then less than the proper distance from the edge, it is not invalid, because the Torah insists that the *tzitzah* be placed under the corner only at the time of attaching [the tzitzis] as is stated in Scripture: "They shall make for them tzitzis on the corners of their clothes etc." Nevertheless, it is preferable to make a hem around the hole and at the

edge of the garment so that it does not [tear and] diminish [the distance to less than] the knuckle of the thumb [to the end of the nail].
5 The custom is to tie the tzitzis [into] five double knots so that between them there will be four links. This [is done in the following manner:] the four strings are inserted into the hole and are tied in a double knot and are wound around seven times with the long string called the *shamash*. Again a double knot is made and again [the string] wound around eight [times] [with the *shamash*] [followed by] a double knot and wound around eleven [times] [followed by] a double knot, and wound around thirteen [times] [followed by] a double knot. Since the beauty of the tzitzis is the equal dimension of all its links, therefore, in the first link, where the windings are few they should be a distance, one from another, and in the second link they should be brought closer. [This should] also [be done] in the third and fourth [links.] The proper length for each *tzitzah*, that is from the first knot until the end of the strings, should be at least twelve thumb-breadths. The preferable adornment [would be] that all the links together should comprise a third of the *tzitzah* and the hanging strings the [remaining] two thirds. Therefore care should be taken that each link should be the width of a thumb so that all of the links should total four thumb-breadths, and the hanging threads should be eight thumb-breadths. If the tzitzis are longer, then the links should also be made slightly longer. It is preferable that all of the knots be made with the [same] four strings [always remaining] on one side, with the [other] four strings [always remaining] on the other side, so that each [individual] string is divided, half on one side [of the four], and half on the other side.

- ⁶ If the strings were not cut from each other but, rather, one very long string was taken and folded to make four [strings], and in this manner inserted into the hole and then made into knots, and afterwards cut, [separating them into individual strings,] it is invalid; this is based on the verse in Scripture: "You shall make tzitzis for yourself." We infer from this that you must make the tzitzis, and not tzitzis that come into being, meaning: it is required that the tzitzis be valid when they are attached to the garment. They may not be invalid at the time of attachment and become valid [afterwards] through another action which would cause them to be valid. This [entire procedure] is invalid. Similarly if the *tzitzah* were made properly on another garment and that garment tore, and you wish to place the *tzitzah* in the same way on another garment, or even on this same garment, for example: if the garment tore from the hole until the edge of the garment causing the *tzitzah* to fall, and you want to put it back to its proper place and then restitch the garment until the hole, this is also invalid because of *Ta'aseh velo min he'asui*. Similarly, if you tied the tzitzis when the garment was exempt from tzitzis, for example when most of the garment was sewn, and afterwards you undid some stitches causing the garment to open most of the way, and [as a result became] obligated to have tzitzis, [then,] if the tzitzis remain as they were, they are invalid because of *Ta'aseh velo min he'asui*. Rather, the tzitzis must be untied and then tied again properly. The same applies in any similar circumstance.
- ⁷ Before putting on the tallis the tzitzis should be checked as to their validity. You must also check the strings that go through the hole as well as the *shamashim* (revolutions.) The strings should also be separated so that they must not be entangled with each other. If you are

late in coming to the synagogue so that if you [take the time] to separate the tzitzis and check them you will be prevented from praying together with the congregation, you are not required to check them or separate them.

- ⁸ All mitzvos require a berachah *oveir la'asiyasan*; that is, the berachah must be made before the performance [of the mitzvah.] Immediately after the berachah the mitzvah must be performed without any interruption. Therefore, you should hold the tallis with both hands and think consciously that the Holy One, Blessed is He, commanded us to enwrap ourselves with tzitzis so that we remember to do all His mitzvos, as it is said, [in Scripture:] "And you will look upon them (the tzitzis) and you will remember all the commandments of *Hashem*." While standing recite the berachah *lehisat'eif ba'tzitzis* (with the vowel *pasach* under the *beis*.) You should then immediately cover your head [with the tallis] so that the tallis extends below the mouth, and then bring the corners [of the tallis] up to your neck and wrap yourself in the manner of the Arabs. You should remain standing like that for [the length of time] it takes to walk four *amos* and recite the verses: *Mah Yakar* etc. After this you may remove the tallis from your head. You should take care not to drag the tzitzis along the floor for [this would constitute] disrespect for the *mitzvah*. Therefore, you should lift them (the tzitzis), and you may tuck them into your belt.

- ⁹ The berachah over the tzitzis is recited only during the daytime and not at night. It is preferable not to recite the berachah over the tzitzis until the [light of] day is sufficient to distinguish between blue and white. If you put on the small tallis while it was still night, and did not recite the berachah, or if you put it on before your hands were washed and thus

did not recite the berachah, then, when reciting the berachah on the large tallis you should have in mind that this berachah [should also include] the small tallis. If you do not have a large tallis, and you put on the small tallis during the day, and your hands were [already] washed, you should recite the berachah: *Al mitzvas tzitzis* on it (the letter *vav* with the vowel *pasach*). If you put it on while still unable to recite the berachah, then, afterwards, when daylight arrives and your hands are washed, you should take the tzitzis in your hands and recite the berachah: *Al mitzvas tzitzis*. If you slept while wearing a small tallis you do not recite a berachah after [daybreak] at all; but, [should instead,] when reciting the berachah on the large tallis, have intention to include [the small tallis].

- ¹⁰ If you take off your tallis with the intention of putting it on again immediately, even if you did so for the purpose of going to the lavatory, when you return and put it on again you do not recite the berachah over it (the tallis). (Since it is permissible to enter the lavatory with it [i.e. even while wearing a tallis] it is, therefore, not considered an interruption). However, if your intention was not to put the tallis on again immediately, and then you changed your mind and did put it on again, you must recite the berachah over it. If your tallis fell off accidentally, [then] if part of it remained on your body, regardless if most of it fell, as long as part of the mitzvah remained upon you you are not required to repeat the berachah when you readjust [the tallis]. However, if none of the tallis remains on your body, although you are holding it in your hand, [then] since no part of the mitzvah remains on your body, for the mitzvah is not to hold the tallis in your hand, but for the body to be wrapped in it, you must, therefore, say a berachah when you put the tallis on again. If this happens to you during prayers at a

point when you are not permitted to interrupt, you should not recite the blessing then but wait [instead] until you are permitted to recite the berachah, [at which point] you should grasp the tzitzis in your hand and recite the berachah.

- ¹¹ The halachah states that "One who borrows without the owner's knowledge is considered a thief". (*Bava Basra* 88a). Here we find an exception to this law. When the borrower's purpose is to perform a mitzvah with the object, *and* the owner will not incur any loss, then it is assumed that the owner would be pleased and the borrower may make use of the object.

Some go so far as to say that even where the owner explicitly objects, use may be made of his tallis. (Responsa *Maharsham* Vol. I 29) Others, however, maintain that if the owner is known to be one who would usually object then it is not permitted to use the article without specific permission (*Mishnah Berurah* 14: 13). Still others go even further and hold that nowadays everyone is assumed to mind and specific permission must be received (*Aruch Hashulchan* 14: 11).

It is permissible to borrow someone's tallis on an irregular basis, even without his knowledge, and use it for prayers and to recite a berachah over it, because it may be assumed that one is pleased that a mitzvah is performed with his property, if it is at no loss to [the owner]. However, [the article] may not be removed from the house in which it was placed because the owner may object to that. If the [borrower found] the tallis folded he should replace it folded, but on Shabbos he may not fold it [and it may be assumed] that since the reason for his not folding it is due to a Shabbos restriction, the owner would not object. One who borrows a tallis from another only for the purpose of going up to [read from] the Torah, there is a halachic question if the berachah is recited. Therefore, you should specifically intend not to acquire the tallis, thereby, according to all opinions, you are not required to recite a

berachah. However, on the congregation's tallis, even if you take it only for going up to the Torah, you are required to recite a berachah, because it is considered as if it were yours.

- ¹² When the Torah refers to "wool" or when the *Poskim* do so they [usually mean] sheep's or ram's wool. A pious person should not recite the berachah over a tallis [in which] the warp [threads] are made of wool and the woof threads are made of cotton, silk or the like; or the reverse, [that is,] that the woof threads are made of wool and the warp threads are of another material, because some *Poskim* maintain that even tzitzis made of wool only exempt a garment made of the same material. Similarly, over a tallis made of silk and the tzitzis are made of wool, a berachah is not said, but, [rather,] you should first recite the berachah over a woolen tallis and enwrap yourself with it and remove it (the woolen tallis), and then, enwrap yourself with it (the silk tallis). However, if the tzitzis [of the silk tallis] were also made of silk you may recite a berachah over it (the tallis,) (Tzitzis of silk are not common in our countries because tzitzis must be spun for the purpose of tzitzis). If the tzitzis were partially made of silk and partially of wool it is even worse (more questionable) and (tzitzis) should not be made in this manner.

- ¹³ A *tzitzah* from which a string tore from the four strings (that are folded over to form eight strings), and enough remained from it to allow the tying of a bow, that is, four thumb breadths, or if two strings tore but each had four thumb-breadths left and the other two strings remain complete with the prescribed size, it [the *tzitzah*] is valid. However, if three of the tzitzis strings tore, even if there remains from each (string) four thumb-breadths and the fourth string is complete, or if the tear

was even in only one thread and there did not remain four thumb-breadths, even though the other three threads are complete, it is nevertheless invalid (unless it is an emergency). Therefore, if one string tears from the eight strings which are hanging, even if it tore completely up to the links it is certainly valid since this one string is only half [of a larger] string, and there is still [enough left] in the other half to tie a bow and even more. If two strings tore and there did not remain in each one four thumb-breadths, [then] if there is the possibility that these two strings are [really parts of] one string, then the *tzitzah* is invalid. However, if it is certain that they are from two separate strings, for example, if at the time of tying them he was careful to always tie the four ends on one side with the four ends of the other side, (as I've already mentioned at the end of paragraph five) and now there is a tear in two of the ends located on one side of the knot; in this particular case it is certain that the tears were in two separate strings, and since there still is in each string the amount of four thumb-breadths and even more on the second side of the knot, and the other two strings are complete, the *tzitzah* is valid. If one string tears at the point where they hang in the hole the *tzitzah* is invalid. We mentioned that if one string tears, and there remains a [sufficient] amount to tie a bow, that the *tzitzah* is valid, this is so only if at the time of making [the tzitzis] all of the strings were the proper length, except that afterwards they tore. However, if at the time of making the tzitzis, there was even only one string that was slightly shorter than the prescribed length the *tzitzah* is invalid.

¹⁴ The strings of the *tzitzah* must be twisted and if any string becomes unravelled from its twistedness then any unravelled part is considered as if it were cut off and as if it does not exist.

¹⁵ Please refer to preface to para. 3 where the rule of *Ta'aseh velo min he'asui* was discussed. Here we find another situation where the problem arises:

A large tallis with a seam down the middle whose tzitzis are validly attached is separated at the seam for the purpose of facilitating the handling of the tallis during laundering or mending. We, thus, have "two" *taleisim* (the Yiddish plural of tallis) with two tzitzis each. We are now faced with a problem—sewing the two halves together again would result in validating the tallis for the mitzvah through an act not done directly to the tzitzis. Thus: *Ta'aseh velo min he'asui*. The author here proposes a solution to the problem.

This paragraph deals with a tallis that had tzitzis [attached] and was divided into two [halves] as is common with many of our *taleisim*, that are sewn together from separate sections. Occasionally [the sections] are separated in order to launder it, or to mend it, and then is restitched. Since there is usually enough left in each section to enwrap a person, it is sufficient to remove two of the tzitzis from any section and after restitching the tallis to retie the tzitzis. However, if each section is not large enough to enwrap a person, he must [first] remove all of the tzitzis (because when the sections were separated each part is exempt from the mitzvah of tzitzis, and when they are later reattached and require tzitzis, then, if the original tzitzis remain the tallis is invalid because of *Ta'aseh velo min he'asui* as [was mentioned] previously in paragraph six). If in one section there is a sufficient amount [left] to enwrap [a person], and in the other section there is not enough to enwrap [a person], he should [then] remove the tzitzis from the part that does not have enough to enwrap a person.

¹⁶ If the corner [of the tallis] was either cut or torn and became completely separated from the tallis, and the area of that piece is less

than three thumb-breadths by three thumb-breadths, there are those who maintain that this piece, even after it is resewn properly to the tallis, is invalid for attaching tzitzis to it. [The reason for this is] since there is not [in this piece] three thumb-breadths by three thumb-breadths it is not considered to be a "garment" and even if it is attached to the tallis it is still considered as separated. We should adhere to this strict view. However, if the piece is not separated completely from the tallis, as long as it remains slightly attached, resewing it [to the tallis] is sufficient [for the piece] to be considered a part of the tallis, and the tzitzis that will be attached, after resewing [the piece], are valid. The custom is to sew a piece of cloth (three by three) on the corners of the tallis because in many garments, even if they are new, there are pieces of cloth attached that are less than three *agudlin* by three *agudlin*. We, therefore, sew at the place that we attach the tzitzis, a piece of cloth, three *agudlin* by three *agudlin*.

¹⁷ Rashi's opinion (*Maseches Menachos* 41a) is that any thread used in the stitching at the corner of the garment should be of material other than the tzitzis. This is because there is concern that one may leave some of the sewing thread dangling from the corner and then combine it with three other strings for tzitzis. Since his original intent for this thread was for stitching and not for tzitzis, it cannot *become* part of the tzitzis merely by his decision to consider it so. This constitutes *Ta'aseh velo min he'asui*.

Some authorities hold: that on the entire area of the corner, which is eligible for attaching the tzitzis, that is, from after the length of the first thumb knuckle, from the edge of the tallis until a length of three thumb-breadths, there should not be any stitches whatsoever with a thread that may be used in the making of tzitzis for this particular tallis; for example, if the tallis, was made of linen, one should not sew there with linen threads, but [use] only silk threads or the like. [Likewise] if

the tallis is silk it should not be sewn with silk threads. If the tallis was made of wool it should not be sewn with woolen threads but with silken threads or the like. It is preferable to adhere to this strict view also in regard to the hem that is made around the hole to reinforce it (the hole). All of the above, however, applies only to white thread but with colored thread there is no reason for concern.

¹⁸ If you wish to remove the tzitzis from the tallis in order to reattach replacement tzitzis which are more beautiful, or because one of the threads tore and you wish to attach complete ones, although the original tzitzis are still valid, it is nevertheless permissible [to remove them] since you are not nullifying the tallis from the mitzvah of tzitzis. On the contrary, you will be attaching more beautiful tzitzis. [However,] you should be careful not to throw the original [tzitzis] into a disrespectful place.

¹⁹ Even tzitzis that have become invalid and were removed from the tallis should not be thrown into the trash because it shows disrespect for the mitzvah. Some people are careful to place them in a holy book and to use them as a bookmark; for since they were used to perform a mitzvah at one time, let them be used for another mitzvah. Likewise, a tallis that has aged and is no longer worn as a mitzvah, should not be used in a disrespectful way.

²⁰ It is important to note that wearing a four-cornered garment without valid tzitzis is not merely a failure to perform a mitzvah but, rather, a transgression, because the Torah *prohibits* the wearing of a four-cornered garment without tzitzis.

If you go to a Synagogue on Shabbos and discover that a *tzitzah* of your tallis has become invalid and you are unable to borrow another tallis

and you are embarrassed to sit without a tallis, then, since it is not possible for you to tie another *tzitzah* on this day, therefore for the sake of your dignity you are permitted to wear the tallis as is but you should not recite the berachah. This is applicable only if you were unaware before Shabbos that [the *tzitzah*] became invalid, but if you knew before Shabbos that it became invalid you are forbidden to wear the tallis, since you should have fixed it the day before.

²¹ If a garment that requires tzitzis is worn without tzitzis, this constitutes transgression of a positive command. We must be careful about certain garments that are made with four corners; one corner must be cut so that it becomes rounded. However, if the corner was merely folded and sewed it so that it appears round it is not sufficient, because as long as it was not cut, it is still considered part of the garment. Great is the punishment for one who negates the mitzvah of tzitzis. One who is scrupulous in this mitzvah will be worthy to behold the Divine Presence.

Siman 10

- ¹ The mitzvah of tefillin is also a very precious mitzvah, for the entire Torah is similar to tefillin, as it is said: "In order that the Torah of Hashem be in your mouth." And someone who does not put on tefillin, is reckoned among the transgressors of Israel who sin with their bodies, [i. e., tefillin are worn on the arm and head]. Similarly one who puts on invalid tefillin, not only fails to perform the mitzvah, but he also recites many berachos in vain, which is a grave sin. Therefore, you should be careful to purchase tefillin from an expert, and God-fearing scribe. Similarly, the tefillin straps should be purchased from a

trustworthy person to be sure that the leather was processed for the sake of tefillin, from hides of a kosher animal. But among our many sins is the temptation to purchase tefillin and tefillin straps from anyone who sells them cheaply, [even though] their tefillin are invalid. Every God-fearing person should consider this: if he is concerned to select proper material for his clothing and utensils, then certainly he should not economize and worry about the cost when buying articles to serve God, blessed is His Name. You should therefore be careful to purchase [only] those tefillin that are definitely kosher, even though they cost more. You should take care that they are always in proper order, and that the *batim* and straps are always black. You should smear the straps with oil regularly to ensure their blackness, (but they should not be smeared with the oil of a fish called "fishtron" because this oil is derived from a non-kosher fish.) If the tefillin were damaged even slightly or if the stitches tore, you should immediately consult a rabbinic expert to determine their validity. You should be especially careful regarding the corners [of the *batim*] and specifically to the *shel rosh* because they frequently rub against objects which cause dents making them invalid. And also very frequently when tefillin become old, a separation appears in the upper hide of the *shel rosh* making it invalid. You should be greatly concerned about all of these matters. All who are careful [in the observance] of the mitzvah of tefillin and treat them with sanctity, not speaking of trivial or secular matters when wearing them, will have his days lengthened, and is assured of a share in the World to Come, as it is said: "Hashem is upon them (for they carry upon themselves the Name of Hashem in the tefillin) and they shall live; and in all these things will my spirit live, and You will give me health and give me life." The word, tefillin, means judgement and admonition (and therefore the *lamed* has

a dot in order to compensate for the second *lamed* which is missing) because the tefillin are testimony and proof that the Divine Presence dwells upon us, as is stated in Scripture: "All the peoples of the earth shall see that the Name of Hashem is called upon you etc." Our Sages, of blessed memory, explain that this refers to the *shel rosh* upon which is formed the letters *shin* of Hashem's Name, *Shadai*. And therefore you should not cover the *shel rosh* completely with the tallis.

- 2 The time for putting on the tefillin in the morning [begins from the time] when you are able to see and recognize a neighbor with whom you are slightly familiar at a distance of four *amos*. The tefillin should be put on after you put on the tallis. The reason for the precedence of the *tzitzis* over tefillin is because the mitzvah of *tzitzis* is performed more frequently, being performed during weekdays as well as Shabbos and Yom Tov, whereas the mitzvah of tefillin is performed only during weekdays. [And] the rule is that in choosing between a regularly performed mitzvah, and one that is not performed [as] regularly, the regularly performed mitzvah takes precedence. However, if you happen to touch the tefillin first even though they are still inside their bag, you must put them on first and then enwrap yourself with the tallis, because the rule is that a mitzvah must not be passed by as it is written: "You shall watch the *matzos*," which may also may be read as the *mitzvos*, [that is, when the opportunity to do] a mitzvah presents itself, do not let it sour by delaying its fulfillment.

- 3 It is written: "It shall be a sign upon your hand." Since the word *Yadecha* is written with a [superfluous] *hei*, our Sages of blessed memory teach: that this means *yad keiha* or weak hand referring to the left hand which is weaker and feebler. The tefillin should be placed on

the elevated part of the muscle as it said: "Place these words of Mine upon your hearts," which means it shall be put opposite the heart, and therefore you should place the tefillin there and incline it slightly toward the body, so that when you bend your arm down, the tefillin will be opposite your heart. Although regarding the *shel rosh* it is written: "Between your eyes," our Sages of blessed memory knew from sacred tradition that this does not mean literally "between your eyes" but, rather, [on the head] above the space between your eyes. And the proper place is from where the hair begins to grow, and this place extends to the end of the spot where a baby's scalp is soft. This means that the lower edge of the tefillin should not be lower than the place where hair begins to grow, and the upper edge of the tefillin which is above [on the head], should not be higher than the place where the scalp of a baby is soft. Great care must be taken that the tefillin should rest on its proper place. If you place the *shel rosh* [so that] even a small part is on the forehead where hair does not grow or even if you place the entire *shel rosh* on the place where hair grows but it is moved to the side and is not between the eyes, the mitzvah is not fulfilled, and the berachah is in vain. The knot [in the strap] should be placed opposite the tefillin at the back of the head above the nape of the neck, which is the base of the skull where hair grows, which is opposite the face; and it should not incline to either direction. The strap should be secure on the head. When the *bayis* and its base are exceedingly wide it is difficult to maintain their tightness, and it is therefore, urgent to be most careful in this matter.

- ⁴ The tefillin must be put on while standing. You should not shake the tefillin out of the bag, because this is disrespectful to the mitzvah, but you should take them out with your hand. You first put on the *shel yad*

and before you tighten the knot recite the berachah: *lehani'ach tefillin* (the letter *hay* has the vowel *kametz* and the letter *lamed* of the word *tefillin* has a dot in it). You then tighten the knot and wind the strap around your arm seven times, and then immediately put on the *shel rosh*. Before tightening it on your head recite the berachah: *al mitzvas tefillin* (the letter *vav* has the vowel *pasach*). You then tighten the *shel rosh* and say the verse: Blessed [is His] Name, Whose glorious kingdom is forever and ever. The reason it is necessary to say: Blessed [is His] Name, Whose glorious kingdom is forever and ever, is because there is some doubt regarding the [second] berachah, and because there is a doubt regarding this berachah there is consequently also a doubt if one who hears the berachah should answer *Amein* or not. Therefore, it appears to me that it is preferable to recite this berachah in an undertone. After putting on the *shel rosh* coil the strap of the *shel yad* three times around the middle finger, once on the middle section and twice on the lower section.

- 5 Even if you happen to take the *shel rosh* from the bag first, you must pass by this mitzvah and put the *shel rosh* down, cover it with something, and put on the *shel yad* first. Since the precedence of the *tefillin shel yad* over the *tefillin shel rosh* is ordained in the Torah, as it is said: "And you shall bind them for a sign upon your arm and they shall be *totafos* between your eyes," we are therefore not concerned with passing over a mitzvah in this case.

- 6 Nothing must intervene between the *tefillin* and the flesh, whether in regard to the *tefillin* of the arm [*shel yad*] or to the *tefillin* of the head, [*shel rosh*], but short hair does not constitute a separation, because it is normal to have it. However, people who grow long waves of hair, beside

the fact that it is detestable and arrogant, which in itself is a transgression, it also causes a transgression regarding wearing the tefillin, since when the hair is excessively long it is considered an imposition [between the head and the tefillin].

- ⁷ Care should be taken that the knot of the *shel yad* should not be moved away from the *bayis* (and even when the tefillin are in their bag you should be careful about this) and the letter *yud* of the knot should always be facing the heart. The base into which the strap is inserted should be above and the *bayis* itself should be below. In extreme circumstances, for example, a left-handed person who wears tefillin on his right arm, and now has no other tefillin except those borrowed from someone who wears them on his left arm (and similarly the converse) and he is unable to change the knot, then if he wears the tefillin in this manner, with the base upward and the *bayis* downward, the *yud* and the knot will face outward. Therefore in these circumstances he may invert the tefillin and put it on with the base downward and the *bayis* upward, in order that the *yud* and the knot face the heart.
- ⁸ It is forbidden to talk between putting on the *shel yad* and the *shel rosh*. Even gesturing with the eyes or snapping the fingers is forbidden, for it is said: "It shall be for you a sign upon your hand and a remembrance between your eyes." This remembrance requires the instantaneous putting on of the *shel rosh* after the *shel yad*, in order that there be one continuum for both of them. Even if you hear Kaddish or *Kedushah*, you may not interrupt but rather remain silent and concentrate on what the congregation is saying. However, if you hear someone reciting the berachah *lehani'ach tefillin* you may respond with *Amein*, since the response of *Amein* is an affirmation that you believe in the mitzvah of

tefillin, and this is considered one continuum. Regarding the tefillin of *Rabbeinu Tam* it is likewise forbidden to interrupt between putting on the *shel rosh* and *shel yad*; but you may interrupt for Kaddish and *Kedushah*.

- ⁹ If by error you interrupted, move the *shel yad* a bit and repeat the berachah *lehani'ach tefillin*, and tighten the knot. After that put on the *shel rosh*, and recite the berachah. If the interruption was necessary to the mitzvah of tefillin you are not required to repeat the berachah over the *shel yad*.
- ¹⁰ Have in mind when putting on the tefillin, that the Holy One, blessed is He, commanded us to put on tefillin which contain four sections of the Torah in which are written the Oneness of Hashem's Name, blessed is He, and the Exodus from Egypt. [The tefillin are put] on the arm opposite the heart, and on the head opposite the brain, in order that we remember always the miracles and wonders He did for us, which teach us of His Oneness, and His power and dominion over the heavenly and earthly worlds to do with them as He wills. [It also teaches us] that we must subject to Him the soul which resides in the brain, and also the heart, which is the source of desire and thoughts. By so doing, we will remember the Creator and restrain our indulgences, and fulfill [that which is written:] "And you will not turn aside after your hearts and after your eyes." Therefore, it is written in the tefillin: "Between your eyes."
- ¹¹ The tefillin of the arm and the head are two separate *mitzvos* and are not prerequisites for each other. Therefore if you have only one of them or because of a particular situation you are able to put on only one of

them, you must put that one on. If you put on the tefillin of the arm you recite only the berachah: *lehani'ach tefillin*. And if you put on the tefillin of the head you recite over it the *berachos*: *lehani'ach tefillin* and also *al mitzvas tefillin*, and then say: Blessed [is His] Name Whose glorious kingdom is forever and ever.

- ¹² A completely left-handed person, although he became left-handed [only] through habit, nevertheless, must put the tefillin on his right hand which is equivalent to everyone's left. If he performs all activities with his right hand except that he writes with his left hand or vice versa, the hand with which he writes is considered his right hand and he therefore puts the tefillin on the other hand. An ambidexterous person puts the tefillin on his left arm. Similarly, a man not born left-handed at all, but later trained himself to write with his left hand, but performs all other activities with his right hand, must put the tefillin on his left hand.
- ¹³ The prescribed width of the tefillin straps, whether of the *shel rosh* or the *shel yad*, cannot be less than the length of a barley kernel. The prescribed length for the *shel rosh*, for both right and left straps [is that it be long enough] to reach until the navel or slightly above it. Some authorities maintain that the right strap should extend until the circumcision, (*Shimusha Rabbah*), and it is proper to follow the stricter view as the best way to fulfill the mitzvah. The strap of the *shel yad* must be long enough to tighten the *bayis* to the muscle, and to make seven coils around the arm and three coils around the middle finger, with enough left to tighten it. If the strap breaks, whether of the *shel rosh* or the *shel yad*, you should consult a rabbinic authority.

- ¹⁴ Care should be taken that the black side of the straps face outward. If it happens that the straps become inverted around your head or around the muscle of your arm so that the white side faces outward, you must either fast or redeem yourself by giving charity. Similarly, if the tefillin fall to the ground when they are not in their bag, you must also fast, but if they fall while in their bag, you need not fast but you should give something to charity.
- ¹⁵ If you remove the tefillin because you need to go to the lavatory, when you return and put them on you must again recite the *berachos*. However, if you are in the middle of the *berachos* of *shema*, that is from the berachah of *yotseir or* and further, you should not interrupt by reciting the *berachos* over the tefillin, but put them on without reciting the *berachos*, and following the *Shemonah Esrei* you should move them a bit and then recite the *berachos*.
- ¹⁶ As long as you are wearing tefillin your attention must not be diverted from them even for a moment, except while praying the *Amidah* and while studying Torah. It is forbidden to eat a regular meal while wearing tefillin, but eating a snack [while wearing] tefillin is permissible; but taking even a short nap while wearing tefillin is forbidden.
- ¹⁷ You must touch the tefillin each time you think of them because by doing so you will not have your thoughts diverted from them. You should first touch the *shel yad* and then the *shel rosh*. It is a beautiful custom to touch the tefillin when you mention their mitzvah during the reading of *Shema*. When you say: "You shall bind them for a sign

upon your hand," you should touch the *shel yad* and then kiss [your hand] and when you say "They shall be for *totafos* between your eyes, you should touch the *shel rosh* and then kiss [your hand].

- ¹⁸ We may elevate a holy thing to a higher level of sanctity but not diminish its level of sanctity. The *tefillin shel rosh* is more sacred than the *shel yad* because the *shel rosh* is composed of four compartments and also the letter *shin*; and therefore the strap that was part of the *shel rosh*, may not be used for the *shel yad*, but the strap of the *shel yad* may be used for the *shel rosh*. Similarly, if the strap of the *shel yad* tears above the knot and you wish to reverse it and make the knot on the lower end of the strap, it is forbidden; but you must remake the knot on that end of the strap where the tear occurred. The same applies to the strap of the *shel rosh*. It is forbidden to reverse that which was inside the knotted area and remake it so that it is outside the knotted area. The same is true of a bag made to hold *tefillin* and in which *tefillin* had actually been held; it is subsequently forbidden to use this bag for any secular purpose.

- ¹⁹ The *tefillin* should not be removed until after the *kedushah* of *uva letzion* when we say: "May it be Your will that we keep Your statutes." In communities where it is customary that on the day the *Seifer Torah* is read, the *Seifer Torah* is not returned until after the *kedushah* of *uva letzion*, the *tefillin* should not be taken off until the *Seifer Torah* is returned to the Ark. A mnemonic for this order is: "Their king will pass in front of them and Hashem will be at their head." On a day a circumcision is performed the *tefillin* should not be removed until after the circumcision. On *Rosh Chodesh* the *tefillin* are removed before the *Musaf Amidah*. On the intermediary days of *Sukkos*, everyone removes

the tefillin before *Halleil*. On the intermediary days of *Pesach* the congregation removes them before *Halleil* and the chazzan after *Halleil*.

- ²⁰ The tefillin are removed while standing. You should unwind the coils from the middle finger and two or three coils from the arm. The *shel rosh* is removed first and then the *shel yad* because it is written "They shall be for *totafos* between your eyes." Since it says "They shall be" in the plural tense, our Sages of blessed memory, elicit that as long [as the *shel rosh*] is between your eyes, both tefillin should be on you. Therefore, you put on the *tefillin shel yad* first and remove the *shel rosh* first, so that whenever the *shel rosh* is on you, the *shel yad* should also be on you. You should remove the *shel rosh* with the left hand which is the weaker hand in order to demonstrate that you are reluctant to remove them, because ideally the mitzvah is to wear the tefillin the entire day; but because our bodies are not always clean we remove them immediately after prayers. You should not remove the tefillin in the presence of the *Seifer Torah* nor in the presence of your *rebbe* but you should turn aside [and remove them]. It is a custom ordained by our Sages to kiss the tefillin when putting them on and taking them off. You should not remove the tallis until after taking off the tefillin.

- ²¹ The tefillin should be placed inside their bag in a way that you will be certain the next day to take out the *shel yad* first. However, you should not place the *shel yad* on top of the *shel rosh* because the *shel rosh* is more sacred than the *shel yad*, but they should be placed side by side. The tefillin bag should be placed inside the tallis bag, below the tallis. The tallis should be on top in order that the tallis is first at hand.

- 22 If you have no tefillin [and arrive at the synagogue] when the congregation is already praying, it is preferable to wait until the end of the service and then borrow tefillin from someone, in order to say the *Shema* and the *Shemoneh Esrei* while wearing tefillin, rather than pray with the congregation without wearing tefillin. However, if you are afraid that the time limit for *Shema* will elapse before you find tefillin, you should recite the *Shema* without tefillin. If you are afraid the time limit for prayer will also elapse, you should also pray without tefillin; and later when you find tefillin put them on, pronouncing the required *berachos*, and then recite a Psalm, or put them on for the Mincha service. However, the night is not the proper time to wear tefillin, and it is forbidden to put them on at night. It is permissible to take someone else's tefillin even without his knowledge [in order] to put them on and recite the *berachos* over them, (as was mentioned in the previous chapter, paragraph 11, in regard to a tallis).
- 23 He who wears tefillin must have a clean body, and must be careful not to flatulate while wearing them. A person suffering from diarrhea, although he has no actual pain, is exempt from the mitzvah of tefillin, because he is incapable of keeping himself properly clean. If he feels that he will be able to keep his body clean when reading the *Shema* and during the *Shemoneh Esrei*, he may then put on tefillin. Regarding any other sick person, if he suffers pain from his sickness, and his mind is not at ease because of his pain, he is exempt from the mitzvah because it is forbidden to divert his attention from the tefillin; but if he is not in pain he must put them on.

- 24 When a minor knows how to care for tefillin properly, not to flatulate while wearing them, and not to sleep while wearing them, his father is obligated to purchase tefillin for him to put on. It is now the prevailing custom that a child begins putting on tefillin two or three months prior to his becoming thirteen years old.
- 25 As regards putting on tefillin on the intermediary days of Yom Tov, there is a dispute among the authorities and there are various customs. Some communities hold like those authorities who maintain not to wear them at all. Other communities hold like those authorities who maintain that they should be worn but without reciting the *berachos* over them aloud in the synagogue, as is done on other days of the year. In other communities they have a custom to put them on without reciting the *berachos* at all. (And a person should bear in mind that if the intermediary days are not the proper time for tefillin, the tefillin should be considered as ordinary straps.) Even though you do not recite the *berachos*, nevertheless, it is forbidden to interrupt between putting on the *shel yad* and the *shel rosh*. However, you may interrupt for *Kaddish* and *Kedushah*. Care must be taken that among the worshipers in any one synagogue, there should not be some who put on tefillin and some who do not put them on. (This seems to be the correct way because otherwise there would certainly be a problem of *Lo Sisgodidu*.)
- 26 Once tefillin are assumed to be kosher, then according to *halachah*, as long as the *bayis* itself is in perfect condition, the scrolls inside are also presumed to be kosher and do not require examination. Nevertheless, it is proper to examine them because sometimes they become spoiled because of perspiration. If you wear them only periodically, they require

examination two times every seven years, because they may have become moldy. Also, if the *bayis* tore the scrolls also require examination. This also applies if they were soaked in water. Nevertheless, if there was no [competent person] to examine the scrolls and to resew the tefillin, you may wear them without examination, in order not to negate the mitzvah but should not recite the *berachos* over them.

Siman 11

- ¹ According to *Rambam*, a house must have these ten conditions for it to require a mezuzah: It must be at least six square feet, it must have two door-posts, a lintel, a ceiling, doors, an opening with a height of at least ten handbreadths, it must be used for secular purposes only, it must be used as a dwelling for people, it must be for dignified usage and it must be a permanent dwelling.

It is a positive commandment to affix a mezuzah on every doorway. Even if you have several rooms and each room has several entrances that are made for entry and exit, even though you are accustomed to use only one of these doorways, nevertheless, all of the doorways must have a mezuzah. [Also] even if the number of dwellers has diminished and you (the present dweller) now require only one doorway, nevertheless, all the doorways must have a mezuzah. However, if there is a particular doorway which is designated only as a place of entry for periodic deliveries and there is also an additional doorway which is used for both entry and exit, then the doorway which is used solely for delivery is exempt.

- ² Gates opening into courtyards and alleyways and cities and provinces, are required to have mezuzos, as it is said: "In your gateways."
- ³ The mezuzah should be placed on the right side as you enter. If you affix the mezuzah on the left side the mitzvah is invalid; and you are required to remove the mezuzah and reaffix it on the right side and [again] recite the berachah. There is no distinction in this rule whether one is left-handed or not.
- ⁴ If there are two houses and each house has its own doorway which opens to either a public domain or to a courtyard and in the partition between the houses there is also a door, we must now deliberate how to regard this door, regarding the proper side to affix the mezuzah. We are guided by the location of the hinges, that is: the side where the hinges are attached and toward which the door opens. This is considered the main part of the house, and we place the mezuzah on the right side (of the doorway) which serves as the point of entry. This rule applies only when the two houses are used equally, but if one of the houses is the main place of utility, we are not guided by the position of the hinges; but should always place the mezuzah on the right side of the entrance to the house which is the main place of utility. This applies even if the door opens into the second house.
- ⁵ The mezuzah must be affixed at the beginning of the upper third of the height of the door-post. If you affix it higher than this, it is also valid providing it is distanced at least one *tefach* [handbreadth] away from the lintel. If you affixed the mezuzah below the upper third of the doorpost, you must remove the mezuzah and reaffix it in the proper

manner and recite the berachah. If you placed the mezuzah within the uppermost *tefach*, you should also remove it and reaffix it properly, but without reciting the berachah. It is best to affix the mezuzah within the *tefach* closest to the outside of the door-post, but if you deviate from this rule the basic fulfillment of the mitzvah is unaffected.

- ⁶ How do you affix the mezuzah? You roll the parchment from the end to the beginning, that is, from the word *echad* toward *shema*, and then place the scroll in a tubular case or any other container, and affix the mezuzah diagonally to the doorpost with nails. The angle of the diagonal should be such that the top of the mezuzah scroll which begins with the word *shema*, is toward the inside of the house, and the last line of the scroll is toward the outside. If the doorpost is not sufficiently wide, you should affix the mezuzah in a verticle position. This is preferable to affixing it behind the door. If you did not affix the mezuzah but merely hung the mezuzah, the mitzvah is invalid. Similarly, you must be careful to fasten the mezuzah at its top and also at its bottom so that it does not hang.
- ⁷ Before affixing the mezuzah recite the berachah: "Who sanctified us with His command and commanded us to affix a mezuzah." If you affix several mezuzos [at one time], one berachah suffices for all of them. If the mezuzah falls off and you reaffix it, you should again recite the berachah. However, if you remove the mezuzah in order to examine it, it is questionable if you are required to recite another berachah.
- ⁸ Some gates have a smaller doorway near the large opening of the gate, and through this small opening people usually go out and come in; whereas the main gate is used only occasionally. Since these are two

separate doorways having between them a post which has the width of a *tefach*, two mezuzos are required.

- ⁹ In a place where you suspect that people might steal the mezuzah, if possible you should make a groove in the doorpost of the house and place the mezuzah in it; but do not make the groove deeper than a *tefach*, because there the mezuzah would not be "*on* the doorposts of your house" but *in* the doorpost, and would be invalid. You should also be careful that in all circumstances the place of the mezuzah should be distinct. If you cannot possibly cut out part of the doorpost of the house, in this situation you may affix the mezuzah inside the house behind the door, but only on the doorpost itself and not on an inner wall of the house, and the mezuzah should not be distanced more than a *tefach* from the doorway opening, because then it would be invalid.
- ¹⁰ A house is not required to have a mezuzah unless it has the dimensions of four *amos* by four *amos*. If there are no dimensions of four *amos* by four *amos* but there is the equivalent area of the square of four *amos*, for example if the length was greater than the width or if the area was round; some maintain that it requires a mezuzah and others maintain that it does not.
- ¹¹ A doorway does not require a mezuzah unless it has two doorposts which have the minimal height of ten *tefachim* and a lintel above them. Even if the doorposts were not of wood or stones, but rather the walls of the structure itself serve as the doorposts and there was a ceiling on top of them, a mezuzah is also required. If a house had only one doorpost, for instance where on one side a wall extends as a perpendicular from a side wall as illustrated in this diagram: If the

extension is from the left side, a mezuzah is not required, but if the extension is from the right side, there is a question [if a mezuzah is required]; therefore the mezuzah should be put up without reciting a berachah, or put up after affixing another mezuzah on a doorway which definitely requires a mezuzah and the berachah will exempt the doubtful doorway. Similarly, in any case where the requirement of mezuzah is doubtful, this practice should be followed.

¹² If the doorway has two doorposts without a lintel, but there is above them an arched top, like a bow or even if there are no doorposts at all but rather the arch itself extends upward from the ground in a curve, if the entrance has a height of ten *tefachim* and a width of four *tefachim* it requires a mezuzah. In the case of stores where one doorpost is made to reach from the ground until the lintel, and another doorpost that does not reach until the lintel but rather the wall above that post is cut out approximately an *amah* or more, as illustrated in the diagram: if the doorpost which extends to the lintel is to the right of the entrance, the mezuzah is placed on that doorpost. If the smaller doorpost is on the right side of entry, if it is ten *tefachim* high the mezuzah is placed on it, and if it is not ten *tefachim* high it is affixed to the wider part of the wall.

¹³ There are some *Halachic* authorities who maintain that even if there are no doors on the entrance, it still requires a mezuzah, and there are others who maintain that there must be a door; and therefore you should not affix a mezuzah until you first hang the door. You should not first affix the mezuzah and then hang the door because we must comply with the scripture, "You shall make" and not from what is already made.

- ¹⁴ A house that is not designated for permanent dwelling does not require a mezuzah, therefore the *sukkah* "on *Sukkos*" requires no mezuzah. Similarly, those stores that are constructed on the market day solely for the duration of the market, and are afterwards dismantled; or if they remain without being used [these] likewise require no mezuzah. However, stores that are permanently open for business require a mezuzah.
- ¹⁵ A porch which has three partitions and a ceiling above them, but is open on the fourth side, even though it has two columns (on the fourth side) in the form of a doorway, requires no mezuzah, because the columns are not made for the purpose of forming doorposts but rather to support the ceiling. However, if there is also a partition on the fourth side, even though the partitions are low and do not extend to the ceiling, and even though they are constructed with many open spaces, a mezuzah is required.
- ¹⁶ A gate house which is a small hut near the gate of a courtyard, in which the watchman stays, or a hallway which serves as a passageway to go up to an attic, or a garden or a corral, are exempt from mezuzah, because [these enclosures] are not made for dwelling. However, if a house which requires a mezuzah is open to any of these enclosures or to a porch, these enclosures then require a mezuzah; even for those doors that people enter from a public thoroughfare. And therefore gates of courtyards and gate of alleyways and gates of provinces and cities all require mezuzos, since houses that require mezuzos open into them. Even if there are ten houses and one is open to the other, and that one in turn is open to another (even if the outer nine houses are all exempt

from mezuzah), if the inner house requires a mezuzah, they all require a mezuzah, and therefore a gate which opens from a garden to a courtyard is required to have a mezuzah. Others maintain, however, that a gate house or a hallway must have a mezuzah even if no house opens into them, and therefore one should affix a mezuzah but without reciting the berachah.

- ¹⁷ A bathhouse and a tannery and a *mikvah* (ritualarium) are exempt from mezuzah because they are not used as dignified dwellings. A stable, or a room in which birds are raised, or a house in which straw or wood is stored, or storehouses of wine, or other drinks, that have the dimensions of a house require a mezuzah but others maintain that they are exempt.
- ¹⁸ In a place where children are usually found or in a room where people sometimes bathe, or urinate the mezuzah should be covered. It is only when these practices are occasional that we may rely on the covering; however, if something odious is permanently installed, for example, when a urinal is placed near the mezuzah, we cannot rely merely on covering the mezuzah.
- ¹⁹ A house or a courtyard in which a gentile also resides, is exempt from the mitzvah of mezuzah.
- ²⁰ A cellar whose doorposts and doorway are flush with the ground is exempt from the mitzvah of mezuzah, because it is not considered a doorpost unless it is standing.
- ²¹ If you rent a house outside of *Eretz Yisrael* you are exempt from mezuzah for thirty days. because it is not considered a permanent

dwelling [during this time].

²² If you move away from your house and it is to be occupied by another Jew you should not remove the mezuzos but should leave them there and the new occupant should pay for them.

²³ One must be very diligent to observe the commandment of mezuzah because it is the obligation of everyone at all times. Wherever you enter or leave your home, you will encounter the Oneness of Hashem, the Name of the Holy One, blessed is He, and recalling His love you will awaken from your lethargy and cease going astray after the vanities of the times. You will then realize that nothing endures forever except the knowledge of the Eternal One, and will immediately return to your senses, and walk in the path of the righteous. Our Sages of blessed memory say: "He who has tefillin on his head and on his arm, and wears tzitzis on his garment, and has a mezuzah on his doorpost, is sure not to sin, because he has many reminders and these are the guardian angels who save him from sin." And it is said: "The angel of Hashem encamps around those who fear Him and sets them free." Our Sages of blessed memory also say: "Because of the sin of mezuzah his sons and daughters may die young, whereas one who is diligent to observe the mitzvah of mezuzah will have his days lengthened," as it is said: "In order that your days be lengthened and the days of your children."

²⁴ Since the mezuzah serves as a reminder of the Oneness of Hashem's Name, therefore, when leaving the house and when entering you should kiss the mezuzah. But you should not place your hand directly on the mezuzah itself; it is therefore important to have a glass encasement cover the Name of Hashem. When leaving the house and

placing your hand on the mezuzah, you should say: "Hashem is my keeper Hashem is my protector by my right hand. Hashem will preserve my going out and my coming in from now until eternity."

- ²⁵ The mezuzah of an individual should be examined two times every seven years, and one belonging to a group (in order to avoid excessive bother) should be examined two times every fifty years.

Siman 12

- ¹ It is written: "Prepare to meet your God, O Israel." Preparing yourself before Hashem, Blessed is He, means that you should dress yourself in the same type of respectful clothing when you pray, as you would when meeting a high official. Even if you pray privately in your home you should dress properly. In those places where the custom is to wear a special sash [during prayers], it is forbidden to pray until you gird yourself [with such a sash].
- ² It is good to give charity before praying, as it is said: "As for me, with righteousness I will behold Your Presence." You should also resolve before each prayer to fulfill the mitzvah to "Love your neighbor as yourself." You must determine to love every Jew as yourself, because if there is, God forbid, dissension within Israel in this world, there is no harmony in the world above. However, when there is unity in this world it causes spiritual unity of our souls in the world above, and as a result, our prayers are unified; and when our prayers are unified, they are accepted favorably before Him, Blessed is His Name.

- ³ It is written: "Guard your feet when you walk to the house of God." Our Sages, of blessed memory, explain that "your feet," refers to the openings that are near the legs. Therefore, before praying you must check if you need to relieve yourself. If you feel even the slightest urge for relief, you are forbidden to pray. It is even forbidden to study Torah when the body is feculent until you relieve yourself. If, however, you prayed when you had the urge to relieve yourself, if you approximated that you could have restrained yourself the length of time it takes to walk a *parsah* (an hour and a fifth) your prayer is valid. If you could not have restrained yourself even though you have already prayed, your prayer is an abomination and you must pray again. Some authorities hold that if you can restrain yourself for the period of a *parsah*, you may even begin praying in this condition. You may rely on this opinion in a situation where if you relieve yourself the time limit for prayer will elapse. See chapter 18, paragraph 16.
- ⁴ If you are sure that you cannot restrain yourself from flatulating until after completing the *Shema* and the *Amidah* it is preferable to let the period of *Shema* and the *Amidah* elapse rather than pray with an unclean body. If the prayer period then elapses, you are considered a victim of circumstance (and you may pray later as is explained further in Chapter 21). If you feel that you can restrain yourself during the reading of *Shema* you should put on the tefillin between the blessing of *habocheir be'amo Yisraeil be'ahavah* and the *Shema* and recite the berachah upon them.
- ⁵ The hands must be washed with water until the wrist, before praying. Therefore, even though you washed your hands in the morning, if your

hands touched an unclean spot i. e., parts of the body that are normally covered, where there is an accumulation of sweat, or if you scratched your head, or if you did not wash them until the wrist [in the morning], you must wash them again before praying. If there is no water available you must attempt to acquire some; even traveling four *mil* (72 minutes) or backward one *mil*. If you are afraid that meanwhile the time limit for prayer will elapse, you may clean your hands on a rock or earth or with any other substance that cleanses and then pray, as it is written: "I will wash my hands in purity etc." "I will wash," with water if possible, and if not "with *nikayon*," with any substance that cleanses.

- ⁶ If you washed your hands in the morning correctly, but you do not know if they became soiled, nevertheless, because your mind was diverted in the interim, even if you had studied Torah in the interim, this too constitutes a diversion, and you are obligated to wash them again in preparation for prayer. However, in this case, you are not required to search exclusively for water; for if there is no water available and by searching for water you will be late for *tefilah betzibur*, you need not search for water but should clean your hands with anything that cleanses and pray with the congregation.
- ⁷ You should make a serious effort to pray with a congregation, as it is written; "As for me, may my prayer to You Hashem be at a favorable time." When is the time favorable? When the congregation prays together. It is [also] written: "Thus said Hashem; at a favorable time I have answered you." The Holy One blessed is He never disdains the prayer of the multitude even though there are sinners in their midst, as it is written: "Behold, Hashem is mighty, (meaning He is the God of

the multitude) yet He does not despise anyone." It is [also] written: "He has redeemed my soul in peace from impending battle for the sake of the many that were with me."

- ⁸ If you are traveling and reach the place where you wish to lodge, and ahead of you within a distance of four *mil* there is a place where a congregation prays, and you are able to reach that place while it is daylight so you will not have to travel alone at night, you must go four *mil* ahead in order to pray with the congregation. You must also go back one *mil* in order to pray with the congregation. Needless to say that you should not depart from a place where a congregation prays if you will be able to reach your desired destination while there is still daylight.

- ⁹ It is a great mitzvah to pray in a synagogue or in a *Beis Midrash* because these are sacred places. Even if it happens that there is no *minyan*, it is nevertheless a mitzvah to pray there even when praying alone, because these are holy places. If you usually study in a *Beis Midrash* you should also pray there, with ten people, even though in your city there is also a synagogue. However, if you are not accustomed to study in a *Beis Midrash*, you should pray in a synagogue where there is a multitude of people, for "In the multitude of people is the glory of the king." If there are two synagogues in your city, you should go to the more distant one, in order to earn a reward for the added steps. Said *Rabbi Yehoshua ben Levi*: "A person should always awaken early and go to a synagogue in order to be counted among the first ten people, because even if a hundred come after him, he receives a reward equal to all of them." Our Sages, of blessed memory, have also said: "Whoever goes morning and evening to the synagogue or to the *Beis Midrash* in the proper time,

and remains there the proper amount of time, and conducts himself there with proper sanctity, will merit long life, as it is written: 'Fortunate is the man who listens to Me, watching daily at My gates, waiting at the posts of My door.' And it is written following this: 'For whoever finds Me finds life.'",

¹⁰ You should select a synagogue or a *Beis Midrash* in which to pray regularly. You also should designate for yourself a specific place for prayer. The area within a radius of four *amos* is [still] considered "your" place. It is preferable to designate a place near a wall, [if possible], as did King Chizkiyahu, as it is written: "And Chizkiyahu turned his face to the wall etc." When praying, you should not stand or sit near an evil person. When you pray in your house [privately] you should also designate a place for yourself so that you will not be disturbed by the members of the family.

¹¹ It is a mitzvah to rush when going to the synagogue, or to the *Beis Midrash*, or to perform any other mitzvah as it is said: "Let us run to know God." It is also written: "In the way of Your commandments I will run." Therefore, even on Shabbos it is permissible to run in order to do a mitzvah. However, in the synagogue or in the *Beis Midrash*, it is forbidden to run. Upon arriving at the entrance (of the synagogue), it is proper to pause slightly in order not to enter suddenly. You should tremble with awe before the splendor of His glory, Blessed be His Name, and recite the verse: "As for me, through Your abundant kindness etc. which is like a request for permission to enter; and then you should enter and walk with reverence and fear as one who walks before a king. In those communities where the Jewish people have their own streets, it is a mitzvah to put on the tzitzis [talis] and tefillin at

home, and proceed to the synagogue [in that attire.] In a place where they reside among the gentiles, or if a person must walk through filthy alleys, it is preferable to put on the tzitzis and tefillin in the corridor of the synagogue, because it is of great merit to enter the synagogue enwrapped in tzitzis and crowned with tefillin.

- ¹² If because of some emergency you cannot attend the synagogue or the *Beis Midrash*; or any other regular *minyan*, you should make an effort to gather ten men to pray in your own home with a *minyan*. If this too is impossible you should at least pray at the same hour that the congregation prays, because that is a time of Divine favor. Similarly, if you live in a place where there is no *minyan*, you should pray at the time that the congregations pray in the city. However, if you must study Torah or do work which you are prohibited to begin before praying as it is explained in Chapter 8, you are permitted to begin early and pray immediately after sunrise.
- ¹³ Similarly, if you are weak and find it difficult to wait until the congregation's prayer is completed before eating it is permissible to pray earlier, in your home, in order to eat immediately (as stated previously in Chapter 8 par. 2). However, it is only in your home that you are permitted to pray earlier in this manner, but if you come to the synagogue in which a congregation is present, it is forbidden to pray before the congregation prays. Even if you want to leave the synagogue to pray before the congregation starts, it is forbidden, unless you see that the congregation is delayed in prayer, then in order to pray before the time of prayer elapses, you may pray alone. Similarly, if you are sick or are in some other unavoidable circumstance, you are permitted to

pray earlier even in the synagogue. [In such a case] it is even better to go home and pray.

- ¹⁴ Some *poskim* maintain that if one *minyan* prayed in the synagogue and another *minyan* comes to pray there, the second Chazzan should not stand in the place where the first stood, because this is considered an affront to the first *minyan*, unless the first *minyan* had already left the synagogue. If the first *minyan* took out a *Seifer Torah* and read from it, the second *minyan* should not take out the *Seifer Torah* again to read from it in that synagogue. However, in many communities they are not mindful of these protocols, and these matters are governed by local custom.
- ¹⁵ The inhabitants of a city can force each other to build a synagogue or *Beis Midrash* and to buy books in which to study. In a place where there is no regular *minyan* the people can force each other by imposing fines to assemble regularly for a *minyan*, so that there be no interruption of the daily service. Even those who are preoccupied with Torah study, and will thus be prevented from studying Torah can be forced to attend the *minyan*, because there is a time for study and a separate time for prayer.

Siman 13

- ¹ The sanctity of a synagogue and *Beis Midrash* is very great, and we are commanded to fear the One Who dwells in them, blessed be His Name; as it is written, "Revere My Sanctuary." A Synagogue and *Beis Midrash* are also called "Sanctuaries," as it is written: "I will be to them as a miniature Sanctuary" and it is explained that this refers to the Synagogue and the *Batei Midrash*. Therefore, it is forbidden to engage

there in idle talk, or to make calculations, except those that pertain to a mitzvah, such as the calculations of charity funds, or the like. Such places must be treated with respect, they must be kept meticulously clean, and candles must be lit in them to show our respect. You should not kiss your small children there, because it is not proper to demonstrate any other love except the love of Hashem, blessed be His Name.

- ² Before entering you should wipe the mud off your shoes, and you should be careful that there is no dirt on your person or on your clothing. It is permissible to expectorate [if you must], but it must be rubbed out with your feet immediately.
- ³ You should not enter in the summer in order to find shelter from the heat, nor to find refuge from the rain. You may enter to call a friend, but you must first recite a few verses of Scripture, or study a *mishnah*, or say a prayer, or listen to a Torah discourse, or, at least, sit down for a short while, for even sitting in a holy place is a mitzvah, and then you may call your friend.
- ⁴ It is forbidden to eat or drink or sleep in a holy place, even if it is only a short nap. However, for the sake of a mitzvah, for example, if you wish to spend Yom Kippur night [in the synagogue,] it is permissible to sleep there, but you should keep a distance from the *Aron HaKodesh*. Similarly, eating there for the sake of a mitzvah, provided there is no drunkenness or levity connected with it, is permitted. Likewise, those who study regularly in the synagogue are permitted to eat there and to sleep normally, in order not to lose time from their studies.

- 5 When building a synagogue it is necessary to consult a Torah scholar to determine how it should be constructed.

Siman 14

- ¹ Pesukei D'zimrah consists of psalms and prayers beginning with *Hodu* until after the *Shirah* (*Oz Yashir*). *Baruch She'amar* is the preceding berachah and *Yishtabach* is the concluding berachah. It is prohibited to speak, even in Hebrew, between *Baruch She'amar* until after *Shemoneh Esrei*. (Similarly, wherever interruption is prohibited it is prohibited even in Hebrew.) There is a difference between *pesukei d'zimrah* and its *berachos*, and *Kerias Shema* and its *berachos* regarding an interruption for the purpose of a mitzvah. During *pesukei d'zimrah* even in mid-*Baruch She'amar* or in mid- *Yishtabach*, if you hear any berachah you may answer: *Amein*. Similarly, if you hear the congregation saying *Kerias Shema*, you may recite *Shema Yisroel* with them. Certainly for Kaddish, for *Kedushah*, and for *Barechu* you may interrupt and respond with the congregation. However, if you can arrange to interrupt for these prayers at a pause, such as between psalms, or at least between verses, you should do so. *Baruch hu u'varuch shemo* should not be said in mid *pesukei d'zimrah* even at a pause (since *baruch hu u'varuch shemo* is not mentioned in the Talmud.) Also, the words: *Yisbarach veyishtabach* etc. that are said when the *chazzan* sings *Barechu* should not be said [during *pesukei d'zimrah*], since it is only a custom. Similarly, if you went to the lavatory and washed your hands, it seems to me that you should not recite the berachah, *Asher Yatzar*, since you can recite it afterwards.

- ² You should hold the two front tzitzis and say *Baruch She'amar* while standing, and upon completing *mehulall batishbachos*, kiss them and release them. The entire *pesukei d'zimrah* should be said calmly, in a pleasant and unhurried [manner]. Be careful of every word as if you were counting money. Pay attention to the meaning of the words, especially [while saying] the verse, *poseach es yadecha* etc. [You open Your hand]. This verse should be said with great concentration and prayer for your own sustenance as well as the sustenance of all Israel. If you did not concentrate at all, even after having completed [the verse] you must read it again attentively. Between [the word:] *Elilim* [idols] and [the words:] *v'Adon-y sho'maim osoh*, you should pause momentarily, so that it not seem as if referring to the above.
- ³ You must be careful not to touch places of the body which are normally covered, or the covered area of the head when saying *pesukei d'zimrah* and certainly until after all the prayers. The mucus in the nose as well as within the ear is also not to be touched unless by means of a cloth. If you did touch [the above] with your hand, wash your hand with water. If you are in mid-*Shemoneh Esrei* when you cannot go for water, it is sufficient to cleanse with a stone, or by rubbing your hand against the wall, or by any similar means.
- ⁴ [The Psalm] *Mizmor Lesodah* should be said while standing and with joy for [this psalm] represents the Thanksgiving sacrifice. Similarly, from *Vayevorach David* until *atah hu Hashem Ha'elokim*, should be said while standing. The *Shirah*, too, should be said while standing, with concentration and with joy. During the berachah—*Yishtabach*, you should also stand.

⁵ At the time of the Beis HaMikdosh a Thanksgiving sacrifice, *Korbon Todah*, was brought by:

1) A person released from prison, 2) A seriously ill person who recuperated, 3) A person returning from a sea voyage, 4) A person travelling through the wilderness and arriving at his destination. As with other sacrifices, after the destruction of the Temple, we now substitute prayer and discussion of the *korbonos*. It is for this reason that in our prayers we mirror some aspects of the actual *korbonos*. Thus, on a day that a particular *korbon* is not brought, we do not say the prayer that represents that *korbon*.

Only communal sacrifices which have a set period within which they must be brought are permitted on Shabbos and Yom Tov. Individual *korbonos*, such as the *Todah*, or communal sacrifices that have no allotted time may not be brought on Shabbos and Yom Tov. A *Todah* (or any other *korbon*, for that matter) is not brought when the full time allotted for the eating of the *korbon* is not available (in this case—one day and the following night).

On Shabbos and Yom Tov *Mizmor Lesodah* is omitted because the *Todah* sacrifice is voluntary, and voluntary sacrifices may not be brought on Shabbos and Yom Tov. It is also omitted in the intermediary days of *Pesach* because a *Todah* sacrifice is not brought then, since, along with the *Todah*, ten leavened breads are also required. *Pesach* eve, too, [the *Todah* is not brought] since, [the breads] may possibly not be eaten by the time the *chametz* prohibition begins and they will have to be burnt. *Yom Kippur* eve, [too, the *Todah* is not brought] because the time for eating is diminished, causing sacrifices to become invalid.

⁶ If you did not arrive at the synagogue, until after the congregation had begun to pray, and by praying in the proper order you will not manage to recite the *Shemoneh Esrei* along with them, and, whereas, the main

objective is that one pray the *Shemoneh Esrei* together with the congregation, you may, therefore omit [part of *pesukei d'zimrah*] as will [soon] be explained. However, [in any circumstance,] the berachah—*al netilas yadayim*, the *berachos* on the Torah, and the berachah—*Elokai Neshamah*, must always be said before praying. Therefore, if you did not say them at home, you must say them at the synagogue, even if, as a result, you will lag behind [and be unable] to pray with the congregation. Also *Kerias Shema* with its *berachos*, which are said during *shacharis* prayers, must be said before *Shemoneh Esrei*; that is, you must begin with the berachah—*Yotzeir Or* and [continuel] praying in the proper order until after *Shemoneh Esrei* without any interruption. (The berachah of *Ga'al Yisroel* must be adjoined with the *Shemoneh Esrei* without interruption.) However, the rest of the *berachos*, the rest of the order and *pesukei d'zimrah* (omitting "Baruch She'amar" and "Yishtabach") can be said also after *Shemoneh Esrei*.

- ⁷ Therefore, if after having said the three above-mentioned *berachos* and having put on tallis and tefillin, you realize that you do not have sufficient time to reach and pray *Shemoneh Esrei* together with the congregation, unless you skip and begin with the berachah: *Yotzer Or*, then you should begin there. If you have enough time to say: *Baruch She'amar* and: *Tehillah leDavid* until the end, that is; [until:] *sheim kodsho l'olam va'ed* and *Yishtabach*, then you should say them. If you have more time, then you should also say: *Halleluyah, hallelu keil bekodsho* until: *kol haneshama tehalleil y-oh, halleluyah*. If you have even more time, then you should also say: *Halleluyah, hallelu es Hashem min hashamayim* etc. If you have yet more time, you should say the rest of the *Halleluyah's*. If you have even more time, then you should also say: *Vayevarech David* until: *lesheim tifartecha*. And if you have yet more

time, then you should also say: *Hodu* until: *vehu rachum*, then skip until the *vehu rachum* which precedes *Ashrei* and begin there. Regarding the psalms that are added on Shabbos and Yom Tov, if you do not have sufficient time to say them, then all the psalms and verses that are said every day, have preference. If you have sufficient time to say some of those that are added, then it seems to me, that on Shabbos and Yom Kippur, *Mizmor Shir leyom HaShabbos* and the Great *Hallel* (which is *Hodu lashem ki tov* etc. have preference, whereas, on the other *Yamim Tovim*, only the Great *Hallel* has preference; followed by the psalm: *Lamnatzeach, leDavid beshanoso*, [then] *Tefilla leMoshe*. All of these psalms and verses should be said before *Yishtabach*. After completing the prayers you should make up all that you skipped; except: *Baruch She'amar* and *Yishtabach* which are not said after prayers. If you realize that even if you begin with the berachah: *Yotzeir Or*, you will still not manage to pray the *Shemoneh Esrei* together with the congregation unless you rush, then, it is better to pray individually in the proper order, slowly and with concentration. (see above 20: 11, 12)

- 8 If you arrive at the synagogue and the congregation is beginning to recite the *pesukei d'zimrah*, and you have no tallis and tefillin, but you expect that they will be brought to you you may also pray *pesukei d'zimrah*, and when the tallis and tefillin are brought, you should put them on after *Yishtabach*, before the berachah: *Yotzeir Or*, and then recite the berachah over them. If you are concerned that as a result of putting them on you will be prevented from praying *Shemoneh Esrei* together with the congregation, then you may skip from *vehu rachum* of *Hodu* until *vehu rachum* preceding *Ashrei*, or from *Vayosha* until *Yishtabach* and say only the major psalms as was written above (para. 7), so that you may have sufficient time to put them on after you have

said *Yishtabach*, before the *chazzan* says Kaddish. (See above Chapter 10: 23).

Siman 15

- ¹ After [completing] *Yishtabach* the *chazzan* says half-Kaddish. Kaddish, *Barechu* and *Kedushah* cannot be said and the Torah cannot be read unless there are ten adult men present. If ten men were not present when *Yishtabach* was said but, the *minyan* was completed afterwards, then, the *chazzan* may not say Kaddish, because Kaddish is said only following something that was said by ten men. They should, therefore, wait to say *Yishtabach* until ten [men] arrive. They may wait until almost a half-hour. They should not wait longer, but, rather, they should say *Yishtabach* and then wait. When ten [men] arrive they should first say a few verses, and afterwards the *chazzan* says half-Kaddish.
- ² An adult, is one whose thirteenth year has passed and he has entered his fourteenth year (we may rely on the assumption that he has probably grown two pubic hairs.) For example: If he was born on *Rosh Chodesh Nissan*, he does not attain adulthood until *Rosh Chodesh Nissan*; that is, at the beginning of the night of *Rosh Chodesh Nissan*; thirteen years after birth, he becomes an adult. If he is born in the month of *Adar* during a regular year and when reaching adulthood it is a leap year, he does not attain adulthood until the second *Adar*. But, if he is born on the first *Adar* of a leap year, he also attains adulthood during the first *Adar*. If he is born during a leap year and he reaches adulthood during a regular year, regardless of whether he was born during the first *Adar* or

during the second *Adar*—he attains adulthood on his birthday during the *Adar* of the present [year]. Thus, at times, the result is that a boy born before his friend, may attain adulthood later than his friend who was born after him. For example: they were both born during a leap year; one on the twentieth of *Adar* I, and the second on the tenth of *Adar* II, and the year they attain adulthood is a regular year.

- ³ Care should be taken not to take a head-count of people to verify whether there is a *minyan*, because it is forbidden to take a head-count of Jews even for the purpose of a *mitzvah*, for it is written: "And Saul gathered the nation and counted them by means of lambs." It is customary to count them by reciting the verse: *Hoshiah es amecha* etc which contains ten words.

- ⁴ It is necessary that all ten [men] be in one place and the chazzan with them. If some are in one room and some in another room, they are not considered combined, though the door between them is open. Even if the majority are in the synagogue and the minority are in the vestibule in front of the synagogue, they are not drawn to the majority to be combined with them. Even those standing on the threshold, within the opening on its outer flank, that is—when the door is closed — that place is on the outside, though the door may now be open, nevertheless, it is considered outside. All this applies to combining ten [for a *minyan*], but, if there were ten and they are saying Kaddish, *Barechu* or *Kedushah*, then, whoever hears them may respond with them, even if many houses separate them [from the main *minyan*], because even an "iron curtain" cannot separate Israel from their Father in Heaven, provided that there was no excrement or idolatry present there.

- 5 You should take great care to listen to the Kaddish and respond with concentration. Certainly at *Amein, yehei shemei rabba* ... you should concentrate well, for, who ever responds, *Amein, yehei shemei rabba* ... with all his strength and concentration his decree of seventy years is nullified. The response should be loud, because with this sound you can shatter all the indictments and nullify all evil decrees. Nevertheless, you should not overshout so that people will not ridicule you thereby, causing them to sin. *Amein, yehei shemei rabba* etc. is said along with the word: *yisbarach*. Afterwards you should listen to the chazzan and respond: *Amein*.
- 6 Some authorities maintain that you are not required to stand during Kaddish. But, if you are already standing when Kaddish is to be said for instance, after *Halleil*, you should remain standing until after: *Amein, yehei shemei rabba*. Others hold the opinion that you should always stand during Kaddish as well as during other prayers of *Kedushah*. This can be derived by means of a *kal v'chomer* from the case of Eglon, king of Moab, for it is written: "Ehud came to him etc. and Ehud said: 'I have brought you a word of God. ' And he (Eglon) stood up from his throne." If Eglon King of Moab, who was an idol worshipper, rose [to hear] the word of God, how much more so, [should] we, who are His people. Therefore, it is preferable to be stringent.
- 7 If there are not nine [men] listening to the chazzan he should not say Kaddish at all because a sacred prayer should not be said with less than ten; that is one reciting and nine listening. Nevertheless, if one of the ten is in the middle of his *Shemoneh Esrei* although he cannot respond with them he may be counted [in the ten]. The same applies to two,

three or four, [who are in mid *Shemoneh Esrei*] as long as there is a majority responding, then the response of the minority is not a necessity. However, if one of them is asleep, he should be wakened because one who is sleeping cannot be counted in the ten.

- ⁸ After the chazzan says half-Kaddish, he says aloud: *Barechu es Hashem hamevorach*, and the congregation responds: *Baruch Hashem hamevorach le'olam va'ed*, and the chazzan, as well, repeats: *Baruch Hashem hamevorach le'olam va'ed*, so that he does not exclude himself from the congregation, by telling *them* to bless [God] and he himself does not do so. There are some whose custom it is to respond *Amein* to the chazzan. But the chazzan should not respond after the congregation's blessing. If the chazzan prolongs the melody while saying *Barechu*, the congregation says *Yisbarach* etc. [However,] it should be said only while he (the chazzan) sings, but while he says the words, they should say nothing, but rather listen to what he is saying. Even if you did not hear the chazzan saying *Barechu* but only heard the congregation respond *Baruch* etc., you may respond along with them.
- ⁹ The *Kedushah* of *Yotzeir* should preferably be said with the congregation. But, if this is not possible you may also say it individually.
- ¹⁰ If there is only an exact *minyan*, in the synagogue it is prohibited for any of them to leave. Of one who leaves it is said: "Those who abandon God will be consumed." But, if ten will remain, the rest may leave if they have already heard *Barechu*, *Kedushah* and the *Kaddishim* after *Aleinu*. In the event that less than ten were left they may conclude the prayers, even with less than ten (provided that they are a majority of a

minyan). If the chazzan had started to repeat the *Shemoneh Esrei*, he may complete the entire repetition of the *Shemoneh Esrei* and the congregation may say *Kedushah*, and he (the chazzan) also says: *Elokeinu veilokei avoseinu barecheinu baberachah* etc. However, the kohanim do not bless the congregation. Also, the Kaddish that follows the *Shemoneh Esrei* is not said because these are different subjects. If they began the Torah reading with ten men and some [congregants] leave, the reading may be completed, but no additional [*aliyahs*] are permitted, and no one is called for *maftir*, but, rather, the last of the allotted *olim* reads the *Haftarah* without the *berachos*.

¹¹ The chazzan must be a worthy person for it is said: [God says of His nation]: "She raises her voice at Me, I therefore, have contempt for her," and our Rabbis of blessed memory, said, that this refers to an unworthy chazzan who, [nevertheless,] goes down to the *Amud*. Who is considered worthy? One who is free of sin and who is respectful, that is, his reputation is untarnished, and was unblemished even during his youth; and one who is humble and acceptable to the congregation so that they agree that he lead the prayers. He should have a pleasant and a sweet voice, which draws [appeals to] the heart, and he should be one who regularly reads the Scriptures, so that the verses in prayer are fluent in his mouth. If a person cannot be found with all these attributes, [then] they (the congregation) should choose one among them who excels in wisdom and good deeds.

¹² No person may pray [at the *Amud*] against the will of the congregation. If one *does* pray without permission, through intimidation and arrogance, [the congregation] should not respond: *Amein* after his

berachos, as it is said: "And the brazen utters a blessing, he has mocked Hashem."

- ¹³ No one should be appointed a permanent chazzan whose beard is not fully grown. But, on occasion, any male who has passed his thirteenth year may "go down" to the *Amud*.

Siman 16

- ¹ *Kerias Shema* and its three *berachos* which are: *Yotzer or, Ahava rabba*, [and] *Emes veyatziv* (likewise at the *ma'ariv* service—*Kerias Shema* and its *berachos*) are more stringent [in regard to interruptions] than *pesukei d'zimrah*. They (i. e. *Kerias Shema* and its *berachos*) are divided into "sections." The following are considered "between sections." between *Yotzer hameoros* and *Ahava rabba* between *habocher beamo Yisrael beahava* and *Shema Yisrael*, between *uvish'arecha* and *ve'haya im shamo'a*, [and] between *al ha'aretz* and *vayomer*.
- ² "Between sections" you are permitted to answer *Amein* to any berachah that you hear. And, of course, you are permitted to respond to *Kedushah*, to Kaddish and to *Barechu*. But, *Baruch hu uvaruch shemo* may not be said. Also, if you hear the congregation reciting *Kerias Shema*, you should not say the [entire] verse of *Shema Yisrael* with them, but, rather say, whatever you are reciting, aloud, in the same manner that the congregation is saying *Shema Yisrael*, so that it appears as if you are reading along with them.
- ³ In "mid-section" you should not respond *Amein* except following the berachah—*ha'el hakadosh*, and following the berachah *Shomea Tefillah*.

[Upon hearing] Kaddish you may respond: *Yehei shemei rabba mevorach le'olam ule'olmei almaya*; and when the chazzan says: *da'amiran be'alma ve'imru amein*, you may also respond: *Amein*. However, to the rest of the *Amein*'s of the Kaddish, you may not respond, because they are not of the essence of the Kaddish. [Upon hearing] *Kedushah*, you should remain silent and listen to the chazzan, and [then] say with the congregation: *Kadosh, kadosh, kadosh Hashem Zeva'os melo chol haaretz kevodo* and then remain silent; [then] say along with the congregation: *Boruch k'vod Hashem mimekomo*. You may not say the rest for it is not of the essence of *Kedushah*. Upon hearing *Barechu* from the chazzan, or from one who was called to [the reading] of the Torah, you may respond: *Baruch Hashem hamevorach le'olam va'ed*, as well as *Amein* which follows the berachos of the *oleh*. If the congregation is saying *Modim*, you should also bow [with them] and say: *Modim anachnu lach*, but no more. Upon hearing the sound of thunder, some hold, that you are permitted to interrupt and recite the berachah. Others maintain that you may not interrupt for this.

- 4 If these interruptions which are permitted in mid-section, if they occur in the *berachos* [of *Shema*], you should manage to make the interruption at the completion of a subject; and if it is during *Kerias Shema*, you should manage to make the interruption between verses. If this is not possible, [then] you may interrupt even in mid-sentence, and then start again from the beginning of the verse.
- 5 The rule we stated [above] —that it is permitted to interrupt in mid-section for those things which we enumerated above does not apply to the verse: *Shema Yisrael* etc. and: *Baruch sheim kevod malchuso le'olam va'ed*, because when reciting these two verses it is prohibited to

interrupt in any circumstance. Even if the king greets you, you may not interrupt to respond. Between *Ani Hashem Elokeichem* and *Emes veyatziv* you should also not interrupt because Scripture states: "And *Adono-y Elohi-m* is true." Therefore, [to fulfill this verse], it is not permitted to interrupt between *elokeichem* and *emes*. It is preferable to take care not to interrupt until after you have also said the word *veyatziv* (because it also means "truth.") Afterwards after having said *emes veyatziv* you may interrupt just as any other place in mid-section. (The practice of greeting or responding to a greeting nowadays is not insisted upon and you should not interrupt for this purpose even [when you are] between sections.)

Siman 17

- ¹ The earliest time for reading the morning *Shema* is the same as that for putting on tefillin, (See Chapter 10 section 2) and the time period extends until the end of the first quarter of the day, regardless if the day is long or short. The length of the day is reckoned from daybreak until the stars are visible. The commandment is fulfilled in its excellence when it is read in the manner of the *Vasikin* (these were pious men who treasured the *mitzvos*) who were careful to read it shortly before sunrise, in order to complete the *Shema* and its *berachos* at sunrise, and proceed with the *Amidah* immediately thereafter. He who is able to accomplish this, will merit great reward. In any case, you must be very careful not to delay [reading *Shema*] past the first quarter of the day, especially during the summer when the days are long. In our country, the latest time [for reading the *Shema*] is before seven o'clock [in the morning.] Nevertheless, as a last resort, if the time limit has passed, you are

permitted to read the *Shema* with its *berachos* until one third of the day. However, after one third of the day it is forbidden to recite the *berachos* but the *Shema* itself may be read at any hour of the day. (Some authorities hold that the *berachos* may also be recited the entire day.)

- ² The *Shema* may be read either sitting or standing. However, if you are sitting, you are forbidden to follow the stricter view which requires one to stand. However, you may not read the *Shema* while reclining, but if you were already reclining, you should turn completely on your side and then read it. If you are ill and it is difficult to lie completely on your side, you must nevertheless incline somewhat to one side.
- ³ Before beginning you should have the intention of fulfilling the commandment to read the *Shema*, as the Holy One, Blessed is He, commanded us. When saying *Shema Yisrael* you should concentrate on its meaning [which is:] Hear Israel, Adonoy Who is our God, He is the one God, singular and unique in the heavens and on earth. You should prolong the sound of the *ches* in the word *echad*, [to give you enough time in which] to acknowledge the kingship of the Holy One, Blessed is He, over heaven and earth. The sound of the *daled* should also be prolonged, giving yourself enough time to reflect that the Holy One, Blessed is He, is singular in His world, and rules over the four corners of the universe; but you must not prolong the sounds longer than this. You should be careful not to distort the pronunciation of the word *echad* by over emphasizing the letters, for some people [actually] distort the word; some say: *echa-ad*, and others say *echadeh*. It is better not to prolong the sounds at all, than to prolong them and distort the word. It is customary to say the verse of *Shema Yisrael* aloud, in order to stimulate your concentration; and to put your right hand over your

eyes. After saying *echad*, pause momentarily and say: *Baruch sheim kevod malchuso leolam va'ed*, in an undertone (except on *Yom Kippur*) [because then it is said aloud.] Here too, you must concentrate on the meaning of the words.

- ⁴ You should pause for a moment and then say: *Ve'ahavta* (and you shall love). Similarly, between this paragraph and the paragraph of *Vehayah im shamo'a*, (and it will be if you listen etc.), you should pause momentarily. Similarly, before saying: *Vayomer* (and He said) you should also pause. You should have the intention, when reciting the paragraph of *Vayomer*, to fulfil the positive commandment to remember the exodus from Egypt.
- ⁵ The *Shema* must be read with great exactness from a very carefully edited prayer book. You should make audible to your ears the words uttered by your mouth. Take care not to pronounce an accentuated letter in place of an unaccentuated letter, or an unaccentuated letter in place of an accentuated letter. A short pause should be made whenever this symbol appears, (I). Also when reciting *Pesukei D'zimrah*, it is necessary to follow these rules. The *ayin* should be clearly enunciated in the word, *nishba* (swore) so that it does not sound as if you said *nishbah*, ending with *hei*. Likewise; the *zayin* in the word *tizkeru* and the *zayin* in the word *uzechartem*, must be pronounced correctly, so that it does not sound as if it were pronounced like a *sin*.
- ⁶ When reading the *Shema* you may not signal with your eyes, nor move your lips, nor indicate with your fingers; but for the purpose of [fulfilling] a commandment, it is permitted to signal when reading the second paragraph.

- 7 Before reading the *Shema*, when saying; *Vahavi'enu*, (and bring us) etc. take the tzitzis of the tallis in your hand and hold them while reading the *Shema*. They should be held with the left hand, grasped between the ring finger and little finger and held near the heart. When *Vayomer*, the section concerning tzitzis is read, the tzitzis should also be held in the right hand. When saying *Ure'isem oso*, (and you will look upon it) touch them to your eyes, look upon them and kiss them. It is customary to kiss them each time the word tzitzis is said. They should be held until the words, *Venechemadim la'ad* are said; after which they should be kissed and released.
- 8 After saying *Ani Hashem Elokeichem*, you should immediately add the word, *emes*, without interruption. The Chazzan must also say it this way [privately] and when he repeats it, he should say: *Hashem Elokeichem emes* (Hashem, your God is true.) Everyone must listen attentively to these three words recited by the Chazzan, because these three words complete the two hundred forty-eight words of the *Shema*, corresponding to the two hundred forty-eight limbs in a man's body. After *Shema*, we begin saying *Veyatziv* (and firm) but it is forbidden to repeat the word *emes*. When praying privately [without a *minyan*], before reading the *Shema*, you should say: *Eil Melech ne'emani*, (Almighty, faithful king) so that these three words will complete the number of two hundred forty-eight.
- 9 If you interrupted while reading the *Shema*, (i. e. from *Shema Yisrael* till *al ha'aretz*,) [which is the end of the second paragraph] or if through no fault of yours you were forced to interrupt, for example if you had to go out to relieve yourself, or if excrement were found in the house, and the

interruption was of such duration that you would be able to read the entire *Shema*, you must repeat the *Shema* from the beginning.

- ¹⁰ If you had already read the *Shema* and entered the synagogue and found the congregation reading the *Shema*, you must read the entire *Shema* with them, so that it does not appear as though you are unwilling to accept the yoke of the Kingdom of Heaven with the congregation. Your reward [for reading the *Shema* again], will be that of one who reads the Torah. The same rule applies if you are in a synagogue reciting supplications or verses [of Torah] where interruptions are permitted, (the procedure to follow if you are at a place where interruptions are prohibited, has been previously explained [See Chapter 16: 2.]) and you have not yet read the *Shema*, you should read it with the congregation but with the intention *not* to fulfill your obligation [at this time], so that you can read it later with its *berachos*. This rule also applies to other prayers that the congregation is reciting such as the psalm *Tehillah leDavid* [*Ashrei*], and *Alenu* and the like. Even *Piyutim* should be said with them, for you must never separate yourself from the congregation.

Siman 18

- ¹ The ideal time for praying the morning *Amidah* is at sunrise, as it is written: "So they will fear You when the sun shines." Nevertheless, if you prayed after day-break, your obligation is fulfilled. The time for prayer continues until the [first] third of the day, and must not be delayed longer. Nevertheless, if it so happened that you delayed longer, even intentionally, you may pray till noon. Even though the reward is not the same as when you pray at the proper time, you will still be

rewarded for praying. If you willfully delayed until noon without praying, you can no longer make up for it, and concerning such a person it is said: "What is crooked cannot be made straight." Cases where the delay was unintentional or because of circumstances beyond control, will be discussed in Chapter 21.

- 2 Before saying, *Tehillos le'eil elyon*, you should stand and prepare yourself for the prayer of *Shemoneh Esrei [Amidah]*. You should rid yourself of phlegm and saliva, and anything that may distract your thoughts; then walk back three steps and say: *tehilos le'eil elyon*, and continue till [*Ga'al Yisrael*], then return [to your position] by walking three steps forward in the manner of one approaching a king. You should not make any interruption between *Ga'al Yisrael* and *Shemoneh Esrei*, not even [in response] to *Kaddish*, *Kedusha*, or *Barechu*, because [the prayer of] redemption must be joined to the [*Amidah*] prayer. It is best to be precise in concluding the berachah of *Ga'al Yisrael* simultaneously with the chazzan, because should you finish first and the chazzan afterwards, there is a question whether to answer *Amein* to the berachah of the chazzan; but when you conclude the berachah with him, you are certainly not required to answer *Amein*, because you do not answer *Amein* to your own berachah. (See Chapter Six, paragraph eleven.) In the *ma'ariv* service, since the berachah preceding the *Shemoneh Esrei* [does not] end with *Ga'al Yisrael*, an interruption is permitted, as it is permitted at any place between one chapter and another. [See Chapter 16 paragraph 2] Before praying *Shemoneh Esrei*, we say the verse: "*Hashem, sefasai tiftach*" [My Master open my lips]. This is not [considered] an interruption because it is relevant to the prayer; but the verse: "*Ki Sheim Hashem ekra,*" etc. should not be said [before the

Amidah], except at *musaf* and *minchah* prayers, before saying, *Hashem, sefasai tiftach.*

- 3 When praying, you should be mindful that the Divine Presence is before you as it is said in Scriptures: "Pour out your heart like water before the Presence of Hashem." Arouse your concentration, and rid yourself of all disturbing thoughts, so that your thoughts and concentration are purely on the prayers. Consider, if you were speaking before a mortal king, how well you would organize your words and concentrate on them properly, taking care not to blunder. Certainly then, before the King, Who is King of kings, the Holy One, blessed is He, you must concentrate your thoughts before Him; because to Him, blessed is His Name, thought is the same as speech, and He scrutinizes all thoughts. Before praying, consider the exalted [majesty] of the Almighty, blessed is His Name, and the insignificance of man, and banish [the thoughts] of all humanistic pleasures from your heart.
- 4 When praying you must concentrate on the meaning of the words that you utter with your lips, as it is said: "Guide their heart, let your ear be attentive." Many prayer books have been published with translations, enabling everyone to study and understand the meaning of the prayers. If you are unable to concentrate on the meaning of the words, at the very minimum, while praying, you should think about matters that humble the heart and direct your thoughts towards your Father in heaven. Should a profane thought enter your mind in the midst of the [*Amidah*] prayer, you should be silent [cease praying] and wait until the thought vanishes.

- 5 Your feet should be placed next to each other as if they were only one, to resemble the angels, of whom it is said: "And their feet were straight feet." Which means their feet [*ragleihem*] appeared as one foot [*regel*]. Your head should be bent slightly, and your eyes closed, so as not to gaze at anything. If you are praying from a *Siddur* do not remove your eyes from the *Siddur*. Your hands should be upon your heart, the right hand upon the left. You should pray wholeheartedly with fear, reverence and humility, as a poor man standing at the door; and pronounce the words with concentration and exactness. Everyone should pray according to his [accustomed] form [of prayer], whether it be *Ashkenazic* or *Sefardic*, or another, [for] they are all based on sacred origin. However do not intermingle words from one form with another, because the words of each form are numbered and counted, based on important mystical concepts, and nothing should be added or subtracted from them.
- 6 Take care to pray quietly so that only you yourself may hear what you are saying, but someone standing next to you should not hear your voice, as Scripture says of Hannah: "Only her lips moved [but] her voice could not be heard."
- 7 You should not lean on anything [for] even the slightest support [is forbidden]. If you are slightly ill you may pray even while sitting or lying down, provided that you are able to concentrate. If you are unable to utter the words you should meditate in your heart.
- 8 Nothing should be held in the hand while praying the *Shemoneh Esrei* except the *Siddur* or *Machzor*, if needed. Before praying, you should

mark the places to be read in the *Siddur* or *Machzor*, avoiding the need to search for them in the midst of your prayer. There should be no barrier between you and the wall, as it is said: "And Hezekiah turned his face toward the wall and he prayed." Something is considered a barrier only if it is ten *tefachim* high and four *tefachim* wide, but a small[er] article is not considered a separation. Even a large article, when installed permanently, such as a chest or cabinet, is not considered a separation; neither is a person considered a barrier. When there is no other choice, you need not be concerned, since you close your eyes [anyway] or pray from a *Siddur*, so that your concentration is not disturbed. You should also not pray in front of a picture, but should it happen that you are praying in front of a garment or decorated wall, you should [certainly] close your eyes. It is forbidden to pray in front of a mirror, even with your eyes closed. You should not pray in an open space, such as a field, for praying in an enclosed area causes one to be imbued with awe of the King, and the heart to be contrite and humbled. When traveling on the road, it is permissible to pray in the field; if possible however, you should pray among the trees.

- ⁹ You must not belch or yawn [when praying the *Shemoneh Esrei*] but if you cannot help yourself, place you hand over your mouth, so that your open mouth is not visible. It is also forbidden to spit, but if there is saliva in your mouth and it is so annoying that you are distracted from your prayers, you may cause it to be absorbed in a napkin or handkerchief. If you find this distasteful, turn to the left and spit behind you. If you are unable to spit behind you, spit towards your left, if you cannot spit to your left, you may spit towards your right. If an insect is stinging you, you should remove it by moving your clothing, so that your concentration is not diverted, but do not remove it with

your bare hand. If your tallis slips off your shoulders, you may retrieve it even though most of it has fallen off, but if it falls off completely, you may not enwrap yourself in it, because that is considered an interruption. If a [sacred] book falls in front of you and it is on the ground, and this distracts your concentration, you may pick it up between *berachos*. All things that are forbidden during the prayer of *Shemoneh Esrei* are prohibited until you have stepped three paces backward. (However, regarding interruptions there is a difference. See paragraph 14)

- ¹⁰ [During *Shemoneh Esrei*,] we must stand facing the Land of Israel, as it is said: "And they pray to You toward their land." We should also face Jerusalem, [the place of] the Holy Temple and the Holy of Holies. Therefore, we, in our country, who dwell West of the Land of Israel, must stand facing Eastward. (Not exactly Eastward but toward Southeast.) Those living North of the Land of Israel should face Southward, and those living East, face Westward, and those living South, face Northward. Thus, all Jews turn their faces toward one place when they pray, namely toward Jerusalem and the Holy of Holies, for there is the Gateway to Heaven, through which all prayers ascend. Therefore, the Holy Temple is called *talpiyos*, as it is written: "Your neck is like the tower of David, built magnificently." It is the hill to which all mouths turn. Should you be praying in a place in which you are unable to face the Land of Israel, you should direct your heart [thoughts] to your Father in Heaven, as it is said: "And they pray unto God." If you were facing North or South and remembered during the *Shemoneh Esrei* that you were not standing correctly, you should not shift your feet, but turn your face Eastward. If you are unable to do so, or if you are facing Westward, you may conclude your prayers in this position and direct

your heart [thoughts] towards the Holy of Holies, but do not shift your feet. Also, if you pray in a place where there are pictures on the Eastern wall, you may pray facing any side, even though it is not East.

¹¹ You must bend your knees and bow four times during the *Shemoneh Esrei*, at the beginning of the first berachah and at its conclusion, and at the berachah of *Modim*, at its beginning and end. When saying *Baruch*, bend your knees; and when you say *atah* bow until the vertebrae of the spinal column protrude, and you must also bow your head. Before pronouncing the Name [*Hashem*], straighten up slowly (as it is said;) "Hashem straightens the bent." Similarly, when saying *Modim*, bend your knees and bow, and before pronouncing the Name [*Hashem*], you should straighten up. Do not bend too low, so that your mouth is opposite your belt, because this is an act of ostentation. For an old person or an invalid to whom bending the knees is painful, just nodding the head is sufficient. It is forbidden to bow additionally at the other *berachos*, either at their beginning or their end.

¹² After the *Shemoneh Esrei* recite the prayer, *Elokai Netzor*. Before saying *Oseh Shalom*, bow and take three steps backward, in the manner of a servant taking leave of his master. These steps should be of average size, the minimum of which is that the toe should touch the heel. Do not take large steps, and do not take more than three steps. Step back with your left foot first and then with the right foot, then step back again with the left foot. While still bowed, turn your face to the left, which is to the right of the Divine Presence which is before you at the time of prayer, and when you step back from [your position of] prayer you should say: *Oseh shalom Bimeromav*; turn your face to the right which is to the left of the Divine Presence, and say: *Hu ya'aseh shalom aleinu*,

then bow forward and say: *ve'al kol Yisrael ve'imeru Amein*. Then straighten up and say: *Yehi ratzon... sheybeneh Beis Hamikdash*. Because prayer takes the place of sacrifices, we pray for the rebuilding of the Holy Temple, so that we might do the actual service speedily in our days. The reason for taking the first step with the left foot is because people usually start walking by moving the right foot first, and therefore we take our first step with the left foot, as though to indicate how difficult it is to leave the Presence of God, blessed is He. Therefore a left-footed person, should move his [so called] left foot first [which is actually his right or weaker foot] which corresponds to everybody else's right.

- ¹³ At the place where your three steps end, you should remain standing, feet together, as when you were praying. Do not turn your face toward the West, and do not return to your place until the chazzan says *Kedushah*. Similarly, when praying privately, you should remain standing the same length of time. If the place is narrow and crowded, or when *Piyutim* are recited, you may return to your place when the chazzan begins the prayer.

- ¹⁴ When saying *Shemoneh Esrei*, you should not signal with your eyes, or move your lips, or indicate with your fingers. You may not interrupt even in response to *Kaddish*, *Kedushah*, or *Barechu*. You should remain silent and concentrate on what is being said by the chazzan and the congregation, and this will be accounted to you as if you had responded and fulfilled your obligation; and nevertheless it is not considered an interruption [of your *Shemoneh Esrei*.] However, when saying: *Elokai Netzor*, interruptions are permitted for those things for which you may interrupt in the middle of a section of the *berachos* of *Shema*, or the

Shema itself. (See Chapter 16) Nevertheless if possible you should first recite: *Yiheyu leratzon imrei fi*; and if there is still time, you should also take three steps backward.

- ¹⁵ Some are accustomed to say, immediately after *Hamevareich es amo Yisrael bashalom*, the verse: *Yiheyu leratzon* etc. and then recite *Elokai netzor*, followed by *Yiheyu leratzon* a second time, and this is the proper way. It seems to me that in this manner, it is permissible to interrupt the saying of *Elokai netzor* to answer *Amein* [to any berachah or Kaddish.] Some hold that before saying the verse: *Yiheyu leratzon*, it is advisable to recite a verse from the Torah or Prophets or from the Writings which begins with the same letter that your name begins, and ends with the same letter with which your name concludes. It seems to me that if you say *Yiheyu leratzon* twice, the above mentioned verse should be said before the second saying of *Yiheyu leratzon*.
- ¹⁶ It has already been clarified (Chapter 12: 3) that if you feel even the slightest need to use the bathroom, you are forbidden to pray until you purge yourself. This is certainly true of the *Shemoneh Esrei*, which you may not pray when you feel the slightest need to use the bathroom, until you purge yourself. However, if at first you didn't feel the need but later while praying the *Shemoneh Esrei*, you felt the need, whether it be to defecate or urinate, you should restrain yourself until the end of *Shemoneh Esrei*. You should not interrupt even if the need is great. You should rather restrain yourself as long as possible and not interrupt by going out during the *Shemoneh Esrei*, until you have concluded [by saying] *Hamevareich es amo Yisrael bashalom*.

- ¹⁷ If you feel that you are about to flatuate and cannot restrain yourself [then] if you are praying at home (privately) you should move backward four *amos* or [four *amos*] sideways, and flatuate, and wait until the odor vanishes, then return to your [original] place and say: "Master of [all] the worlds, You created us with many openings with many hollows (blood vessels, ducts, etc.). Our shame and embarrassment is obvious to You; shame and embarrassment during our lifetime, gnats and worms in our death," and complete your prayer. And if you flatuated in your place [of prayer] accidentally, or if you are praying with a congregation [where] it would be embarrassing to move backwards [in the midst of *Shemoneh Esrei*], you are not required to move or say the prayer: "Master...," but you should wait until the odor vanishes and then conclude your prayer.
- ¹⁸ It is forbidden to sit within four *amos* in front, behind or along side of a person praying the *Shemoneh Esrei* prayer. But, if the person seated is also engaged in that which is related to the "Order of the prayers," he is permitted [to remain seated]. There are [*poskim*] who are lenient [and permit him to remain seated] even if he is not engaged in matters relating to prayer, but is only studying Torah orally. But a God-fearing man should not sit in front of a person praying the *Shemoneh Esrei* prayer within his line of vision even if he (the seated person) is saying *Kerias Shema*. But [to be seated] behind or alongside [a person praying *Shemoneh Esrei*] is not objectionable, and it is permitted to stand in all situations even in front of [the person praying].
- ¹⁹ If the one sitting [within four *amos*] is a weak [or sickly] person he should not be chastised (corrected).

- ²⁰ If the seated person was first, and afterwards the other one came to stand and to pray [*Shemoneh Esrei*] alongside him or in front of him so that the seated person is behind the person [praying], he need not stand, because the second person came into his "territory." However [if the second person] stood to pray [*Shemoneh Esrei*] behind him so that the seated person is in front of him, he should use discretion and rise. This applies only when he is praying at home, but if he is praying in a house (room) assigned to a regular *minyan*, and certainly in a synagogue that is designated for everyone [equally] to pray there even if he was seated first he should rise since the place is designated for prayer to everyone.
- ²¹ It is forbidden to pass within four *amos* in front of a person praying the *Shemoneh Esrei* prayer. Therefore, if one prayed and concluded his prayer, and the person standing behind him in prayer has not yet completed [*Shemoneh Esrei*], he (the person in front) should not take the [three backward] steps because, in essence [it would be considered] as if he were passing in front of the person praying [*Shemoneh Esrei*]. But to pass by alongside, and certainly behind him, is permitted.

²² A person who has drunk intoxicating beverages, if he is incapable of speaking before a great person and/or a dignitary, he is forbidden to pray. If he transgressed and did pray, his prayer is an "abomination," and he is required to repeat his prayer when "his wine is removed from him." If, by then, the time of that prayer has passed, he must "make up" [the missed prayer] at the next prayer, according to the law [of a person who missed a prayer] inadvertently or by accident, as explained further on in chapter 21.

Siman 19

- ¹ There are seasons of the year when special prayers are added to the *Shemoneh Esrei*. This chapter deals with three such additions: *Mashiv haruach*, *tal u'motor*, and *yaaleh v'yovoh*. It also deals with the laws of *Aneinu* which is said on Fast days. During the winter we add *mashiv haruach* (Causer of the wind to blow) *umorid hageshem* (and the rain to fall) to the second berachah of *Shemoneh Esrei*. We begin (this addition) with the Musaf prayer of *Shemini Atzeres*. The *shamash* (sexton) announces before [*Musaf*.] *Mashiv haruach umorid hageshem*. If he did not announce it it is not said then at the silent *Musaf* prayer. An ill person who prays at home privately, likewise the villagers who have no *minyan*, should wait with [their] *Musaf* prayers until the hour of which it is certain that the city synagogues have completed *Musaf* prayers, and then they, too, can pray *Musaf* and say *mashiv haruach umorid hageshem*. It (*mashiv haruach...*) is said until *Musaf* of the first day of *Pesach* (Passover). The congregation as well as the chazzan still say it during the silent prayer. When the chazzan repeats [the *Musaf* prayer], he (the chazzan) discontinues saying it, and after that the congregation does not say it at

the *Minchah* prayer, because they have already heard that the chazzan has discontinued saying it. A person praying privately, should say the *Musaf* prayer early enough, in order [to be sure] that the chazzan has not yet discontinued saying it in the city synagogues, because whoever prays [*Musaf* on the first day of *Pesach*] after the chazzan has discontinued saying [*mashiv haruach*] at *Musaf*, no longer says it [himself]. There are congregations that add, *mashiv haruach umorid hatal* during the summer. [In those places] the *shamash* should announce it before *Musaf* on the first day of *Pesach*, and then the [congregation] begins to say it in the silent [*Shemoneh Esrei* of *Musaf*], and they discontinue saying *umorid hageshem*.

- 2 If by mistake you did not say: *mashiv haruach umorid hageshem*, if you remembered before you completed the berachah *mechaye hameisim*, then you may say it at the place you remembered, but only if you are not in mid-phrase. For instance, if you remembered after you said: *umekayim emunaso*, (and fulfiller of His faithfulness) [you continue and] say also i. e. *lisheinei afar* (to those who sleep in the dust) and [then] you say *mashiv haruach* ... [and continue] *mi chamocha* ... (who is like You). If you prefer, you may repeat the whole paragraph, that is, *mashiv haruach umorid hageshem*, and then continue: *mechalkeil chaim* ... But, if you did not remember [the omission] until after you completed the berachah: *mechayei hameisim*, you are required to return to the beginning of *Shemoneh Esrei*. (And it will not suffice to begin [again] [from] *atah gibor* (You are mighty), because the first three *berachos* are considered as one [unit] in this regard, [meaning] that if you completed [any] berachah [of these three] improperly, you must return to the beginning of *Shemoneh Esrei*. If by error during the *Ma'ariv* service of *Pesach* or during the *Shacharis* service or during

Musaf you failed to say it (*mashiv haruach*), you need not return to the beginning to say it.

- ³ Some congregations add *mashiv haruach umorid hatal*, in the summertime (see footnote 2.) If you erred and said it also during the winter, or if you did not remember [that you should have said:... *umorid hageshem*] until after you said *Baruch atah Hashem*, you should complete the berachah *mechayei hameisim*. You are not required to repeat the *berachos* in order to mention *geshem*, since you already mentioned *tal* (dew). But if you remembered before you said *Hashem*, (you said *Baruch atah*, but not yet *Hashem*) then you should say: *morid hageshem* at the place you left off.

- ⁴ If you erred during the summer and said: *mashiv haruach umorid hageshem*, if you remembered (realized your error) before you completed the berachah, *mechayei hameisim*, you should go back and begin *Atoh gibor* (i. e. the beginning of the berachah). (This is not because the berachah is invalid, but so that it is apparent that the berachah does not include *mashiv haruach umorid hageshem*). But if you did not realize [your error] until after you completed [*Baruch atah Hashem*] *mechayei hameisim*, you must return to the beginning of *Shemoneh Esrei*. If you only said *mashiv haruach* [and realized your error] and did not say *morid hageshem*, [the berachah] is not invalid at all and you may continue *mechalkeil chayim* ... If you erred at *maariv* or in *Shacharis* of *Shemini Atzeres* and added (*Mashiv haruach* ...) you need not go back to the beginning.

- ⁵ Introduction: The sixth berachah of *Shemoneh Esrei* begins, "Bareich aleinu ..." It is a prayer for bountiful harvests and ample rainfall for the earth and its inhabitants.

Therefore, when the season for rain arrives, we add a special prayer for "dew and rain" (*tal umatar*).

We begin to say *tal umatar* in the *Shemoneh Esrei* of *Maariv* of the sixtieth day after the *Tishri* (Fall) season, which comes on the fourth or the fifth of December, and it is said, until [the first day of] *Pesach*.

- ⁶ If you erred and did not say *tal umatar*: If you remembered before ending the berachah of *mevarech hashanim*, say: [before the close of the berachah] *vesein tal umatar livrachah al pnei ha'adama vesabeinu* ... and conclude [the berachah] properly (i. e. *Baruch...* *mavarech hashanim*). If you did not remember until having completed the berachah, continue on, and in the berachah of *Shema koleinu*, after the words: "*reikom al tisheveinu*" ["Do not turn us away empty-handed,"] say: *vesein tal umatar livrachah Ki atah shomea* ... And even if you did not remember then, but only after you said, *Baruch atah*, as long as you had not yet said *Hashem*, you may say: *vesin tal umatar livrachah, ki ata shomea* ... But, if you did not realize [that you forgot to add *tal umatar*] until after you completed the berachah *Shomea tefillah*, [then] you must go back and begin *Bareich aleinu* ... And if you did not remember until you said the verse [at the end of *Shemoneh Esrei*]: *Yihyu le'ratzon* ... you must go back to the very beginning of the *Shemoneh Esrei*.
- ⁷ If you erred during the summer and added *tal umatar* you must return to the beginning [and say:] *Bareich aleinu*. But, if you did not realize [that you added *tal umatar*] until after you said the verse, *Yihyu le'ratzon*, you must go back to the beginning of the *Shemoneh Esrei*.
- ⁸ If you are in doubt [about] whether you added *mashiv haruach* or not, [then] if thirty days have passed, [meaning:] you already said *Shemoneh*

Esrei ninety times properly, it can be assumed that now, too, you prayed [and added *mashiv haruach*] by virtue of habit. But [if the doubt arose] within [or before] thirty days [elapsed], you are required to repeat *Shemoneh Esrei*. The same [rule applies] to *tal umatar*. If the doubt arose after you already prayed ninety *Shemoneh Esreis* properly, we presume that now, too, you prayed properly. But before that (before 30 days), you must repeat the *Shemoneh Esrei*.

- ⁹ If you erred at *Maariv* on the first night of *Pesach*, and you prayed the *Shemoneh Esrei* of the weekdays, and you realized [your error] after you began *Bareich oleinu*, the law being [that even having begun a berachah in error] you must complete that full berachah, but do not add *tal umatar*, since the congregation also omits it. If the *she'ila* (petition) (that is, the day that we begin to pray— or "petition" for *tal umatar*) falls on Shabbos, and by mistake you prayed [the *Shemoneh Esrei*] of the weekdays and also began [the berachah] *Bareich aleinu*, you do not say *tal umatar*, since the congregation has not yet started, and the individual always follows the congregation.

- ¹⁰ If you forgot [to add] *Yaaleh veyavo* on *Rosh Chodesh* in the *Shacharis* or *Minchah* service, or on *Chol Hamo'ed* either in *Shacharis*, *Minchah*, or *Maariv*, if you realized [your error] before you said: *Yihyu le'ratzon* you should go back and begin *Retzeih*. Even if you remembered before you started *Modim*, as long as you have completed the berachah: *hamachazir shechinaso letzion*, you must begin [again] at *Retzeih*, (as we wrote, above, in regard to *mashiv haruach*). However, if your realized before [completing] the berachah: *hamachazir shechinaso letzion*, you say it there (at the point where you realized) and you conclude: *vesechezena eineinu* ... If you did not remember until after *Yihyu*

le'ratzon ... you must go back to the beginning of *Shemoneh Esrei*. On *Rosh Chodesh* [however,] if you forgot *Yaaleh veyavo* in the *Maariv* service, whether *Rosh Chodesh* be two days or only one day, once you [already] said: *Baruch atah Hashem*, and mentioned: *Hashem*, you no longer need to go back, [to insert *Yaaleh veyavo*] but complete [the berachah] *hamachazir shechinaso letzion* and [go on] to complete *Shemoneh Esrei*. The reason for this [allowing the completion of *Shemoneh Esrei* without *Yaaleh veyavo*] is because [*Rosh Chodesh*] was not sanctified at night.

- ¹¹ If you forgot to say *Yaaleh veyavo* on *Rosh Chodesh* or *Chol Hamoed*, in *Shacharis*, although you did not realize it until after you prayed *Musaf* (where you already mentioned *Rosh Chodesh* or the festival), nevertheless, you are required to repeat the prayers of *Shacharis*. If the time [of *Shacharis*] has passed you may compensate for it at *Minchah*.
- ¹² Whenever you must repeat the *Shemoneh Esrei* prayer, you are required to wait the time it takes to walk four *amos*.
- ¹³ If the chazzan erred during the silent *Shemoneh Esrei*, he does not repeat *Shemoneh Esrei* because it would be a burden on the congregation, but he may rely on the prayer that he will pray aloud. (Therefore, after he repeats the *Shemoneh Esrei* [aloud] he should say: *Elokai netzor...* and step back three paces.) But if he erred in the first three *berachos* and realized it before he completed his [silent] *Shemoneh Esrei*, in a manner that his repetition will not constitute a burden on the congregation, he should go back and repeat *Shemoneh Esrei*.

¹⁴ On fast days, whether a communal fast day or a private fast day, we add *aneinu* to the *Minchah* prayer in the berachah *Shema koleinu*. After reciting the words: *bechol eis tzarah vetzukah*, we conclude: *ki atah shomea* ... If you forgot to say *aneinu*, and you did not remember until after you said: [Baruch Atah] Hashem of the berachah *Shomea tefillah*, you do not repeat [the berachah] to say [*aneinu*.] But rather after completing the entire *Shemoneh Esrei*, after *Elokai netzor*, before you move your feet, you say it (the *aneinu* prayer) until [the closing words]: *bechol eis tzarah vetzukah* and [then] conclude [with the usual] *Yibyu le'ratzon* If you did not remember until after you moved your feet [back] you no longer say it (*aneinu*).

Siman 20

¹ When the chazzan steps back upon completing the silent *Shemoneh Esrei*, he remains standing there for the time it takes to walk four *amos*, returns to his original place and says quietly: *Hashem sefasai tiftach* ... and begins aloud: *Baruch atah Hashem*. Everyone [in the congregation] must be careful to remain silent, (during the repetition of *Shemoneh Esrei*), to listen carefully and be attentive [to] what (the chazzan is saying, and to say *Baruch hu uvaruch shemo* and *Amein* after each berachah. Even the study [of Torah] is prohibited while the chazzan is repeating the [*Shemoneh Esrei*] prayer; and needless to say that you must take care to avoid idle conversation. If it is not difficult for you, it is proper to stand as if you yourself are praying *Shemoneh Esrei*; your eyes either closed or following the chazzan's chanting in the siddur. There are some whose custom it is that after the *Kedusha*, they remove the

Rashi tefillin and put on *Rabbeinu Tam* tefillin. But what they do is not in accordance with the law.

- ² Since the chazzan has already prayed his own prayer silently and is repeating *Shemoneh Esrei* only for the benefit of the listeners, it is, therefore, required that during the repetition of *Shemoneh Esrei*, there be no less than nine listening [to the chazzan] and answering [*Amein*] lest his *berachos* be in vain. Therefore, when there is an exact *minyan*, care should be taken that the chazzan not begin the repetition of *Shemoneh Esrei* until all have completed their [silent] *Shemoneh Esrei* so that they are able to answer [*Amein*].

- ³ The chazzan must be careful when completing a berachah, not to begin the following berachah until after most of the congregation have answered *Amein*. If he did begin the next berachah immediately, for instance, after completing [the berachah] *Magein Avraham* he began to say *Atah gibor* at once, then since he already started saying *Atah gibor*, no longer [does the congregation] say *Amein*." The penalty for vacating the *Amein* is now upon him (the chazzan).

- ⁴ When the *Kedusha* [is said], you should be careful to join your feet so that both are together as if they were one foot, as it is written [of the angels who say *Kedusha*] "And their feet (plural) are a straight foot" (singular). When saying: *Kadosh, kadosh, kadosh*, also *Baruch [kevod Hashem mimekomo]*, and *Yimloch [Hashem leolam ...]* you should raise your body and heels upward. It is the custom to raise the eyes upward [during *Kedusha*], and preferably they should be closed.

- 5 When the chazzan reaches [the berachah] *modim*, the entire congregation bows and says the entire *modim derabanan* in a bowed posture. If you are standing [in the midst of] the *Shemoneh Esrei* prayer and you hear the chazzan about to say *modim*, if you are in the midst of a berachah, you should also bow. But if you are at the beginning or end of a berachah, you should not bow, because it is prohibited to add bowings either at the beginning or end of a berachah besides those that were ordained by our Rabbis, of blessed memory. See chapter 18, paragraph 11.
- 6 Before the chazzan starts [the berachah] *Sim shalom*, he says *Elokeinu veilohei avoseinu barcheinu* ... when he reaches *veyishmerecha*, the congregation responds, *Kein yehi ratzon* and does not say *Amein*. The same applies when he reaches *vichuneka* and *shalom*. It [the *Birchas Kohanim*] is said only at *Shacharis* and *Musaf* prayers, but not at *Minchah*, with the exception of a communal fast day when we say *Sim shalom* at *Minchah*; then the chazzan also says: *Elokeinu veilohei avoseinu* It is not said [at the minyan] at the house of a mourner nor on *Tisha Be'av* at *Shacharis*.
- 7 After the chazzan completes the *Shemoneh Esrei* he should say quietly *Yihyu leratzon* ... but he need not step back three paces because he may rely on the paces at the end of the full Kaddish.
- 8 If there are ten [men, a *minyan*], in the synagogue, on a communal fast day who are fasting and completing [the fast], the chazzan adds the prayer *aneinu* before *Refa'einu* at *Shacharis* and *Minchah*. If he erred and did not say it, if he realized [his omission] before he said "Hashem"

of the berachah: *Rofei cholei amo Yisrael*, he goes back and says *aneinu* and [then] *Refa'einu*. But, if he did not realize [his omission] until after he said "Hashem," he completes the berachah *Rofei cholei amo Yisrael*, and says *aneinu* in the midst of the berachah *Shomea tefillah*, and closes the berachah [with] [*Baruch atah Hashem*] *shomea tefillah*, as would an individual. If he also forgot there, he adds it after completing *Shemoneh Esrei* but without a closing berachah.

- ⁹ We do not repeat the *Shemoneh Esrei* aloud, unless there are at least six men who constitute a majority of the *minyan*, who have finished praying. But, if there aren't six men who are now praying, we do not repeat the entire *Shemoneh Esrei* aloud. Instead, one [of those praying] says [from the beginning of *Shemoneh Esrei*] until *Ha'el hakadosh* aloud, and everyone says *Kedusha*, and [the one who said the *berachos* aloud] completes his *Shemoneh Esrei* quietly.

- ¹⁰ In all cases where the individual who erred goes back [and repeats] the *Shemoneh Esrei*, so too, if the chazzan erred in the repetition of *Shemoneh Esrei*, he must repeat the *Shemoneh Esrei* [aloud], except at *Shacharis* of *Rosh Chodesh* and *Chol Hamoed*. There [if the chazzan] forgot to say *Yaaleh veyavo* and did not realize it until he completed the [loud] *Shemoneh Esrei*, he does not go back, for since [it would result in] an imposition on the congregation, we rely on the reference [to *Rosh Chodesh*] [to be said] in the *Musaf* prayer. But if the chazzan realized [his omission] before he completed the *Shemoneh Esrei*, he goes back to [the berachah] *Retzei* as this [would not constitute] a burden on the congregation.

¹¹ It is incumbent upon every man to say *Kedusha* together with the congregation; and also the *Amein* which is said after [the berachah] *Ha'el Hakadosh* and after [the berachah] *Shomea tefillah*. These *Ameins* are obligations equivalent to *Kedusha*. Likewise it is obligatory to respond to the *kaddeishim* which the chazzan says. Also [when the chazzan says] *Modim* you are obligated to bow together with the congregation. Therefore, if you were late in coming to the synagogue, having arrived too late to catch up and pray the *Shemoneh Esrei* together with the congregation and will perforce pray *Shemoneh Esrei* individually, if [by waiting still longer to start] the time for *tefillah* will not pass, you must be mindful not to begin praying *Shemoneh Esrei* at a time [which will cause you] to lose the opportunity of answering [*Amein*] to any of the above. Rather you should wait until you respond [*Amein* to them] and then start to pray *Shemoneh Esrei*. But, you should not wait between *ga'al Yisrael* and [the start of] *Shemoneh Esrei*, for you are required to connect "the Redemption" to the *Shemoneh Esrei*, and it is forbidden to interrupt between them. But you should [rather] wait [silently] before [saying] *Shirah Chadashah*.

- ¹² An individual standing in [silent] *Shemoneh Esrei*, who completes the berachah, *mechayei hameisim* [as] the congregation is saying the *Kedusha* in *Uva Letzion* or the *Kedusha* [in the berachah] *Yotzer* or should *not* say *kadosh, kadosh, kadosh*, with them because these *kedushos* are not the same as the *Kedusha* of *Shemoneh Esrei*. But, if the congregation is saying the *Kedusha* of *Musaf*, though *he* is praying *Shacharis*, he says *kadosh, kadosh, kadosh* along with them. The same [applies] in reverse, because the *Kedusha* of *Shacharis* and the *Kedusha* of *Musaf* are the same [*kedusha*].

Siman 21

¹ Preface:

The general rule is that omitting one of the prayers requires a make-up-prayer. This will compensate for having omitted a *tefillah*, but only where the omission occurred unwillingly (אָזַר) or unintentionally (אָזֵשׁ). But if one willfully and deliberately omitted a *tefillah*, there is no way to compensate. An important fact to keep in mind while studying this chapter: The compensation *tefillah* is performed by repeating the particular *tefillah* that is due at that time. For example, if at *Maariv* one compensates for an omitted *Mincha*, he does this by praying two *Maariv Shemoneh Esrei's*. Due to this, a number of unique situations arise: e. g. Omitting *Mincha* on Friday afternoon requires two *Maariv Shemoneh Esreis* on Friday night, both, being the Shabbos eve *Shemoneh Esreis*. This chapter discusses the form this compensation takes as well as what is considered deliberate and what is considered unintentional and unwilling. It has already been explained (in Chapter Eighteen) that if [you allowed] the time of *tefillah* to pass intentionally, there is no compensation. But if [it was] unintentional, or due to something beyond your control, that you did not pray, or [if you *did* pray, but]

erred in your *tefillah* in a way that requires that you repeat the *tefillah*, [then] you may compensate for it following the next *tefillah*. You must first pray the *tefillah* that is due at that time and [only] afterwards the make-up *tefillah*, for example: if you did not pray the *Shacharis tefillah*, then when the time for *Minchah* arrives, you first pray a *tefillah* for *Minchah*, followed by the *Tachanun* prayer, and immediately afterwards you should say *Ashrei*, and then pray another *Shemoneh Esrei* for the sake of [the omitted] *Shacharis*. [Similarly] if you omitted *Minchah*, then you should first say the *Maariv* prayer, and then pause only for the time it takes to walk four *amos*, do not say *Ashrei*, but, immediately, pray the *Shemoneh Esrei* prayer for the sake of [the omitted] *Minchah*. [Similarly] if you omitted *Maariv*, then after the *Shacharis* prayer you should say *Tachanun* and *Ashrei*, and [then] pray the *Shemoneh Esrei* prayer for the sake of *Maariv*. After that you should say *Lamenatzeiach* and *Uva letzion*, etc. You may not eat until you also complete the make-up *tefillah*, which is for the sake of *Maariv*.

- ² If you did not pray when there was time to pray, because you thought that there would still be time after you finished whatever you were doing, but in the meantime the time [for prayer] passed; similarly, if you were preoccupied in business matters, in order to prevent a loss, and as a result the time for prayer passed, [then] despite the fact that it is prohibited to allow the time of prayer to pass [merely] to avoid a monetary loss, nevertheless, it is considered *oneis*, (an extreme situation) and you may make up the missed prayer. Similarly if as a result of intoxication you were not permitted to pray, you are considered an *oneis*, despite the fact that drinking is prohibited once the time for prayer has arrived.

- ³ Compensation for [an omitted] prayer is valid only at the very next *tefillah*, but if the delay was greater, [compensation] is no longer possible. For example: if you did not pray *Shacharis* and *Minchah*, then compensation for *Minchah* is possible [immediately] after *Maariv*, but for *Shacharis*, compensation is not possible, since two periods of prayer have passed [and] you failed to pray [*Shacharis*], neither at its (*Shacharis*) designated time nor at the time of *Minchah*.
- ⁴ However, on a day when there is an additional *Musaf* prayer, if you omitted *Shacharis* [unintentionally], you may compensate for it after the *Minchah* prayer, (because the period for *Musaf* extends, as a last resort, until nightfall as does [the period] for *Minchah*; as a result, two periods of *tefillah* have not passed). But, after the *Musaf* prayer you may not compensate for [the omitted] *Shacharis*, (because having already mentioned the *Musaf* sacrifice, it is inappropriate as a make up for the *Shacharis* prayer). But, if the *Shacharis* period has not yet passed, you may still pray the *Shacharis* prayer despite already having prayed *Musaf*.
- ⁵ The omitted *tefillah* can be made up only at the time of the next *tefillah*, but not after the time of the next *tefillah*. For example: if much time has elapsed since you prayed the *tefillah* which was due at that time, you can no longer pray the compensatory *tefillah* for the one omitted, because [the Sages] instituted compensation for the omitted *tefillah* only at the time you are occupied with the prayer due then, because [only] while being occupied with prayers can you also make up [for] what you missed.

- 6 The make-up *tefillah* that you pray must be the same as the *tefillah* that is due at that time. For example, if you omitted *Mincha* on Friday afternoon, [then] you pray two Shabbos-*Maariv tefillos* at *Maariv*, notwithstanding the fact that the second *tefillah* comes as compensation for a weekday *tefillah*, nevertheless, since now (at the time of the make-up *tefillah*) it is Shabbos, you pray a Shabbos *tefillah*. If [being ignorant of the above *halachah*] you said a weekday *tefillah* as compensation you must repeat [the Shabbos] *Shemoneh Esrei*. Similarly, on the day preceding *Rosh Chodesh*, if you omitted *Minchah* [then] you pray two *Maariv Shemoneh Esreis* and at both you say *Ya'aleh ve'yavo*. If you omitted *Maariv* on *Rosh Chodesh*, requiring you to pray two *Shacharis tefillos*, and if you inadvertently omitted *Ya'aleh ve'yavo* even during the second [*Shemoneh Esrei*] you must repeat the *Shemoneh Esrei*; (despite the fact that it is compensation for the night and, *then*, [had you omitted *Ya'aleh ve'yavo*] you were not required to repeat [the *tefillah*], nevertheless, *now* it is day.) If you omitted *Minchah*, on Shabbos here, too, you pray two weekday [*Shemoneh Esreis*] at *Maariv*. However [in this case] there is a difference [regarding] the *Atah Chonantanu* prayer. In the first *Shemoneh Esrei* you should say *Atash Chonantanu*, but in the second prayer, you do not say it. The reason for this is since *Atah Chonantanu* is like the *Havdalah* blessing, and *Havdalah* is not said twice in *tefillah*. The same applies in the opposite situation: If you omitted *Maariv* at the conclusion of Shabbos, [then,] you pray two *Shacharis Shemoneh Esreis* and during the make-up prayer say *Atah Chonantanu*, because originally it was instituted that *Havdalah* be said during *Shemoneh Esrei*.

- ⁷ If you erred at *Minchah* on *Rosh Chodesh* by omitting *Ya'aleh ve'yavo*, and the following day it is not *Rosh Chodesh*, and as a result, even if you pray two [*Shemoneh Esreis*] at *Maariv*, you will gain nothing, since you can no longer say *Ya'aleh ve'yavo*, and you already prayed once without *Ya'aleh ve'yavo*, therefore, you do not pray a make-up *tefillah* at all.
- ⁸ Regarding the *Musaf* prayer—although its time period is the entire day (till nightfall), thereby making *Maariv* the next *tefillah*, nevertheless it [*musaf*] cannot be compensated at night, because the *musaf* prayer was instituted based on the verse. "Let the offerings of our lips replace bullocks," and once the time has passed the sacrifice can no longer be brought.
- ⁹ If you require two *Shacharis tefillos* or two *Minchah tefillos*, and you are the chazzan, you fulfill your obligation with the repeating of *Shemoneh Esrei* aloud.
- ¹⁰ If you are in doubt as to whether or not you prayed, in our time (since a voluntary *Shemoneh Esrei* is not said) you do not repeat the *tefillah*.

Siman 22

¹ Preface

Concerning his many prayers, Moses said of himself: 1) "I sat on the mountain for forty days..." (Deut. 9: 9), 2) — "I stood on the mountain ..." (Ibid. 10: 10), 3) — "I prostrated myself before Adonoy." Jews, symbolically, also assume these three positions during prayer by: 1) sitting before the *Amidah* (*Shemoneh Esrei*), 2) standing during the *Amidah* and 3) (lit. falling on the face) after the *Amidah*. This is called *tachanun* (Supplication). (Based on

Tur 131). Originally *nefilas apayim* was performed by entirely prostrating one's body upon the ground while praying and pleading for one's needs. However, with the destruction of the Temple this practice was discouraged. Also, the Talmud (*Megillah* 22a) states that only a righteous person comparable to Joshua, who is assured of a response to a prayer in this manner, may assume this position in prayer. Therefore, the custom has become to perform *nefilas apayim* only perfunctorily by sitting and tilting one's head downward (*Aruch Hashulchan* 131: 4).

Upon completing the *shemoneh esrei*, *tachanun* is said with *nefilas apayim* (falling on the face). Idle talk is prohibited between *shemoneh esrei* and *tachanun*.

- ² During the *shacharis* [morning prayers] when *tefillin* are worn on the left hand, [*tachanun* is said] leaning on the right [hand] out of respect for the *tefillin*. But at the *minchah* prayers the leaning is on the left [hand].
- ³ *Nefilas apayim* is preferably done while sitting. But, when necessary it may be done while standing. After *tachanun Ve'ananchnu lo neida* is said. It is preferable that it be said while sitting, afterwards you should stand [and continue] saying: *mah na'aseh* ...
- ⁴ *Nefilas apayim* is done only in a place where a *Seifer Torah* is present. Where there is no *Seifer Torah*, even though there are other sacred books there, *nefilas apayim* is not done but, instead, the psalm is said without *nefilas apayim*. When praying in the synagogue vestibule and the door to the synagogue is open, it is considered as if the *Seifer Torah* is there.

- 5 When praying in the house of a mourner or in the house of the deceased, even if there is no mourner present, *tachanun* is not said during the seven days of mourning, even at *minchah* of the seventh day. It is customary, that even if the mourners return home they do not say *Tachanun*. If a mourner is present in the synagogue [during prayers] the congregation is not drawn after him and they *do* say *tachanun*, whereas, the mourner, does not.
- 6 *Tachanun* is omitted in a synagogue where a circumcision will take place, or if the father of the child to be circumcised, or the *sandik* who holds the child at the circumcision; or the *mohel* is praying there, even if the circumcision will take place at another location. If the *minchah* prayer is said, in the child's home, before the *bris* feast or during the feast [there,] too, [*tachanun*] is omitted. But, if [the *mincha*] prayer is said after *birkas hamazon* [*tachanun*] is said. However, the father of the child, the one holding the child and the *mohel* do not say [*tachanun*] even after *birkas hamazon* because it is their holiday
- 7 Likewise, [*tachanun*] is omitted in a synagogue where a groom is present, during all seven days of feasting, provided that the groom was a *bochur* or the bride a *besulah*. But if a widower married a widow there are only three days, after which [*tachanun*] is resumed. On the day of the marriage ceremony [*tachanun*] is said at *shacharis* prayers, but at the *minchah* preceding the ceremony it is not said.
- 8 Tachanun is not said on the following days: *Rosh Chodesh*, the fifteenth of *Av*, the fifteenth of *Shevat*, during *Chanukah*, the two days of greater *Purim*, the two days of minor *Purim*, the thirty-third day of the *Omer*,

during the entire month of *Nissan*, *Tishah Be'Av*, the days between *Yom Kippur* and *Sukkos*, from *Rosh Chodesh Sivan* until the day following the day after *Shavuos*, the day following *Succos*. On all these days *tachanun* is also not said at *minchah* on the preceeding days. However, on the day before *erev Rosh Hashanah*, and on the day before *erev Yom Kippur*, *Tachanun* is said at *Minchah*. On the day before *Rosh Hashana* [*tachanun*] is said at *selichos*, but after that [*tachanun*] is omitted.

- ⁹ On Mondays and Thursdays, are especially favorable days [for prayer] because during the forty days the second *luchos* were received, Moses ascended on a Thursday and descended on a Monday, therefore, additional supplications are recited and before *tachanun*, *vehu rachum* is said. It (*vehu rachum*) is said standing. It must be said with concentration and with deliberation in a pleading manner. On days when *tachanun* is omitted it (*vehu rachum*) is not said.

- ¹⁰ After *tachanun* [is completed] half-kaddish is said. On Mondays and Thursdays *Keil erech apayim* is said while standing.

Siman 23

- ¹ When the *Seifer Torah* (Torah Scroll) is taken from the *Aron Hakodesh* (Holy Ark) to be carried to the reader's lectern where the reading takes place, it is to be carried toward the north, that is, to the right of the carrier. When it is returned to the *Aron Hakodesh*, it is carried toward the south. The *Seifer Torah* must be held in the right hand [when it is carried]. It is a mitzvah for everyone before whom the *Seifer Torah* passes, to accompany it to the reader's lectern.

- ² The *oleh* [person called up] to the Torah should wear a tallis with tzitzis. He should take the shortest route and return [to his seat] via the longest route. If both routes are of equal distance, [then] he ascends to the right and descends by the other route. It is customary to wait until the person called after him has completed the last berachah, then he descends between readings.
- ³ Open the *Seifer Torah* and look at the place to be read and hold it open with both hands. [Then] close your eyes and say: *Barechu es Hashem Hamevorach*. You should say this loud enough for the entire congregation to hear. They respond: *Baruch Hashem hamevorach leolam va'ed*. If the congregation did not hear you say *Barechu* ..., even though they heard the reader responding, [nevertheless,] they do not respond with him. Instead, after the reader has responded, they respond: *Amein* [to the reader]. After the congregation has responded: *Baruch Hashem hamevorach leolam va'ed*, [you] the *oleh* also repeat: *Baruch Hashem hamevorach leolam va'ed*, and then recite the berachah *asher bachar banu*... after which the congregation responds: *Amein*. You then remove your left hand and hold the *Seifer Torah* with your right hand during the reading. [Now,] the reader reads and you read along quietly. The Reader may not [begin to] read until the congregation completes saying *Amein*. The entire congregation should be attentive and listen carefully to the Torah reading. After [the completion of] the reading, you [the *oleh*] again hold it (the *Seifer Torah*) also with your left hand, roll [the Torah] closed and recite the last berachah.
- ⁴ It is forbidden to hold the *Seifer Torah* with bare hands. Rather, you should hold it by means of the tallis or hold it by its poles. There are

some who refrain from touching even the poles with bare hands, only with the tallis.

- ⁵ The *oleh* as well as the reader is required to stand. It is even forbidden to lean on something for we must stand in awe; for just as the Torah was given in awe, so too, must we conduct ourselves concerning it in awe. However, a weak person may lean a little for support.
- ⁶ While the *oleh* recites *Barechu* ... and the congregation says: *Baruch Hashem hamevorach leolam va'ed* the entire congregation should stand. But, while he recites the berachah: *asher bachar banu* as well as during the reading and the last berachah, the congregation is not obliged to stand. But, those who are scrupulous [in their observance of] mitzvos, demand more of themselves and stand, and this is appropriate. But, between readings there is no need whatsoever to be stringent.
- ⁷ If the reader himself is called up as the *oleh*, another person should stand at his side for just as the Torah was given through an intermediary that is, Moshe *Rabbeinu* (may he rest in peace), so, too, should we conduct ourselves [to hear the reading] with an intermediary.
- ⁸ Once the reader has begun to read, the entire congregation is forbidden to indulge in conversation even about Torah subjects. Conversation is forbidden even between readings. It is forbidden to leave the synagogue while the Torah is being read. But, between readings, when the *Seifer Torah* is rolled up one may leave if the need is great.
- ⁹ If there is a *Kohein* present in the synagogue he must be called [to the reading] first. Even if he is an unlearned person, provided he is an upright person, he has preference over a [Torah] scholar. Even if the

Kohein wants to forgo [his right] he may not do so. After the *Kohein*, a *Leivi* is called. If there is no *Leivi* present, the *Kohein* who was called [first] is called [again] in his (the *Leivi's*) stead, and [the *gabbai*] announces: "Instead of a *Leivi*." If a *Kohein* is not present in the synagogue, a *Leivi* or *Yisrael* is called in his stead; and in such a case we should call the most learned in Torah among those present, and [the *gabbai*] announces: "If there is no *Kohein* present, a *Leivi* instead of a *Kohein*," or: "a *Yisrael* instead of a *Kohein*." When a *Yisroel* is called in place of a *Kohein*, a *Leivi* is not called afterwards. A community made up of only *Kohanim* or *Levi'im* should put the question to a learned sage as to how to conduct themselves.

- ¹⁰ If the *Kohein* is in mid-*Kerias Shema*, or in the middle of the *berachos* of *Kerias Shema* and, certainly, if he is in mid-*Shemoneh Esrei*, even if there is no other *Kohein* present, he should not be called [to the Torah]. And there is no need to wait for him for [this would be] an imposition on the congregation. Rather a *Leivi* or *Yisrael* is called, and [the *gabbai* then] does not say: "If there is no *Kohein* present" but, [instead] says: "*Leivi* or *Yisrael* instead of a *Kohein*." If it happened that the *Kohein* was called—if he was in mid-*Kerias Shema* or its *berachos*, he may go up and recite the *berachos*, but he may not read along with the reader, he may only listen. However, if at all possible, he should finish the subject in which he is in the middle, and stop at a place where the subject ends before he goes up [to the Torah]. If he is in mid-*Shemoneh Esrei*, [then] even if he was called he may not go up. Similarly, between *Go'al Yisrael* and *Shemoneh Esrei*, he may not go up. [However, if he is in the midst of] the prayer: *Elokay netzor* ... he may go up. If he is in mid-*Pesukei D'zimrah*, if there is no other *Kohein* present, he may, even initially, be called. But, he may not read with the Reader. However, if there is

another *[Kohein]* present, he should not initially be called. [All of the above] also applies to *Leivi*.

- ¹¹ If a *Kohein* or *Leivi* was called and [it is discovered] that he is not present, another should not be called by name, so that it should not be said the first one's lineage is defective. Instead, to the second one say: "You, go up," and he should go up. However, if [in his absence] they call his son he may be called by name for this would not [be misconstrued], as a defect in the father's [lineage], for if the fathers lineage were defective then the son's would also be defective. Similarly, if the *Kohein* or the *Leivi* cannot go up [to the *Seifer Torah*] because he is in mid-*Shemoneh Esrei*, another may be called by name, for all can see that the former *Kohein* does not go up [only] because he is not permitted to do so. If a *Yisrael* is called up and is not present, another may be called by name because where a *Yisrael* is involved, "defective lineage" has no application. Similarly, if a *Kohein* or *Leivi* were called up for *acharon* or *maftir* on Shabbos or Yom Tov and they are not present, another may be called by name.

- ¹² If there is no *Kohein* in the synagogue, or if there was, he was unknown to anyone, and a *Yisrael* is called in his stead and he (the *Yisrael*) came up, [then] even if he had already said: *Barechu es Hashem hamevorach*, but he had not begun the berachah: *asher bachar banu*, and [just then] the *Kohein* arrived or it was realized that he is present, the *Kohein* is called and he goes up, and he, too, begins: *Barechu* etc. In order to avoid embarrassment the *Yisrael* should stand there until after the *Kohein* and *Leivi* are called, and then he is called. However, if the *Yisrael* had already said *Hashem* (God's name) in the berachah, that is, he has said: *Bauch Atah Hashem ...* [then] the *Kohein* no longer goes

up. The same applies if a *Leivi* is called instead of a *Kohein*, and the *Kohein* arrived before the *Leivi* said: *Baruch Atah Hashem*, [then] the *Kohein* goes up and the *Leivi* waits and he is called after him. The same applies if no *Leivi* is present, or if he was unknown to anyone, and the *Kohein* was called also in place of the *Leivi*, then the *Leivi* arrived before the *Kohein* said: *Baruch Atah Hashem*, the *Leivi* is called and he goes up.

¹³ Two brothers should not be called [consecutively] one after the other, whether they are [brothers] from the same father or from the same mother. Similarly, a father and his son or [a grandfather and] his grandson, should not be called one after the other for fear of an "evil eye;" even if they profess not to mind. [This applies] even if the first is [called] for *acharon* and the second for *maftir*; but only on a Shabbos, when another *Seifer Torah* is not taken out for the *maftir*. However, when another *Seifer Torah* is taken out for *maftir*, it is permitted [to call consecutively two brothers or father and son]. Similarly, [when the one called] to *maftir* is not yet *bar mitzvah* (13 years old), it is permitted. In all the above situations, if they have already called him and he has gone up [to the Torah,] he should not descend (from the *bimah*). If two brothers who only have the same mother, [but have different fathers,] or a father and his grandson, were [already] called, though they have not yet come up, they may ascend [to the *bimah*]. When necessary it is permitted, even initially for them to be called consecutively.

¹⁴ One who was an *oleh* in one synagogue, and happens to be present at another synagogue, where he is called up again, even to the same *parshah* to which he was called before, should go up a second time and recite the *berachos* [over the Torah].

- 15 On a communal fast-day when *Vayechal* is read, only one who is fasting is called to the Torah. If the only *Kohein* present is not fasting, or does not intend to complete [the fast], a *Yisrael* or a *Leivi* is called in his stead. And it is preferable that the *Kohein* leave the synagogue. If another *Kohein* is present, it is not required that he leave, but he should notify them not to call him, and if he *is* called he should not ascend [to the *bimah*]. On Mondays and Thursdays, though the reading is *Vayechal*, nevertheless, since it is a time for reading the Torah, therefore, after the fact, if the [*Kohein* who is not fasting] has not left the synagogue, and he is called, he may go up.
- 16 Similarly, when one who resides in *Eretz Yisrael*, where Yom Tov is celebrated only one day, (with the exception of Rosh Hashanah) is visiting a foreign land, and is present in the synagogue on the second day of Yom Tov, he should not be called up to the Torah. The rules are as stated in the previous paragraph.
- 17 It is customary to call a blind person [to the reading of the Torah]. Although, it is prohibited to read the written Torah by heart, nevertheless, since nowadays the reader reads for him, it is permitted. We do not investigate whether [the *oleh*] is learned or not, because it may be assumed that he is capable of reading along with the reader.
- 18 If the place to be read was shown to the *oleh* and he recited the blessing, and then it was realized that it was not the [right] place, but, rather, another place is to be read, regardless if the reading has started or has not started, [the following must be considered:] if the place [in the Torah] that was to be read was also open before him, [during the

berachah], even if it is in another column [as long as it was] past the place that was shown to him, he need not recite a second berachah, because his mind was on the place on which he intended the berachah as well as on whatever was opened before him. But, if the place was not open before him, and they must now roll the *Seifer Torah* [to the proper place], or even if the place *was* open before him, but it is located *before* the place that was shown to him; he must recite the berachah: *asher bachar banu* a second time. But, *Barechu [es Hashem hamevorach]* should not be said a second time. He must first (before repeating the berachah) say: *Baruch sheim kevod malchuso leolam va'ed* on the first berachah which was recited in vain. If [the error was realized] when he had said only: *Baruch atah Hashem.* then he should conclude... *lamdeinu chukecha.* If the place to be read precedes the place shown him, but is close enough to it, and so situated to make it possible that three verses can also be read from the place [upon which] he said the berachah and further, [and with the condition that] it is all included in that day's portion, then this should be done in order to avoid a second berachah.

¹⁹ Every *oleh* must read at least three verses. On Mondays and Thursdays and at the Shabbos *Minchah* service, it is required that in all no less than ten verses be read. We should read a minimum of four verses for the third *oleh*. If it happened that in all only nine verses were read, i. e., three for each *oleh*, the obligation is fulfilled. On Purim, we read only nine verses for all [the *olim*] combined because the subject matter ends [after nine verses].

²⁰ Preface:

As we look into a *Seifer Torah* we become aware of gaps and spaces in the text. This, as

many of the laws and traditions concerning the writing of *Sifrei Torah*, has been handed down to us from generation to generation, originating from the giving of the Torah at Mt. Sinai. Each of these text-breaks denotes the completion of a chapter. (This should not be confused with the numbered chapters and verses that are found in the printed Scriptures, for these are attributed to non-Jewish sources).

There are two kinds of text-breaks: 1) פְּתֻוחָה *pesuchah*—"open" i. e. the text ends in mid-line and the remainder of the line is left open with the text resuming at the beginning of the next line. 2) סְתֻמָּה *sesumah*—"closed" i. e. the text ends in mid-line and after the gap, the text resumes on the same line, in effect "closing the line."

Paragraph 20 concerns precautions taken to avoid the impression that less than three verses may ever be read for any one *oleh*.

The one who reads the Torah must not conclude [his reading] at a place from where there will not remain a minimum of three verses, from there until the end of that *parshah*, that is a *pesuchah* or a *sesumah*. If the *oleh* had already recited the last berachah after [the reader] completed [the reading] with less than three verses left to the end of that *parshah*, then the following reading need not begin with the preceding verse, but should start where the previous one left off, and continue to read with him at least three more verses in the following *parshah*. If a *parshah* only has two verses, it is permitted to end there. If there is a *parshah*-break in mid-verse, as there is in the beginning of *Parshas Pinchos*, the reading may end even at the very next verse.

²¹ Similarly, [the reader] should not begin with fewer than three verses after the beginning of that *parshah*. Consequently, the previous *oleh* should not end within three verses of the beginning of the next *parshah*.

²² The reader should always aim to begin reading with a subject favorable for Israel and to end with a subject favorable for Israel. Likewise, he

should not end where the evil deed of someone is recorded.

- 23 If only two verses were read for an *oleh*, and he already recited the last berachah, the reading must be repeated and the first and last *berachos* must be repeated. And, since upon the completion of the last berachah his mind was diverted [from the reading], therefore, he must begin again at *Barechu* ... and the two verses already read should be repeated plus one more verse [to complete the three]. If this [error] occurred at the third *aliyah* [and for the two preceding (*olim*) only three verses were read for each], two more verses must be read so that the total is four verses. If this [error] occurred at the *Kohein's aliyah* that only two verses were read, and the *Leivi* has already been called, and then they remembered [the error] then the rules are as follows: if the *Leivi* has not yet recited the first berachah though he may have already said *Barechu* ..., it is not considered the start of the berachah. Therefore, three verses should be re-read for the *Kohein*, with the appropriate *berachos*, as we have previously written. The *Leivi* [who was called] waits and he reads afterwards. But, if the *Leivi* already said the first berachah, then the *Leivi's* reading begins from the place that the *Kohein's* ended. [This is done] because if the reading for the *Leivi* includes [the two verses] of the *Kohein's* reading, it will be construed as a defect for the *Kohanim* who are present there, because [those who have just entered] will say that the *Leivi* began the reading of the Torah. After the *Leivi*, two *Yisraels* should be called up, so that the *minimum* of three are called up. The *Kohein's* [*aliyah*] does not count since only two verses were read for him. If this [error] occurred at the *Leivi's aliyah*, that only two verses were read and the *Yisrael* has said the [first] berachah, [then] we read for the *Yisrael* the two verses which were read for the *Leivi* plus one more verse. [Then] one more *Yisrael* is called up to complete [the

required] three *aliyos*. If a *Kohein* was not present in the synagogue and a *Yisrael* was called instead, and the same happened [to him] [that is,] only two verses were read for him, and they did not realize it until after they called a second *Yisrael* and [the second *Yisrael*] recited the berachah, then the reading for the second *Yisrael* begins at the beginning of the *sidrah*. The first *Yisrael* waits, and is called again for the next *aliyah*, and afterwards another *Yisrael* is called.

²⁴ A minor (less than thirteen years old) cannot be the reader and is not called to be an *oleh*.

²⁵ After completing *Kerias haTorah*, half-kaddish is said and the *Seifer Torah* is raised [in this manner:] the one who raises it opens the *Seifer Torah* so that three columns of writing are revealed. He then displays it to his right and left to those in front and back of him, because it is a mitzvah for everyone to see the writing. [At this time] *Vezos haTorah* etc. is said. The *Seifer Torah* is [then] rolled up. It is a mitzvah that it be rolled up so that the seam be centered between the two rolls [of the *Seifer Torah*]. The [Torah] should be rolled until the nearest seam is located in the middle [that is]; if the seam preceding the part read is nearest, it should be rolled in that direction; and if the seam after the part read is nearest, it should be rolled in that direction, because it is best to minimize the rolling out of respect to the *Seifer Torah*.

²⁶ Every reading of the Torah is followed by half-kaddish, except at *minchah* of Shabbos and at *minchah* of a fast-day when we rely on the kaddish that is said before *Shemoneh Esrei*.

- ²⁷ On Mondays and Thursdays after the raising of the Torah the chazzan says [the prayer:] *Yehi ratzon* etc. The congregation should listen and respond: *Amein*. On days when *Tachanun* is omitted *Yehi ratzon* is not said.
- ²⁸ After this, the *Seifer Torah* is returned to the *Aron Hakodesh* [Holy Ark]. It is a mitzvah for every person before whom the *Seifer Torah* passes, as well as the one who raised it and the one who rolled it up, to accompany it to the *Aron Hakodesh*.
- ²⁹ Where a *Seifer Torah* is unavailable one should read aloud from a *Chumash* and the congregation listen, so that the [mitzvah] of *keriah* not be forgotten.
- ³⁰ A *minyan* that is praying and has no *Seifer Torah* to read, a *Seifer Torah* may not be brought to them for the purpose of the *keriah*, even if they incarcerated in prison. [This applies] even for Rosh Hashanah and Yom Kippur. However, if preparations were made a day or two in advance [to have] an ark or a box, where a place was set aside for the *Seifer Torah*, [then] it is permitted [to bring the *Seifer Torah*]. For an esteemed person who is ill it is permitted to bring it even if it is only for the purpose of the *keriah*. Others maintain that for an esteemed person even if he is *not* ill or for an ill person even if he is not an esteemed person, it is permitted. The lenient opinion may be followed on the Shabbos when *Parshas Zachor* or [the Shabbos] when *Parshas Parah* are read, because some maintain that they (these two *parshios*) are obligatory *mideoraisa*.

Siman 24

- ¹ If a *Seifer Torah* is found to be defective due to an error, if the error is a serious one we are not permitted to read from it, and another *Seifer Torah* must be taken out [of the ark] (see Chapter 79: 10). What constitutes a serious error? For example, [if there is] one letter too many, or one missing, or even if one letter is exchanged [with another] and as a result the pronunciation is changed, for example [if the word] *tomim* (twins) [is written with an added *aleph*, and would now be read] *te'omim*, or the word *migresheihen* [with a *nun* at the end] [would be written] *migresheihem* [ending in a *mem*], even though the meaning of the word is the same, [i. e., their ground], nevertheless, since the pronunciation is not the same, it is considered a serious error. Likewise, if the error is such that the word could be pronounced, as though it were written correctly, but it was written in a way that changes its meaning; for instance, in the [weekly] portion *Terumah* [in the phrase] *amah vacheitzi rochbo*, the word *rochbo* (with a *vav* at the end) was instead written *rochbah* (with a *hei* at the end) although (even with the erroneous spelling) the *beis* can be pronounced with a *cholam* -o- (vocalized *rochbo*) nevertheless, since, as it is written [now] it is an error, because the meaning of the word is changed, it is also considered a serious mistake. And if the error is of the kind that it changes neither the pronunciation nor the meaning [of the word], for example, if instead of the correct [spelling] of the word *avosam* with a *vav* after the *beis*, it is found [written] without a *vav*, or vice versa, or, if instead of the correct [spelling of a word] with an auxiliary *yud* [to indicate the plural], as for instance, if the word *avoseichem* is found written without a *yud*, or vice versa, or any similar case, we do not take out another

Seifer Torah, (because [nowadays] our *Sifrei Torah* are not so exact that we can say [with certainty] that the other one will be more fit.) But if a *Yud* is missing that is part of the root [of the word], if, for instance, [in the verse] *mah lach Hagar al tire'i*, [what's the matter Hagar? Do not fear]. the word (*tire'i*) [would be written] without a *yud* after the *tav*, or if [in the verse] *al tira Avraham* [do not fear, *Avraham*] the word *tira* would be written [without a *Yud*], then another *Seifer Torah* should be taken out.

- 2 If a single word is divided so that it looks like two [separate words], or if two words are so close to each other that they look like one [word], or if there is one extra word, whether it is an unrelated word that is entirely out of place or a word that is duplicated, or if there is a change in the form of [the division of] sections, for example, there is a *pesuchah* [open space at the end of a line of writing] instead of a *sesumah* [enclosed space in a written line], or a *sesumah* instead of a *pesuchah*, or there is a division of the sections where it is unnecessary, or where it was necessary to divide sections and this was not done. All these mistakes constitute serious defects and another *Seifer Torah* must be taken out.

- 3 If one letter is attached to another; if it seems that they were attached after the *Seifer Torah* was written, it may be used as long as the shape of the letter is unchanged. But if it seems as though [the letters] were attached while it was written, then there are the following distinctions; if the letters were attached before [one of] the letters was finished, for instance, if a long *nun* (a *final nun*) is joined in the center with the foot of the letter *tav*, [פָּ] or in similar cases, the Scroll is invalid. However, on weekdays you may scrape that spot to separate them. But if the

letters are attached at the end [תְּ], the *Seifer Torah* may be used and it is not necessary to take out another *Seifer Torah*.

- 4 If a letter has lost its shape, whether this happened when it was first written, or it occurred afterwards because of a hole, the *Seifer Torah* is invalid. But if the hole is in the middle of the letter, or outside of it, and the letter has its correct shape but it is not completely surrounded by parchment, and it is evident that the hole was made after [the letter] was written, the *Seifer Torah* may be used, because at the time [the letter] was written it was surrounded by parchment. If the ink of a letter has chipped off so that it is not as black as it should be, the *Seifer Torah* is invalid.

- 5 If there is any doubt regarding a letter, whether or not it has the correct shape; it should be shown to a child who is neither exceptionally smart nor a fool, (that is, one who does not understand the subject matter, but knows and understands the letters). If he reads it correctly, the *Seifer Torah* may be used; otherwise, it is invalid. If [it was shown to] several children and they disagree, we rule according to the majority. It is only when we are in doubt that we rely on [the view of] a child, for in that case it is only a means for establishing the facts, but if we see [plainly] that the letter is not as it should be, or if the *yud*-shaped appendages of the *alef* are disconnected [from the main portion of the letter], or the *yud*-shaped appendages of the *ayin* and the *shin* or the foot of the letter *tav* etc. [are disconnected, פָּתַח] the *Seifer Torah* is *pasul* (invalid) even when a child reads them [correctly], because we see with our eyes that the letter is not as it should be.

- 6 When [the letter] is shown to a child it is not necessary to cover the letters that follow, but it is the custom to cover the letters that come before it. If a letter was severed by a hole and a part of [the letter] is left also below the hole, and we are in doubt if the size of the letter above the hole is enough to satisfy the minimum requirement, it is necessary to cover the part below the hole because the child will [naturally] connect [the parts], while in reality they are not connected. Likewise, if the ink has chipped off from part of a letter and some trace is left, it must be covered, so that the child will not combine it [with the good part of the letter].
- 7 In case a defect is found for which another *Seifer Torah* must be taken out; if the defect is discovered between the calling up of two people, another *Seifer Torah* is taken out, and the reading is resumed from where it was interrupted, and we continue the calling of the required number of men. Those men who were already called to the defective *Seifer Torah* are counted in the required number. However, if this occurs on Shabbos, if it is possible to call seven men to the second *Seifer Torah*, this should be done, (in deference to the opinion of the *Gaonim* who maintain that [the portion] read in the defective *Seifer Torah* does not count,) because it is the custom anyhow to call more than the required seven men.
- 8 If the defect is discovered while the reading is in progress, then there are different opinions and customs [as to what course to follow,] and every community should follow its custom. In a community that has no set custom, it seems to me that they should do as stated in the *Shulchan Aruch*, [namely,] not to say [the concluding] berachah over the defective

Seifer Torah. Rather [the reading] should be stopped immediately, and another *Seifer Torah* should be taken out and [the reading] should begin from where it was interrupted. If [the reading] was interrupted in the middle of a verse, it seems to me, [that the reading in the second *Seifer Torah*] should begin from the beginning of that verse and end at the conclusion of the portion [for the person called]. (It would seem that they should read at least three verses for him from the correct *Seifer Torah*. If there are not three verses left before concluding the portion of the week we should go back a few verses) and the concluding berachah should be said. But the first berachah is not repeated, because there is validity to the berachah that was recited over the defective *Seifer Torah*. (Of course, if it is possible to call seven people to the correct *Seifer Torah* this should be done, as outlined in the previous paragraph.) The same rule applies even [in the case] where the reading has not begun at all for the person who was called; [that is,] if the defect was discovered immediately after the [first] berachah [was said]. Then also another *Seifer Torah* is taken out and the first berachah is not repeated; and it makes no difference [whether the defect was found] during the reading of the last portion or any other portion, in this regard. If it occurred during [the reading of] *maftir*, see Ch. 78: 8.

⁹ If a defect is discovered in a *Seifer Torah* and there is no other *Seifer Torah* available, we should complete the calling of the required number of men [to the defective *Seifer Torah*] but they should not say the *berachos*. (See Chapter 78: 8 and Chapter 79: 10).

¹⁰ Some authorities hold that if a defect is discovered in a *Seifer Torah* in one *chumash*, it is permissible to read from [this *Seifer*] in another *chumash*. For example, if the defect is in the Book of *Bereishis*, it is

permissible to read [from this *Seifer*] in the Book of *Shemos*, and say the *berachos*. We may rely on this [opinion] in case of an emergency, [that is], if it was impossible to correct [the defect] or [the defect] was discovered on Shabbos or on Yom Tov. However, during the *Minchah* service on Shabbos afternoon this [defective *Seifer*] should not be taken out because this reading is not as essential, (as it was instituted merely for the benefit of those who do not attend [services] at the synagogue on Monday and Thursday.)

¹¹ If the seam is torn between two sheets of the parchment, if the greater part [of the parchment] remains sewn together, we may read from the *Seifer Torah*, if not, we must take out another *Seifer Torah*. If no other *Seifer Torah* is available, and the tear is in that Book of the *chumash* from which we must read, we do not use it unless at least five stitches remained, but if the tear is in another *chumash*, then we may read from this *Seifer Torah* even only two stitches remained.

¹² If is a bit of wax or fat dripped on a letter or on a word; if this was discovered on a weekday, it should be removed, but on Shabbos or on Yom Tov, if the [covered] letters are visible the *Seifer Torah* may be read, as it is. But if the letters are so [heavily] covered that they are not visible at all, if [these letters] are in a place where the reading does not occur, the *Seifer Torah* may be used and the *berachos* may be said. But if [the letters] are in a place where the reading does occur,—since it is forbidden to read even one letter unless the writing is clearly visible—therefore, if it is at all possible to remove the wax or the fat in an indirect way, that is, if it is completely dry so that by folding the parchment it would fall off, then this should be done; otherwise, the *Seifer Torah* may not be used. When you remove the wax or the fat on a

weekday, and [the substance] is covering the Divine Name, care should be taken that, God forbid, none of the letters are erased, rather, the reverse side of the parchment should be warmed so that the wax or the fat comes off by itself.

Siman 25

- ¹ After *Ashrei* and *Tehillah leDavid* (A Psalm of Praise by David) are said and you should concentrate well when reciting it, especially when reciting the verse, *Posei'ach es yadecha* ... [You open Your hand] (as was mentioned in Ch. 14: 2 above).
- ² After *Ashrei*, *Lamenatzei'ach* is said. This Psalm is omitted on the following days; *Rosh Chodesh*, *Chanukah*, *Purim*; the same rule applies in a leap year on the fourteenth and fifteenth days of *Adar* I, the day before *Pesach*, the day before *Yom Kippur*, and on *Tishah be'Av*. Neither it is said in the house of a mourner. On a day that *Lamenatzei'ach* is omitted *Eil erech apayim* is also omitted.
- ³ We say the *Kedushah* that is included in *Uva letziyon* with the *Targum* (Amaraic translation). You should be very careful to recite it with concentration; and the *Targum* should be said quietly. (In a mourner's house the verse *Va'ani zos berisi* is omitted).
- ⁴ It is forbidden to leave the synagogue before reciting this *Kedushah*.
- ⁵ You should glorify this [*Kedushah*] by saying it together with the congregation; and therefore, if you arrive at the synagogue when the congregation is reciting it, you should say it with them even before you

say your prayers. You may recite this [*Kedushah*] even before saying the two verses [preceding it] that is, *Uva letziyon* ... and *Va'ani zos berisi* ... and after [you conclude the *Kedushah*], you say these two verses; and certainly you may skip *Ashrei* and *Lamenatzei'ach* in order to say this *Kedushah* together with the congregation, and afterwards say what you have skipped.

- ⁶ Then we say *Aleinu leshabei'ach* ... (It is our obligation to praise ...) and this should be said with great reverence. Joshua instituted [this prayer] when he conquered Jericho. Then we say the Psalm for that day as well as other Psalms, every community, according to its custom.

- ⁷ Upon leaving the synagogue you recite the verse *Hashem nacheini* (Hashem, lead me). You should bow towards the *Aron Hakodesh* like a pupil taking leave from his master. When leaving the synagogue, you should not leave with your back toward the *Aron Hakodesh*, but you should walk out sideways, and do the same when you descend from the reading lectern.

- ⁸ When leaving the synagogue, it is forbidden to run or walk with long strides, because this would make it appear as if your stay in the synagogue was like a burden to you. This only applies when you leave to go to work, but if you leave the synagogue to go to a *Beis Midrash* (house of study) then it is considered a mitzvah if you rush.

Siman 26

¹ Many stories are told in the *Midrashim* indicating that because the son said kaddish for his father or mother they were saved from [Heavenly]

judgment. It is, therefore, customary [for a mourner] to say kaddish, to be called up to *maftir*, and to act as chazzan before the congregation, especially on *motza'ei shabbos* (ending of Shabbos) which is the time when the souls return to *Geihinnom*. The same holds true for every evening, for then judgment is rendered with great severity. Concerning the kaddish there are many divergent rules, in accordance with the various [local] customs.

- ² During the *shivah*, whether [the mourner] is a minor or an adult, a resident or a visitor, he is entitled to say all the *kaddishim*, precluding all other mourners. Even if a festival occurs during the *shivah* which, cancels the rules of the *shivah*, or [if the festival occurs] after the *shivah* which cancels the rules of the *sheloshim*, this does not nullify the laws of kaddish. Likewise, relative to kaddish [we do not apply] [the principle] that part of the day is considered as the whole day. Thus, even at *Minchah* of the seventh day, the mourner has the right to say all the *kaddishim*. The *shivah* and *sheloshim* are counted from the day of the burial. Even though the mourner was not informed [of his loss] immediately, and begins to observe the seven days of mourning afterwards, yet, with regard to saying kaddish the rules of *shivah* do not apply in his case. Similarly, if the death occurs on a festival, with regard to the kaddish we count, from the day of the burial.

- ³ If there is also a *yorzeit* at the synagogue, then if the person observing *shivah* is a minor who attends [services] throughout the *shivah* at the synagogue, then the *yorzeit* may say one kaddish. If there are many people observing *yorzeit* then each one may say one kaddish, even if [because of that] the minor who is observing *shivah* is entirely excluded [from saying kaddish]. If there is a mourner observing *sheloshim* he may

also say one kaddish. But if there are many observing *sheloshim*, then a minor who is observing *shivah* is not entirely excluded because of them. If [the mourner] is an adult who does not attend services [during *shivah*], at the synagogue, even though he prays at his home with a *minyan*, nevertheless, when he comes to the synagogue on Shabbos, he is [entitled] to say all the *kaddishim*. If one who is observing *yorzeit* is there, he is still entitled to say all the *kaddishim*, except for one kaddish over which lots should be drawn [to determine who will say it]. But if the *shivah* was interrupted either because of an intervening festival or his father's death occurred on a festival, then the law regarding a minor applies to him, since he may attend [services] at the synagogue daily.

- ⁴ A minor and an adult who are observing *shivah*; have equal rights regarding the kaddish, when they come to the synagogue on Shabbos. A person who is observing *yorzeit*, is barred by the adult [from saying kaddish], and, therefore, the adult recites [in this case] one kaddish more than the minor, that is, the kaddish which the minor would have had to give to the *yorzeit*.

- ⁵ A person observing *yorzeit* and one observing *sheloshim* have preference over other mourners who are in their year of mourning. Even so, they should also be given some of the *kaddishim*. It is proper to follow the practice that the *kaddish derabbonon* and also the kaddish that is said after *Aleinu*, should be assigned to the person observing *yorzeit* or *sheloshim*, while the other *kaddishim* should be said by the other mourners, if there are as many mourners as there are *kaddishim*.

- ⁶ [If there is in the synagogue] a person who is observing *yorzeit* and one who is observing *sheloshim*, then if at all possible, the one who is

observing *sheloshim* should be given precedence, and the *yorzeit* should say only one kaddish. If there are many observing *yorzeit*, every one of them is entitled to one kaddish, even if [as a result] the person observing *sheloshim* will be entirely prevented [from saying kaddish], because the latter will have the opportunity to say it the next day, where as if the *yorzeit* does not say it today, he will have missed his opportunity.

- ⁷ If there are two mourners, with equal rights, they should draw lots, and if one wins the right to recite the kaddish at the *Ma'ariv* service the other is entitled accordingly, to say one kaddish at the *Shacharis* service without drawing lots, and for the third kaddish they should [again] draw lots. Likewise, if there are many [mourners], lots should also be drawn, and the one who wins does not participate in any subsequent lots until all the [mourners] have said [one kaddish].
- ⁸ A resident mourner takes precedence over a visitor (unless the visitor is observing *shivah*). Regarding a resident and a visitor who are observing *yorzeit* the visitor has no rights whatsoever. If there is a resident observing *sheloshim*, or a resident observing the year of mourning, and there is a visitor observing *yorzeit*, the visitor is entitled to one kaddish. And if there is a resident observing *yorzeit* and another resident observing *sheloshim*, and a visitor observing *yorzeit*, the visitor also says one kaddish, and the resident observing *yorzeit* cannot say to the visitor "I have precedence," for [the visitor] can answer: "I did not take this kaddish from you, but from the one observing *sheloshim*." The resident observing *yorzeit* says the first kaddish, and the visitor-*yorzeit* the second kaddish, and the one observing *sheloshim* the third kaddish.

- ⁹ A visitor observing *sheloshim* and a resident observing the year of mourning, are in the same category.
- ¹⁰ If there is a resident observing *yorzeit* and a visitor in his *sheloshim*, the resident says the first and second kaddish, and the visitor the third one.
- ¹¹ A visitor observing the year of mourning is entitled to one kaddish among the residents in mourning who, are also observing the year of mourning.
- ¹² A resident in this regard is considered, anyone with a permanent residence in the community even though he pays no taxes [to the *kehillah*], or he pays taxes [to the *kehillah*] even though he does not reside there. If someone comes from a different community to say kaddish after his father or mother who resided in the community; even though they were residents nevertheless, since this son does not reside there nor pays taxes, he is not considered a resident. A resident who employs a teacher or a servant, if they are single, they are considered residents [of the community]; but if they have wives who live elsewhere, then they are considered visitors. A student in a yeshivah, and a teacher who is employed to teach the children of many residents, even though their wives live elsewhere, have the status of community residents. If a resident raises an orphan in his house, even for compensation, if [this orphan] has neither father nor mother, he [the orphan] is considered a resident; but if the orphan has either a father or a mother elsewhere, even if he is being raised as an act of charity, [the orphan] has the status of visitor.

- ¹³ One who prays at a synagogue or at a [certain] Beis Hamidrash, regularly, who now comes to say kaddish at another synagogue, the mourners there may prevent him [from saying it], even if he is in his *shivah* period. His status is less than that of a visitor, because a visitor has no other place to pray and say kaddish, while this person has.
- ¹⁴ A mourner who is capable and worthy to act as chazzan, should do so since this is of greater benefit than saying the mourner's kaddish, which was originally instituted only for minors. A mourner who is unable to lead the entire service, should begin from *Ashrei* and *Uva letziyon* etc. The mourner who is first in line for saying kaddish, for example, one in his *shivah* or *sheloshim*, is also first in line with respect to acting as the chazzan. It is customary that a mourner does not lead the service on Shabbos and on Yom Tov. However, if before becoming a mourner he was accustomed to lead the service on Shabbos and Yom Tov, he may do so also during the mourning period. (*Sha'arei Teshuvah* quoting *Teshuvas Meir*; *Nesivim* Ch. 80, see Ch. 128: 8 below).
- ¹⁵ If two mourners have equal rights with regard to Kaddish, and both of them are capable of acting as chazzan and are equally acceptable to the congregation, they should draw lots [to determine] which one should lead in prayer until *Ashrei* and *Uva letzion*, and the second one should lead from *Ashrei* and *Uva letziyon* [to the conclusion of the service]. If one mourner is unable to lead the prayers or he is unacceptable to the congregation and the other mourner leads the prayers, the one who leads the prayers does not forfeit his rights to the *kaddishim*. Nevertheless, he ought to relinquish his rights and leave the kaddish to

the one who did not lead in prayer, certainly [he should relinquish his rights] when [the other mourners] are minors.

¹⁶ A person who is in mourning for both his father and his mother, is not entitled to any more rights with regard to leading in prayer or the kaddish than any other mourner, because one remembrance suffices for both parents.

¹⁷ It is customary to say kaddish for no more than eleven months, in order not to make the parents appear as grave sinners, for grave sinners are sentenced for a period of twelve months. For example, if the death occurred on the 10th of *Shevat*, the [mourner] stops saying [kaddish] on the 9th of *Tevet*. On the 10th of *Tevet* he should not say [kaddish], since this is the first day of the twelfth month [and we have a rule] that one day of a month counts as an entire month, it will appear that he said it for twelve months. The Kaddish period of eleven months is counted from the day of the burial and not from the day of death. [Consequently], if the burial took place on the 11th of *Shevat*, the mourner stops saying kaddish on the 10th of *Tevet*, because the Heavenly judgment begins only after burial. If it was a leap year he stops saying kaddish on the 9th (or 10th) of *Kislev*. On the day the mourner stops saying Kaddish, he is entitled to say all the *kaddishim*, but a *yorzeit* [who is present] is entitled to one kaddish, and so is a person in his *sheloshim*. If there are a number of people observing *yorzeit*, or mourners in their *sheloshim*, he is completely debarred because of them. If [a mourner] knows that his father or mother were grave sinners, of the category of those who are judged for twelve months, it is fitting and obligatory that he says kaddish for twelve months.

- 18 If there are many mourners, may the Merciful One save us, then, in order to avoid quarrels and friction, it is customary in many communities for two or three mourners to say kaddish together.
- 19 If there is no one in the synagogue mourning the loss of a father or a mother then the [mourner's] kaddish should be recited by anyone who has neither father or mother. This Kaddish is said for the sake of all the departed in Israel. In some communities it is the custom for relatives to say the kaddish for members of their family if there are no mourners for fathers or mothers. Even when there are mourners for fathers or mothers, if someone wishes to say the kaddish for a grandfather or a grandmother who died without leaving any sons, or for his son or daughter who died without leaving any sons, the other [mourners] should allow him to say one kaddish, after each of them have said their kaddish. There are communities that follow the custom that relatives may say kaddish [for any family member] even when there are mourners for fathers and mothers present, but they reach a compromise, that they do not say as many *kaddishim* as those who mourn their father or mother. In this matter we follow the prevailing custom provided the custom is firmly established in that community.
- 20 A daughter should not say kaddish at the synagogue. However, some authorities are of the opinion, that if a *minyan* assembles at her home in order that she may say the kaddish there, they may do so. But other authorities hold that even this is not permitted.
- 21 If a person observes *yorzeit* and is unable to say kaddish, for example, he is traveling, or there were not enough *kaddishim* for everyone, then

he may say kaddish at the *Maariv* service following the *yorzeit*.

- ²² Even though the saying of kaddish and prayers are helpful to [the souls of] the parents, yet they are not the main thing. The most important thing is that the children walk in the path of righteousness, because with that they gain Heavenly favor for their parents. Thus it is written in the holy *Zohar*: (at the end of the portion *Bechukosai*) "A son honors his father." This statement is similar to the Divine command "Honor your father and your mother," which teaches [that a son must provide his parents] with food and drink. All this he must do while they are alive. but after their death you might think he is exempt, this is not so. Even after their death it is his duty to honor them even more, for it is written, "Honor your father;" and if the son walks in the path of evil, he surely shows contempt for his father, and disgraces him. But if the son walks in the path of righteousness and acts properly, he certainly honors his father thereby; he honors him in this world in the [eyes] of men, and confers glory on him in the other world in the presence of the Holy One, blessed is He. And the Holy One, blessed is He, has mercy on him and seats him on His Throne of Honor ... (end of *Zohar* text). A person should, therefore, instruct his children to observe one certain mitzvah [with particular care]. If they fulfill [this mitzvah] it counts for more than saying the kaddish. This is also a good course [to follow] for a person who has no sons, only daughters.

Siman 27

- ¹ After prayers, time should be set aside for the study of Torah. It is necessary that this study period be on a regular basis so that you will not skip them even if it means earning big profits. If you must attend

to a very important matter, you should first study at least one [Torah] verse or one law, and then take care of your affairs, and then your daily study period. Some communities have established Torah study groups that meet immediately after prayers; and every God fearing man should join them.

- ² Every Jewish man must study the Torah, no matter whether he is poor or rich, whether he is healthy or suffering pain, whether he is young or very old. Even a beggar who goes from door to door must set aside a certain time for Torah study during the day and night, as it is written: "And you shall meditate in it day and night." If a person lacks the knowledge to study Torah or it is impossible for him [to study] because he is burdened with too many concerns, then he should support others who *do* engage in Torah study, and it will be considered as though he himself had studied, as our Rabbis of blessed memory, explained the verse: "Rejoice Zevulun in your going out and Yissachar in your tents." Zevulun and Yissachar entered into a partnership; Zevulun engaged in business and supported Yissachar, so that he would be free to be engrossed in the study of Torah. Because of this, the Torah mentions Zevulun before Yissachar, since the Torah learning of Yissachar was made possible through the support of Zevulun. And so we find in the Mishnah: "Shimon the brother of Azaryah said ...," Shimon is described as the brother of Azaryah, because Azaryah was engaged in business and provided the needs of his brother Shimon, who was engrossed in Torah study. They made an agreement between themselves, that Azaryah would have a share in Shimon's reward for [Torah] study. Even so, every person should do his utmost to study Torah, even just a little, every day and every night.

- ³ A person who cannot study Torah full time, but sets aside regular periods for Torah study, should use these set hours to study the *halachos* (laws) that occur frequently, and which every Jew must know. He should also study *Agados* and *Midrashim* and books of ethics which are based on sacred sources such as, the *Midrashim* of the Rabbis of blessed memory. [These studies] help man restrain his evil impulses. Fortunate is the man who has made a fixed and unbending resolution to study the book *Chok Leyisrael* on a daily basis. And the more a person studies the more blessing he receives from Heaven.

- ⁴ When you are studying [Torah] and you need to go out, you should not leave your book open, because this causes you to forget what you learned. (*Sifsei Kohein Yoreh Deiah* 277)

- ⁵ A person should be careful in whatever he studies, to pronounce the words with his lips and to make it audible to his ears, for it is written, "This book of the Torah shall not leave your mouth and you shall meditate on it..." And a person who pronounces the words even though he does not understand [their meaning], fulfills the mitzvah of "And you shall study them." Therefore, every unlearned person should say the berachah over Torah every morning before reciting the verses [*Yevarechecha* etc.], and also when he is called up to the *Seifer Torah*. Anyone who engages in Torah study but is unable to understand it for lack of knowledge, will merit to understand it in the World to Come.

Siman 28

- ¹ It is a positive commandment, incumbent upon every Jewish man to write a *Seifer Torah* for himself, for it is written, "And now write for yourselves this song;" and via oral tradition, our Rabbis of blessed memory explained, that everyone should write the entire Torah which contains this song [of Moses]. Even a person who inherits a *Seifer Torah* from his father, is commanded to write one for himself. If someone hires a *soifer* (scribe) to write a *Seifer Torah* for him, or if he buys it and finds that it is defective, and corrects it, this is considered as though he had written it. It is forbidden to sell a *Seifer Torah*, but in a case of great need you should consult a competent Rabbi.
- ² It is also a mitzvah for every person to buy other sacred books for learning purposes, such as *Tenach* (Bible), the *Mishnah*, the *Talmud*, and codes of law, to study from them and to lend them to others. If a person does not have the means to buy both a *Seifer Torah* and other books for study, then the books for study have preference. Our Rabbis of blessed memory stated: ["It is written], "And his righteousness endures forever," this refers to the person who writes (or buys) [sacred] books and lends them to others."
- ³ A person must have great respect for a *Seifer Torah*. It is his duty to assign a special place for it and to treat this place with honor, and to hold it in utmost reverence. He must not spit in front of the *Seifer Torah*, and he should not hold a *Seifer Torah* without its cover [or mantle]. When you see a *Seifer Torah* being carried, you must rise [and remain standing] until the *Seifer Torah* is brought to its place, or until it is out of sight. In the synagogue, when the *Seifer Torah* is taken out or carried [to the Ark], it is a mitzvah for all those before whom it passes

to accompany it to its destination. Also the person who lifted [the *Seifer Torah*], and the one who rolled it up should accompany it.

- 4 Even sacred books [must be treated respectfully]. If they are on a bench, it is forbidden to sit on this bench, unless the books are placed on something that is at least one *tefach* in height. And certainly it is forbidden to place religious books on the floor. You should not place a religious book on your knees and rest your elbows on it. In an emergency situation, it is permitted to sit on a chest which contains sacred books, but if it contains a *Seifer Torah*, it is forbidden to do so. You are allowed to place a *Chumash* (Pentateuch) on top of the Books of *Nevi'im* (The Prophets) and *Kesuvim* (The Writings), and the Books of *Kesuvim* on top of *Nevi'im*, or, [conversely,] *Nevi'im* on top of *Kesuvim*. But you are not permitted to place *Nevi'im* or *Kesuvim* on top of *Chumashim*.
- 5 A *Seifer Torah* that became worn out must be stored away [with dignity]. The same must be done with other religious books, sacred writings, and sacred articles. It is forbidden to burn them.
- 6 Sacred writings should not be thrown around even if they are only Books of law or *Agadah*. They may not be placed upside down; if you find them wrong side up, you must place them in the proper position.
- 7 It is forbidden to urinate in the presence of religious books. In an emergency situation, they should be placed at least ten *tefachim* above the ground.
- 8 It is forbidden to make a covering or a mantle for any sacred article out of material that was used for common purposes. But, after the fact, if it

has already been made, it may be used. But, material that was used for purposes of idolatry, is forbidden, even if it was already made.

- ⁹ It is forbidden to use a religious book for your personal benefit, for example, to stand it up as a screen against the sun, or, so that someone else does not see what you are doing; but if the sun shines on the book you are studying you may use another book as a screen, because you are not using it for your enjoyment. Likewise, to place a book underneath the book you are studying in order to raise it for easier studying, may be permitted. But it is not permitted to place one book inside another, so that you should not have to look later for the place you are studying. You should not draw lines on note paper [in order to write a commentary on the Torah] [by placing the paper] on the book, because the note paper is not sacred until [something sacred] is written on it. Neither are you allowed to put note paper or something similar into a book for safekeeping.

- ¹⁰ Whoever destroys sacred writings violates the negative commandment, "Do not act in this manner to Hashem your God." We must protest against those bookbinders who paste sacred writings in the bookcovers. You also must be very careful when you give old, sacred books to a non-Jewish bookbinder. You should remove the old covers and hide them so that the bookbinder will not install them in secular books.

- ¹¹ It is forbidden to buy a *Seifer Torah*, tefillin, and mezuzos from a non-Jew for more than their true value, in order not to encourage them to steal and rob them. However, at their actual value, it is our duty to buy them. Even when the writing is defective and therefore must be stored away these sacred writings must be redeemed from non-Jewish hands. If

the non-Jew demands an exorbitant price, we must bargain with him and persuade him to sell at the proper price. If the [non-Jew] persists, we should let him keep [the objects]. We should not ask the non-Jew to sell them at a price that is too low, lest he become angry and throw them away and become totally ruined.

- ¹² If a *Seifer Torah* falls out of someone's hand, even if it is [covered] by its mantle, he must fast, and it is the custom that those who see it [fall] also fast.
- ¹³ It is forbidden to write a Biblical verse without lines. (see *Magein Avraham* Ch. 32: 7) Some authorities hold that it is forbidden to write secular words in the *Ashuris* lettering, in which the *Seifer Torah* is written.

Siman 29

- ¹ People have varying character traits. Some people are angry by nature, forever bursting with rage, then there are others who are tranquil who never become angry, or who become angry [only] once in many years. [You will find] a man who is extremely haughty, and another who is extremely humble. Some are lustful, their souls never satisfied with their unbridled cravings, others possess a very pure heart, and have no desire even for little things which are required for physical well-being. Some people have a voracious hunger for wealth and are not satisfied with all the money in the world, as it is written, "The person who loves money will not be satisfied with money." Others have very modest desires, and are satisfied with little which does not even fill their needs, and [yet] make no effort to earn a livelihood. Some will afflict

themselves with hunger and accumulate money this way, and [the little] they eat of their own [food] causes them distress. Others spend all their money [wastefully.] It is the same with all other character traits and concepts, as for example, the cheerful and the gloomy, the miser and the noble hearted, the cruel and the compassionate, the gentle and the hard-hearted and so on.

- ² The good and right path to follow is to accustom yourself to walk the middle course. You should desire only those things which are required for your physical well being, and without which it is impossible to live, as it is written, "The righteous person eats to satisfy his soul." You should be absorbed in your business affairs only to the extent that it enables you to acquire things that you need for your daily life, as it is written, "Better is the little of the righteous." Do not be overly tight-fisted, nor spend your money too freely, but rather give charity according to your ability and lend money wisely to whom ever needs it. Do not be too jubilant and jolly, nor too sad and gloomy. But be happy at all times, be contented and show a friendly face. And so too with most other character traits, anyone who follows the middle course is called a wise man.
- ³ Conceit is a very bad character trait and it is forbidden to act [haughtily] even to the slightest degree, but accustom yourself to be humble in spirit, as our Sages of blessed memory have decreed, "Be exceedingly humble in spirit." And how can you accustom yourself to be modest and humble? All your words should be spoken gently, hold your head down, your eyes should look downward, but your heart upward, and in your eyes, consider all men to be greater than you are. If he is a greater Torah scholar than you, then it is your duty to honor

him. Likewise, if he is richer than you, you must also honor him, as we read [in the Talmud] "Rebbi was wont to honor the rich." Think of it this way: "Since Hashem, praised be He, gave him riches he is evidently worthy of it." If he ranks lower than you in wisdom or riches, consider that he is more righteous than you; because if he commits a sin it is considered an unintentional or accidental sin, whereas, when you commit a sin it is considered an intentional sin. If you keep this in mind at all times, you will never be arrogant and all will be well with you.

- ⁴ Anger is also a very evil trait, and it should be avoided it at all costs. You should train yourself not to become angry even if you have good reason to be angry. And when it is necessary to impress your authority on your children and your household, you may pretend to be angry in order to admonish them, while retaining your composure inwardly. [The Talmud relates] "Eliyahu said to Rabbi Yehudah, the brother of Rav Salla, the Pious: "Do not become angry, and you will not sin," (do not become angry, because anger will induce you to sin), "Do not become intoxicated, and you will not sin." Our Rabbis of blessed memory said furthermore, "If anyone becomes angry it is considered as though he worships idols, and the torments of *Gehinnom* will be inflicted on him as it is written, "Therefore, remove anger from your heart and put away evil from your body." The word "evil" connotes *Gehinnom* as it is written: "Indeed, even the wicked for the day of evil." The life of angry men is no life. Therefore, [our Sages] ordained that a man should distance himself from anger to the point that he can conduct himself with utter disregard even for things that evoke [justifiable] anger. This is the proper path [to follow] and it is the way of the righteous, [as stated in the Talmud] "They suffer insults but do

not insult, they listen to abuse heaped on them but do not answer, they are motivated by love in whatever they do, and they rejoice [even when] suffering pain." Concerning them, the Biblical verse says: "But those who love Him are as the sun when it comes out in its might."

⁵ Always cultivate the virtue of silence, and engage in conversation only on matters pertaining to Torah study, or on matters concerning your personal needs; and even when [discussing] your personal needs you should not talk too much about them. Our Rabbis of blessed memory have already said, "Whoever talks excessively causes sin" and they said [in the same vein], "I have found nothing better for a person than silence." Rava said: "What is the meaning of the verse, "Death and life are controlled by the tongue." "He who seeks life [can achieve it] through his tongue, he who seeks death, [can achieve it] through his tongue."

⁶ You must neither be a jestor or a fool, neither should you be glum and melancholy, rather you should be happy. Thus said [our Rabbis,] of blessed memory, "Jesting and frivolity lead a man to immorality." You should also avoid greediness, eagerly rushing after wealth. Be not depressed, nor idle from work, but be benevolent in your outlook. Hold your business affairs to a minimum and be occupied with the study of Torah. Rejoice with your small share [of worldly goods]. Thus said [our Sages] of blessed memory, "Envy, lust and desire for glory remove a man from the world." So it is necessary that you stay away from these [bad traits].

⁷ Perhaps a person might say: "Since envy, lust and glory and the like, are bad character traits that remove a man from the world, I will

completely abstain from them, and keep away from them entirely," to the point that he will not eat meat, nor drink wine, nor marry a woman, nor live in a comfortable dwelling, nor wear decent clothes, but he will put on a sackcloth, or something similar; this too is a bad way of life, and it is forbidden to follow it. Anyone who follows this life-style is called a sinner. For in regard to the *nazir* it is written, "To atone for him who sinned by the dead," and [our Rabbis] of blessed memory said, "If a *nazir* who abstained only from drinking wine, needs an atonement, a person who abstains from everything, how much more so does he need [an atonement]." Therefore, our Rabbis of blessed memory ordained that you should abstain only from those things which the Torah prohibits, but do not prohibit to yourself, things which are permitted by means of vows and oaths. Thus said our Sages of blessed memory, "Is not what the Torah forbids enough for you that you have to prohibit to yourself things which are permissible?" And our Rabbis of blessed memory have forbidden us to inflict pain on ourselves with more fasting than is required. Concerning all these and similar matters, King Solomon, peace be upon him, said, "Do not be excessively righteous, nor overly wise, why destroy yourself." And he said [in the same vein], "Measure well the path of your foot then you will stay on a straight course."

- ⁸ We have mentioned before (Chapter 1: 3) the saying of Rabbi Yehudah ben Teima, "Be bold as a leopard..." [which teaches] not to be ashamed before people who deride you when you worship the Creator, blessed is He. Nevertheless, you should not answer them rudely, so that you will not acquire the habit of being impertinent even in situations not involved with the worship of God, blessed be His Name.

- ⁹ Neither should you quarrel for [the right to perform] a mitzvah, such as to lead the congregation in prayer, or to be called up to the Torah, or the like. Just as we find it with the Show-bread, that although it was a mitzvah to eat of it, yet, we are told, "The modest used to give up their share while the gluttons used to grab and devour it."
- ¹⁰ It is human nature for man's actions to be influenced by his friends, colleagues and townspeople. Therefore, you should associate yourself with the righteous, and be in the company of wise men constantly, in order to learn from their deeds. Keep away from evil men who walk in darkness, in order not to learn from their behavior. King Solomon, peace be upon him, said, "Whoever walks with wise men will become wise, but the companion of fools will come to ruin." And it is written [in the same vein], "Fortunate is the man..." And if someone lives in a town whose customs are depraved and whose inhabitants do not walk on the right path, he should move to a city whose inhabitants are righteous and lead decent lives.
- ¹¹ It is a positive commandment to associate with Torah scholars so that we may learn from their deeds, as it is said, "And cling to Him." Is it possible for man to cling to the Divine Presence? Rather our Rabbis of blessed memory explain: "Cling to Torah scholars." Therefore, a man should make a serious effort to marry the daughter of a Torah scholar, and give his daughter in marriage to a Torah scholar, to eat and drink with Torah scholars, and do business with a Torah scholar, and to join hands with them in every possible form of association, for it is written, "And cling to Him." And thus mandated our Rabbis of blessed

memory, and they said: "Sit in the dust of their feet and drink their words thirstily."

¹² It is incumbent upon every Jew to love every fellow Jew as he loves himself, as it is said: "Love your neighbor as [you love] yourself." Therefore, you should relate [his] virtues and treat his property with [the same] concern as you have for your own property, or for your own honor. The person who glorifies himself in his neighbor's shame, even though his neighbor is not present and the humiliation has not reached him, and even if he has not actually insulted him, but only compared his own good deeds and his own wisdom with the good deeds or wisdom of his neighbor, so that from his statement he will be rated an honorable man and his neighbor as a despicable person, [this person] has no share in the World to Come unless he repents with perfect repentance.

¹³ Anyone who hates a fellow-Jew in his heart, transgresses a negative commandment, as it is said: "Do not hate your brother in your heart." (See Chapter 189: 5) If anyone has sinned against you, you should not hate him inwardly, and keep quiet about it, as it is written concerning the wicked, "And Avshalom did not speak to Amnon either bad or good because Avshalom hated Amnon," but it is your duty to let him know [what you think of him] and to say to him, "Why have you done this to me, why have you sinned against me in this matter?", for it is said: "You must admonish your neighbor." If the offender regrets it and asks you to forgive him, you should forgive him and not be harsh, for it is said: "And Avraham prayed to God." In *Avos de Rabbi Nasan* (end of Chapter 16) [it is stated] "What is meant by 'hatred of people'?" It conveys this thought: "A person should not think of saying "I will love

the scholars but hate the students, I will love the students but hate the unlearned." Rather, you should love them all, but hate the heretics, and those who mislead and entice people, [to abandon the Torah and follow false doctrines], and also [hate] the informers. And thus David said, "Behold, those who hate You Hashem, I hate, and with those who rise up against You, I contend. With utmost hatred do I hate them, they have come to be my enemies." But didn't God say; "Love your neighbor as [you love] yourself, I am Hashem?" For what reason? Because I (God) have created him. And if he keeps the laws of your people you must love him, if not, you should not love him.

¹⁴ A person is forbidden to pray for judgment from Heaven against his fellow man who treated him wrongly. This applies only if [his grievance] can be settled in an earthly court. Anyone who prays for Divine punishment against his fellow man, will himself be punished first. There are some authorities who hold that even if his case cannot be settled in an earthly court, he is not permitted to pray for Divine judgment against him, unless he first lets him know [that he intends to do so].

¹⁵ If you see someone committing a sin or following a wrongful course, it is a mitzvah to bring him back to the good path and make him aware that he is acting sinfully by committing his wrongful deeds, for it is said: "You must admonish your neighbor." And when you admonish someone, whether it concerns his personal relationships, or something that concerns his relationship with God, you should admonish him privately speaking to him gently with soothing words, letting him know that you are speaking to him only for his own good, to help him merit the life of the World to Come. Anyone who has the opportunity to

protest [against a sinful act] and does not speak out in protest, will be held responsible for that very sin, because he could have protested.

¹⁶ This applies only in a case when you [have reason to] believe that the sinner will listen to you, but when you know [for sure] that he will not pay attention to your words, then you are forbidden to admonish him. For Rabbi Ila'a said in the name of Rabbi Elazar ben Rabbi Shimon, "Just as it is a mitzvah for a person to say something that will be heeded, so it is a mitzvah to refrain from saying something that will not be heeded." Rabbi Abba says, "It is his duty" [to refrain from saying anything that will not be taken under consideration]. for it is said: "Do not admonish a scorner lest he hate you; reprove a wise man and he will love you."

¹⁷ It is forbidden to humiliate anyone either by word or by deed, especially in public. And our Rabbis of blessed memory said, "A person who humiliates someone in public will have no share in the World to Come." Our Rabbis of blessed memory said furthermore, "It is better for a man to throw himself into a fiery furnace than to put his fellow man to shame," for it is said: "When she was being taken out [to be executed] she sent word to her father-in-law, saying: "By the man who is the owner of these articles I am pregnant." She did not say to him openly [that it was of him that she conceived] she merely hinted, [thinking] if he admits it, fine, if not, I will not expose him publicly." Therefore, you should be very careful not to humiliate anyone in public, whether he is a minor or an adult, nor to call anyone by a name of which he is ashamed, and do not relate in his presence anything of which he is ashamed. And if anyone sinned against you and it is necessary for you to admonish him [for it], do not humiliate him, for it

is said: "Do not sin through him." This law applies only to a case where he [sinned] against his fellow man, but if he [sinned] against God, and does not retract [and repent] when you admonish him privately, you may disgrace him publicly, and publicize his transgression, and you may revile him to his face, you may insult him and curse him until he returns to the good [path], as all the prophets in Israel have done. Regarding such a person [the law prohibiting] the making of disparaging remarks does not apply for it is said: "Do not speak slightlying to one another," and the Rabbis of blessed memory explain, that the word *amiso* [to your fellow man], applies to those who are of one mind with you in their observance of the Torah and the mitzvos. The Torah forbids you to abuse *them* verbally, but you are not [prohibited from verbally abusing] those persons who violate [the Torah] and do not repent [even] after they have been admonished privately, and with gentle words.

¹⁸ If someone sinned against you, and you do not want to admonish him, or even mention it to him at all, and you forgive him wholeheartedly, and you do not hate him and do not admonish him; this is the practice of the pious, for the Torah's only concern is to banish hatred.

¹⁹ You should be very careful [in the way you treat] orphans and widows, to speak only kindly to them, to treat them respectfully, not to hurt them even with words, because their souls are very depressed and their spirits are low, even if they are wealthy. Even [regarding] the widow and the orphans of a king, we are warned [in the Torah], for it is said: "Do not mistreat a widow or an orphan." A covenant was made [with widows and orphans] by Him Whose Word called the world into being, that whenever they cry because of an injustice that was done to them,

their [cries] will be answered, for it is said: "For if he cries out to Me I will hear his cry." This applies only where someone hurts them for his own benefit. But if a teacher afflicts them in order to teach them Torah or a trade, or to lead them on a straight path, this is permitted. Nevertheless, [the teacher] should be careful to guide them gently and with great compassion, for it is said: "For God will plead their cause." [In all of these laws, it makes no difference] whether he is an orphan from his father or an orphan from his mother. And for how long are they considered orphans in this regard? Until they are able to take care of all their needs by themselves as all other adults.

²⁰ A person should be careful not to do anything which might cause [people] to suspect that he committed a sin, (even though he is not [actually] committing a sin), as we find that the *kohein* who removed the coins from the chamber did not enter [the chamber] in a garment that was fashioned in a way that something could be hidden in it, for a person must answer for his actions to his fellow man as he must answer to the Almighty, blessed is He, as it is said: "You will be innocent before God and Israel" And it is also said: "And find favor and good understanding in the eyes of God and man."

²¹ It is the practice of pious people, not to accept gifts, but to trust that Hashem, will take care of their needs, as it is said, "But he that hates gifts will live."

Siman 30

¹ It is written, "Do not be a talebearer among your people." What constitutes talebearing? It is carrying gossip and going from one to the

other saying, "So and so said this..." "I have heard such and such about so and so." Even if [the tale he tells] is true, and it brings no disgrace to anyone it is, still, a violation of a negative commandment, and it is a grave sin, which causes the death of Jewish people. Because of this [the law against talebearing] is followed by: [the verse] "Do not stand by the blood of your neighbor." Think about what happened in the case of Do'eg the Edomite, who told Shaul, that Achimelech gave David food and a sword. Even though the thing [he told] was true, and it did not reflect dishonor on Achimelech, for he had not done anything wrong, and even if Shaul himself had asked Achimelech he would have told him what he had done, for he had no intention to sin against Shaul. Despite this, the talebearing of Do'eg caused many *kohanim* to be killed.

- ² There is a much graver sin [than tale bearing] which is classified under this prohibition and that is slander; which is, speaking of someone's shame, even if it is true. But a person who spreads lies [about others] is guilty of besmirching someone's name. A slanderer is a person who says, "So and so has done such and such; so and so were his parents; such and such a thing I heard about him," and he relates shameful things. Regarding such a person, Scripture states, "May Hashem cut off all smooth [talking] lips, the tongue that speaks haughty words." A person who accepts slanderous gossip is worse than the one who spreads it. The heavenly decree against our forefathers, in the wilderness was sealed, only because [they committed] the sin of slander.

- ³ To what length [must we go to avoid] slander? [For instance], if a man asks someone, "Where can I find fire?" and he replies, "[I'll tell you] where you can find fire. In the house of so and so where there is plenty

of meat and fish, and they are always cooking [something]." [Even that is considered slander].

- ⁴ And there are [certain] statements which are milder nuances of slander. For example, if someone says: "Let's not talk about so and so; I do not want to tell what happened and what transpired," or words to that effect. Likewise, if you tell of someone's virtues in the presence of his enemies, this constitutes a milder nuance of slander, for this will prompt [his enemies] to tell derogatory things about him. Concerning this King Solomon said, "He that praises his friend with a loud voice when rising early in the morning, it will be counted as a curse to him," for [proclaiming] his virtues will cause him harm. Also when a person slanders in a jesting or jocular manner, as if he were not speaking out of hatred, [he is guilty of a milder form of slander]. King Solomon [referred to this] when he said in his wisdom, "As a man who pretends to play, and shoots firebrands, arrows, and death [so is this man who deceives his neighbor] and says 'Look, I'm only joking.' Equally [guilty] is a person who slanders with slyness, by pretending to speak innocently, [as if he were] unaware that [what he says] is slander, and when he is taken to task for it he says, "I did not know that this was slander" or "so and so [actually] did these things."
- ⁵ If someone relates *lashon hara*, regardless whether in the presence or in the absence of the other fellow, or if he tells things that would cause damage to someone else, either to his person, or to his property, or even if he only [intended] to annoy or to frighten him, that constitutes *lashon hara* [slander]. But if these things had already been told in the presence of three persons, it may be assumed that they have become known, and if one of the three persons tells them once more [to other

people], it is not *lashon hara*, provided he did not [repeat it] with the intention to spread the rumor and give it added publicity. What procedure should a man follow to avoid falling into the trap of *lashon hara*? If he is a Torah scholar he should engross himself in the study of the Torah and if he is unlearned he should practice humility.

- ⁶ Rabbi *Yirmiyah bar Abba* said, "[The following] four categories [of people] will not see the Divine Presence [in the Hereafter]: scorners, flatterers, liars, and those who speak *lashon hara* (slanderers). Scorners [can be inferred], from the verse; 'He withdraws His hand from scorners.' (Rashi explains [*mashach yado*] the Holy One, blessed is He, pulls away His hand, [rejecting] the company of scorners). Flatterers, [can be inferred], from the verse, "A flatterer cannot come before Him." Liars [may be inferred], from the verse, "He who tells lies will have no place before My eyes." Those who speak *lashon hara*, from the verse, "You are not a God Who desires wickedness, evil will not abide with You." (Rashi explains [that the phrase] "Evil will not abide with You" refers to those who speak *lashon hara*, because it is written in this psalm "For there is no sincerity in their mouth...") [The *Gemara* concludes:] "Since you are a righteous God, no evil can abide in Your dwelling." Our Rabbis of blessed memory said furthermore, "All ridicule is forbidden except for ridiculing idol worship, for it is written, "And it happened at noon that Eliyahu mocked them..."

- ⁷ Whoever takes revenge on someone, violates a negative commandment, for it is written, "Do not take revenge." And what constitutes vengeance? Reuvein says to Shimon, "Lend me your spade!" [Shimon] replies, "No, I will not lend it to you." The next day [Shimon] has to borrow something and he says [to Reuvein]: "Lend me your spade."

[Reuvein] says: "No, I will not lend it to you, just as you did not lend me [yours] when I asked you for it." This constitutes taking revenge, and he [Reuvein] has violated a negative commandment. Rather when [Shimon] comes to borrow something, he should give it to him wholeheartedly and not pay him back for what he did to him. It is becoming for a person to show forbearance in all mundane matters, for in the eyes of understanding people, they are all nothing but vanity and futility, and not worth taking revenge because of them. And thus said King David, peace be upon him, "If I have repaid my friends with evil, I who released my unprovoked adversary. (For the prohibition against uttering curses, see Chapter 6: 3).

- 8 If you [really] want to take revenge against your enemy, acquire more good qualities and walk in the path of righteousness. In so doing you will inevitably take vengeance against your enemy for he will be distressed over your good qualities, and he will be grieved over your good reputation. But if you [stoop to] do vile deeds, then your enemy will rejoice over your disgrace and your shame, and he is the one who takes revenge against you.
- 9 He who bears a grudge against a fellow Jew, violates a negative commandment, for it is said, "Don't bear a grudge against the children of your people." What constitutes bearing a grudge? [For example.] Reuvein said to Shimon: "Lend me that thing," and Shimon refused to lend it. After a while Shimon came to borrow something from Reuvein, and Reuvein said take it, "I will lend it to you for I am not like you, I will not repay you for what you did [to me]." He who does so violates the prohibition against bearing a grudge. He should blot it out of his heart and think no more of it. And this is the proper frame of mind by

which society can survive and economic order between people [can be maintained].

Siman 31

- ¹ Our Rabbis of blessed memory said, "Upon which short verse are all the principles of the Torah" predicated? [It is] "In all your ways acknowledge Him." It means that even in those things that you do for your personal needs, you should acknowledge God, and do those things for the sake of His Name, blessed is He. For example, eating, drinking, walking, sitting, lying down, getting up, sexual intercourse, and talking —all these physical needs should be done for the sake of serving your Creator, or for the sake of [doing] something that will be conducive to the service of Him.
- ² How can you serve God by "eating and drinking?" Needless to say that you may not eat or drink, things that are forbidden, God forbid. But even regarding foods that are permitted, if you are thirsty and hungry, and you eat and drink [just] to satisfy your desires, that is not a praiseworthy [attitude]. But you should have in mind that you are eating and drinking, to have strength to serve the Creator. Therefore, you should not eat all that appeals to your palate, like a dog or a donkey, but you should eat only things that are helpful and beneficial to the health of your body. There are some very devout people who say before partaking of food: "I am about to eat and drink in order to be healthy and strong to serve the Creator, blessed is His Name."

- ³ How [can you serve God by] sitting, getting up and walking? Needless to say, you should not sit in the company of scoffers, nor stand in the way of sinners, nor walk in the counsel of the wicked. But even if you sit in a meeting of honest men, and stand in the place of the righteous, and walk in the counsel of the perfect, but you do this to satisfy your own desires, to gratify your ambitions and cravings, that is not a praiseworthy [attitude]. You should do [these things] for the sake of Heaven. Nevertheless, if you are unable to direct your thoughts to act exclusively for the sake of Heaven, you should not abstain from doing these things, for by doing good for ulterior motives you will eventually do them for the sake of Heaven.
- ⁴ How [can you serve God by] lying down? Needless to say, at a time when you are able to occupy yourself with [the study of] Torah and mitzvos, and you yield to [the urge] to sleep for your own gratification, that this is not the proper thing to do. However when you are tired and you must sleep in order to rest from your hard work, if you do so [just] for pleasure, it is not a praiseworthy [attitude]. But you should have in mind [that you are] giving sleep to your eyes and rest to your body in order to be healthy, so that your mind is not distracted by sleepiness when you study the Torah.
- ⁵ How can [sexual] intercourse be a service to God? Needless to say, that you should not commit a sin, God forbid. Rather even when exercising the conjugal rights that are spoken of in the Torah, if you do so for your own gratification or to satisfy your lust, it would be reprehensible. And even if you have in mind [during intercourse] to have sons to assist you and take your place, it is not a praiseworthy [attitude]. Rather you

should have in mind to have children who will serve the Creator, or have in mind to strengthen your body, and to fulfill the conjugal mitzvah as a man who fulfills an obligation.

- ⁶ How [can you serve God] by talking? Needless to say, that you should not engage in *lashon hara*, or talebearing and scoffing, or in talking obscenities, God forbid. But even when telling anecdotes from [the life of] our Sages, you should have the intention to serve the Creator, or to inspire [others] to serve Him.
- ⁷ Similarly, when you are engaged in business or in a trade [or profession] to earn a livelihood, you should not aspire merely to accumulate wealth, but pursue your work in order to support your family, to give charity, and to raise your children to study the Torah. The general principle [that should guide all your actions] is: It is the duty of every person to consider his ways judiciously, and to weigh his deeds on the scales of reason; and if he sees something that is conducive to the service of the Creator, on high, he should do it, otherwise, he should not do it. If you lead [your life according to] this rule, you will be serving God all your days, even when sitting, getting up, walking, and doing business, even when eating and drinking, yes, even when having marital relations and performing all your bodily functions. With regard to this way of thinking our Rabbis of blessed memory said: "Let all your deeds be for the sake of Heaven." And in the same manner *Rabbeinu Hakodesh* raised his fingers heavenward when he was dying, and said: "It is obvious and known to You that I derived no [personal] benefit from them. [All I have done was] only for the sake of Heaven."

Siman 32

- ¹ Because the maintenance of a complete and healthy body is a G-dly path—since it is impossible to understand or apprehend any knowledge of the Creator when one is sick—therefore you must keep away from things that damage the body, and develop habits that improve the body and heal it. Similarly, it is said: “You shall guard yourselves very well.”
- ² The Creator, blessed be He and blessed be His name, created the human being (and all living creatures) and gave them their natural warmth. This is the person’s life-force; if the natural fire is extinguished, life is gone. The maintenance of this warmth depends on the food that one eats. As with a burning fire, where if it is not regularly supplied with wood it will be entirely extinguished, so too with the human being: if one does not eat, the internal fire will be extinguished, and he will die. The food is ground between the teeth, mixed with saliva and mashed up. From there it descends to the stomach, where it is further broken down and is mixed with the stomach juices and bile, blended and processed by the heat and by the juices, and digested. The choice elements provide sustenance to all the limbs and sustains the person’s life; the waste, which is the extraneous material, is ejected. Of this we say in the Asher Yatzar blessing, “and [G-d] acts wondrously”—that G-d placed within the human being the natural ability to filter the good elements from the food, with each limb drawing the substance that befits it, and the waste being ejected. Were the waste to remain in the body, it would putrefy and bring on sickness, may G-d preserve us. Therefore, most aspects of bodily health and illness depend on the digestion of food: if the food is digested well and with ease, then the person is healthy; but if there are digestive problems, then the person becomes weak and can end up in danger, G-d forbid.

- ³ Good digestion occurs when the food consumed is not excessive, and when it is easily digestible. If you eat a lot and the stomach is full, then digestion becomes difficult, for then the stomach is not able to expand and contract, as it should by nature, to properly process the food. Just as with a fire, where if it is over-heaped with wood it will not burn well, so it is with the food in the stomach. Therefore, if you wish to guard the health of your body, be careful not to eat more than an amount that is average relative to your body's constitution, neither too little nor to full satiation. Most illnesses that come upon people are due only to bad foods, or filling one's belly and eating excessively even of good foods. Thus said King Solomon in his wisdom: "One who watches his mouth and his tongue guards his soul from troubles," meaning: guard your mouth from eating bad food and from being fully satisfied, and your tongue from speaking except as needed. Likewise the wise man said: One who eats a small amount of harmful foods is not harmed as much as one who eats excessively of good food.
- ⁴ A youthful person has a strong digestive capacity, and therefore requires food more often than a middle-aged person. And an elderly person, whose digestive capacity is weak, must eat light foods, in small quantity and of good quality, to invigorate his strength.
- ⁵ On hot days the digestive system is weakened by the heat, and therefore you ought to eat less during on hot days than on cold ones. Expert physicians have estimated that during the summer you should eat two-thirds of what you eat during the winter.

- ⁶ It is a general rule of healthy practice that before eating, you should engage in some strenuous activity, whether walking or working, so that your body is warmed up, and then you should eat. As the verse says, “By the sweat of your brow you shall eat bread,” and “She does not eat the bread of laziness.” You should loosen your belt before eating. This is hinted at in the verse **פת לחם** (“I will take a morsel of bread”): the word **פת** in reverse is an acronym for **התר חgorה קודם אכילה** (“loosen the belt before eating”), and **לחם** is an acronym for **פנ תבוא לידי חולין מעיים** (“lest you cause yourself digestive disorders”). While eating, you should sit in your place or recline on your left side. After eating, don’t move about excessively, because that will cause the food to descend from the stomach before it has been fully digested, which can be harmful; rather one should walk a little and rest. But you should not go on a long walk or engage in strenuous activity after the meal. Nor should you sleep till at least two hours have elapsed after the meal, so that the fumes will not ascend to the head and cause damage. Likewise, bathing, bloodletting and sexual intercourse are not beneficial after a meal.
- ⁷ People are not all alike in temperament. Some have a hot temperament, some cool, some intermediate. Foods likewise are varied. If you have an intermediate temperament, you should eat foods that are median too. But if your temperament is not an intermediate one, you should eat foods that are the opposite of your temperament. If your temperament is hot, you should not eat hot things like herbs and spices, but rather things that are somewhat cold and pickled. If your temperament is cool, you should eat foods that are somewhat hot. Similarly, the food should be adjusted in accordance with the season and the climate: In

the summer you should eat cold foods, like the meat of tender lambs or kids, and young chickens, and also some pickled foods. And in the winter, eat hot foods. Similarly, in a cold country you should eat hot foods, and in a hot country you should eat cold foods.

- 8 The median food is bread made from wheat, but not of the purest flour, for bread made of the purest flour is digested at a slower pace. It should rather contain some bran, and it should be moderately risen, contain salt, and baked in an oven. Other foods made of wheat are not beneficial. Of the varieties of meat, the best is that of a yearling lamb or of suckling kids. But in all cases the innards, and also the head, are not beneficial. The meat of goat and old cows, and old cheese, are bad and turgid foods. All bird's meat is digested more easily than that of animals, and the best type of bird is chicken. Physicians have stated that if you are accustomed to a particular food, even if it is bad food, it does not harm you, because habit becomes second nature—provided that you do not stuff yourself with such food.
- 9 You should not eat the heart of an animal or bird, because it is harmful to your memory. Similarly, do not eat from a place where a rat or a cat has bitten, for that too is harmful to your memory.
- 10 The time to eat is when you feel a true desire to eat, not an artificial one. The distinction between a true desire and an artificial one is as follows: The first is called "hunger," because the stomach is empty; and the second is when one desires a particular food, and it is called "appetite." In general, a healthy and strong person should eat twice each day. Weak and old people should eat only a little at a time, and do so many times each day, for too much food weakens the stomach. If you

wish to guard your health, do not eat until your stomach is empty of the previous meal. Normal digestion, for healthy people who eat and exercise to an intermediate degree, takes six hours. It is advisable to skip one meal each week to allow the stomach to rest from its work, thereby strengthening the digestive capacity. It seems that the optimal time for this skipping is on Friday, prior to Shabbat.

- ¹¹ It is good to accustom yourself to eat bread in the morning.
- ¹² If you wish to eat various types of food, you should first eat something that has a laxative effect—but not mix this with your food; wait a while between them. Also, eat the lighter food first, as it digests more easily—for example, poultry before meat, and the meat of a more delicate animal before the meat of a larger animal. Foods that have a costive effect on the intestines should be eaten directly after the meal, but you should not eat very much of them.
- ¹³ Because the digestive process begins in the mouth, where the teeth grind the food and where it is mixed with saliva, you should therefore not swallow food without chewing, because it will then be difficult for the stomach alone to digest it.
- ¹⁴ We have already noted (in paragraph 7) that people are not all alike in their temperament, so that each person should follow physicians' advice and accordingly choose the food that is best for them according to their temperament, their location, and their time. In general terms, the ancient physicians divided foodstuffs into various grades. There are foods that are extremely detrimental, and it is recommended to never eat them. These include: large fish that are salted and aged, aged salted

cheese, truffles and mushrooms, aged salted meat, [unfermented] wine from the press, and any cooked food that has been left to the point that it gives off an odor. Likewise, any food that has a bad smell or a very bitter taste is like deadly poison to the body. There are other foods that are harmful, but not as detrimental as those already mentioned. Therefore it is recommended to eat them only in small quantities and at long intervals; don't be in the habit of making them your regular diet or part of your regular diet. These include: large fish, cheese, milk that has been left for more than twenty-four hours since it was milked, the meat of large oxen or large male goats, barley bread, matzah, cabbage, leeks, onions, garlic, mustard and radishes. All of these are harmful, and it is recommended that one eat only a little of these, and only during the winter. But in the summer, one should not eat these at all.

¹⁵ There are other foods that are harmful, but not to the same degree as those mentioned. These include: water birds (geese and ducks), young pigeons, dates, bread that was kneaded with oil, and fine flour that has been so thoroughly sifted that no hint of bran remains. It is not recommended to eat much of these foods.

¹⁶ You should always abstain from eating tree fruits. Even when they are dried, you should not eat too many of them, and certainly not when they are fresh. But before they have ripened fully they are like swords to the body. Carobs, too, are always harmful. All tart fruits are harmful, and they should be eaten only in small portions during the summer or in hot climates. Figs, grapes, and pomegranates are always beneficial, whether fresh or dried, and you may eat of them as much as you need. Nevertheless, you should not eat them constantly, though they are the best of all the tree fruits.

- 17 As regards drinks, water is the natural liquid for a human being and for the health of the body. If they are pure and clear, they are beneficial in that they maintain the body's moisture and hasten the ejection of waste. When you drink water, it is preferable that it be cold, because it quenches thirst and improves digestion more than water that is not cold. But it should not be very cold, because that extinguishes the natural heat [of the body]. All the more so, when you are tired and exhausted, you should be very careful to not drink [very] cold water, for then the fat of the heart is heated and melted because of tiredness and exhaustion, and cold water is harmful to the point that you might be endangered, G-d forbid. Now although water is good for the health of the body, nevertheless you should not drink too much of it. You should not drink water before a meal, for it will cool down the stomach and it will not be able to digest the food properly. During the meal, too, you should not drink anything other than a bit of water mixed with wine. Only once the food has begun to be digested should you drink a moderate serving of water. Likewise, you should not drink water when you exit the bathhouse, so that the liver is not chilled; certainly you should not drink in the bathhouse. Likewise, you should not drink water directly after sexual intercourse, for then your natural heat is weakened, and it will cause the limbs to become chilled.
- 18 Wine fortifies the natural heat, improves digestion, helps to eject excess waste, and aids the health of the body, so long as you drink a moderate measure. If your head is weak, avoid wine, for it will make you weaker and fill your head with fumes. Wine is good for older people but harmful for youths, for it arouses the natural heat and is like adding fire to fire. You should avoid wine until the age of twenty-one. It is not

recommended to drink wine before a meal—except a little in order to open up the innards—nor when you are hungry, have just exited the bathhouse or sauna, or have just exercised or worked hard. During the meal, you should drink only a little.

- ¹⁹ You should never eat unless you are hungry, nor drink unless you are thirsty, nor wait to defecate for even one moment. You should also not eat till you have thoroughly checked whether you need to eliminate.
- ²⁰ You should always endeavor to keep your bowels lax throughout your life; they should be approaching a mild diarrheic state. A general rule of health is that whenever there is constipation or difficulty in defecating, harmful illnesses are on the way. Therefore, if you see that your bowels have weakened and have lost the power of ejecting, you should consult doctors for advice on how to loosen them, each person according to his temperament and age.
- ²¹ A moderate amount of exercise is good for the body's health (see above, paragraph 6). But strenuous exercise, and also rest, are detrimental to the body. In the summer one should exercise only a little, and during the winter you need more. A fat person must exercise more than a thin one.
- ²² If you want to guard your health, you must be familiar with your emotional reactions and be cautious with them. Examples of these are joy, anxiety, anger and fear, all of which have psychological impact. An intelligent person should be happy with the portion granted to him during his transitory life, not anxious about a world that is not his own. You should not seek luxuries, but should be satisfied and moderately

joyful, for this aids the improvement of the natural body heat, digestion of food and expulsion of waste, and strengthening of the sense of vision and all other senses; it also strengthens the intellectual faculties. But you should not try to increase your happiness by feasting and drinking, as fools do, because too much happiness brings body heat to the surface, sapping the body's natural warmth, so that the heart becomes chilled rapidly and the person may die prematurely and suddenly. This especially occurs to people whose bodies are corpulent, for they have less natural heat in their bodies because their blood vessels are narrow and the circulation, which is source of the body's heat, is slow. Anxiety is the opposite of joy, and it too is harmful, for it cools the body, so that the natural heat may converge on the heart and cause one's death. Anger stokes the heat of the body, to the point that it can induce one or another kind of fever. Fear brings a chill to the body—thus, a fearful person shivers—and if this chill becomes too much, he may die. Needless to say, you should be careful not to eat when angry, fearful or anxious, but rather when in a moderately joyful mood.

23 Sleep in moderation is good for the health of the body; then the food is digested and the faculties are at rest. If it happens that one is unable to sleep due to illness, he should eat foods that induce sleepiness. But too much sleep is detrimental, for the head then becomes filled with fumes which ascend from the belly to the brain; when the head is filled with such fumes, it causes great damage to the body. Just as you should be careful not to sleep directly after eating, so should you take care not to sleep when you are hungry, for when there is no food in the body, its heat acts on the excess [food waste], producing degraded fumes that ascend to the brain. When you sleep, your head should be raised up [higher than the rest of the body], for this will allow the food to

descend from the opening of the stomach, and will decrease the amount of fumes that ascend to the brain. Natural sleep occurs at night. Sleep during the day is harmful, and is beneficial only to those who are accustomed to it (see more in chapter 71).

- ²⁴ The norm for bathing is that you should enter the bathhouse once in seven days. You should not enter the bathhouse when hungry, nor when you are full, but when the food has begun to be digested. You should first wash your body with hot water, then with warm water, then with lukewarm, and finally with cold water. When you exit the bath, you should dress and cover your head well, so that it should not be exposed to cold air; even in the summer season, you must take care with this. Afterwards you should wait till your spirit is settled, your body is rested and the heat has dissipated; then you can eat. If you nap for a short time after exiting the bathhouse and before eating, that is very beneficial.
- ²⁵ You should always try to live in a place where the air is pure and clean, high up and in a spacious building. If possible, in the summer you should not live in a place that is open to the north or to the east, and there should be nothing foul-smelling nearby. It is very good to clean the air of the home constantly with good scents and beneficial fumigants.
- ²⁶ The air that is best for the health of the body is of average temperature, neither too cold nor too hot. Therefore everyone should be careful not to overheat their homes during the winter, as unthinking people do, because excessive heat encourages the onset of many grave illnesses, G-d

forbid. Rather, you should heat your home only to the point where you do not feel any coldness but also do not feel too hot.

- ²⁷ To preserve your sense of sight, take the following precautions: Do not come suddenly, all at once, from a dark place to a well-lit one. If you need to enter from a dark place to a lighted one, open the door a bit and look at that small amount of light for a few moments, then open it more and again look at that light for a few moments, and then open it completely. Do the same when going from a lighted area to a dark one. This is because the shift from light to darkness, or from darkness to light, without any transition, damages the sense of sight. For this reason G-d, blessed be His name, in His great mercy created the world in such a way that the sun shines upon the earth little by little, not all at once, and likewise sets little by little. For this we bless Him as “the One who illuminates the earth and those who dwell upon it, with mercy,” meaning that He mercifully makes the sun shine little by little, and not suddenly, all at once. Reflected light from the sun—meaning that the sun shines on something and from there the light is reflected—is a light that is damaging to the eyes. Therefore you should take care not to dwell in a house where all the windows are on the north side, because the sun does not come to the north, so that all the light that comes from that side is only reflected light. Similarly, even if the windows are on the eastern, southern or western sides, if you cannot see the sky through the windows—for example, if there are high walls opposite them—then the light that comes through them is also only reflected light. You should take care not to be occupied with writing, reading a book, or any sort of detailed work by twilight, or in the middle of the day, when the sun’s light is at full strength. You should also not do too much writing, reading of books with fine print, or any other sort of

detailed work by candlelight at night. Too much staring at the color white also damages the eyes; that is why the sky appears blue, not white, so it should not damage the eyes. Likewise, staring excessively at a bright red color, or at fire, is also damaging. Smoke and sulfurous fumes are also damaging, as are fine dust and wind that blows into one's eyes. Also too much walking and large strides, and excessive crying [are harmful], as the verse says, "My eyes are spent with tears." Most detrimental of all is excessive sexual intercourse. By contrast, "the commandment of G-d is clear, enlightening the eyes."

Siman 33

- ¹ It is forbidden to eat fish together with meat, even with poultry fat, because it is hazardous. You should not broil meat together with fish in the same oven if the oven is small, unless either [the meat or the fish] is covered. But in our ovens which are large, you need not be concerned [and it is permissible].
- ² If you eat fish followed by meat or vice versa, you should eat some bread in between and drink some beverage as this will cleanse and rinse [your mouth].
- ³ You should be careful of bodily perspiration, for all bodily perspiration is poisonous except that of the face. Therefore, you should be careful not to place any food between your clothes and your body, because of the perspiration. Neither should you put coins into your mouth, for there may be some perspiration on them, and furthermore, many people handle them and there may be sick people among them.

- 4 When you smell the odor of food, you should spit out all the saliva in your mouth and not swallow it; for if you swallow it, it could be hazardous, God forbid.
- 5 Be careful not to drink water that has been left uncovered.
- 6 It is forbidden to place any food or drink underneath a bed even if it is covered, because an evil spirit abides over them. In villages some people keep potatoes and other foods underneath the beds; —they should be warned against this.
- 7 You should beware of all things that are hazardous because "Rules that aim to prevent danger are more strict than ritual prohibitions." You must be more concerned with regard to a possible hazard than with a possible violation of a prohibition. It is therefore forbidden to walk in any dangerous place, such as near a leaning wall and over a delapidated bridge. You should not go out alone at night, nor should you sleep alone in a room at night. It is also forbidden to drink water from rivers at night, or to put your mouth into a water spout to drink, lest you swallow something harmful.
- 8 It is customary, at the time of the equinox to place a small piece of iron on all beverages and foods, but on food that is cooked or pickled, or kept in salt it is unnecessary.
- 9 You must not eat foods and beverages that are repulsive or [eat or drink] out of unclean dishes that are repulsive. Neither should you eat with dirty hands, for all these things are included [in the Biblical injunction,] "Do not make yourself repulsive." Even if a person would

say that he has no aversion to these things, his opinion is ignored since it defies the accepted norms of society.

¹⁰ An animal or bird that was seriously sick may be eaten after the *shechitah* (Kosher slaughter). [Nevertheless], those who are meticulous [in their observance] are stringent and do not eat such meat.

¹¹ It is forbidden to cut down a fruit tree which bears fruit (e. g. an olive tree which produces [at least] a quarter of a *kav* of olives or a date tree which produces [at least] a *kav* of dates) because it is hazardous. But if it grows near other trees that are more valuable and it saps their strength, [by depriving them of nutrients] or if you need the space it takes up then, you are allowed to cut it down.

¹² There are some who recommend placing a hot water bottle on the stomach as a remedy for a stomach-ache. This is forbidden as it is dangerous.

¹³ You should not cross a stream whose waters are moving rapidly if the water reaches above the hips, for there is danger of being swept along by the current.

¹⁴ It is forbidden to utter sinister forbodings against a fellow Jew, even just to say [about a missing person], "If so and so were alive he would have come here," for "A covenant was made with the lips." You should not frighten a child with an unclean thing, by saying for instance, "A cat or a dog will get you." You should be very careful [to avoid] habitual use of such similar expressions.

Siman 34

- ¹ It is a positive commandment to give charity to poor Jewish people, as it is said "Open your hand to him." And it is said: "That your brother may live with you." Anyone who sees a poor person seeking help and ignores him, and does not give him charity, transgresses a prohibitive commandment, as it is said: "Do not harden your heart nor shut your hand from your brother in need." [Giving] charity is a characteristic of the descendants of Abraham, as it is said: "For I have a special love for him because he commands his children and his household after him [to preserve the way of Hashem] doing charity and justice." And the throne of Israel will be established and the religion of truth confirmed only through charity, as it is said: "Through charity will you be reestablished." Greater is he who performs acts of charity than [one who brings] all the sacrifices, as it is said: "Performing acts of charity and justice is more desirable to Hashem than sacrifices." The Jewish people will be redeemed only through [the merit of] charity, as it is said: "Zion will be redeemed through justice and its captives through acts of charity." A person never becomes poor through giving charity, nor will any evil or harm befall him because of his giving charity, as it is said: "Through acts of charity, there will be peace." Whoever is merciful with others will be treated with mercy [from Heaven], as it is said: "He [God] will show you mercy; and have compassion upon you and multiply you." Anyone who is cruel, causes his lineage to be suspect. The Holy One blessed is He, is near to the cry of the poor, as it is said: "He will hear the cry of the poor." Therefore one must beware of their anguished cry, for a covenant was made with them, as it is said: "When he cries out to me I will listen, for I am compassionate." The Jerusalem

Talmud says: The door that doesn't open for the poor will open for the doctor. A person should consider, that he continually requests his sustenance from the Holy One blessed is He; and just as he requests that the Holy One blessed is He, listen to his cry and prayer, so should he listen to the cry of the poor. A person should also consider that [fortune] is a wheel that revolves in the world, and in the end he or his children or his children's children might [have to] accept charity. Let no man think: "Why should I diminish my wealth by giving it to the poor?" For he should know that the money is not his, but rather [it was given to him as] a trust, with which to do the will of the One Who entrusted the funds to him. And this [charity giving] will be his real share from all his toils in this world, As it is written: "Your acts of charity shall precede you [into the World to Come]. Charity voids evil decrees and prolongs life.

- ² Every person must give charity according to his means. Even a poor person who is supported by charity, [must give charity in some situations]. For example, if he has a little money of his own that is not invested, he is permitted to receive charity, since he does not have enough capital to support himself from the profits of the capital; nevertheless, since he does have from what to support himself, he is required to give charity from that which is given to him. Even if he can give only a small amount, he should not refrain from giving it, because his small contribution is as valued as the large contribution of the wealthy person. And so have said our Rabbis of blessed memory. It is said concerning the burnt-offering of an animal, "A fire offering of pleasing savor," and concerning the burnt offering of a fowl [It is also said] "A fire offering of pleasing savor," and concerning the meal offering [it is also said] "A fire offering of pleasing savor." This teaches

us that one who does much and one who does little [are equally meritorious] provided his intentions and heart are directed to his Father in heaven. However, anyone who has only enough for his own sustenance, is not obligated to give charity, because his own sustenance takes precedence over all others.

- ³ How much should a poor person be given? A sufficient amount to supply his needs. But this is [said only] for a poor person who receives charity in a discreet manner. It is then incumbent upon the people of the city to supply him with all his needs, in the manner he was accustomed before he became poor; but a poor person who goes begging door to door, should be given a small sum according to his situation. In any event, in every city he should be given bread and food sufficient for two meals, and a place to sleep. We should also support and clothe the non-Jewish poor together with the Jewish poor for the sake of peace[ful relationships].
- ⁴ How much charity should you give? The first year you should give a tenth of the principle; and thereafter, you should give a tenth of the profits you earn each year, [after deducting your household expenses.] This is the medial way [of giving charity]. The commandment is fulfilled in its excellence when you give a fifth the first year from the principle, and every year after that a fifth of the profits. You should not give away more than a fifth, so that you will not become dependent on others. This rule applies only during your lifetime. But as a dying bequest, you are permitted to [donate] up to a third of your estate to charity. You may not use your *ma'aseir* [charity] funds for other mitzvah obligations, such as buying candles for the synagogue or other items used for a mitzvah, but you must give it to the poor. If you have the

opportunity to perform a mitzvah to help in the circumcision of a child, or to marry off a poor bride and groom, or similar situations; or to purchase Torah texts from which to study, and lend them to others for study; you may use the *ma'aseir* money if you would not be able to accomplish these deeds with your own money. If you buy Torah texts from *ma'aseir* money, you must be sure to lend them to others; but if you need them yourself, than your needs come first. You should also be sure to inscribe in them that they are from *ma'aseir* money, so that possession is not taken of them by your children after you.

- 5 If you want to gain merit for yourself, suppress your evil inclination, and be generous [with your money]; and anything you do for the sake of heaven should be the best and the most beautiful. When you build a house of prayer [synagogue], it should be nicer than your own dwelling. When you feed a hungry person, give him the best and tastiest of your table. When you give clothing to the unclad, clothe him from the best of your clothes. If you consecrate something [for the service of God], consecrate from the best of your possessions, as it is said: "All the fat [prime parts] to Hashem."
- 6 If you support your grown children whom you are not obligated to support [those over the age of six], in order to teach your sons Torah, and your daughters to lead proper lives, similarly, if you support your father [or mother] (and you are not able to support them except by using your charity money,) and they need this support—this constitutes charity; and what is more, they take precedence over others. Even if it is not a son or a father but only a relative, he takes precedence over anyone else. And the poor person in your house takes precedence over the poor in your city, and the poor of your city takes precedence

over the poor of another city, as it is said: "To your brother, to your poor, to your needy in your land." But the treasurer who distributes communal charity, must be careful not to give his relatives more than [he gives] to the other poor people.

- ⁷ Whoever gives charity to a poor person with an angry countenance, even if he gives a thousand gold pieces, he has forfeited his merit [reward], and he violates the prohibition: "Your heart shall not be sorry [when you give him charity]." But rather you must give to him with a smiling countenance and with joy, and commiserate with his suffering, as Job said: "Did I not cry for the troubled, was my soul not grieved for the needy." And speak to him words of comfort as it is said: "And the heart of the widow, I caused to sing for joy."
- ⁸ It is forbidden to turn away a poor person, empty handed, even if you give him only a dried fig [a mere pittance], as it is said: "Let not the oppressed turn back in disgrace." And if you have nothing to give him, console him with words. It is forbidden to scold a poor person or to raise your voice to him in a shout, because he is brokenhearted and humbled, as it is said: "A heart that is broken and humbled God does not despise." Woe is to him who embarrasses the poor. Rather act towards him like a father, both in [feelings of] compassion and with words, as it is said: "I was a father to the poor."
- ⁹ Charity is in the category of vows. Therefore, if you say, "I will donate money to charity" or "this coin is charity" you must immediately give it to the poor, and if you delay [giving it to them] you are in violation of the commandment, "You must not delay," because you could have given it immediately. If there are no poor people available, you may set

the money aside until you find some poor people. If you pledge charity in the synagogue which is to be entrusted to the treasurer, you are not in violation until the treasurer demands the money. Then [if you do not give it] you are immediately in violation; unless you know that he doesn't need the money for immediate [distribution] but will merely hold it in his possession.

- ¹⁰ If you say, "I will give charity to a specific person," you are not in violation [of your vow] until that poor person comes. Every person has the right to set aside money for charity, keep it in his possession, and distribute it a little at a time as he sees fit.
- ¹¹ If you persuade others to give charity and you motivate them, your reward is greater than the giver, as it is said: "And the work[er] of charity will be [rewarded with] peace." And about the treasurers of charity, and others like them who collect charity, it is said: "Those who cause others to be righteous [shall shine] as the stars." And the treasurer of charity who is insulted by the poor, should not be concerned, for on account of this, his reward is even greater.
- ¹² The highest form above which there is none higher, in the level of giving charity, is to support a Jew who is in bad financial circumstances, before he becomes totally impoverished. [Such aid may be rendered] — by giving him an appropriate gift in a dignified manner, or lending him money, or entering into a partnership with him, or helping him find a business venture, or craft, to strengthen his position so that he does not become dependent on people. Concerning this it is said: "Strengthen him" which means, support him so that he does not fall.

- ¹³ You should take care to give charity as discreetfully as possible. And if it is possible to give it in such a way that you do not know to who you are giving, and the poor person does not know from whom he is receiving [the charity], this is most commendable. In any event do not glorify yourself with the charity you give; however, if you dedicate something to charity, it is permissible to inscribe your name on it, as a remembrance [memorial]. [In fact] it is advisable to do so.
- ¹⁴ One has to be especially careful to help a poor Torah scholar, in a dignified manner. And if he refuses to accept [charity], help him in some sort of business—sell him goods cheaply and buy his goods at a high price; and if he [the poor scholar] is capable of engaging in trade, lend him money to use in trade. As our Sages of blessed memory said: "Whoever supplies merchandise to a Torah scholar merits to participate in the heavenly Yeshiva." And they said: "All the prophets predictions of good fortune were said only of one who provides business opportunities for a Torah scholar and gives his daughter in marriage to a Torah scholar."
- ¹⁵ A person should always avoid taking charity. He should suffer hardship rather than depend on people. And so did our Sages of blessed memory command, "Make your Sabbath like a weekday rather than be dependent upon others." Even if an honored scholar becomes impoverished, he should find some occupation even a lowly job, rather than depend on people.
- ¹⁶ Whoever has no need to take charity, and deceives people and takes, will not die before actually needing charity. Anyone who needs to take

[charity], and cannot survive unless he takes [charity], for example, one who is old, sick or suffering, but whose pride doesn't allow him to take [charity], sheds [his own] blood and is liable for his own life, and all he has for his suffering are sins. Anyone who needs [charity] and inflicts himself with suffering and "bides his time," and lives a life of suffering in order not to burden the community, will not die before acquiring the means to support others. And about him it is said: "Blessed is the man who trusts in Hashem.

Siman 35

- ¹ Dough which is made of the five grains require the separation of *challah*. Before separating *challah* the following berachah is said: *Baruch ata Adonoy, Elokeinu, Melech ha'olam asher kideshanu bemitzvosav vetzivanu lehafrish challah [min ha'isah.]* A *kazayis* of dough is then taken and burned in fire. The custom is to burn it in the oven in which the bread will be baked.
- ² What is the minimum amount of dough from which you must separate *challah*? An amount containing 5 quarters of flour, which is equivalent [to the displacement of] 43 and 1/5 eggs.
- ³ Matzos which are baked for *Pesach*, even though each individual batch does not have the required amount of flour, nevertheless, since the matzos are placed in one container, the container combines them into one unit and you must separate *challah*. You must be careful that all the matzos are inside the container. Even though part of a matzoh is inside the container and some of it protrudes out of the container, it is,

nevertheless, considered as one unit. But if whole matzos are lying above [outside] the container and are not [at all] inside the container, they cannot be considered joined to the rest; and even if they are covered by a cloth, it is not sufficient. But if you place the matzos in a sheet and you cover them with this same sheet, the sheet is considered like a container and it combines all the matzos into one unit, even though in the middle some of the matzos are uncovered. But be careful that a whole matzah does not protrude outside of the covering.

- ⁴ Leaven taken from dough for the purpose of fermenting other dough, must be removed before separating *challah*. But leaven which is taken for fermenting liquids called *borscht*, should be removed after you have separated *challah*.
- ⁵ After *Pesach* when you buy leaven from a non-Jew to ferment dough, be careful to separate a piece of dough for *challah* which is greater in size than the leaven [bought from the non-Jew].
- ⁶ When you make dough for cooking or frying, separate *challah* without reciting the berachah. But if you intend baking some of the dough, even a small portion, separate *challah* with a berachah.
- ⁷ If the dough is kneaded with eggs or fruit juices, many questions arise [concerning the requirement for *challah*], therefore you should add some water, milk, bee honey, wine or olive oil when kneading the dough. Then the *challah* may be separated with a berachah.
- ⁸ The mitzvah of separating the *challah* is the province of the woman of the house. But if the woman is not home, and there is concern that by

the time she returns the dough will be ruined, then the maid [obviously a Jewish maid] or someone else may separate the *challah*.

- ⁹ If you forget to separate *challah* on Friday, [from the bread to be eaten on Shabbos], in countries outside the land of Israel you may eat it on Shabbos, but you must set aside one piece, and separate *challah* from it after Shabbos is over. The piece should be large enough for the separation of *challah* with some remaining dough unsanctified, for there must be a noticeable remainder. If the day before *Pesach* occurs on Shabbos and you forgot to separate *challah*, from the *challos* baked for Shabbos there is a great controversy [as to the best procedure to follow.] Therefore, be especially careful on the day preceding Shabbos, to remember to separate *challah*.

Siman 36

- ¹ Before meat is salted it must be thoroughly washed with water. The meat must be soaked in water for approximately a half hour, and the water must completely cover the meat. Where actual blood is visible on the meat, it must be rubbed off in the water in which it is soaked and removed. Similarly [when salting] fowl, you must thoroughly rub the place where the cut was made, [when it was killed.] Similarly on the inside [of the animal] where actual blood is visible. Occasionally meat or fowl may have a blood clot due to a wound—this place must be cut off and removed before the meat is soaked. If the water is very cold, it must first be set in a warm place to reduce the coldness before the meat is soaked in it, because if the water is very cold the meat will harden and will not expunge the blood during the salting.

- 2 If you forgot and allowed the meat to soak in water for twenty-four hours, then both the meat and the vessel are forbidden [to be used]. If you soaked liver in water for twenty-four hours, consult a competent Rabbinic authority.
- 3 On the day of *erev* Shabbos when you have no time, or in a similar situation when you are pressed for time; it is sufficient to rub the meat well in water, and let it soak for a short while in water, and if there is no redness in the water you may salt it.
- 4 If after soaking, one piece was cut into two, you must wash the place where the cutting was done very thoroughly because of the blood that is there.
- 5 Meat that is frozen must be thawed out [*before it is salted*], but it may not be placed near a heated oven. In an exceptionally pressing situation, it may be soaked in lukewarm water.
- 6 The vessel set aside for the soaking of meat may not be used for any other food.
- 7 After the meat has been soaked, the water must be drained from it, so that the salt does not dissolve because of the water, and become ineffective in drawing out the blood. Care must be taken [however] that the meat is not totally dry, so that the salt does not fall off [the meat].
- 8 The salt should not be as fine as flour, because it will dissolve immediately, and will not draw out blood. It should also not be too

[coarse], as it might fall off the meat. It should be of medium size, like the salt processed through cooking, and it should be dry so that it spreads well.

- 9 The salt must be spread on all sides of the meat, so that no place is left without salt. Therefore, [when salting], poultry must be opened properly, so that it can be salted properly on the inside as well.
- 10 When meat is salted, it must be placed on a surface where the blood can easily drain off. Therefore, the basket with the meat should not be set on the ground, because the blood will not drain easily. Even after the meat has remained in salt for the prescribed length of time before it is rinsed off, it should not be set in a place where the blood *cannot* flow freely from it. When meat is salted on a board, the board must be slanted, so that the blood flows freely and the salting board must not have a groove into which brine might accumulate. When salting poultry (fowl) or a complete side of beef which has an inside and a cavity, the hollow side must be turned downward, so that the blood will drain freely.
- 11 The meat should remain in the salt for an hour. In an exceptionally pressing situation twenty-four minutes is sufficient.
- 12 After the meat has remained in the salt for the prescribed time, the salt should be thoroughly shaken off, and the meat rinsed three times in water, very thoroughly. And a God-fearing woman should personally supervise the rinsing off of the meat, because sometimes the maid who must carry the water on her shoulder, will be sparing [with the water], which could cause, God forbid, [a violation] of the prohibition of

[eating] blood. Care must be taken not to leave unrinsed meat inside a vessel without water.

¹³ When *kashering* poultry, take care to remove the head before soaking, and if the poultry was salted with the head attached, consult a competent Rabbinic authority. The same precaution applies when *kashering* an animal.

¹⁴ Unsalted meat, should not be put in a place where salt is sometimes kept. A special vessel should be set aside specifically for [unsoaked and unsalted] meat. Vegetables, or fruit, or similar food items, which are usually eaten without being washed should not be placed in this vessel, because blood from the meat clings to the vessel, and from the vessel it will cling to the food.

¹⁵ When *kashering* the head, it must be split open before soaking, the brain must be removed, and the membrane covering it, opened. The brain must be soaked and salted separately. The head must be salted on the inside and outside and may be salted even with its hairs.

¹⁶ Bones containing marrow, that are still attached to the meat, may be salted together with the meat as they are, but if they are disconnected from the meat, they must be salted separately, and should not be placed near the meat while salted.

¹⁷ When *kashering* animal feet, the tips of the hoofs must be cut off before they are soaked so that the blood may drain from them, and they must be placed [in the salt] in such a way [the hoofs downward] that the blood can drain; and they, too, may be salted with its hairs.

- ¹⁸ The heart, must be cut open before soaking it, so that the blood flows from it.
- ¹⁹ It is also customary to cut open the lungs and to open up the large tubes before soaking them.
- ²⁰ Since liver contains a large amount of blood, it is not proper [as it is with ordinary meat and poultry] to cook by virtue of its being salted. It must be broiled over a fire. Prior to broiling it must be cut open very well, and the open parts placed on the fire so that the fire effectively draws out all the blood contained in the liver. The liver must be rinsed before placing it on the fire; and when placed on the fire, it should be lightly sprinkled with salt. It should be broiled until it becomes edible. [After broiling] it should be rinsed well of the blood it discharged. Care should be taken that it be rinsed three times, and then it may be cooked.
- ²¹ Liver must be broiled only on an open fire and not in an oven that has been raked [from coal and ashes]. It must not be wrapped in paper to be broiled, even if the paper is thin.
- ²² Liver must not be salted before broiling, as is done with ordinary meat and certainly liver must not be salted together with meat.
- ²³ The spleen is *kashered* in the same manner as ordinary meat, but the membrane must be removed from it before soaking, for it is in the category of forbidden fat. It must also be purged of any veins. The tip of the vein should be grasped and pulled out. This will also pull along the three cords [of veins] that are inside. Care must be taken that none

of these cords are severed. If any of them happens to become severed, they must be dug out.

²⁴ The mesentery [membrane] and the other intestines should be salted on their exterior to which the fat clings.

²⁵ If milk is found in the stomach of a calf, it must be spilled out before soaking it, and then you may treat it like any other meat.

²⁶ Eggs found inside poultry, whether they are very small or completely developed with their shells, must be soaked, salted and rinsed. They should not be salted near the meat, rather, they should be put in a place where the blood of the meat will not drain on them. Such eggs, even if they were fully developed should not be eaten with milk.

²⁷ Meat that was left unsalted for three consecutive [24 hour] days must not be cooked unless it was soaked during the interim.

²⁸ It is customary that after the feathers of poultry are plucked, it is singed over fire to remove the remaining feathers. Care must be taken to singe them only over a flame fueled by straw, and not over a large flame. Care must be taken to move the poultry to and fro so that they do not become heated.

Siman 37

¹ When you buy metal or glass utensils that are used for food from a non-Jew, even when they are new, you may not use them for any [food related] purpose even if the food is cold, unless they are immersed in a natural spring or *mikvah*, that is valid for the ritual immersion of

women at the end of the menstrual period. The purpose of this immersion is to elevate these utensils from the impurity of heathen ownership to the holiness of Jewish ownership. Before the ritual immersion, the following berachah is recited, if you are immersing one utensil, say, *Baruch ata Adonoy, Elokeinu melech haolam asher kideshanu bemitzvosav vetzivanu al tevilas keili.* for two or more say, *asher kideshanu bemitzvosav vitzivanu al tevilas keilim.*

- ² Since the utensils must be immersed only in a place that is valid for the immersion of women, therefore, care must be taken not to immerse them in rivers when they are fuller than usual from abundant rains, and melting snow. This occurs very frequently before *Pesach* when the rivers rise, and [still] people use them to immerse utensils; and this is not proper (see Chapter 162:12, 13).
- ³ Wooden utensils do not require immersion, but if they have metal hoops, they should be immersed without reciting the berachah. Similarly, earthenware need not be immersed. But if they are plated on the inside with lead, i.e. glazed, they must be immersed [but] without reciting the berachah. The same law applies to 'porcelain' vessels.
- ⁴ If an old utensil was used by a non-Jew in such a manner that it required [halachic] *kashering* such as placing it in boiling water, or making it red hot through direct flame, it must first be *kasheder* and then immersed.
- ⁵ If you borrow or rent a utensil from a non-Jew, you do not have to immerse it. But if you borrow or rent utensils from a Jewish merchant, you have to immerse them, but without reciting the berachah. The

merchant should then inform subsequent buyers [of the immersion], so that they do not immerse them [again] and recite an unnecessary berachah.

- ⁶ If a factory that manufactures glass utensils is owned by a Jew but whose workers are non-Jews, the utensils that are manufactured there must be immersed without saying the berachah.
- ⁷ If a Jew gave silver or other metals to a non-Jewish craftsman to have him make a utensil, or repair a utensil that had a hole, and could not hold a *revi'is*, [the vessel] must be immersed without reciting the berachah.
- ⁸ Immersion is required only for a utensil used for food which is ready to be eaten immediately without any other preparation. The iron tools used to prepare the matzos, or to cut the dough, and the needle used to sew the [gullets for] stuffing, or similar things do not require immersion. Since a knife used for slaughtering or for skinning an animal, can be used for prepared food, and also trays upon which matzos are placed, require immersion but without reciting the berachah. A tripod upon which pots are placed need not be immersed since the food itself does not touch the tripod. But a metal spit upon which meat is roasted, should be immersed and a berachah recited. Some authorities hold, that large glass utensils [pitchers] that are not used for drinking, but rather to hold liquid to be poured into drinking cups, are not considered meal-related and do not require immersion. Other authorities, however, say that they should be immersed. They should, therefore, be immersed without reciting the berachah.

- ⁹ A pepper grinder, must be immersed because of its metal part, but since the bottom part into which the pepper falls, is made of wood, it need not be immersed. A coffee grinder should be immersed without reciting the berachah.
- ¹⁰ Care must be taken that a utensil be completely clean, and free of any dirt or rust before immersing. (However, a rust stain or other dark spots that commonly appear on utensils, and of which people are not particular do not invalidate the immersion process.) The entire utensil must be submerged at one time, so that the whole utensil is in the water [at the same time]. A utensil and its handle, must be submerged in the water at one time. If the person immersing the utensil intends holding it in his hand [during the immersion], he should first immerse his hand in the place where he will immerse [the vessel]. The utensil should not be held tightly, but rather with an ordinary grip. If the immersion is done by tying the utensil to a rope, as, for example, it is being immersed in a well, care must be taken that the knot is loose so that the water may reach every part of the utensil.
- ¹¹ When immersing vessels with a narrow mouth, be very careful that they remain immersed until they fill up with water, because it is necessary for the water to cover the utensil from inside and outside.
- ¹² Minors, either male or female, should not be entrusted with the immersion of utensils.
- ¹³ It is forbidden to immerse utensils on Shabbos or Yom Tov. If you forgot to immerse them prior [to Shabbos or Yom Tov, and do not have any substitute] give them to a non-Jew as a gift and then borrow it

from him. If it is the type of utensil that can be used to draw water, in an area where it is permissible to carry, draw water with it [from a *mikvah*] and bring it home. This will not appear as a ritual immersion, but the berachah should not be recited.

Siman 38

- ¹ The Sages have forbidden us to eat bread baked by a non-Jew. There are localities, however, that are lenient and they buy bread from a non-Jewish baker when there is no Jewish baker in the vicinity, or even if there is one, but his bread is inferior to that of the non-Jew. But they were not lenient regarding the bread made privately by a non-Jew, except in extraordinary circumstances. If you are traveling on the road and kosher bread is available [in another town] you must wait [and buy kosher bread] [if the town is] within the distance of a *parsah*. Bread is not considered privately made unless [the non-Jew] made it for his own family, but if he made it to sell, it is considered baker's bread, even though he ordinarily does not [bake for the trade]. Similarly, a baker who makes bread for his family is considered a private person. [And his bread is called private bread.] There is an authority who maintains that in a locality where there are no bakeries, it is even permissible to eat the bread of a non-Jewish, private person, and you do not have to wait for kosher [Jewish] bread, and this is the accepted custom.
- ² If a Jew throws in even one piece of wood into the oven when it is being heated, the bread is permitted and is not considered the bread of a non-Jew.

- 3 The Sages forbid the bread of a non-Jew only if it is made from the five grains; [wheat, barley, oats, rye, spelt] but bread made from legumes [beans, peas, corn etc.] is not considered bread; and is also not forbidden as food cooked by a non-Jew, because it is not fit to be served on the table of kings.
- 4 Bread [of a non-Jew] which has been glazed with eggs, is forbidden because of the eggs on it, for it is then considered as food cooked by a non-Jew. Their wafers [cookies] that are baked in metal pans, since there is reason to suspect that the pan was smeared with non-kosher fat, are forbidden in any event, because the pan has absorbed [non-kosher fat].
- 5 Dough made by a Jew, that is baked by a non-Jew, is worse than bread of a non-Jew and it is forbidden as is food cooked by a non-Jew, unless the Jew prepared the oven by throwing in a piece of wood. Care must be taken in this regard when sending something to be baked or roasted in an oven of a non-Jewish baker, that a Jew should throw a piece of wood into the oven, or that a Jew should place the bread or pan into the oven.
- 6 If a non-Jew cooked or roasted something which cannot be eaten in its raw state, and is fit to be served on the table of kings, as a relish or dessert, it is forbidden as *Bishul Akum*. This is true even if it was cooked in a Jew's utensils and in the house of a Jew. But something which is edible in its raw state, or food that is not held in esteem, and would not be served on the table of kings, is not forbidden as food cooked by a non-Jew. You need not be concerned about the utensils of a non-Jew,

because it is assumed that most utensils were not used within the past twenty-four hours.

- 7 When a non-Jewish maid works in a Jewish home and does the cooking for the Jewish household, it is customary to be lenient [and to eat the food], because it is impossible that some member of the household did not stoke the fire.
- 8 However if she [the maid] cooks only for herself, it is unlikely that a Jew would stoke the fire—and it is possible that even stoking would be of no avail for this is worse than if she cooks for a Jew. Therefore, if she cooked food which is subject to the rules of food cooked by a non-Jew —then not only is the food forbidden, but even the utensils are forbidden for use in cooking. If they were used inadvertently, a competent Rabbi should be consulted.
- 9 Food cooked by a non-Jew on Shabbos, for a Jew who was sick, should not be eaten after Shabbos even by the sick person if other food is available. The utensils, however, may be used after twenty-four hours.
- 10 Even though an egg is fit to be swallowed raw, nevertheless, since it is only eaten in this manner in unusual circumstances, if it is cooked by a non-Jew, it is forbidden [to be eaten]. This ruling applies to similar types of food.
- 11 Fruits not fully tree-ripened and which are eaten raw only in unusual circumstances, when they are sugar coated by chefs, are forbidden as food cooked by a non-Jew.

¹² It is permitted to drink beer made from grains or honey, even when sold in the house of a non-Jew, and it is not considered food cooked by a non-Jew, because the grain is neutralized in the water. However, it is necessary to investigate whether or not it was fortified with wine sediment. In localities where Jews are careless and lax, in regard to drinking non-Jewish wine, a conscientious Jew should refrain from drinking even [non-Jewish] beer. In regard to drinking coffee (without milk for with milk it is surely prohibited), chocolate or tea made by a non-Jew, a conscientious Jew should refrain from drinking them. There are authorities, [however,] who permit drinking them occasionally, but as a regular practice it is forbidden.

¹³ Milk, that was milked by a non-Jew, without Jewish supervision, is forbidden; and it is even forbidden to make cheese from it. Initially a Jew must be present when the milking is begun, and see that the milking pail is clean. It is also customary to refrain from milking into a pail generally used by a non-Jew for milking. Non-Jewish maids that milk [the Jews'] cows on the premises of a Jew or in their own barn, if it is situated so that a house of a non-Jew does not obstruct [the view of the milking] and there is no danger of [their drawing] milk from an unclean animal, it is permitted even initially to let them do the milking. But if a non-Jewish house obstructs [the view], it is necessary to have Jewish supervision. Even a minor, male or female over nine years old is sufficient for this purpose.

¹⁴ Cheese made by a non-Jew is forbidden. But if a Jew supervised the milking, and the making of the cheese, then, if during the process the

cheese was owned by a Jew, it is permitted to be eaten. If, however, during the process it was owned by a non-Jew, it is forbidden.

- ¹⁵ The use of butter [of a non-Jew] depends on the custom of the various localities. There are communities that do not eat butter made by a non-Jew. There are other communities that do permit its use. If you travel from a community where the butter is not eaten to one where it is eaten, even though you plan to return to your original community, you may eat the butter. And if you travel from a community where the butter is eaten to a place where it is not, you may not eat the butter. Presently [at the time of the author], it is rumored that the butter is adulterated with lard. Therefore, conscientious Jews should refrain from using it.

Siman 39

- ¹ If before washing [for the meal], you intend to eat various food that will also be served during the meal, regardless whether these are foods that require an [extra] berachah [when eaten] during the meal, such as fruits, or if they are such foods that require no extra berachah [when eaten] during the meal, such as relishes, legumes or potatoes; and also if you intend to drink beverages (except for wine)—before washing your hands, and you also intend to drink such beverages during the meal: there is a disagreement among rabbinic authorities, if what you eat or drink before washing your hands is exempt [from the after-berachah]. Some maintain that it is covered by the *Birkas Hamazon*, like the other food eaten during the meal, and others hold that the food eaten before washing the hands is not exempt with the *Birkas Hamazon*. Therefore it is best to avoid [the problem] by eating or drinking these things only

before the meal, and say the after-berachah; and avoid eating or drinking them during the meal. If you did not recite the after-berachah before, you may say it during the meal or even after *Birkas Hamazon*. And if you do eat or drink these foods during the meal, after saying *Birkas Hamazon*, you should eat or drink something and say the after-berachah to exempt what you ate or drank before washing [your] hands.

- ² If you intend to drink wine before washing your hands, even though you will not drink wine during the meal, nevertheless, some authorities hold since the wine serves to stimulate the appetite, it is considered part of the meal and is exempt with the *Birkas Hamazon*. Others hold [however] that even if you drink wine during the meal, nevertheless, the wine you drank before the meal is not exempt with *Birkas Hamazon*; therefore, you should refrain from drinking [wine] before washing your hands, unless you drink a cup of wine after *Birkas Hamazon* and say the concluding berachah, *Al Hagefen*, which will also exempt [the wine] you drank before washing your hands. If you intend to drink whiskey before the meal, whether you intend to drink whiskey during the meal or not, be careful not to drink a *kazayis* of whiskey before the meal [so that a concluding berachah is not required]. But if you do drink a *kazayis* or more it becomes a question whether a concluding berachah [should be said.]
- ³ If before washing the hands you intend to eat, honey cake, egg kuchel, or something similar, for which the after-berachah, *Al Hamichyah*, is said, whether you eat such cake during the meal or not, nevertheless, they are exempt with the *Birkas Hamazon* (because *Birkas Hamazon* exempts *Al Hamichyah*.) This is true only if there is not a long delay

between eating [the cake] and washing the hands. But if you must wait a long time you must first make the after-berachah *Al Hamichyah* on the cake you ate, even if you intend to eat the same kinds of cake during the meal.

Siman 40

- ¹ If you wish to eat bread for which *Hamotzi* is required, you must first wash your hands. If the bread you are going to eat is the equivalent of an egg, you must recite a berachah for the washing. But if you are going to eat less, you do not recite the berachah upon washing.
- ² For this washing you must use a *halachically* accepted utensil. The utensil must be completely intact, without any holes or open cracks. It must be level on top without grooves or projecting parts. When using containers or pitchers having a spout protruding above the edge of the utensil from which the water flows, you should not wash your hands with water poured through the spout; because the spout does not have the *halachic* status of a utensil, since it cannot hold liquid. Rather you should wash from the side of the pitcher which contains the liquid.
- ³ A vessel that cannot stand without support—if it was originally made to be used by means of this support, it is considered an *halachic* utensil. But if it was not made to be used this way, for example, the cover of a vessel, you should not wash with it. There are many *halachic* details on this issue discussed in the *Shulchan Aruch*.
- ⁴ It is very difficult to estimate the exact amount of water to be used. You should therefore pour a liberal amount of water on each hand, because

Rav Chisda says [*Shabbos* 62b] "I washed with full handfuls of water and was granted full handfuls of goodness." You should wash your right hand first and then your left. The water must cover your whole hand, until the wrist, and no part of the hand should be untouched by water. Therefore, in order to accomplish this, your fingers should be parted slightly, and raised somewhat upward, so that the water reaches the entire length of the fingers, the finger tips and the circumference of the fingers. The water should be poured [on the hand] in one flow. Therefore you should not wash from a container with a narrow mouth [e.g. a soda bottle] from which the water cannot be emptied at one time. It is also proper to pour water twice on each hand.

- 5 After you wash both hands rub them together and raise them opposite your head as it is said: [Psalms 134:2] "Lift up you hands" etc. Before you dry your hands recite the following berachah: *Asher kiddeshanu bemitzvosav vetzivanu al netilas yadayim*, [Who has sanctified us with His commandments and has commanded us regarding washing the hands.] (Even though when performing other *mitzvos* the berachah is recited before the performance of the mitzvah, nevertheless, in regard to *netilas yadayim*, since there are times when one's hands are not clean before washing, therefore, the Rabbis established that in all cases of washing of hands, the berachah should be recited following the washing. Another reason it is said then, is because the drying of the hands is also part of the fulfillment of the commandment.) If it is your custom to pour over water each hand twice, then pour first over each hand once, rub them together and recite the berachah. Then pour a second time over each hand. Be careful to dry your hands well. Do not dry them with your clothes, because it is detrimental to the memory.

- 6 If after you pour water on one of your hands, you touch it with your other hand, or if another person touches it, then the water on your hands becomes impure, and you must then dry your hands and wash them a second time. However, if this should occur after you have already recited the berachah, do not repeat the berachah.
- 7 If you do not have a vessel, you can dip your hands into a river or into a *mikvah* [ritualarium] that is *halachically* fit for the ritual immersion of women or in a natural spring even if it does not contain forty *seah* of water so long as your hands are covered by the water at one time. You should also [in the case of dipping] recite the standard berachah, *Al Netilas Yadayim*. In an emergency, you may immerse your hands in snow, if there is enough snow on the ground equal to the amount needed for a *mikvah*. If you have to wash your hands from a pump, place one hand near the ground and with your other hand work the pump to bring up the water. Afterwards, reverse the procedure or have a friend draw the water for you. But if your hands are high above the ground, the washing is invalid.
- 8 Water that becomes discolored, whether due to its location or due to something that fell into the water, is unfit to be used for *netilas yadayim*. [But] if the change of color was due to natural causes, the water is fit for use. Water that was utilized for something, such as washing dishes, or for soaking vegetables, or if the water was used to store containers of beverage for cooling or the water was used for measuring, it is unfit for the purpose of *netilas yadayim*. Some authorities forbid using water that has become loathsome, for instance,

when a dog, a pig or other such animal drank from it, because it is considered dirty water. One should take this opinion seriously.

⁹ If you had not washed your hands and you touched water, the water does not become defiled. Therefore, upon leaving the lavatory, you may take a handful of water out of the barrel to wash your hands, and the remainder may be used for *netilas yadayim* [before meals]. However, if you dabble your hand in the barrel to clean them, even if you dipped only your little finger to clean it, all of the water is unfit since some work was done with it.

¹⁰ Water that is salty, spoiled, bitter or muddy, if it is so bad that a dog would not drink from it, it is unfit to be used for *netilas yadayim*.

¹¹ Before you wash, inspect your hands to make sure that they are clean without any *chatzitzah*. If you have long fingernails, clean them carefully so that underneath them there is no mud or dirt because this constitutes a *chatzitzah*. You must also remove your rings so that they will not be a *chatzitzah*.

¹² If your hands are colored with dye, but there is no substance to it, merely the coloring, this does not constitute a *chatzitzah*; but if even a little tangible dye-stuff is on your hands it is considered a *chatzitzah*. However, if you are a craftsman such as a painter, or if you are a butcher, and your hands are stained with blood, or you are a scribe, and your hands are stained with ink, and this is their usual appearance and other members of this craft are not concerned with these stains, they are not considered a *chatzitzah*, unless the stains cover the greater part of the hand. Similarly, if you have a wound on your hand, and there is a

bandage covering it, and it is painful to remove it, the bandage is not considered a *chitzitzah*. (For further details see Chapter 161 which discusses the laws of *chitzitzah* in reference to the ritual immersion of women and these laws apply as well to the washing of hands.)

- ¹³ The water must come upon your hands through manual effort; but if the water comes of itself, this does not constitute proper washing. If a barrel has a spout and you remove the spout, then the following rule applies: The water that flows out as a result of your initial effort, the first gush of water is considered coming through manual effort; but the water which flows afterward, is not considered flowing from manual effort, but rather as having come of itself. Therefore, if you want to wash your hands with water coming from the spout, you must be sure that the first gush of water covers your entire hand. Then close the spout and open it again for the second flow; and if you cannot estimate this properly, you should not wash your hands in this manner, and certainly you should not wash your hands from a cistern which has a small spout from which a thin trickle of water flows.

- ¹⁴ It is forbidden to eat [bread] without washing, even if you plan to wrap your hands in a cloth. If you are traveling and do not have water, if you know that within four *mil* in the direction you are heading or a *mil* behind you, you will find water, then you are required to travel within four *mil* forward or within a *mil* backward to wash for eating. But if even [after traveling] these distances you will not find water, or if you are with a group, and you are afraid to be separated from them, and similarly, if you are in any other emergency situation in which you are unable to wash your hands, wrap your hands in a cloth, or put on gloves, and you may eat the bread this way.

- ¹⁵ If you went to the lavatory before the meal so that you have to wash your hands to recite the berachah *Asher Yatzar* (see Chapter 4, paragraph 6) and you also have to wash your hands for the meal, there are numerous questions [as to the best procedure]. Therefore, the best thing to do is to wash your hands first in a manner that does not meet the *halachic* requirements for the washing of hands before a meal, that is: pour only a little water onto one palm and rub both hands together with this water and dry them thoroughly. Then recite the berachah *Asher Yatzar*, and afterwards wash your hands properly, fulfilling the requirements of washing the hands before a meal, and recite the berachah *Al Netilas Yadayim*.
- ¹⁶ If, during a meal, you touched your body in areas that are usually covered, or scratched your head, or urinated, you must wash your hands a second time, but do not recite the berachah. So, too, if you moved your bowels and washed your hands during the meal you do not recite *Al Netilas Yadayim*.
- ¹⁷ If you eat something that was dipped into a liquid, or if a liquid came into contact with the food, and the food is still moist from the liquid, even though you will not touch the part that is moist, nevertheless, you are required to wash your hands first, but do not recite the berachah *Al Netilas Yadayim*. Many people are lax in fulfilling this requirement. But every God-fearing person should be stringent about it.
- ¹⁸ There are seven liquids, with regard to this law: wine and wine vinegar, honey from bees, olive oil, milk and whey, dew, blood from an animal or fowl (if eaten in permissible circumstances such as for medicinal

purposes) and water. These seven form the following acronym: *Yad shachat dam*. But other fruit juices, do not have the status of liquid, in regard to this *halachah*.

- ¹⁹ [If you are eating] fruits preserved in sugar, you do not have to wash your hands, because sugar is not considered a liquid. Similarly, the moisture that oozes out of the fruit is not considered liquid, rather it is (considered as) fruit juice. But if the fruit was preserved in honey, and the honey congealed, then it is no longer considered a liquid, and it is considered a food and you do not have to wash your hands. But if it did not congeal well but merely thickened a little, and the honey still flows, you have to wash your hands. So, too, regarding butter which is in the category of milk, if it is in a solid state, it is not considered a liquid but rather a food, but if it is melted (in a liquid state) it is considered a liquid.
- ²⁰ Foodstuffs that are usually eaten without a spoon or fork, even when eaten with a spoon or fork, require *Netilas Yadayim* (if the food was moist as in the previous *halachah*). But something that is eaten only with a spoon [or fork], for example pancakes, or puddings, or fruits preserved in honey, where it is customary to eat them only with a spoon or fork, you do not have to wash your hands.
- ²¹ Salt produced from water is considered in the category of water, (Because water, even when it solidifies, does not lose the status of water). Therefore, if you dip a radish or similar item into this salt, you have to wash your hands. Whiskey made from grains or fruit is not considered a liquid in this context, for it is only the vapor of the grain or fruit. Even though it also contains some water, and it is diluted with

water, nevertheless, (water) is a minor part of it; therefore, if you dip something into it and you wish to eat it, you do not have to wash your hands. But whiskey made from shells or seeds of the grape or from wine sediment, it appears to me, should be considered a liquid.

Siman 41

- ¹ Before eating real bread, such as that made from the five grains [wheat, barley, oats, rye, spelt] you must recite the berachah *Hamotzi* and after [eating, recite] *Birkas hamazon*.
- ² Be careful not to interrupt [by talking] between reciting *Al Netilas Yadayim*, and *Hamotzi*. But it is permissible to answer *Amein* to any berachah that you hear. A pause lasting as long as it takes to walk twenty-two *amos* [11.88 seconds], or from one house to another even if it is a short distance, or talking about something not related to the meal, is considered an interruption. However, if you did interrupt [in such a fashion], it does not matter, provided you did not perform some task in between; and did not engage in lengthy discussion, for if you did any of the above, it would be considered a distraction and you have to wash your hands again.
- ³ You should break off the bread at the choicest part of the loaf in honor of the berachah. The choicest part is the crust or hard part, for there the bread is baked best, and it is the part opposite the place where the bread splits open. This occurs because at the place where it starts to bake, the pressure on the dough builds until the opposite side splits. However, an old person who finds it difficult to eat hard bread should cut the bread

at the soft part. In any event, cutting the bread should not cause excessive delay between the berachah *Hamotzi* and eating the bread. Therefore [before saying the berachah], make a small, circular incision around the loaf, in a way that by holding the piece [to be cut], the entire loaf will be lifted along with it, for otherwise it is considered cut off, and we require that the berachah *Hamotzi* be said while the loaf is whole. [Therefore] leave the piece to be cut joined to the rest of the loaf and say the berachah *Hamotzi*, and after completing the berachah, you may separate them. In this manner the berachah is concluded while the loaf is still whole. Similarly, when breaking off a piece from a loaf which is not whole, do not cut the slice off completely before saying *Hamotzi*, so that the loaf should be as large as possible at the time of the berachah. On Shabbos, however, do not cut into the bread at all until after reciting the berachah, so that the loaves should be completely whole. Also on a weekday, if you eat a thin type of bread, [such as matzah], recite the berachah before breaking it, since there is no delay in breaking the bread.

- 4 Do not cut off a small piece because you will appear miserly, on the other hand do not cut a piece larger than the size of an egg because you will appear gluttonous. This applies only if you are eating alone, but if you are eating with a group of people, and you must give from the piece you cut a *kazayis* to each of them, you may cut off as much as you need. On Shabbos, even if you eat alone, you may cut off as much as you need for the entire meal, in honor of the Shabbos. You indicate your fondness for the Shabbos meal, by your desire to eat generously of the food. You should eat the piece that you cut off before eating any other bread, to show your fondness for this *mitzvah*, since you recited

the berachah over this piece. It is also preferable not to give from this piece to a non-Jew or an animal or fowl.

- 5 Before reciting the berachah, place both hands on the bread because the ten fingers are symbolic of the ten *mitzvos* involved in making bread. [The ten are] 1. It is forbidden to plow with a team comprised of an ox and a donkey. 2. It is forbidden to plant diverse species together. 3. The stalks that fall during harvesting must be left for the poor. 4. A sheaf forgotten in the field must be left for the poor. 5. A corner of the field must be left unharvested for the poor. 6. It is forbidden to muzzle a working animal. 7. A portion of grain must be separated and given to the *kohein* (priestly family). 8. A tenth of the remaining harvest must be given to the Levite. 9. A tenth of the remaining harvest is then separated to be taken up to Jerusalem and eaten by the owner. 10. A piece of the dough is separated and given to the *kohein*. For this same reason there are ten words in the berachah of *Hamotzi*, and ten words in the verse (**Psalms 145:15**): "The eyes of all look expectantly to You" etc., and ten words in the verse (**Deuteronomy 8:8**): "A land of wheat and barley" etc., and ten words in the verse (**Genesis 27:28**): "And may Hashem give you" etc. When you pronounce the Name of Hashem, lift up the bread. On Shabbos lift up both loaves, and recite the berachah with concentration, making sure to enunciate clearly the letter *hei* in the word *Hamotzi*. Also allow a short pause between saying the word *lechem* and the word *min*, so as not to slur over the letter *mem*. After reciting the berachah, you must immediately eat the bread, because it is forbidden to interrupt between saying the berachah and eating [the bread], even to answer *Amein*. You should try to eat a *kazayis* of bread without interruption.

- 6 It is a *mitzvah* to have salt on the table before breaking the bread and to dip the piece of bread over which *Hamotzi* was said, into the salt. The reason for this is that the table is compared to the Altar [in the Holy Temple] and the food symbolizes the offering, and it is said (*Leviticus 2:13*): "On all your offerings you shall offer salt." And because the table is compared to the Altar, it is best to take care not to kill any vermin [or other insects] on it.
- 7 When you distribute portions of bread to others at the table, do not throw them, for it is forbidden to throw bread. And also do not hand it directly into the other person's hand, but, rather, place it in front of him.
- 8 It is best to say *Hamotzi* on the choicest bread possible. Therefore, if you have before you a piece of bread and a whole loaf, and you plan on eating from both of them during the meal, and both are from the same grain, even if the whole loaf is smaller than the piece of bread, and not as pure as the piece of bread, nevertheless, [say the berachah] and break the whole one, because it is the choicest. But if they are not from the same grain, and the whole one is of inferior quality, for example, if the whole loaf is made from spelt, and the cut piece is made from wheat, even if the piece is smaller than the loaf, you should say the berachah on the piece made from wheat. If, however, the whole loaf is made from barley, even though it is inferior to wheat, nevertheless, since barley is also clearly mentioned in the Torah, and since the loaf is a whole one, a God-fearing person should show respect also to the whole barley loaf. How can you accomplish this? Place the cut piece underneath the whole loaf [and say the berachah] and break off from both at the same

time. If both of them are whole or both are already sliced and both are made from the same grain, say the berachah on the purest of the two. If both are equally pure, say the berachah on the larger of the two pieces.

- ⁹ If you have before you bread made by a Jew and bread made by a non-Jew, and you are not stringent about eating bread from a non-Jew—if both of them are whole loaves, or both of them are pieces of equal size, and they are made from the same grain, you should recite the berachah over the bread made by the Jew. But if the bread made by the Jew is not as pure as the one made by the non-Jew then recite the berachah on whichever one you wish. If the host is stringent not to eat bread made by a non-Jew but it was brought to the table for the sake of a guest, it should be removed from the table until after the berachah of *Hamotzi* is said.

- ¹⁰ All the above laws concerning the order of preference apply only if your intention is to eat from both of them during the meal. But if you intend to eat from only one of the breads during the meal, cut from the one you wish to eat, and you need not be concerned about which is the choicest.

Siman 42

- ¹ If you own animals or birds (poultry), and it is your responsibility to feed them, you are not allowed to eat anything until you feed them, as it is written (**Deuteronomy 11:15**): "And I will put grass in your fields for your cattle (animals) and you will eat and be satisfied." Thus the Torah has given preference to feeding the cattle [animals] before the feeding of man. But as regards drinking, man comes first as it is written

(Genesis 24:14): [Rivkah said] "Drink first and I will also give your camels to drink." Similarly it is written (Numbers 20:8): "And you will give drink to the congregation and to their animals."

- ² Do not eat or drink in a gluttonous way. Do not eat while standing and do not drink while standing; and your table should be clean and nicely covered, even if you are only going to eat something insignificant. Do not take a portion as large as a *kebeitzah* and eat from it; and do not hold the food in one hand and break off pieces from it with the other hand. Do not drink a cup of wine in one gulp, and one who does so is a glutton. Drinking it in two gulps, is considered proper; but drinking it in three gulps is considered haughtiness, unless, it is a very large cup, for then you can drink from it many times. Similarly, if it is a very small cup [containing less than a *revi'is*], you can drink it in one gulp.
- ³ Do not take a bite of bread and place the remainder on the table, or give it to a friend, or put it into the serving dish, because it might be offensive to others. Also, do not drink from a cup and give the rest to a friend, because every person should be careful not to drink from the remainder of a cup from which someone else has drank, for the one to whom it is offered might be embarrassed and drink from it against his will.
- ⁴ Do not be irritable during the meal because the guests and the family members will be embarrassed to eat, for they may think that you are angry and irritable because you begrudge them their food.
- ⁵ Do not talk while eating, even about matters of Torah, because there is a danger of choking, should the food enter the windpipe instead of the

gullet. Even if someone sneezes, you should not say *gezuntheit* to him. But when you are not actually eating, it is a mitzvah to discuss Torah matters at the table, and you should be very careful to observe this rule. It is also a good custom to say, after eating the piece of bread of the *motzi*, [Psalm 23 which begins]: "A Psalm to David Hashem is my shepherd I shall lack nothing," for these are considered [words of] Torah, as well as a prayer for food. At the conclusion of the meal, if it is a weekday, it is customary to say (Psalm 137): "By the rivers of Babylon." On Shabbos and Yom Tov and on all days when *tachanun* is not said, it is customary to say (Psalm 126): "A song of Ascents, when Hashem brings about the return to Zion." When learning at the table from a book, be very careful, because it is very common [particularly with the old type of paper] for the books to harbor small worms, and you might transgress the prohibition against eating them, God forbid.

- ⁶ If two are sitting at a table together, even if each has his own dish, or if they are eating fruit and each has his own portion, nevertheless, the more learned of the two starts eating first; and one who starts eating before a more learned person is a glutton.
- ⁷ If two are eating from one dish and one stops eating in order to drink something or do some minor thing, it is proper etiquette that the other person wait for him; but if there are three eating, the two do not have to stop eating to wait for the one.
- ⁸ You may use bread for any of your needs, provided the bread doesn't become repulsive, but you must not cause it to become repulsive. Therefore you must not use it to prop up a plate which contains something that will make the bread repulsive, if it spills on it. If you eat

any kind of food with a piece of bread and you use the bread as a substitute spoon, you must be careful to eat some of the bread with each mouthful, and what is left from the bread should also be eaten afterwards.

- ⁹ It is forbidden to throw bread even in a place where it will not become repulsive, because the very act of throwing is degrading to the bread. It is also forbidden to throw other kinds of food, which become repulsive when thrown. But food that will not become loathsome, such as nuts, etc., may be thrown. Do not sit on a sack that contains fruit, because they will become repulsive by it. Do not wash your hands with wine or other liquids, because it degrades them. When you see food lying on the ground, you must pick it up. Food that is fit for human beings should not be fed to animals because it degrades the food.
- ¹⁰ If you have to make medicine from bread or from any other food, even though the food becomes repulsive because of it, it is permissible.
- ¹¹ Be very careful not to throw crumbs away, because it may cause poverty; rather, gather them and feed them to the birds.
- ¹² When you drink water, you should not drink in the presence of others, rather, turn your face away; but when drinking other liquids, you need not turn your face away.
- ¹³ Do not stare at someone who is eating or drinking, nor at the portion in front of him, so as not to embarrass him.
- ¹⁴ Some of the food or drink which has a [good] aroma and creates desire, must be given to the waiter before it is served to others, because it can

be harmful to see food before him for which he has a desire and yet cannot eat of it.

15 Do not serve food to anyone unless you know he will wash his hands and recite the berachah.

16 A woman whose husband is not present, should not drink wine; and if she is away from home, even if her husband is with her, she is forbidden to drink wine. The same applies to other intoxicating drinks. However, if she is accustomed to drink wine in the presence of her husband, she may drink a little even in her husband's absence.

17 Guests must not take anything from the food served them and give it to the son or daughter of the host, for it may be that the host has no other food than that which has been set before them, and he will be embarrassed if the guests will not have enough. But if there is abundant food on the table, it is permissible.

18 When you enter a home, do not say, "Give me something to eat," [but you should wait] until it is offered. It is forbidden to partake of a meal which is not sufficient for the hosts even if the host invites you to eat with him because this borders on robbery. This is a serious sin, and it is in the category of sins for which repentance is very difficult.

19 It is forbidden to leave your place before reciting *Birkas Hamazon* (see Chap. 44). [It is forbidden] even to go to another room, in the middle of the meal, to finish the meal there, or to return to the original room to finish the meal. Even to walk out the door and return afterwards to finish the meal, should be avoided. If, however, you do go out, whether you finish the meal where you are presently, or you return to your

original place to finish your meal, you do not have to repeat the berachah *Hamotzi*, because since the meal was set on bread, even though you changed places, it is considered all one meal; but you must be sure to eat at least a *kazayis* of bread at the place you will recite *Birkas Hamazon*. However, when food other than bread is involved, the laws are not the same.

²⁰ If a group of people eat together and some of them leave the table with the intention of returning, even if only one of the group remains at the original place, there is no disruption to the status of the place they established; and when they return, they return to their original status and their leaving is not considered an interruption.

²¹ If, at the time you recited the berachah, *Hamotzi*, you had in mind to go to another place to complete the meal and recite *Birkas Hamazon* there, the custom is to permit this practice, but you must make sure to eat at least a *kezayis* of bread at the new place. But this should not be done unless it is necessary to attend a mitzvah repast.

²² If you interrupt the meal to pray, when you resume eating, you do not have to repeat the *Hamotzi*. Similarly, if you fall asleep during the meal for a short nap, even though it was prolonged for a while, it is not considered an interruption. Similarly, if you interrupted for other personal needs such as to move your bowels or the like. Nevertheless, in these latter situations, your hands must be washed again, because of the distraction, unless you guarded your hand from uncleanness. Even though you wash your hands again, you do not recite the berachah on this washing; because, when washing on account of distraction, you do not recite another berachah.

- 23 When you finish your meal and you have decided to recite *Birkas Hamazon*, but then change your mind and want to eat or drink, there are numerous technical difficulties of *halachah* regarding the berachah to be said. Therefore, you should refrain from this practice. Rather, as soon as you decide to say *Birkas Hamazon*, you should do so.

Siman 43

- ¹ Everything you eat during the meal to satisfy your hunger, for example: meat, fish, relishes, porridges, soups, pancakes etc., even if you eat them without bread, you do not have to recite a berachah before or after eating them; because since you are eating them to satisfy your hunger, they are considered part of the meal, and the whole meal is secondary to the bread which is the mainstay of life. Therefore, all such foods are exempt with the berachah of *Hamotzi* and the *Birkas Hamazon*. Even if food is sent to you from another house, you do not have to recite a [separate] berachah over it, because it is assumed that your intention [when reciting *Hamotzi*] was to include any food that is brought to you.
- ² Similarly, you do not have to recite a separate berachah over beverages; because beverages are also considered part of the meal, since it is not usual to eat [a meal] without drinking. The exception to this rule is when you drink wine, because wine is something special. (For in many instances, we must recite a berachah over wine, even though we do not actually want to drink any, for example, when reciting *Kiddush* or *Havdallah*.) Therefore, you have to recite a berachah over it, even during the course of a meal. If you recited a berachah over the wine

before washing your hands for the meal, and you intended to drink wine during the meal, or [even without special intention] if you are accustomed to drink wine during the meal, you do not have to repeat the berachah, for it is exempt with the berachah you said over the wine before the meal. Whiskey, which in our area [Central and Eastern Europe] is not usually consumed during a meal, is in question whether it is part of the meal or not. Therefore, if you intend drinking whiskey during the meal, drink a little before washing your hands, [that is] less than a *kazayis*, recite the berachah over it and have in mind to exempt that which you will drink during the meal. If you failed to do this, recite a berachah first on a bit of sugar and thus exempt the whiskey. There are those who resolve the problem by dipping some bread into the whiskey, but other authorities question this practice.

- ³ If you wish to eat fruit during the meal without eating bread with it, since the fruit is not an essential part of the meal, therefore, even if the fruit was on the table before you said the *Hamotzi*, nevertheless, the fruit is not exempt with the berachah of *Hamotzi* and you have to say a berachah before eating the fruit. However the after-berachah over fruit is not necessary because it will be exempt with *Birkas Hamazon*. If you intend to eat the fruit with bread, you do not have to say any berachah because the fruit is secondary to the bread. If you intend to eat some fruit with bread and some without bread, be sure to eat the fruit without bread first and make a berachah over the fruit, and afterwards you can eat fruit even with the bread. But if you first eat the fruit with bread and then eat fruit without bread, there is a question about saying the berachah. Some people are accustomed to eat something between courses that increases the appetite, such as pickled olives, pickled lemons, radishes or other such relishes. These are considered part of the

meal since these relishes enable you to eat more. Therefore, you do not have to recite a berachah [before eating these relishes] for the berachah on the bread exempts them.

- ⁴ If the principal part of your meal consists of fruit that you (intend to) eat with bread, since the fruit is the main part of the meal, it is exempt with the berachah of *Hamotzi*, even if at the time you said the *Hamotzi*, the fruit was not on the table; just be sure when you start eating the fruit to eat some bread with it, and then, even the fruit you eat without bread does not require a berachah.
- ⁵ If you are going to eat fruit that was cooked for a meal, as is usually done with a side dish, whether it was cooked with meat or without meat, you should eat some of it both at the beginning and at the end [of the meal] with bread, and then during the meal, you may eat it even without bread, and you do not have to recite a berachah.
- ⁶ If you eat baked goods, such as cakes, torte, mandel bread etc., (during the meal) to satisfy your hunger, you do not have to say a berachah. But if you eat them just for enjoyment, there is a question if a berachah is required. Therefore it is best to have in mind when you say the *Hamotzi* to exempt [with it] all these types of food.
- ⁷ If, after you finish the meal, you drink coffee in order to digest the food, before you recite the *Birkas Hamazon*, you have to say a berachah prior to drinking it, because anything eaten to help digestion is not considered part of the meal. Nevertheless, it is best to say the berachah of *Shehakol* on some sugar, and with that exempt the coffee.

Siman 44

- ¹ We find that many people are lenient regarding the law of washing the hands at the end of a meal. However, it is proper for every God-fearing person to observe this law scrupulously. You are required to wash only up to the second knuckle, holding your hands downward before drying them. The one leading the *Birkas Hamazon* should wash first.
- ² Do not wash on ground where people walk, because a damaging spirit dwells on this water, but rather wash into a vessel or under the table, dry your hands and then recite *Birkas Hamazon*. There must be no interruption between washing and *Birkas Hamazon*.
- ³ Do not remove the tablecloth or bread until after *Birkas Hamazon*. Bread should be on the table at the time of *Birkas Hamazon* to demonstrate the abundance of goodness from Hashem, blessed be His Name—that He gives us enough to eat and to spare, as Elisha [the prophet] said to his servant: "For so said Hashem, eat and leave over." Another reason for this custom is that Hashem's blessing has no effect on a void. It is only effective on some existing substance, as Elisha said to the wife of Ovadiah: "What do you have in the house?" [which I can bless.]
- ⁴ It is customary to remove all the knives from the table before *Birkas Hamazon* or to cover them, because the table is like the Altar [of the *Bais Hamikdash*] and concerning the Altar it is said: "Do not lift up any iron upon them." Since metal shortens human life [in the form of weapons] and the Altar prolongs human life, it is improper that

something that shortens life be lifted above that which lengthens life. Similarly the table prolongs the days of man, and atones for his sins when needy guests are invited to the table, for the power of hospitality is so great that it causes the Divine Spirit to dwell in our midst. It is customary in many places not to cover the knives on Shabbos and Yom Tov; for on weekdays we cover them because they represent the power of Esau, but on Shabbos and Yom Tov the forces of evil do not prevail, and a custom of Israel has the validity of Torah.

- 5 Even if you only eat a *kazayis* of bread, you have to recite *Birkas Hamazon*.
- 6 You must not recite *Birkas Hamazon* while standing or walking, but only while sitting. Even if you were walking around the house while eating or you were standing or reclining, when you recite *Birkas Hamazon*, you should sit in order to concentrate properly. You must not even recline, for that is a form of haughtiness, but you should sit erect. You should put on your jacket, and your hat, so that the fear of heaven be upon you. You should arouse your concentration and recite *Birkas Hamazon* with reverence and awe. You must not engage in any other activity while reciting *Birkas Hamazon*.
- 7 It is customary that the listeners answer *Amein*, after the phrases beginning with *Harachamon*, which are said [at the end of] *Birkas Hamazon*. Because the Midrash teaches us that when you hear someone reciting a prayer, or blessing another Jew, even without mentioning the Name of Hashem, you should respond with *Amein*.

- 8 If you neglected to recite *Birkas Hamazon*, until the food was digested, that is when you begin to feel hungry, you can no longer recite *Birkas Hamazon*. Some are of the opinion that this time span is one and a fifth hours [seventy-two minutes]. Nevertheless, at elaborate meals, the time people take between eating and *Birkas Hamazon* is longer than this time limit because even during this interim, people usually drink and eat desserts. The best thing, however, is not to delay *Birkas Hamazon* too long.
- 9 If you left your place before reciting *Birkas Hamazon*, then, if there is a piece of bread at the new place, eat it there and you need not recite the *Hamotzi* before eating it. You need only recite *Birkas Hamazon* afterwards. If there is no bread there, you must return to the original place to recite *Birkas Hamazon*. If you are so far away, that until you return to your original place, the time limit will have elapsed, then recite *Birkas Hamazon* where you are.
- 10 On a Shabbos which is also *Rosh Chodesh* or a Yom Tov or the intermediate days of a holiday, first recite *Retzei* and then say *Ya'aleh Veyavo*. The reason for this is that Shabbos occurs regularly and is more sacred than the others [*Rosh Chodesh* or Yom Tov.]
- 11 If you forgot or are uncertain whether you said *Birkas Hamazon*, then if you ate enough to be satisfied (for which the reciting of *Birkas Hamazon* is Biblically mandated), you must say *Birkas Hamazon* again. Similarly, if you fall asleep while reciting *Birkas Hamazon* and when you awaken you do not know where you were up to [before falling asleep], you must start from the beginning of *Birkas Hamazon*. In the

case of a woman who is uncertain whether she recited *Birkas Hamazon* or not, she does not have to recite it.

- ¹² If you forgot to say *Retzei* on Shabbos, or *Ya'aleh Veyavo* on Yom Tov, if you remember before you said Hashem's Name of the berachah "*Baruch ata Hashem Boneh Berachamav Yerushalayim*," then you may recite *Retzei* or *Ya'aleh Veyavo* and start again from *Uvnei Yerushalayim*. But if you did not remember until after you said Hashem's Name, finish the berachah of *Boneh Berachamav Yerushalayim Amein*, and there [before starting the fourth berachah] on the Shabbos say the following: "Blessed are you Hashem, our God, King of the Universe, Who gave the Shabbos for rest to His people Yisroel with love, for a sign and a covenant. Blessed are you, Hashem, Sanctifier of the Shabbos." On Yom Tov, if you forgot *Ya'aleh Veyavo*, you should say the following: "Blessed are You, Hashem, our God, King of the universe, Who gave Festivals to His people Yisroel for happiness and joy, this day of (name of festival). Blessed are You, Hashem, Sanctifier of Yisroel and the seasons." If a festival occurs on a Shabbos and you forgot to say *Retzei* and *Ya'aleh Veyavo*, you should say the following: "Blessed are You, Hashem, our God, King of the universe, Who gave Shabbosos for rest to His people Yisroel with love, for a sign and a covenant, and Festivals for happiness and joy, this day of (name of festival.) Blessed are You, Hashem, Sanctifier of the Shabbos, Yisroel, and the seasons." If on a Shabbos and Yom Tov, you said *Retzei* but did not say *Ya'aleh Veyavo*, say the berachah as if it were only Yom Tov. If in this situation you said *Ya'aleh Veyavo* and did not say *Retzei* say what you would if it were just Shabbos.

- ¹³ If you did not remember until you already started the fourth berachah which begins: "Blessed are you, Hashem ... Our God, King of the universe. Almighty, our Father," even if you only said the word *Baruch* [Blessed], you cannot correct the omission by saying the berachah 'Who gave'; therefore, if this occurs during the first two Shabbos meals you [must] repeat from the beginning of *Birkas Hamazon*. If all you have said was: "Blessed are you, Hashem" [of the fourth blessing], conclude by saying *lamedeini chukecha* so that God's name is not said in vain and then repeat from the beginning of *Birkas Hamazon*. But if this occurs at the third meal at which even on Shabbos we are not required to eat bread and certainly on Yom Tov, and *Birkas Hamazon* is thus not a requirement of the day, therefore you need not repeat from the beginning, but continue and complete saying *Birkas Hamazon*. But if you remember at a point where you can still correct the omission [by saying] the berachah *Asher Nasan* [Who gave]..., you must correct the error, even if it happens after you ate a number of meals.
- ¹⁴ If you forgot on *Rosh Chodesh*, and did not say *Ya'aleh Veyavo*, you should say the following: "Blessed are You, Hashem, King of the universe, Who gave Rosh Chodesh days to His people Yisroel for remembrance," and you do not say an after-berachah. (It does not matter whether this happened during the day or night of *Rosh Chodesh*.) If during the intermediate days of Yom Tov, you did not say *Ya'aleh Veyavo*, you should say the following: "Blessed are You, Hashem, Our God, King of the universe, who gave Festivals to His people Yisroel for happiness and joy. This day of (name of festival). Blessed are You, Hashem, Sanctifier of Yisroel and the Seasons." If this should occur on *Rosh Hashanah*, you should say the following: "Blessed are You,

Hashem, our God, King of the universe, Who gave Festivals to His people Yisroel for remembrance. Blessed are You Hashem, Sanctifier of Yisroel and the Day of Remembrance." And if you did not remember [that you forgot *Ya'aleh Veyavo*] until after starting the next berachah, you need not repeat from the beginning, for on *Rosh Chodesh* and the intermediate days of *Yom Tov* and on *Rosh Hashanah*, you are not specifically required to eat bread.

¹⁵ If *Rosh Chodesh* occurs on a Shabbos and you forgot to say *Retzei* and *Ya'aleh Veyavo* and you remember and say: Blessed are You, Hashem, Our God, King of the Universe, *Asher Nasan*, Who gave, then you should also mention *Rosh Chodesh* both at the beginning and at the end, and say the following: "Who gave Shabbosos for rest to His people Yisroel with love for a sign and a covenant; and *Rosh Chodesh* days for remembrance. Blessed are You, Hashem, Sanctifier of the Shabbos, Yisroel, and *Rosh Chodesh*." Even though, had it been only *Rosh Chodesh*, there would be no after-berachah, in this instance, since there is an after-berachah because of Shabbos, you mention *Rosh Chodesh* too. If, however, you said *Retzei*, but forgot *Ya'aleh Veyavo* and became aware of the omission only after the beginning of the next berachah, you need not repeat from the beginning, for you already mentioned Shabbos and for the sake of *Rosh chodesh* you need not repeat *Birkas Hamazon*. If in this situation you said *Ya'aleh Veyavo* but forgot *Retzei* and therefore must repeat *Birkas Hamazon*, then you have to say *Ya'aleh Veyavo* again. The same would apply if it were Shabbos on an intermediate day of *Yom Tov* or on *Rosh Hashanah*.

¹⁶ On Chanukah and Purim, if you forgot to say *Al hanissim*, and you did not remember until after you said Hashem's Name, at the conclusion of

the berachah [*Nodeh*], you need not repeat *Birkas Hamazon*; but while reciting the *Harachaman*; you should say: "The all merciful One—may He perform for us miracles and wonders as He did to our forefathers in those days at this time in the days of Mattisyahu etc. or in the days of Mordechai etc."

- ¹⁷ If you are eating on Shabbos and it became dark, since you have not yet prayed the evening prayers, you still say *Retzei*. Likewise on Yom Tov, *Rosh Chodesh*, Chanukah and Purim, since the beginning of the meal was during the day, we must mention that which is related to the day even if the *Birkas Hamazon* is recited at night. If you ate on the eve of *Rosh Chodesh* and your meal was prolonged into the night, if after it was dark you also ate a *kazayis* of bread, you must say *Ya'aleh Ve'yavo*. The same applies to Chanukah and Purim. If you began eating a Shabbos meal, and the meal was prolonged into the night and you also ate a *kazayis* at night, and the next day is *Rosh Chodesh* say *Retzei* and *Ya'aleh Veyavo*. The same applies to Chanukah and Purim. There are some who argue this point because they consider it to be self-contradictory [it cannot be both day and night]. It is therefore best to avoid continuing the meal into the night.

- ¹⁸ If there is a non-Jew in the house when you are reciting *Birkas Hamazon*, you should say: [in the *Harachaman*] "We, the members of the covenant, all of us together."

Siman 45

- ¹ Three men who have eaten together should recite *Birkas Hamazon* with *Zimun*, and it is a mitzvah to recite it over a cup of wine if possible. If

wine is not available, beer, 'mead' or whiskey may be used, if they are common beverages of the locality. This is true in an area where grapevines do not grow within a day's distance from the city, and as a result, wine is expensive and therefore these other beverages are used instead of wine. Some authorities hold that even an individual reciting *Birkas Hamazon* should do so over a cup. It is the custom of those who are meticulous, when reciting *Birkas Hamazon* individually not to lift up the cup, but rather to place it on the table in front of them.

- 2 The cup is filled first and then the hands are washed.
- 3 If you drink some of the wine out of a cup whatever remains in it becomes blemished and is disqualified for use for *Birkas Hamazon* unless it is rectified by adding a little wine or water that is not blemished. Since the cup must be filled specifically for the sake of reciting a berachah, therefore, if the cup was blemished and you rectified it, you must pour it back into the bottle and from the bottle back into the cup for the sake of the berachah.
- 4 The cup used for the berachah must be whole, and even if the bottom base is broken, it is disqualified. Even the slightest notch in the rim of the cup or a crack in the cup disqualifies it. The cup must be rinsed from inside and washed from outside, or [if water is unavailable] it must be wiped clean. The beverage must be poured from the bottle for the purpose of reciting the berachah and the cup must be full. The one who leads the *Birkas Hamazon* should accept the cup in both hands to show his affection for the cup in that he longs to accept it with all his might as it is written: "Lift up your hands to the sanctuary and bless Hashem." He then removes his left hand and holds it only with his

right hand without any help of the left (so it should not appear as a burden to him.) He should look at the cup so that he is not distracted, and he should hold it a *tefach* above the table, as it is written: "The cup of deliverance I will raise and upon the Name, Hashem, I will call." A left handed person should hold the cup in his "right" hand which is everyone else's left. It is proper to remove the empty dishes from the table [before *Birkas Hamazon*.]

- ⁵ If all those who are part of the group are of equal status and there is a *kohein* among the group it is a mitzvah to honor him with leading the *Birkas Hamazon*, as it is said: "You should sanctify him." But if there is a great Torah scholar in the group, he should lead the *Birkas Hamazon*. It is customary to have a mourner lead the *Birkas Hamazon*. This applies only when they are of equal status. It is also proper to honor with the leading of *Birkas Hamazon*, one who is generous, who despises illegal profits, and dispenses charity with his money, as it is written: "One who is generous shall be blessed." Do not read *yevorach*—"shall be blessed," but, rather, *yevareich*—"shall bless."

- ⁶ He who leads the *Birkas Hamazon* should begin by saying: "Come let us say the blessings," because all holy things require prior preparation. (He may also say in the Yiddish language *Rabbosai, mir vilen bentshen*.) The rest of the assembled respond: *Yehi sheim Hashem mevorach mei'ata ve'ad olam* [Let the name of Hashem be blessed from now forever.] Then the leader says: *Birshus maranan verabbanan verabbosai* [With your permission, distinguished gentlemen] *nevareich she'achalnu mishelo* [Let us bless Him of whose bounty we have eaten] and the assembled respond *baruch she'achalnu mishelo uvetuvo chayinu* [Blessed is He of Whose bounty we have eaten and through whose goodness we live.]

Then the leader repeats it and he also says: *Baruch she'achalnu mishelo uvetuvo chayinu* [Blessed is He of whose bounty we have eaten and through whose goodness we live.] In some communities the custom is that after the leader concludes *uvetuvo chayinu*: [And through Whose goodness we live,] the assembled respond *Amein*. In other communities, however, it is not the custom to respond *Amein*. There are also various customs in reference to saying: *Baruch hu uvaruch shemo* [Blessed is He and blessed is his Name.] Some have the custom that the leader says it [even] where only three men are present; whereas, others hold that it should not be said unless there are ten men present, because then Hashem's Name is mentioned, and it may be said. This is the proper custom. The assembled should not say it, and, certainly, one who recites *Birkas Hamazon* without *zimun* should not say it.

- ⁷ The leader should say the *Birkas Hamazon* aloud and the assembled, should quietly repeat every word with him and at the end of each berachah they should hasten to finish [their berachah] before the leader so that they may respond *Amein* to his berachah.
- ⁸ After *Birkas Hamazon* the leader makes a berachah on the cup over which he said *Birkas Hamazon* and drinks a *revi'is* from it, so that he may recite the after-berachah [over the wine]. If the [contents of] cups of those assembled have become blemished, the leader should pour some of his [wine] into their cups after he recites the berachah *Borei peri hagafen*, [but]before he drinks from it, so that they, too, may say a berachah over cups that are not blemished. Similarly, if their cups are empty, he should, likewise, pour into them a little from the cup over which the berachah was said, but they should not taste of it until he who said the berachah tastes of it. But, if each of them have their own

cups which are not blemished, the leader need not give them from his cup and they may taste of theirs before he tastes of his. If possible, the proper way [of doing it] is that each one should have a full cup.

- ⁹ If the leader does not wish to drink from the cup, some authorities hold that he may give it to one of the other assembled guests to recite the blessing *Borei peri hagafen* and drink a *revi'is* and recite the concluding berachah. Other authorities hold that this should not be done, rather, the one who leads the *Zimun* should recite the berachah over the cup, and this is the proper way.
- ¹⁰ If two men eat together it is a mitzvah for them to seek a third to join them for a *Zimun*. If the third person came after the two have already finished eating, and some additional food were brought to them as a dessert and they would eat it, then it is a mitzvah for them to invite this third person for *zimun*. They should give him a *kazayis* of food for which he would be required to recite a concluding berachah, and then he can join them for *Zimun*. Some authorities hold that the third person must eat bread; and others hold that any kind of grain food suffices. There are even those who hold that fruit and vegetables are sufficient; and still others who hold even if he does not eat [food], but merely drinks a *revi'is* of any kind of beverage except water, he may join them for *Zimun*, and this is the accepted practice. And though he didn't eat, but only drank, he can still say "[Blessed is He from whose bounty] we have eaten" since drinking is included in the category of eating. After the berachah *Hazan es hakkol*, [Who nourishes all] he [the third person] should recite the concluding berachah over what he ate or drank; [however] if the third person arrived after the other two already

washed their hands with the water that concludes [the meal], he can no longer join them.

- ¹¹ If three men eat together, since they are required to form a *Zimun*, they are not allowed to separate. The same applies when four or five people eat together, not even one of them is allowed to recite *Birkas Hamazon* privately, because all of them are obligated in this *Zimun*. If the group consists of six or more but less than ten, they may separate in such a manner that there remains a *Zimun* for each group.

- ¹² If ten men eat together they must add Hashem's Name [to the *Zimun*]; that is, the leader says: *Nevareich Elokeinu* [Let us bless our God] *she'achalnu mishelo* [of whose bounty we have eaten], but he should not say: *nevareich Leilokeinu* [Let us say a blessing *to* our God]; and the assembled respond: *Baruch Elokeinu she'achalnu mishelo* [Blessed is our God of whose bounty we have eaten.] Since they must recite *Zimun* with Hashem's Name, they are forbidden to separate unless there are twenty or more; then they may separate in such manner that each group remains with enough to have *Zimun* with Hashem's Name.

- ¹³ If the leader of the *Zimun* of ten errs, and the respondents erred as well and forgot to say the Name of Hashem as part of the *Zimun*, they cannot repeat the *Zimun* with Hashem's Name, since they already fulfilled their obligation of *Zimun*, except that they negated the mitzvah of mentioning Hashem's Name, which is an error that cannot be corrected. But if the respondents have not yet responded, since they have not yet fulfilled the obligation of *Zimun*, the leader should repeat the *Zimun* and include Hashem's Name.

- ¹⁴ If seven men ate bread and three ate fruit or drank beverages in sufficient amounts to obligate them to make an after-berachah, they may recite *Zimun* with Hashem's Name. (In this case everyone agrees that it is sufficient even if some had only fruit or drink). It is a mitzvah to look for ten men in order to recite Hashem's Name. However, if only six ate bread, they cannot recite *Zimun* with Hashem's Name, because a substantial majority is required.
- ¹⁵ As long as men eat together, even if they don't eat the whole meal together but they sat down to eat together and recited the berachah *Hamotzi*, even if each one of them ate from his own loaf, since they established themselves together, whether three or ten, they are not permitted to separate. Even if one of them wants to finish his meal before the others, they are not permitted to separate. But if they did not establish themselves from the beginning of the meal, rather after two of them ate, even if they ate only a *kazayis* and a third person came and joined them, if he finishes his meal with them, they are all required to recite the *Zimun*. But if the third person wants to finish his meal before them, since he did not start with them or finish with them, he is permitted to separate from them and recite *Birkas Hamazon* privately. Nevertheless, it is a mitzvah to wait in order to recite the *Zimun*. If there are extenuating circumstances or he fears the possibility of incurring a loss, even if he joined them at the beginning of the meal, he may finish his meal before the others and recite *Birkas Hamazon* privately. But if the need is not urgent, he must wait for the group.
- ¹⁶ If three men ate together and one of them forgot and recited *Birkas Hamazon* privately, they may still recite the *Zimun* even after he finishes

reciting *Birkas Hamazon*. And he may also respond *Baruch she'achalnu*, but if this third person had already joined the *Zimun* with two others, he can no longer join with the first group for *Zimun*. If two of the three recited *Birkas Hamazon*, even privately, the *Zimun* is defunct.

- ¹⁷ If three men ate together and two finished their meal and want to say *Birkas Hamazon*, and one of them has not yet finished his meal and does not want to say *Birkas Hamazon*, he, nevertheless, must interrupt his meal so they may say *Birkas Hamazon* with *Zimun*. He should answer with them and fulfill his obligation of *Zimun*. He should wait until the leader concludes the berachah *Hazan es hakkol*, and then resume his meal. He does not have to recite another berachah before eating since it was his intention to continue eating. After finishing his meal, he should say *Birkas Hamazon* privately. But two people need not interrupt their meal for the sake of one, unless they wish to do so in his honor, [as an act] beyond the letter of the law. If ten men ate together, four must interrupt their meal for the sake of six because they are the majority. But they need only wait until the leader says: *Baruch Elokeinu* [Blessed is our God.] After they finish their own meal, they should form their own *Zimun* without mentioning Hashem's Name.

- ¹⁸ At larger banquets where there are many guests, it is proper to choose someone to lead *Birkas Hamazon* who has a powerful voice so that all the assembled can hear the leader recite at least until after the berachah, *Hazan es Hakkol*. If that is impossible, they should recite *Birkas Hamazon* in smaller groups of ten.

- ¹⁹ Two groups that eat in one house or in two houses, if part of each group see one another, they may join to form a *Zimun*. If they cannot

see each other, each group forms their own *Zimun*. If there is one waiter for both groups, he is the means of joining them, provided they originally came with the intention of combining into one group. Whenever two groups join, they must all be able to hear the leader recite at least until after the berachah *Hazan es hakkol*.

- 20 If you are with a group that is saying *Zimun* and you did not eat or drink with them, when you hear the leader say, *Nevareich she'achalnu mishelo* [Blessed is He from whose bounty we have eaten] you should respond, *Baruch umevorach shemo* [Blessed is His Name] *tamid le'olam va'ed* [forever and ever]. If it is a *Zimun* of ten and the leader, therefore, says: *Nevareich Elokeinu* [Let us bless Our God], you should also respond: *Baruch Elokeinu* [Blessed is our God] *umevorach shemo* [and blessed is his Name] *tamid le'olam va'ed* [forever and ever.] If you arrive after the leader has already said *Nevareich* [Let us bless, etc.], and you hear the respondents saying: *Baruch she'achalnu* [Blessed is He, etc.], or *Baruch Elokeinu she'achalnu* [Blessed is our God, etc.], you should [only] say *Amein*.

- 21 If three men ate together, each from his own bread, and one of them ate bread of a non-Jew, and the other two are careful not to eat bread of a non-Jew, nevertheless, they can combine for *Zimun*. The leader should be the one who ate the non-Jewish bread, because he can eat together with the others. If one ate dairy foods and two ate meat, they may combine, and the leader should be the one who ate dairy foods, because he may eat with the others. But if the one who ate dairy foods doesn't drink wine or if all that is available is beer which is *chadash*, and he is careful not to eat *chadash*, then it is better for the leader of the *Zimun* to be one of those who ate meat, and have *Birkas Hamazon* said over a

cup [of beverage] rather than to recite it without a cup. If one person ate hard cheese and the other two ate meat, some authorities hold they cannot combine into one group, while others hold that they may combine, since they could all eat from the same loaf of bread. We may accept the lenient opinion in this matter.

- 22 If women ate together with men who were obligated in *Zimun*, they, too, are required to say *Zimun* and they must listen to the saying of *Zimun*. In reference to a 'minor,' it is customary not to include him for *Zimun* until he is thirteen years and one day old. Then he can join and even lead the *Zimun*, even though it was not ascertained that he has grown two pubic hairs. [This is a necessary requisite if one is to be considered an adult according to *halachah*.]

- 23 If someone does not recite the *Shema* morning and evening, or one who publicly violates the mitzvos, cannot be counted for *Zimun*. A true convert may be counted for *Zimun* and he may lead and say: "For your parceling out as a heritage to our fathers" because it is written about our father, Abraham, "A father to many nations have I made you." And our Rabbis explain: "In the past you were merely a father to Aram, but from now on [you are a father] of all nations."

Siman 46

- ¹ The blood found in eggs is forbidden, and occasionally, it is forbidden to eat the entire egg. Therefore, when using eggs in any food, the eggs must be examined [for blood spots].

- 2 Blood of fish is permitted; nevertheless, if it is collected into a utensil, it is forbidden because of the appearance of wrongdoing. However, if it is obvious that it is blood of fish, for example, when it contains scales, it is permitted.
- 3 If you bite into some bread or similar food and blood flows from your gums onto the bread, you must cut off the part with the blood and throw it away. However, the blood that is still between your teeth may be sucked in if it is a weekday, since it did not leave your mouth. (But you may not do this on Shabbos. [see Chap. 80 parag. 54])
- 4 Occasionally, blood is found in milk, when blood is drawn with the milk from the udder of the cow. [When this occurs,] a Rabbinic authority must be consulted.
- 5 A mixture of meat and milk is forbidden to be eaten or to be cooked. Any benefit from this mixture is [also] forbidden. Therefore, if something becomes forbidden due to a mixture of meat and milk, a Rabbinic authority must be consulted about what should be done with the mixture for sometimes it is forbidden even to derive benefit from it and sometimes, deriving benefit is not forbidden.
- 6 Two Jews who know each other, even though they are critical of each other, are forbidden to eat at the same table, if one [eats] meat and the other dairy food, unless they make a noticeable mark between them. For instance, each one should eat on his own tablecloth or they may place, on the table between the foods, an article that generally does not belong there. They must also be careful not to drink from the same cup, because food clings to the cup.

- 7 And certainly they must be careful not to use the same loaf of bread for meat and dairy meals. It is also customary to designate separate salt-dishes, one for meat and one for dairy foods, because sometimes the [food] is dipped into the salt and bits of food are left in the salt.
- 8 It is customary to mark knives that are used for dairy foods, as well as other dairy dishes so they are not interchanged [with meat utensils].
- 9 If you ate meat or even a dish prepared with meat you may not eat dairy food for six hours. If you chew meat for a child, you must also wait [six hours]. Even after waiting six hours, if you find a particle of meat between your teeth, you must remove it, but you do not have to wait after that, all you need do is cleanse your mouth and rinse it; that is, eat a little bread and cleanse your mouth with it, and then rinse [your mouth] with water or another liquid.
- 10 If the food you ate did not contain meat nor the fat of meat, but was merely cooked in a pot used for cooking meat, even if the pot was not cleaned out well, it is permissible to eat dairy foods afterward.
- 11 After eating cheese you are permitted to eat meat immediately thereafter at another meal, as long as you examine your hands to make sure that no particles of cheese cling to them; or you may wash them with water. You must also brush your teeth and rinse your mouth. But if the cheese was hard, i.e. cheese which was aged for six months or which was moldy, if you wish to eat meat afterwards you must also wait six hours.

- ¹² If after eating cheese you want to eat meat, you must remove from the table the rest of the bread which you ate with the cheese. It is forbidden to eat cheese on a tablecloth used for meat, and vice versa. It is also forbidden to use a meat knife to cut bread that will be eaten with cheese, and vice versa, even if the knife is clean. However, if there are extenuating circumstances; for example, if you are traveling, you are permitted [to cut bread] with a meat knife if it is clean and wiped very well, and it is permitted to eat [the bread] with cheese, and vice versa.
- ¹³ If, however, you use a meat knife to cut onions or any other pungent things and you put them into a dairy food, or vice versa you must consult a Rabbinic authority.
- ¹⁴ If you make a meat dish using a milk substitute made from almonds you must leave [whole] almonds in it in order to avoid the appearance of wrongdoing.
- ¹⁵ It is the accepted custom not to kosher dairy utensils or dishes in order to use them with meat, or vice versa.
- ¹⁶ Wine, meat or a piece of fish that does not have a distinguishing mark that you entrust or send with a non-Jewish messenger, and certainly if you send it with a non-observant Jew, must have a double seal. But boiled wine, wine vinegar, or milk, bread and, cheese, need only one seal.
- ¹⁷ If you send or entrust any of these items in a sack, it is necessary that the stitches of the sack be on the inside so that it can be tied and sealed.

- ¹⁸ If you sent a slaughtered animal or fowl or anything else without a seal [on the package] with a non-Jew, you should consult a Rabbinic authority.
- ¹⁹ It is forbidden to eat cheeses or other items that are in the possession of a non-Jew, although they are sealed or stamped stating that they are kosher, as long as it is not known who sealed them.
- ²⁰ Care must be taken not to cook or roast your food and the food of a non-Jew when the two pots are next to each other, one pot containing kosher meat and one pot *treife* meat, if the pots or the pans are uncovered. Care must also be taken not to leave any pots in the care of non-Jewish maids when there is no Jew in the house [or when there is no Jew] going in and out of the house.
- ²¹ It is forbidden to buy wine or any other doubtful food from someone who is not recognized as an acknowledged keeper of *kashrus*. However, if you are his house guest, you may eat with him as long as you are not certain that there is reason for suspicion.
- ²² Care must be taken not to leave culinary utensils in the house of a non-Jew lest he make use of them. Even when you give such utensils to a non-Jewish craftsman to be repaired, if you suspect that he used it, you should consult a Rabbinic authority.
- ²³ Occasionally people buy a live fowl with its legs trussed, and they throw it to the ground and then have it slaughtered. This practice is strictly forbidden because an animal or a chicken which fell to the ground must not be eaten until it is observed afterwards, walking four *amohs* in

a normal manner. Concerning lambs or calves also, it is well to be extremely careful in this regard.

- 24 During the summer it is very common for ducks to develop small blisters like warts in their intestines and many become *treife* because of them. Therefore great care must be taken to examine the intestines, and if such small blisters are found, a Rabbinic authority must be consulted.
- 25 It is not permitted to knead dough with milk lest it be eaten with meat, and if you did knead it, it is forbidden [to eat] the entire bread even by itself, because of the Rabbinic interdiction lest it be eaten with meats. If, however, it was a small quantity, sufficient only for one meal, or if the bread has been shaped so that it is noticeable that it is not to be eaten with meat, then it is permissible. The same *halachah* applies if dough was kneaded with animal fat. No type of bread should be baked with [meat or dairy] knishes in one oven [at the same time] for we are afraid that some of the butter or some fat will flow under the bread; and if it did flow underneath the same *halachah* applies as though it were kneaded together, and the bread may not be eaten even by itself.
- 26 If bread was baked together with a roast, in the same oven, and the oven was closed and the roast was uncovered it is forbidden to eat the bread with dairy foods. However, if the roast was covered or the oven was open and the oven is as large as ours, the bread is permitted. Nevertheless, initially, care should be taken not to roast meat in an oven in which bread is being baked, for fear that some fat will flow under the bread; and even if the roast is in a pan, there is room for concern.

- 27 If animal fat or milk overflowed on the floor of an oven, the oven must be cleansed by glowing heat in accordance with *halachah*, that is to say, glowing coals must be spread over the whole floor of the oven until it becomes white hot.
- 28 Castrated chickens may be eaten because we rely on the presumption that the non-Jewish castrator is an expert and in sewing up the chicken did not cause any defect to the intestines. However, if any defect is found, even if it is merely that the intestines do not lay in the normal position, it is forbidden to eat them.
- 29 In some communities, it is the practice of non-Jews who raise geese for sale to Jews to stab them under the wings with a needle, or similar sharp object, so that the flesh becomes swollen and the geese look fat. A Rabbinic authority should be consulted if they are kosher or not. It also happens when an animal is overfed and becomes critically ill, that it was cured by striking it with an awl opposite its stomach. This procedure also raises a question for a Rabbinic authority to decide whether such an animal is kosher.
- 30 In preserving fruit it is customary to place the fruit in a jar and to cover the mouth of the jar and tie it with the bladder skin of an animal. It is then placed into a hot oven so the fruit may be preserved. Care must be taken that the bladder skin be from a kosher animal, and it must also be kashered by proper salting and rinsing.
- 31 It is forbidden to drink water from wells and rivers that are known to be infested with worms (or insects), until the water is filtered, and even if inadvertently the unfiltered water was used for cooking, it is

forbidden to eat the food. Similarly it is forbidden to soak meat in such water or to use it for rinsing any food because the worms attach themselves to the food.

- 32 When filtering such water, care must be taken to filter it through a cloth that will not allow passage even for the very thinnest worms.
- 33 Vinegar that contains worms should not be eaten even if filtered, because even the thinnest worm of the sort that grow in vinegar, will pass through any cloth and the filtering will worsen the situation. It is best not to filter it because worms that develop in beverages contained in vessels are not forbidden as long as they do not become separated; and through filtering, it is possible that the worms will be separated and remain on the filter and later return to the vinegar. It is best to boil the vinegar first and then filter it; because once the insects are killed by the boiling, they will not pass through the filter.
- 34 Worms that grow in fruit when still attached to the tree are forbidden even though they did not move from place to place. Sometimes black spots or dots are found on fruits, beans, and legumes. This is the first stage of their breeding and they must be cut out with deep penetration, because this area is forbidden as the worm itself.
- 35 Some fruits have worms when still attached to the tree. If twelve months have passed from the time they were picked, they may be eaten, because any creature that does not have a vertebra cannot exist [more than] twelve months, and have, therefore, become like mere dust. However, since it is possible that the fruit became wormy after being picked, it should be examined, and cleaned from all the worms and

insects found upon the surface. Afterwards they should be placed in cold water and the water should be thoroughly stirred. As the worms and worm-eaten particles rise to the surface, they should be thrown away. The rest should be placed into boiling water so that if any worms remain they will die immediately, and will not become separated from the fruit. This procedure may be relied upon only in the cases of legumes or lentils and the like and then only after the expiration of twelve months.

- 36 All fruits that require examination must be opened one by one and the pits removed and discarded, in order that the examination is thorough. Great care must be taken regarding this when preserving fruits in honey and sugar, and similarly when making *lekvar* (a prune jam). It is not sufficient to examine only a portion of the fruit, and even if the greater portion was examined it is not sufficient, but, rather, each fruit must be examined separately.
- 37 Flour or similar ground substances occasionally have large worms, and it is sufficient to sift the flour, because the worms will not pass through; but if it is infested with mites, sifting is of no avail [and it should be discarded]. If you have wheat that is infested with worms, consult a Rabbinic authority as to how should be ground.
- 38 Anything which is infested with worms and is something not usually examined for worms is forbidden to be sold to a non-Jew, when there is a likelihood that the non-Jew might resell it to a Jew. It may be used, however, in the making of whiskey, and we are not afraid that it will cause a problem of someone eating it in its present state, providing it is not kept for a long time.

- 39 There are many kinds of vegetables that are known to be infested with worms and some that are infested with mites. Some housewives claim that singeing the vegetables in fire [destroys the worms], [however, such a method] is of no avail. There are also certain kinds of fruit and vegetables that are so infested with worms, that it is almost impossible to examine them. It is fitting, therefore, that a God-fearing Jew should not eat any of these. There are certain fruits whose kernels are infested with worms and it is forbidden to eat them.
- 40 Walnuts are often infested with mites. They can be tested in this manner, when the kernel is taken from the shell, the shell should be tapped on a warm surface. This will bring out the mites that remained in the shell. Great care should be taken concerning this.
- 41 Sometimes the rim of the container in which fruits were preserved in honey and sugar, contain mites. This area must be thoroughly cleansed and some of the [surface] preserves removed, until it is quite certain that no insects were left in the preserves.
- 42 If while cutting a fruit or radish with a knife, you happen to cut up a worm, you should wipe the knife very well and from the radish or the fruit, scoop out a bit from the place where the worm was cut.
- 43 The interior of fish often contain worms, [especially] in the brain, the liver, the intestines, mouth and ears. This is especially true with a fish called 'Hecht' (pike), which contains thin, long worms. The places where they are commonly found must be thoroughly examined. In herrings thin worms are often found in the milk, and it, therefore, requires examination. In some regions, the outside of the fish near the

fins and on the fins, in the mouth and behind the ears, are infested with very small insects that are round as a lentil. These places should be examined and scraped off very well.

- ⁴⁴ If the worms found in cheese, are not repulsive to you, they may be eaten as long as they are not completely separated from the cheese.
- ⁴⁵ Many Divine commandments are written in the Torah regarding insects. [One who eats them] transgresses many prohibitive commandments. They also defile the soul, as it is written: "You will be defiled through them." Therefore, everyone must be very careful not to eat them inadvertently.
- ⁴⁶ If you ask a *Rav* a question concerning the permissibility of an item and he has forbidden it, you are not allowed to ask another *Rav* for his opinion [about the same matter], unless you inform him that the first *Rav* decided it was forbidden.

Siman 47

- ¹ In the opinion of some authorities, in our time the wine of a non-Jew or Jewish wine touched by a non-Jew is forbidden only for drinking but not for deriving other benefit from it. Therefore, a Jew is permitted to take non-Jewish wine in payment of a debt, for it is equivalent to saving it from a loss. The same law applies in avoiding other types of loss, but only when, for example, the wine was already purchased. However, initially, it is forbidden to buy such wine in order to make a profit from it. Some authorities are lenient even in this instance, but it is best to follow the stricter opinion.

- 2 It is permissible to make a bath from non-Jewish wine for a sick person, although he is not critically ill.
- 3 Kosher wine that was cooked until it was brought to a boil and its contents reduced by the boiling, [even] if it was touched by a non-Jew, it is permissible even for drinking. However, wine into which spices have been put, such as vermouth, as long as it is still called wine, and has not been boiled becomes forbidden [when touched by a non-Jew].
- 4 A dish into which wine was added but is not discernable even if it was not yet brought to a boil, does not become forbidden when touched by a non-Jew.
- 5 Wine that was diluted with six parts of water is no longer considered wine and does not become forbidden when touched by a non-Jew. However, raisin wine which is made by pouring water on raisins is considered real wine.
- 6 Mead which is made from water poured on the seeds, or on the lees of wine, as long as it is improved for drinking cannot be permitted, when touched by a non-Jew.
- 7 Once even a small quantity of wine has been drawn from a barrel in which grapes were pressed, or if wine was taken from it in a vessel, the entire contents of the barrel is considered wine and becomes forbidden when touched by a non-Jew, even if he touched only the seeds and the husks. Therefore, barrels of grapes found in the house of a non-Jew are forbidden since he might have already drawn wine from them. It is also forbidden to let a non-Jew press grapes, even if the barrel is sealed.

- 8 Care must be taken that the removal of the seeds and husks from the presses should not be done by a non-Jew, even after the extraction of wine from the first and second pressing because it is possible that they might still be moist with wine.
- 9 If a non-Jew poured water into wine with the intention of diluting it, we are not allowed to drink it. But if he had not intended to dilute it, or even if it was doubtful whether he intended to do so, it is permissible to drink from it.
- 10 [If] wine vinegar made from kosher wine is so strong that it seethes when poured upon the ground, it no longer becomes forbidden when touched by a non-Jew. But vinegar produced from non-Jewish wine always remains forbidden.
- 11 Similarly, whiskey [brandy] that was produced from non-Jewish wine or from seeds, skins and lees [of non-Jewish wine,] is considered like the wine itself. But when [brandy] is made from kosher wine, the touch of a non-Jew does not make it forbidden.
- 12 It has become the accepted custom to permit the use of Tartaric Acid, since it has no taste.
- 13 If a non-Jew touches the wine by means of another object, [i.e. not with his own body] or through his power, a Rabbinic authority must be consulted.
- 14 If wine is sent [to someone] with a non-Jewish messenger, great care must be taken that every faucet or spout should be sealed with double

seals.

- ¹⁵ If a Jew produces kosher wine for a non-Jew, for the purpose of selling it to Jewish customers, the situation raises many special *halachic* issues, and in certain circumstances, even double seals or a lock and key are not sufficient safeguards. It is necessary to consult a Rabbinic authority as to the proper procedure. One who fears for his soul should avoid this type of wine.
- ¹⁶ Vessels in which wine is kept for a short time which contained non-Jewish wine, and that had no wine in them for twenty four hours, whether the vessels are made of leather, wood, glass, stone or metal, if they are not lined with pitch, they should be rinsed well with water three times and they may be used. If, however, they are lined with pitch, they have a different *halachic* status. Similarly, earthenware has a different *halachic* status.
- ¹⁷ Vessels that are made for keeping wine in them for a long time, that is, they are designed to hold wine for at least three days, even though the vessel belongs to a Jew, and the non-Jew kept wine in the vessel for only a short time, it, nevertheless, requires a kashering process. The vessel must be filled with water up to the very brim and be allowed to stay that way for at least twenty-four hours, which is referred to as *mei'eis le'eis*; after that the water should be poured out and refilled a second time and allowed to stay that way for at least twenty-four hours. This procedure should be repeated a third time. It is not necessary that the three twenty-four hour periods be consecutive. If the water remained in the vessel for many days without being poured out, it counts for only one twenty-four hour period. Some authorities say that if the wine was

in the vessel for twenty-four hours, it cannot be *kasheret* in this manner, because after twenty-four hours of soaking, it is considered as if it was boiled (cooked) and it requires *kashering* with boiling water. And if there is no pressing need, it is best to follow this more stringent opinion.

- ¹⁸ Since glass utensils are smooth and hard; even though wine is kept in them for long periods, it is sufficient to rinse them three times.
- ¹⁹ [If] a vessel that contained Jewish wine was emptied of its wine, but the vessel was still so moist as to moisten other objects, and was touched by a non-Jew, rinsing it three times is sufficient, even though the vessel was made to hold wine for a long time.
- ²⁰ The process of rinsing or of 'emptying' for three days is permissible only when cold wine was stored in them, but if the wine was hot, it must be made kosher only by the process of boiling water as if they contained any other forbidden food.
- ²¹ Vessels used in the wine press, even though they are not used for storing wine, nevertheless, since they are used for an abundance of wine, we deal with them more stringently and a Rabbinic authority should be consulted for the proper way to *kasher* them.
- ²² Any vessels that have not been used for twelve months may be used [without any *kashering* process], because we are certain that no moisture of wine was left in them. Even if water was poured in them during the twelve month period, it does not matter.

Siman 48

- ¹ If bread that is [made] from the five species of grain was made as *kisnin*, and you eat less than the quantity sufficient for a meal, it does not require *netilas yadayim*—washing the hands and it does not require the berachah, *Hamotzi*, rather the berachah *Borei minei mezonos*, and after it the berachah, *Al hamichyah*. However, if you eat the amount sufficient for a meal, it is governed by the same law as regular bread, [i.e.] it requires *netilas yadayim*, and the berachah, *Hamotzi*, and after [eating] *Birkas Hamazon*.
- ² What is bread made as *kisnin*? Some [*poskim*] say: that it is bread made in the shape of pockets, filled with fruit meat or cheese or with similar things, or when it is made like a "strudel" [fruits and nuts rolled in dough and baked]. And other [*poskim*] say: that it is bread kneaded with oil, or fat or honey, or milk, or eggs or fruit juices, even if they were also mixed [with] water, as long as it is less than half [the liquid]. We accept both opinions in order to be lenient and we consider both [kinds of baked goods] as "bread that comes with *kisnin*."
- ³ The amount considered sufficient for a meal is not set individually for each person, but by what most people [average people] usually consume for the midday meal, or for the evening meal to satisfy their appetite. If you eat this quantity, although you are not satisfied, nevertheless, it is considered bread. And, if you ate this bread with a spread [or dip], we also estimate the amount by considering if others would satiated if they ate the same amount with a spread. But if you ate a smaller quantity without a spread and your appetite is satisfied, but if others would eat

this amount they would not be satiated, but if they would eat it with a spread they would be satiated, then the laws of bread apply.

- 4 If your original intention was to eat only a little (i.e. less than a "meal") and you said: *Borei minei mezonos* and then reconsidered to eat the amount sufficient for "a meal," if the additional amount that you now want to eat is not sufficient for a meal unless it is combined with what you originally ate, you may eat it as is and afterwards say the *Birkas Hamazon*. But if the additional amount you now want to eat has [in itself] an amount sufficient for "a meal," you must do *netilas yadayim* and say the berachah *Hamotzi* on that which you now want to eat. But the berachah, *Al hamichya*, need not be recited on that which you [originally] ate, because it becomes combined with that which you will now eat and will be exempt with the *Birkas Hamazon*.
- 5 Dough kneaded with water, which has a loose, soft consistency and is baked in an oven or even in a pan [on an open fire] without liquid, even if the pan was greased with oil, in order that the dough not burn, is not considered "liquid" and it has the law of real bread. [And thus] even if you eat of it only a *kazayis*, it requires *netilas yadayim*, *Hamotzi* and *Birkas Hamazon*. But, if it is fried in liquid [oil], it is not considered bread, even if you eat of it a quantity which satisfies your appetite. Likewise, those flat wafers which are very thin that are baked in a press between two iron plates, do not have the law of bread. And even if you ate of them a quantity which satisfies your appetite, you need only recite *Borei minei mezonos* and the after-berachah, *Al hamichyah*. Sometimes dough is made very thin in the following manner: flour and water are put into a pot and mixed with a spoon and

poured over vegetable leaves and baked in the oven over the leaves. This dough has the halachah of *kisnin*.

⁶ Dough that was boiled and then baked, such as bagels or pretzels, is [considered] real bread, but only if it was well-baked.

⁷ Real bread that was boiled, or fried in butter or in similar [shortening], even if it lost the appearance of bread, for instance [when the bread] was completely covered with egg, if the slice is a *kazayis*, it has all the laws of bread. If each slice is not a *kazayis*, even if through the cooking it expanded and now each slice is a *kazayis*, or if [the pieces] became attached through cooking and is now one large mass, even if they have the appearance of bread, nevertheless, it is not considered "bread," and its berachah is only *Borei minei mezonos* and after eating it the berachah *Al hamichyah*. This is so even if you ate enough to be satiated. But, if you did not boil it, but poured hot gravy upon it, it is a doubtful berachah because it is questionable whether or not *iruy*—pouring is considered "boiling" in our case (of *kisnin*). [Therefore, such pudding] should be eaten only in the course of a meal. But, if it was not boiled, but soaked in liquid or in soup, and the pieces [individually] are not a *kazayis*, in such a case it depends if they have the appearance of bread or not; if they have the appearance of bread, they then have all the laws pertaining to "bread." And if they don't have the appearance of bread, they do not have the laws of bread, and even if you ate enough to satisfy your appetite, you only say the berachah, *Borei minei mezonos*, and afterwards *Al hamichya*. If the appearance of the liquid changed, because of the pieces [of bread], [then] it is definite that they have lost the appearance of "bread." Likewise, if they were soaked in red wine, they no longer have the appearance of bread.

- ⁸ Even if dough was kneaded only with water and then boiled, you recite the berachah, *Borei minei mezonos* and after it *Al hamichyah*. This is so even if you ate enough to be satiated. Similarly, ground grain [groats] or whole grain that was made of the five species of grain and then boiled, the berachah is also; *Borei minei mezonos*, and afterwards: *Al hamichyah*, even if you eat enough to satisfy your appetite. If you eat them with the soup [that they were boiled in] and similarly—foods made of dough that are eaten with the soup or with the milk that were cooked in, you need not recite a berachah on the soup or milk, because they are secondary and lose their significance to the food. But, if you cooked only a small amount of cereal or groats and the main object is only for the soup or the milk, in such a case they do not lose their significance and you recite the berachah, *Shehakol*, over it. And even though you eat the cereal or groats also, the soup or milk do not lose their significance because they are considered the main object. Nevertheless, in order to do the *mitzvah* in the most appropriate manner, it is proper that you first recite the berachah *Shehakol* only on the soup or the milk and drink a small amount by itself (avoiding any of the grain), and afterwards recite the berachah *Borei minei mezonos* on the cereal or groats, because although the intent (of the cooking) was not for them, they do not become secondary. Grain is [always] considered a major [food] and does not become secondary to forfeit its own berachah as long as its purpose is to add flavor to the food being cooked.
- ⁹ Foods that are prepared with ground *matza* (*matza* meal) or with bread crumbs (e.g., "kneidlach"—*matza*-balls and pancakes) that are mixed with oil, eggs, and milk and are kneaded [all together] and then boiled

or fried, their berachah is: *Borei minei mezonos*, and afterwards: *Al hamichyah*.

- ¹⁰ If food made of one of the grains was boiled with other foods such as bits of dough with green peas or dried beans (eg. barley with green peas and/or dried beans), even if the other food (peas or beans) is the major ingredient, nevertheless, since each is separate unto itself, it requires two berachos: first on some of the bits of dough make the berachah, *Borei minei mezonos*, and eat them, and then on some of the beans make the berachah, *Borei peri ha'adamah*, and eat them [separately]. After that, you may eat them together. And the soup (in which they were cooked) is secondary and does not require a berachah. But if they dissolved and were totally merged together (i.e., into a new food form) for instance a dish that is prepared by mixing flour, eggs, and cheese and then boiled or fried (e.g., pancakes or blintzes), even though the flour is the lesser quantity, nevertheless, since it is [made of] one of the five grains, it is considered primary and the berachah is *Borei minei mezonos*, and afterwards *Al hamichyah*. However, this rule applies only when the flour is added to contribute to its taste. But, if only a little is added as a binder (or thickener), as is regularly done to prepare various sauces with a small amount of flour, and similarly, baked confections [that are made with] almonds, sugar and eggs with a little flour added merely as a binder, then the flour loses its identity and the berachah is made on the major ingredient only. The same applies to gravy [or sauce] that is boiled or fried with some flour, browned and fried in butter, the berachah made on the sauce or gravy is *shehakol*. But if you pick out the bits of browned flour and eat them separately, you must make the berachah, *Borei minei mezonos*. If you ate a *kazayis* of them you must make the berachah, *Al hamichyah*, afterwards.

Siman 49

¹ Just as bread has, because of its importance, been given a special berachah, *Hamotzi*, rather than *Boray minei mezonos*—the berachah on all foods made of the five species of grain; so has wine been honored with its own berachah—*Borey pri hagafen*. This is so because wine not only satiates, but, also gladdens the heart (Ps. 104) (*Maseches Berachos* 35). Additionally, wine has other qualities as evidenced by the requirement that the *kiddush* and *havdallah*, as well as *sheva berachos*, are said over wine. In addition, wine was also assigned its own after-berachah, i.e. *Al Ha'gefen*. This chapter deals with determining at what point in the process of wine preparation does it achieve the status of "wine," and at what point of its deterioration does it turn into "vinegar," losing the status of "wine."

The berachah on wine is *Borei peri hagafen* and after [drinking it] *Al ha'gefen*, etc. It makes no difference whether the wine is still bubbling [or not]. Even if [the wine] is flowing of its own accord, even cooked wine or *konditin*, that is [wine] into which were added honey and/or spices or wormwood which is bitter. Even if the wine smells like vinegar, as long as it has the taste of wine, it is considered wine as far as its berachah is concerned. But, if it has turned vinegary, to the extent that some people refrain from drinking it because of its sour taste, then the berachah is in question. (And although you can say the berachah, *Shehakol*, before drinking it, there is still a question about the after-berachah.) Therefore, you should not drink it unless you first make a berachah over good wine [and drink it.]

² Concerning grape seeds from which wine was extracted only by means of trampling, but which were not pressed in a [heavy duty] wine press, the following should be noted: if water was poured upon them, even if

they recovered no more [water] than they poured [on them], or even if they recovered less, nevertheless, if it has the taste of wine, the berachah is *Borei peri hagafen*. But, if the seeds were pressed in a [heavy duty] wine press and *then* the water was poured on them or they poured water upon the residue [in the vat from which all the seeds were removed], it is considered as water.

- ³ If wine was diluted with water, and the wine is only one sixth of the mixture [i.e., five parts water to one part wine,] the wine is definitely nullified, and it is considered as water. But, if it has more wine [than one sixth], and it is the custom of the people of that area to dilute it to that degree and to drink it as wine, the berachah over it is *Borei peri hagafen* and afterwards *Al hagefen*. However if the people of that area do *not* drink it as wine, the individual's opinion does not count [and the berachah is *Shehakol*].
- ⁴ Just as bread, if eaten as part of a meal, exempts all sorts of food [from a berachah], so does wine, when it is part of a wine repast, exempt other beverages from a pre-berachah and from an after-berachah. This is so only if the beverages were before you at the time you said the berachah over the wine or at the very least it was your intention to drink those beverages. But, if they were not before you, and it was not your intention to drink them, it is an unresolved question [among the poskim] if you must say a berachah on them or not. Therefore, you should refrain from drinking them [i.e., those beverages] until after you recite the after-berachah on the wine, or you may make the berachah, *Shehakol*, on some food and keep in mind to include those [late arriving] beverages.

- 5 If you did not "sit down to a repast of wine," but drank in a casual manner and you also did not intend to drink other beverages, you are certainly required to make the pre-berachah on the other beverages. However, there is still a question about the after-berachah—whether [the other beverages are] exempt by the berachah *Al hagefen* that you say on the wine. Therefore, you should eat any fruit whose after-berachah is *Borei nafashos rabos* [in order] to exempt the [other] beverages.
- 6 If you recite *kiddush* over wine and intend to drink whiskey or coffee afterwards, there is a question if they were exempted by the berachah [made] over the wine. Therefore, you should have in mind not to exempt them [while saying *Borei peri hagafen*]. Still [in order to satisfy all sides of the question], you should say the berachah, *Shehakol*, over a bit of sugar [candy, or the like], [and have in mind] to exempt also the beverages [whiskey, coffee, etc.]
- 7 When you say a berachah over wine during the meal and there are other people present, you should [first] say: *Savri Rabbosai*, meaning: "Pay attention to hear me," so that they will stop eating and listen to the berachah.
- 8 If a group was drinking one kind of wine, whether during the meal or not during the meal, and another kind of wine was brought, they need not say *Borei peri hagafen* over the new wine, since they did not "reconsider" nor "remove their thought" from the wine, but they do say over the new wine the berachah, *Hatov vehameitiv*. Likewise, if they brought a third kind of wine, they also say over it: *Hatov vehameitiv*.

The same [applies] to [as] many [wines] that are brought out. (We learn this from the conduct of *Rebbe* who, over every new jug of wine that was opened would say the berachah, *Hatov vehameitiv*.)

- ⁹ If they actually "reconsidered" in the manner that requires them to say the berachah *Borei peri hagafen* a second time, they should first say the berachah, *Hatov vehameitiv*, and afterwards the berachah, *Borei peri hagafen*.
- ¹⁰ The berachah *Hatov vehameitiv* is [said] only when [the quality of the second wine] is unknown, [that is,] you are not certain that the second [wine] is of a lesser quality than the first; though you do not know if it is a better quality than the first wine. But, if it is known to be of a lesser quality than the first [of wine], the berachah is not said over it. However, if it is more healthful for the body than the first [wine], though it is inferior in taste, we do say the berachah *Hatov vehameitiv* over it.
- ¹¹ Even if you had both wines, but they were not before you, when you said the berachah *Borei peri hagafen*, you should say the berachah, *Hatov vehameitiv*, over the superior second wine. But, if they were both before you on the table, you do not say the berachah *Hatov vehameitiv*. You then say *Borei peri hagafen* over the better wine and it will exempt the poorer quality [wine].
- ¹² The berachah, *Hatov vehameitiv*, is said only if there is still some of the original wine [on the table] and you want to drink the second wine in order to have variety. But, if they are now bringing the second wine [to

the table] because the first wine has been consumed, the berachah [*Hatov vehameitiv*] is not said over it.

¹³ The berachah *Hatov vehameitiv* is said only when there is another person with you who is also drinking from both wines, for that is implied [in the text of the berachah] "He is good"—to the person "and he is benevolent"—to his companion; and the same law applies if your wife and children are with you. But, if you are alone, you do not say [*Hatov vehameitiv*] over it (the second wine).

¹⁴ When a guest eats at the table of his host, and the host places the wine bottle on the table so that whoever wishes may drink, as is done at lavish feasts, then the wine is considered as communal property, and the berachah *Hatov vehameitiv* is said. But if the host doles out a cup of wine to each guest, *Hatov vehameitiv* is not said, since they have no "proprietorship" in the wine and [therefore] even the host does not say [*Hatov vehameitiv*].

¹⁵ One [of the group] may say the berachah to exempt the entire group, [but] he should first say: *Savri...* ("Attention..."); so that they pay attention to hear [every word of the berachah]; and they should reply: "Amen" so that they be exempt through his *berachah*. But, only [is the above applicable] if each one has his glass [of wine] before him to taste at once, so that there will be no interruption between the berachah and the drinking [of the wine].

¹⁶ If you are saying *Birkas hamazon* over a glass of different wine, you need not say the berachah of *Hatov vehameitiv* over it because you will

have fulfilled your obligation with the *Hatov veHameitiv* said in *Birkas hamazon*.

Siman 50

- ¹ It is written, "The earth is *Hashem's* and the fullness thereof," [which implies] that everything is like consecrated matter. And just as it is forbidden to derive benefit from sacred things before they are redeemed, and anyone who derives benefit from sacred things without prior redemption is guilty of misusing sacred property, so it is forbidden to derive pleasure from this world without [first reciting] a berachah, and the berachah constitutes the redemption. If you enjoyed any food, etc. and [before you did] you failed to recite a berachah, it is as though you misused something that is sacred to *Hashem*, blessed be His Name. There is no minimum quantity of food over which the pre-berachah must be said, for if you eat or drink even the smallest quantity, you must recite the pre-berachah.
- ² Although, if inadvertently, you had already recited [the berachah] *shehakol* over anything, even over bread or wine, you would have fulfilled your obligation, you may not do this deliberately. It is your duty to study in order to know which berachah [is appropriate] for *each* individual kind [of food]. However, if you are unable to determine under which category [the article] is classified, or if the authorities are in doubt and no [clear-cut] decision can be made [concerning the appropriate berachah], then you may discharge your obligation [by reciting] the berachah *shehakol*. But if it is something that you can

exempt [from a berachah] [by eating it] during the meal, so much the better.

- ³ The article [over which you are about] to recite the berachah before eating, drinking, smelling it, or performing a mitzvah with it, should be taken, with your right hand, before [reciting] the berachah. You should then consider [carefully] what [berachah] is appropriate for it, so that when you mention *Hashem's* Name, which is the most important part of the berachah, you will know how to conclude it. If you did not hold (the object) at all, but it was merely lying in front of you when you recited the berachah, you fulfilled your obligation. However, if (the object) was not in front of you when you said the berachah, rather, it was brought to you afterwards, even though, while reciting the berachah your mind was on [the object], then you have not fulfilled your obligation, and you must repeat the berachah.
- ⁴ If you took in your hand a fruit to eat, and recited the berachah over it, and it fell out of your hand and was lost, or it became so spoiled, that it was inedible; and, similarly, if you said a berachah over a beverage and the beverage spilled, if [at that time] there was more of the same food or beverage on the table and you also intended to eat or drink more than you were holding in your hand; consequently the berachah referred also to the other things [before you], then you need not repeat the berachah. But in an ordinary case, the berachah applies only to that which you were holding in your hand, and you must repeat the berachah. Similarly, even if you intended to eat or drink more [of the food that fell from your hand, or was lost or became unappetizing] but it was not on the table at the time you said the berachah, but was served [later], then you must repeat the berachah. [This holds true]

even in the case where if you ate or drank the original food; you would not have had to recite the berachah over the food that was to be served [later]; because this case is different.

- 5 You must not pause longer than it would take to utter [a short greeting] between the berachah [over the food] and eating it. Even while chewing, you may not pause until you swallow it. (For chewing [or tasting] do not require a berachah, see par. 7.) Now, if after the berachah but before eating, you interrupted by saying, something that was unrelated to the meal, then you must repeat the berachah. However, if you paused silently, then you need not repeat the berachah. Any delay which is necessary for the purpose of the meal, is not considered an interruption. Therefore, if you wish to eat [a portion of] a large fruit [which you must] cut up into small pieces, then you should recite the berachah while the fruit is [still] whole, for it is considered an [enhancement of] a *mitzvah* to say a berachah over something that is whole; and the pause [caused by cutting up the fruit] is not considered an interruption, because [this cutting] is necessary in order to eat [the fruit]. On the other hand, if you wish to eat a fruit, [and this is the only one available], and you have none other, and there is reason to suspect that this fruit contains worms which would make it unfit to be eaten, then you must open it and examine it before reciting the berachah.
- 6 If you are about to drink water, and you [wish to] spill a little of it before drinking because you are afraid that the [surface] water [might be] tainted, then you should spill [the water] before you begin to recite the berachah and not after the berachah, as this would imply disrespect of the berachah.

- ⁷ If you taste food [in order to determine] whether it needs salt or for any similar purpose and then you spit it out, no blessing is required. But if you swallow it, there is a question whether a berachah should be said, because [after all] you did swallow it, or [possibly], you need not recite a blessing because you did not intend eating it. In view of this, be careful to bear in mind [when tasting something], to enjoy it as food and say the berachah over it, and swallow it.
- ⁸ If you eat or drink something for medicinal purposes, and it is tasteful and you enjoy it, you should recite the appropriate berachah before and after [taking it], even if it consists of forbidden food. Since under the present circumstances, the Torah permits it, you should say the berachah over it. However, if it has a bitter flavor and is distasteful to you, then do not say the berachah over it. If you drink a raw egg in order to make your voice clear, although you do not enjoy the taste, you do enjoy the nourishment it provides; and you should recite the berachah over it.
- ⁹ If a food particle became lodged in your throat, and you drink a beverage or eat a piece of bread [to help you] swallow [the particle], or [if you swallow] something else that you enjoy [in order to dislodge the particle], then you should say the berachah over it before [swallowing] and after. However, if you drink water, not because of thirst, but solely for the purpose of dislodging something that sticks in your throat, or for any other purpose, you should not recite the berachah, because a person only enjoys drinking water when he drinks in order [to quench] his thirst.

- ¹⁰ If, unwittingly, you took food into your mouth without having said the berachah, [observe the following rules:] if it is something that even when ejected would not become unappetizing, it should be ejected into your hand and a berachah should be said over it. The berachah should not be recited while [the food] is still in your mouth, for it is written: "Let my mouth be filled with Your praise." If it is something that would become unappetizing when ejected, since it is forbidden to waste food, it should be moved to one side of the mouth, and the berachah should be recited. However, in the case of a beverage which cannot be moved to one side [of the mouth] [in order to say the berachah]; if more of the beverage is available, it should be ejected and allowed to go to waste. If there is no other [beverage], and you urgently need the little that you have in your mouth, you should swallow it and then say the pre-berachah; (since you reminded yourself while [the food] was still in your mouth it may be considered, to a certain extent, [as though you had said the berachah] before partaking of the food,) but the after-berachah should not be recited. If [the beverage] was wine and you drank a *revi'is*, the after-berachah should be also said.
- ¹¹ If you have in front of you two kinds of food, both subject to the same berachah, for example, a nut and an apple, so that you can recite a berachah over one, and [thereby] exempt the other, you should do so. It is forbidden to say the berachah over one kind with the intention of *not* exempting the other in order to say a separate berachah over the other kind; since it is forbidden to cause the uttering of an unnecessary berachah. Rather, you should say the berachah over the food that is superior; (see Chapter 55) and the other kind is thereby exempt, even though you did not intend to exempt it. But if you said the berachah

over the inferior kind, then the superior is not exempt unless you had the intention to exempt it; but if you said the berachah without clear-cut intention, then you must repeat the berachah over the superior kind, since it is not proper that a [berachah over] an inferior kind should exempt the superior kind, without intent.

- ¹² If there are two kinds [of fruit], for example, a fruit of a tree and a fruit of the earth, or food over which the berachah *Shehakol* should be said; [then], in spite of the fact that *post factum* [when it is already done], if you had said *Shehakol* over all of them, or if you had said over a fruit of the tree the berachah *Borei peri ha'adamah*, you would have fulfilled your obligation; nevertheless, initially you must not do this, rather you should recite the appropriate berachah over each kind. The berachah *Borei peri ha'eitz* takes precedence [over the others] (see Ch. 55, par. 4). Even if there are wine and grapes in front of you, and you wish to drink wine, and said the berachah, *Borei peri hagafen*; even though it is permitted to exempt the grapes with this berachah nevertheless, initially you must not do so. Rather, keep in mind not to exempt the grapes [with the berachah over wine], so as to enable you to say the proper berachah, which is *Borei peri ha'eitz*, over the grapes.

- ¹³ If you change places, when eating any kind of food except bread (which is discussed in Ch. 42, par. 19, 20, 21) if you change places, even though your mind was not distracted [from the food], it is considered as though your mind was distracted [from the food]. Consequently, if you eat or drink in one room and then move to another room, in order to conclude your eating and drinking there, even if the food is of the same kind [with which you began the meal], or even if you hold in your hand the food or the beverage, and you carry it into the other

room, nevertheless, you must repeat the preceding berachah there. However the after-berachah over what you have eaten before [in the first room] is not required, for the after-berachah [of the entire meal] will suffice for both.

¹⁴ Similarly, if you go outside [the house], and then return to your former place to finish the meal, you must repeat the pre-berachah. This rule applies only when you have eaten alone, or when you have eaten in the company of others and all of them left their places. But, if one of the company remained in his place, then when the others return to resume eating and drinking, they need not repeat the berachah since they intended to return to the companion who remained, and to finish their meal [with him]. Since one of the company remained there, the status of fixed place was not cancelled; and they all retain their original status, and it is all considered as one meal.

¹⁵ [When you go] from one corner of a room to another, no matter how large the room may be, it is not considered a change of place.

¹⁶ If you eat fruit in an orchard which is fenced in and you recite the berachah over the fruit of one tree with the intention of eating fruit of other trees also, you may eat from the other trees even if they are not within your view, for as long as your mind was not distracted you do not have to repeat the berachah. However, if the orchard is not fenced in, and certainly [if you go] from one orchard to another, [the fact that your mind was not distracted] is of no avail, [and you must repeat the berachah].

Siman 51

- ¹ [After eating] the fruit of any tree, which is not of the seven species (see paragraph seven) or of any fruit of the ground, or any vegetable, or any food that was not grown in the soil, you should say the concluding berachah, *Borei nefashos rabbos*. Even if you ate and drank, one [after-]*berachah* is sufficient for both.
- ² The after-berachah as well as *Birkas Hamazon* should not be said unless you have eaten the prescribed quantity [of food], which is [no less than] a *kazayis*. But for less than this quantity, you need not say an after-berachah. According to some authorities, you need not say the concluding berachah after drinking liquids unless you drank a *revi'is*. Other authorities maintain that even after drinking a *kazayis*, you must say the after-berachah. Therefore, in order to avoid any doubt be careful to drink either less than a *kazayis* or [at least] a *revi'is*. It makes no difference [in this connection] whether you drink whiskey or any other beverage.
- ³ Some authorities maintain, that after eating a whole thing, which grew naturally, such as a nut or some other fruit, even one single bean, even if its quantity is less than a *kazayis*, nevertheless, since it is a whole fruit, you must recite the after-berachah. Other authorities disagree. Therefore, to avoid any doubt, you should not eat less than a *kazayis*. If the article was divided before it was eaten, it loses its special importance, and all authorities agree that you should not say the after-berachah if it was less than a *kazayis*.
- ⁴ All articles of food combine [to make up] a *kazayis*. So, if you ate half a *kazayis* of something that requires the after-berachah, *Borei nefashos*

rabbos, [and then you ate] another half a *kazayis* of a food after which the "three-faceted" [after-] berachah, is said or even if you ate half a *kazayis* of bread, you recite the after-berachah, *Borei nefashos rabbos*. And it seems to me that the same ruling applies if you ate half a *kazayis* of fruit after which the berachah *Al ha'eitz* is said, together with half a *kazayis* of food after which the berachah *Al hamichyah* is said, or [you ate] half a *kazayis* of bread; (even though in this case there is no food which requires as its after-berachah [the recitation of] *Borei nefashos rabbos*), nevertheless, you should say *Borei nefashos rabbos* as the after-berachah. If you ate half a *kazayis* of a food after which the after-berachah *Al hamichyah* is said together with half a *kazayis* of bread, you should recite *Al hamichyah* as the after-berachah. Food and drink do not combine [to make up the minimum quantity].

- 5 If you ate half a *kazayis* and waited, then you ate the second half of a *kazayis*, and the interval between the beginning of eating and the end of eating did not exceed the time it takes to eat half a loaf of bread; then the two acts of eating are combined, and the after-berachah is recited afterwards. However, if you paused longer than this interval, they are not combined; and as for drinking, even if your pause was shorter than the interval [just mentioned], the separate acts of drinking are not combined.
- 6 If you drink a hot beverage slowly, (like tea or coffee), since you do not drink the minimum quantity required for a berachah at one time, even though this is the usual manner of drinking; nevertheless, the different sips are not combined and you should not recite the after-berachah.

- ⁷ The Land of Israel is praised, for seven species of food as it is written, "A land of wheat and barley and vines and fig trees and pomegranates, a land of olive trees and honey-dates," and thereafter it is written, "A land where you will eat bread without poverty ... "When you have eaten and are satisfied, you shall bless [*Hashem*, your God."] Since with regard to bread the Torah is explicit in its command, "When you have eaten and are satisfied, you shall bless;" therefore, [if you eat] bread made of the five species of grain, namely: wheat and barley which are expressly mentioned in the Torah text, and also spelt, or oats, or rye which also come under the heading of wheat and barley, you must recite *Birkas Hamazon* afterwards. *Birkas Hamazon* consists of three complete berachos and also the berachah *Hatov Vehameitiv* (which was instituted later on at the Yeshivah in Yavneh). However, [after eating] any food that is not bread, but which is made of flour from the species of grain [mentioned above]; similarly [after drinking] wine or eating grapes, either fresh or dried, large or small, or after eating figs, pomegranates, olives or dates, since dates are the "honey" the Torah speaks of, inasmuch as honey oozes from them; [after eating] any of these you must say the "three-faceted berachah." as the after-berachah. [It is called that name] because it contains in abridged form, three berachos as well as the berachah *Hatov Vehameitiv* of the *Birkas Hamazon*.
- ⁸ The "three-faceted berachah," which is [said] after [eating food] [over which the berachah] *Borei minei mezonos* is said begins as follows: ["Blessed are You]... for the food and for the sustenance," and concludes [with the words]: "And we thank You for the land and for the food. Blessed are You, *Hashem* for the land and for the food, and for

the sustenance." The berachah after drinking wine begins: "For the vine and for the fruit of the vine," and concludes, "And we thank You for the land and for the fruit of the vine. Blessed are you *Hashem* for the land and for the fruit of the vine." The berachah after eating fruit begins: "For the trees and for the fruit of the trees," and concludes: "And we thank You for the land and for the fruits. Blessed are You *Hashem*, for the land and for the fruits." In *Eretz Yisrael* or even elsewhere, if you eat fruit that comes from *Eretz Yisrael*, you conclude the berachah thus: "for the land and its fruits." If you eat various kinds of food made of grain and drink some wine [with them], you combine the two berachos into one berachah. The same rule applies for fruit and wine; even if you eat grapes and drink wine, or eat fruit and food made of grain, or even food made of grain in conjunction with wine and fruit, you combine the three berachos into one. First you say "for the food" and then "for the vine" and finally, "for the trees." When you combine "for the food" with any other formula then do not say at the conclusion "and for the sustenance," but say "Blessed are You Hashem, for the land and for the food and for the fruit of the vine," or "for the food and for the fruits," or "for the food and for the fruit of the vine and for the fruits." The text has already been published in prayer books, and it is the duty of every Jew to know this berachah well and commit it to memory.

- ⁹ On Shabbos or Yom Tov or *Rosh Chodesh*, we include [in the after-berachah] whatever relates to these days, but if you forgot to include it, you need not repeat the berachah.
- ¹⁰ You should be as strict [with this berachah] as you are with the *Birkas Hamazon* (mentioned in Chapter 42:6, above).

- ¹¹ In the berachah *Borei nefashos*, some authorities hold [that we should say] *shebarasa* [which You have created], while others hold [that we should say] *shebara* [which He has created]. The latter version is the correct one, for the meaning of the berachah is: Who has created numerous living things, and what they lack. He has created the living beings and *also* their wants, that is to say, all their basic needs, which are indispensable to sustain life, such as bread and water, and also for all the other things which He created which are not so vital, but are a source of enjoyment, such as fruit and the like. [For all these] we thank You, Who are the life of the worlds. You should pronounce the letter *ches* [in the phrase]
 חַי הַעֲלָמִים] with a *pasach* [*chai*] [as in Chaim].
- ¹² If you have eaten fruit, whose after-berachah is the "three-faceted berachah," and you have also eaten some fruit whose after-berachah is *Borei nefashos*, You should recite the "three-faceted berachah," and since you mention in it "the fruit of the tree" you exempt with it all other kinds of fruit you have eaten. However, if you had to say the berachah, *Borei nefashos*, for any other kind of food you ate [not fruit of the tree], then you are not exempt by the "three-faceted berachah." You should first say the "three-faceted berachah," and afterwards *Borei nefashos*.
- ¹³ Initially you are forbidden to leave your place or to engage in any activity until you have recited the after-berachah, lest you forget to say it. Nevertheless, if you left your place, and the berachah you [neglected] to say was *Borei nefashos rabbos*, you may say it where you are now. But if you must say the "three-faceted berachah," then you must return to your place [where you have eaten] just as you would have to do if it were *Birkas Hamazon* (see Ch. 44:9 above).

- ¹⁴ [If] after eating or drinking, you neglected to say the after-berachah immediately, you may recite the berachah until the food is digested, which is as long as you have no desire to eat fruit, and after drinking, as long as you are not thirsty again. After these time limits, you can no longer say the berachah. If you are unable to estimate [the time properly], you should, after remembering that you did not say the after-berachah, say a [pre-] berachah and eat some more of the same kind of food, and then say the after-berachah thereby exempting the food you ate before.
- ¹⁵ If someone ate or drank and vomited, the concluding berachah should not be said; as it is the same [as though] [the food] had already been digested.

Siman 52

- ¹ Over fruits that grow on a tree you say the berachah *Borei peri ha'eitz*, [Who created the fruit of the tree]. Over fruit [or vegetables] that grow in the ground, which include various condiments, vegetables, legumes, corn, and herbs, you say the berachah, *Borei peri ha'adamah*, [Who created the fruit of the ground]. In order to be called a tree, it must have branches that survive the winter to produce leaves again, even though they are as thin as stalks of flax. However, [a plant] whose branches perish in the winter, although its roots remain intact, is not called a tree, and over its fruit we say, *Borei peri ha'adamah*.
- ² [Before partaking of] food which does not grow in the earth such as meat, fish, milk, and cheese, and, similarly, [before drinking] any

beverage other than wine and olive oil, you say the berachah, *Shehakol niyah bidevaro* [through Whose word everything came to be]. The word *niyah*—נִיָּה—should be pronounced with a *kametz* under the *yud*.

- ³ Even though mushrooms and truffles, grow in the moisture of the earth, they do not receive nourishment from the earth, but rather from the atmosphere. Therefore, they cannot be called fruit of the ground, and you should say *Shehakol* over them.
- ⁴ We say the berachah *Borei peri ha'eitz* and *Borei peri ha'adamah* only over articles of foods which are best eaten raw and which, as a rule, are eaten raw. However, if it is not the custom to eat them raw, but only when cooked, even though they could also be eaten raw, nevertheless, since that is not the favored way [they are eaten], their berachah is said only when they are eaten in their cooked state. But if you *do* eat them raw, you should recite only *Shehakol*. Pickled food is considered as cooked food. Consequently, before eating sauerkraut you should say *Borei peri ha'adamah*. Similarly, salted food is considered the same as cooked food.
- ⁵ Before eating radishes, you should say *Borei peri ha'adamah*. Likewise, over garlic and onions that are soft and can be eaten raw, although, as a rule, they are eaten with bread, nevertheless, even if you eat them without bread, you recite over them *Borei peri ha'adamah*. But if the [garlic or onions] have grown old which give them a very strong flavor, so that they are not usually eaten raw, then, if you do eat them raw, you should say the berachah *Shehakol*.

- ⁶ [If you eat] articles of food that taste better raw than cooked, because cooking spoils them, then you should say over them when they are cooked, only the berachah *Shehakol*. Even if they are cooked with meat and their taste improved because of the meat, nevertheless, since the meat is the main dish, we recite over them only the berachah, *Shehakol*. However, if they were cooked in a way that made them into the main dish, or if [the cooking] improved them, as for example, when they were fried in oil or in honey, and the like, you should say their appropriate berachah, since it makes no difference whether they were cooked in water or in oil or in honey, [as long as the food itself was improved by the cooking process].
- ⁷ Inferior kinds of fruit that grow on brambles and thorn-bushes or on other trees which grow wild and are not planted, such as wild apples and the like, which when raw are not fit to eat, [then] even if they are cooked or fried in honey and sugar and made edible, you should recite *Shehakol* over them. But hazel nuts, although they grow [wild] in the forest, are considered superior articles of food and you should recite *Borei peri ha'eitz* over them.
- ⁸ Herbs which grow wild without cultivation are fit to eat raw. If they are cooked and made into a special dish, nevertheless, since they were not cultivated [by man], they are not considered a fruit [of the ground] and you should say *Shehakol* over them. But lettuce and similar [vegetables] that are planted require the berachah, *Borei peri ha'adamah*. Furthermore, regarding herbs that grow wild, if they produce superior fruit, such as blackberries and raspberries, the berachah said over them is *Borei peri ha'adamah*.

- 9 That which is not the main part of the fruit, is not considered as the fruit itself, but is one level lower. If it is the fruit of a tree, you say over the secondary part the berachah, *Borei peri ha'adamah*; and if it is the fruit of the ground, you say over the secondary part the berachah, *Shehakol*. Therefore, a caper tree whose leaves are edible, and where its leaves [are joined with the stem] there are small [edible] buds like the growths at the juncture of willow leaves, and the caper-berries form the main part of the fruit, while the caper flowers are only a peel around the fruit, like the shell of a nut, but are also edible, [consequently], over the berries which constitute the fruit itself, you say the berachah *Borei peri ha'eitz*, and over the leaves and the little buds and the flowers, [you say] *Borei peri ha'adamah*. Likewise, over preserves made of rose leaves with honey and sugar, you say the berachah, *Borei peri ha'adamah*, for although they grow on trees, they are not fruit. Similarly, over preserves made of orange peel, honey, and sugar, you say the berachah, *Borei peri ha'adamah*. Over cucumber peel that was fried with honey and sugar, you say the berachah *Shehakol*. Over the pods of peas that are cultivated in the fields, even though they taste sweet, yet, if you ate them without the peas, you should recite the berachah, *Shehakol*. But those which have been grown in gardens for the purpose of eating them raw in their pods, even if you only eat the pods, you should say the berachah, *Borei peri ha'adamah*.
- 10 Over the seeds of fruit that are sweet, you say the berachah, *Borei peri ha'adamah*. But bitter tasting seeds are worth nothing at all, and if you eat them, you do not say a berachah. But if you make them pleasant-tasting by roasting them, or in any other way, you say the berachah, *Shehakol*, over them.

- ¹¹ Small almonds are bitter and the principal food for which they are planted is the shell which is not bitter, and over these you recite the berachah, *Borei peri ha'eitz*. But when they are large, the principal food [are the kernels] which are inside the shell. If these taste bitter, and you eat them [raw], you do not say any berachah. But if you made them pleasant-tasting by roasting them or in any other way, since they are fruit and were planted for that purpose, you say the berachah, *Borei peri ha'eitz* over them. Over sugar-coated almonds even if there is more sugar than almond [in the confection], nevertheless, you say the berachah *Borei peri ha'eitz*. Over sugar-coated calamus [an aromatic root], you only say *Shehakol*, since calamus is not a fruit.
- ¹² It is customary to fry unripe fruit in honey or sugar, you should say the berachah, *Shehakol* over them. But over an *esrog* (citron) that was fried in honey or sugar, you should recite the berachah *Borei peri ha'eitz*.
- ¹³ Over spoiled fruit, such as, fruit that has become parched by the heat and has fallen off the tree before becoming ripe, you should say the berachah, *Shehakol*. Likewise, over moldy bread or over a slightly spoiled dish, the berachah, *Shehakol*, should be said. But if they are completely spoiled, to the point that they are inedible, then you need not say any berachah. Similarly, over strong vinegar (which bubbles when it is poured on the ground), no berachah is said. But if you mix it with water, and it becomes fit to drink, you should say *Shehakol* over it.
- ¹⁴ There are types of fruit which never ripen on the tree, but after they are picked from the tree they are stored [and covered] with straw and chaff and the like, and in that way they become ripe. Since that is their

natural way of ripening, you recite the berachah, *Borei peri ha'eitz*, over them.

¹⁵ There are certain kinds of fruit that contain only juice that is concentrated in their seeds. ([In Yiddish] they are called *kolines*.) [These seeds] are not fit to eat; and after the juice is extracted from them they are thrown away. Over this extraction, you recite *Shehakol*, (since its main component is the juice that is extracted from it, in no way can it be considered a fruit). Even if you eat the skin and the seeds as well, you still should only say *Shehakol*.

¹⁶ We say neither the berachah *Borei peri ha'eitz* nor *Borei peri ha'adamah* unless we can at least slightly recognize the fruit. But if they are so crushed that they are unrecognizable, as for example, prune paste (*lekvar*) which is made of cooked prunes, or mashed peas, etc., then we say *Shehakol* over them. But if, after the fact, you said the berachah that was appropriate for their kind, you have fulfilled your obligation. However, if the accepted way of eating these fruits is in a crushed form, by completely mashing them, then you say even initially the berachah that was meant for them.

¹⁷ Over rice and millet that have been cooked, if they have not been mashed, you say the berachah, *Borei peri ha'adamah*. But if they were mashed or ground [into flour], and you made bread out of them, there is a difference between rice and millet. [Technically], according to the law, over rice, you should say *Borei minei mezonos*, and the berachah, *Shehakol*, over millet; but we are not certain whether the Hebrew word *orez* means rice, and the Hebrew word *dochan* means millet, [or vice versa]. Therefore, a God fearing person should eat mashed millet and

rice only as part of a meal. However, in an emergency, if you have no bread, you should say over both rice and millet, the berachah, *Shehakol*, and the after-berachah *Borei nefashos rabbos*. Over bread made of cornmeal, even in places where such bread is the staple food, the berachah, *Shehakol* should be recited.

- ¹⁸ Over sugar you say the berachah, *Shehakol*. Likewise, if you chew sugar cane, you say *Shehakol*. Also [over] cinnamon and licorice that you chew and only enjoy the flavor, and you discard the substance, you say the berachah, *Shehakol*.

Siman 53

- ¹ When fruits and vegetables are squeezed and juice extracted from them, you should say *Shehakol* over the juice. The same is true of honey that is extracted from dates; because the only juice that is called fruit is wine and olive oil. Because wine is highly regarded a special berachah, *Borei peri hagafen*, was designated for it. Olive oil is also held in high esteem, and if you enjoy it in such a manner that you would have to say a berachah over it, you recite the berachah, *Borei peri ha'eitz*.
- ² When you cook fruits that are usually eaten in their raw state, you say the berachah, *Shehakol*, over the sauce. However, fruits which are usually dried first and then cooked, —if they are plentiful, and [also] grown for that purpose, this is the halachah: if they were cooked in order to eat the fruit, and to drink the juice, you recite *Borei peri ha'eitz*, over the juice even if you do not eat the [pieces of] fruit. Likewise, in the case of legumes and vegetables, which are eaten after they are cooked, when the soup is also eaten, this is the halachah: over

the soup you say the berachah, *Borei peri ha'adamah*, even if you do not eat the solid food. (Now the difference between this case and the case discussed in paragraph 1, [can be attributed], according to some authorities, to the fact that in the case mentioned in par. 1, it is not customary to squeeze the fruits or the vegetable in order to extract liquid from them, whereas in this case, [cooking] is the accepted method [to obtain the liquid]. (Other authorities suggest [as an alternative reason], [that in the case discussed in this paragraph] there is a greater input of the flavor of the fruit or the vegetable into the water in which they are cooked than in the juice that is squeezed out of them.) But if they are only cooked for the sake of the fruit or the vegetables, then, if you do not eat any of the fruit or the vegetables but only drink the juice, you recite the berachah *Shehakol*. If they are cooked with meat, although the cooking was done also for the sake of the soup, you still say *Shehakol* over the soup, because the meat is the main part [of the dish].

- ³ If you soak or cook fruits exclusively for the sake of their juice, you say the berachah, *Shehakol* [over the juice]. Consequently, the berachah you should say over coffee or tea is *Shehakol*. Also over beer, whether made from dates or from barley, [you should recite the berachah *Shehakol*].

- ⁴ If vegetables or fruits are preserved in water for the purpose of pickling although they are usually processed that way, (as, for example, cucumbers, squash, beets, and cabbage) nevertheless, over their juice you say only the berachah, *Shehakol*. Although the juice has the same flavor as the vegetables or the fruit, nevertheless, since the purpose of the pickling is not to flavor the water, but in order that their own [quality and taste] be improved by the pickling, you only say the

berachah, *Shehakol*. Nevertheless, if you first ate the vegetables and said *Borei peri ha'adamah*, and afterwards you wanted to drink the juice, it is questionable if you have to say a berachah over it, for perhaps the berachah *Borei peri ha'adamah* exempted the juice also. Therefore, do not partake of juice in this manner.

- ⁵ Likewise, fruits, vegetables, legumes, and the like which are cooked in a liquid that has a taste of its own, as, for instance, [when they are cooked] in vinegar, borscht (beet soup), or milk, you say the berachah, *Shehakol*. over the liquid. But if you first ate the fruit, [and said the berachah] it is questionable whether or not the liquid is exempt with the recitation of this berachah.

- ⁶ Some raisins have so much juice that when they are pressed juice will ooze out. If they were crushed and soaked in water for the purpose of making a beverage out of them, and not for eating the raisins, and they were soaked for three days and began to ferment, and after the three days the liquid is poured into another vessel, such liquid is considered real wine. Its berachah is *Borei peri hagafen*, and the after-berachah is the "three-faceted berachah." On all occasions where a cup of wine is required, you may fulfill your obligation [with this beverage]. You must see to it, however, that the raisins comprise more than one sixth part of the water. Now when you estimate [the volume] of the raisins, consider them as though they were fresh before they were dried. These guidelines only apply to wine made by soaking raisins as indicated above; but if the raisins were boiled in water, the boiling does not turn them into wine. (Soaking or boiling the raisins, for the purpose of eating the raisins as well, raises many questions as to the proper berachah to be said over the liquid.)

Siman 54

- ¹ If you eat two articles of food, or you eat and drink, one of which is primary to you while you regard the other as secondary, [that is to say] you would never have eaten [the secondary food], if you had not partaken of the primary food, [in other words] if not for the primary food, you would not have eaten the secondary food at all. For example, if you feel faint, and, in order to fortify yourself, you eat some herring or radishes, but since they have a sharp flavor, you also eat a small piece of bread or something else to soften the sharp taste, or if you crave a drink of whiskey and you have one, and in order to soften the sharp

taste, you eat a small piece of bread or some fruit afterwards, then you say the berachah only over the primary food, but over the secondary food no berachah should be said; neither a preceding, nor a concluding berachah, because it is exempt with the berachah you recited over the primary food. Neither does it require the washing of the hands.

- ² This rule [regarding secondary food] applies only to a case when you eat the primary food first and the secondary food later, and at the time you said the berachah over the primary food, you also had in mind to eat the secondary food, or you usually eat them in that manner, which is then considered as though you purposely intended [to exempt the secondary food with the berachah over the primary]. You must therefore eat the secondary food in the same place. This rule would be excluded if you *did* go to another room before [eating the secondary food], for then you would have to say a berachah over the secondary food as well.
- ³ Similarly, if you eat the secondary food before eating the primary food, for example, if you wish to drink wine or whiskey, and in order not to drink it on an empty stomach you first eat a little snack, then you must also say a berachah over the secondary food. However, since it is only secondary, some authorities maintain that the berachah was brought down to a lower level and you say only *Shehakol* over it; but others disagree. In order to remove any doubt, you should drink first a little of the primary food [wine or whiskey], say the berachah over it, and thereby you exempt the secondary food [from a berachah].
- ⁴ If you wish to partake of two articles of food [each for its own sake], for example, you are going to drink whiskey and also eat some pastry,

honeycake, preserves, or the like, you should say a [separate] berachah over each; first, the berachah over the cake or the preserves because they are considered more important and then the berachah over the whiskey. Especially, if you eat some pastry and also drink coffee, you should say a separate berachah over each; that is to say, first over the pastry and then over the coffee, because you had in mind to eat both.

- 5 [If you eat] two different kinds [of food] that were cooked together, and each kind is recognizable, you must say over each kind the berachah that is appropriate for it. But if the foods were mashed and cling together, we apply the rule of "follow the majority," and that which is predominant is considered the primary food over which the berachah is said, and this exempts the secondary food. However, if one kind is of the five species of grain, even if it is the least in quantity, it is considered the primary ingredient as I have written. See chapter 48:10.
- 6 If you add milk or soup to a dish with the intention of eating the two together, if your main intent is [to eat] the food, then you say the berachah over that only, since the milk or the soup is only secondary. But if your intent is primarily the soup or the milk, you recite the berachah over them, for then the food is secondary. But if you care equally for both (and each requires a different berachah), you first say the berachah over the food, eat some of it, and then say the berachah over the soup or the milk. In this case the "majority rule," [which dictates that you say the berachah over the food that is in greater quantity] does not apply. Even if the food consists of a grain product, it is not considered important in this connection. (Regarding foods boiled in water or milk see chapters 48 and 53.)

- ⁷ In a mixture of ground spices and sugar, the spices are considered the primary ingredient, thus you should say the appropriate berachah over them. Over nutmeg, you say *Borei peri ha'eitz*, over cinnamon *Borei peri ha'adamah*, and over ginger, you say *Borei peri ha'adamah*.
- ⁸ If you drink olive oil in its natural state, you say no berachah at all because it is harmful to your [health], but if you mix [the oil] with other ingredients it becomes secondary, and you say the berachah only over the primary ingredient. However, if you are ill and you must drink [the oil] for medicinal purposes, but in order to prevent its harmful side effects, you mix it with another substance; since the oil is the primary element, even if it is less in quantity [than the other ingredient], you say the berachah over [the oil] which is *Borei peri ha'eitz*, and thereby you exempt the other ingredient. If you are thirsty and you drink [a beverage] to quench your thirst, but, as a supplement, you add olive oil to it for health reasons, then you say the berachah only over the beverage. This law applies also if you add muscatels, cinnamon, or ginger to the beverage, for you must always consider your main objective.
- ⁹ In all kinds of preserves the honey and the sugar are secondary [ingredients]. You should recite the berachah which is appropriate for the fruit, which is the primary component. (See Chapter 52 above).

Siman 55

- ¹ If there are several kinds of fruit before you and you wish to eat from all of them, [observe the following guidelines:] if they are all subject to the

same berachah, you say the berachah over the kind you like best and find most appealing. If you like all of them equally and there is among them one of the seven species for which the Land of Israel is praised, (see Chapter 51:7 above) then say the berachah over that one, even if it should be only half a fruit while the others are whole ones. But if among them there are none of the seven species and only one of them is whole, the whole one takes precedence [and you should say the berachah over it]. The same rules apply [to fruits] whose berachos are not similar, for example, if one's berachah is *Borei peri ha'eitz* while the other requires the berachah *Borei peri ha'adamah*. Since, you must say both berachos, if you prefer one kind you first recite the berachah over the favorite fruit. If you like them equally, you should first say the berachah over one of the seven species, even if it is not whole. If there are none of the seven species among them, the whole one takes precedence. But if both are whole or both are cut, the berachah, *Borei peri ha'eitz*, takes precedence over the berachah, *Borei peri ha'adamah*.

- ² If all the fruits are of the seven species and you like them all equally you should give precedence [in saying the berachah] to the one mentioned first in the Biblical verse. And the second time the word *eretz* is mentioned in the verse [which lists the seven species] interrupts the order. Consequently, dates takes precedence over grapes because dates are mentioned second after the second *eretz* in that verse, while grapes are in third place after the first *eretz*. This applies only to grapes. Since wine is so important that a special berachah has been ordained for it, it takes precedence over all kinds of fruit.
- ³ The precedence that is given to the seven species applies only if the fruit is ripe, but if the fruit is unripe it has no precedence, because the Torah

does not praise anything that is not suitable. Likewise, if you eat [of the seven species] in a way that you cannot enjoy it, for instance, if you would eat wheat in its raw form, the laws of precedence do not apply.

- ⁴ If there is before you a kind of food over which the berachah, *Borei peri ha'eitz*, or the berachah, *Borei peri ha'adamah*, is said, and another kind over which you say *Shehakol*, and you wish to eat of both kinds, the berachos, *Borei peri ha'eitz* and *Borei peri ha'adamah*, take precedence. These two berachos are [more] important, because they are more specific, for they exempt only one particular kind of food; whereas *Shehakol* is a berachah that embraces a great number of foods. Even if the food over which *Shehakol* is said appeals to you more, nevertheless, you should give precedence to the berachos *Borei peri ha'eitz* or *Borei peri ha'adamah*.

- ⁵ The berachah, *Borei minei mezonos*, takes precedence even over the berachah over wine; needless to say that the berachah, *Hamotzi*, [takes precedence over wine] for [*Hamotzi*] takes precedence even over the berachah, *Borei minei mezonos*. Therefore, on Shabbos and Yom tov when you recite the *kiddush* over wine, you should cover the bread [Sabbath loaves] so that it should not see its shame when we give precedence to the wine. Likewise, in the morning, when you recite the *kiddush* and then eat a variety of cake and pastry, during *kiddush* the cake should be covered while the *Kiddush* is said.

Siman 56

- ¹ If, by mistake, you said the berachah, *Borei minei mezonos*, over bread or you said the berachah, *Hamotzi*, over cake you have fulfilled your

duty. But if you said [*Hamotzi*] over cooked food, even [if it is prepared] from the [five species] of grain, your obligation is not fulfilled. If, by mistake, you said the berachah, *Borei peri hagafen*, over grapes you have fulfilled your duty. Similarly, if in error, you said the after-berachah, *Al hagefen*, after [eating grapes], you have done your duty, because grapes are also fruit of the vine.

- 2 If, by mistake, you said the berachah, *Borei peri ha'adamah*, over fruit of the tree, or if both [fruits of the tree and of the ground] were before you, and, by mistake, you first said the berachah over the fruit of the ground (*Ha'adamah*) with the intention of exempting the fruit of the tree, you have fulfilled your obligation, because the tree also draws its nourishment from the earth. But if you say *Borei peri ha'eitz* over fruit of the ground, you have not fulfilled your obligation. Consequently, if you are in doubt whether a certain fruit is a fruit of the tree or a fruit of the ground, and it is impossible for you to determine [its nature], then you should recite over it *Borei peri ha'adamah*.
- 3 If, by mistake, you said the berachah, *Borei peri ha'eitz*, over wine, and you notice [your error] immediately, you should add at once *Borei peri hagafen*. But if you did not notice [your error] immediately, you have fulfilled your duty, since it is after the fact.
- 4 Over any article of food, even over bread or wine, if, by mistake, you recited the berachah *Shehakol*, you have fulfilled your obligation.
- 5 Although, initially, you should ascertain [the nature of the food] over which you are about to say the berachah (as mentioned in Chapter 50:3), nevertheless, if your intention was in error, for example, if you

take a cup, thinking that it contains wine, and you begin the berachah with the understanding that the cup contains wine, but before saying the words *Borei peri hagafen*, you discover that it holds water or beer, and you conclude with *Shehakol ni'yah bidevaro*, you need not repeat the berachah, because, for mistaken intention, you do not need to repeat a berachah. Even more so, if your error would be reversed, in that you have the mistaken impression that [the cup] contains beer or water, and you begin the berachah with the intention of ending it with *Shehakol*, but before saying *Shehakol*, you discover [that the cup] holds wine and you conclude with *Borei peri hagafen*, you have fulfilled your obligation. After all, even if you had concluded the berachah as you originally intended, you would have fulfilled your duty.

- ⁶ Even if you completed the entire berachah erroneously, but you became aware [of your mistake] at once and you corrected the recitation; for example, if you took a glass of water or beer, and, thinking that it is wine, you said the berachah, *Borei peri hagafen* and you discovered immediately that it was water or beer, and you concluded [by saying the words] *Shehakol ni'yah bidevaro*, you said in fact: *Borei peri hagafen—shehakol ni'yah bidevaro*—you have fulfilled your obligation.

- ⁷ If you were not immediately aware [of your error], you must recite the entire berachah, *Shehakol*, anew if you wish to drink this glass [of water]. If you intended to drink wine afterward, you may take some wine and drink it at once, without saying a second berachah, as long as you did not interrupt by speaking (see Chapter 50:4, 5 above). [This rule applies] even though you tasted [the contents of] the glass and by tasting it, you discovered that it contains water or beer, nevertheless,

[tasting] is not considered an interruption, since it is a fait accompli—it is already done. (Regarding *kiddush* see Ch. 77:12 below)

Siman 57

- ¹ When you recited the berachah over bread you had no intention to eat more than what you had prepared; for instance, you bought bread or a roll thinking that this would be sufficient, but later you desired to eat more; and you send someone to buy more of the same. Even if there is still some left of what you had originally prepared, nevertheless, you must repeat the berachah *Hamotzi* over the additional bread, because this is a change of mind. But if you have bread in the house, and you cut off one slice thinking that this would be sufficient, but then you desired to eat more, and you cut off another slice, even if there is nothing left of the original slice, you need not repeat *Hamotzi*; for this is not considered a change of mind, for this is the usual way [of people].

- ² If you say a berachah over the fruit which you are eating, and then some more fruit is served, if at the time you said the berachah, you had in mind to include all that would be served, then, even if you have nothing left of the original fruit, and even if [the additional fruit] is not of the same kind as the first but requires the same berachah, you need not repeat the berachah over the additional fruit. However, if you clearly changed your mind, that is to say, your original intention was to eat only the fruit that was before you, and then you decided to eat more, in that case, [even if the additional fruit] is of the same kind as the first, and there is still in front of you some of the original fruit, nevertheless, you must repeat the berachah over the additional fruit.

- ³ However, if initially you gave no thought one way or the other [about any additional fruit that might be served] then the following distinctions [must be made]: if, at the time the additional fruit is served, none of the first fruit is left, you must repeat the berachah [when you eat the additional fruit], however, if there is still some of it left, it is questionable if a second berachah is necessary over the additional [fruit]. Therefore, it is advisable that you exercise caution, when reciting the berachah, to have in mind [to exempt] whatever may be served later. Now, if you gave no thought [to additional fruit], and had nothing in mind, since it is questionable if the berachah must be repeated, you should avoid eating [the additional fruit].
- ⁴ If [additional] fruit is served, that is, of a superior kind, and it is more appealing to you than the first, or if the additional fruit belongs to the seven species, even if some of the first fruit is still left, you must repeat the berachah over the additional fruit, [because the berachah recited over] a lesser article of food does not exempt a superior one automatically, unless you clearly intended to do so.
- ⁵ If you say the berachah [*Shehakol*] over beer, with the intention that the berachah should exempt all other articles of food that require the berachah, *Shehakol*, and then fish is brought [to the table], you need not repeat the berachah over the fish. [If, however, when saying the berachah,] you did not think [about any food that might be served later], then, even if at the time the fish is served there is still some beer left, you must say the berachah over the fish. This case cannot be compared to the case of the [different] fruits, where, even though one of the fruits is an apple and the other nuts, both belong to the same

category of food, whereas, beer and fish are two entirely different kinds of food, one is food, the other a beverage. [Even though both require the berachah *Shehakol*] the one cannot exempt the other, unless they are both on the table when you recite the berachah, or you had the intention to exempt it.

- ⁶ The above rules apply only to a person who eats his own food, but if you eat a meal at someone else's house, the berachah you say over one kind of food, exempts all that is being served even if there is no more left of the first course, since [a guest] submits to the host's wishes. But if you actually change your mind [regarding the additional food] then you must repeat the berachah. If the host had no intention to serve more [of the same food], and he only offered it at the request of his guests, even then they need not repeat the berachah, because guests assume that in all likelihood the host will serve them with all the food they desire.

- ⁷ If you come to a meal where you are served a beverage, and you recited the berachah over it, and later you are offered more of the same; if it is the general custom [to serve drinks continually], it may be assumed that you intended to include all the drinks [with the first berachah] and you need not repeat it.

Siman 58

- ¹ Just as we are forbidden to enjoy food or drink before reciting a berachah, so are we forbidden to enjoy any fragrant scent before reciting a berachah. As it is said, "Let every soul praise God." And what is it that only the soul enjoys and from which the body derives no

pleasure? It is the fragrant scent. However, after enjoying [the fragrance], you need not say a concluding berachah, for as soon as the fragrance ceases, your enjoyment ceases, and it is the same as food that has already been digested.

- ² What berachah do you say over a pleasant fragrance? If the fragrance comes from a fruit that can be eaten, whether it is a fruit of a tree or a fruit of the ground, even if it can be eaten only when mixed [with other ingredients] such as nutmeg or a lemon or an *esrog* (citron) (all year round, except during the festival of *Sukkos*, as explained in Chapter 137:7), nevertheless, since this fruit is used mainly as food, you recite over it the berachah *Asher nasan* [Who gave] (some say: *Hanosein*) (Who gives ...) *rei'ach tov bapeiros* [a fragrant scent into fruit]. [You say this berachah] only when you intentionally inhale it. But if your mind was not on smelling the fragrance, but you intended only to eat the fruit, and the fragrance reached you unintentionally, you need not say the berachah over the fragrance. If you smell roasted coffee, which has a pleasant scent, you say the berachah *Asher nasan rei'ach tov bapeiros*.
- ³ If the thing from which the fragrance emanates is a tree or a tree-like plant, you say the berachah *Borei atzei vesamim* [Who has created fragrant woods]. Therefore, over myrtle, roses, frankincense and the like, you say *Borei atzei vesamim*. Since the main feature of these is not their food value, but rather their fragrance, they are not considered fruit. Regarding pepper and ginger, some authorities hold that they require a berachah, whereas according to others, no berachah should be said. Therefore, you should not smell [pepper and ginger].

- ⁴ [If the fragrance emanates] from grass or herbs you should recite *Borei isvei vesamim* [Who has created fragrant herbs]. (The letter *ayin* of *isvei*) is vocalized with a short i, the letter *beis* [of *isvei*] is pronounced as a *veis*. Likewise, the *beis* of *vesamim* is pronounced as a *veis* because it follows a *yud*, (the last letter of *isvei*) and the first letter of a word that follows an *alef hei*, *vav*, or *yud* never carries a *dagesh*. The characteristic feature that tells the difference between a tree and an herb is this: if its stalk is as hard as the stalk of flax and is perennial and produces leaves, it is a tree, but if the stalk is always soft, it is an herb.
- ⁵ If it is neither a tree nor an herb, but like musk, [when you inhale its fragrance] you recite the berachah *Borei minei vesamim*, [Who has created various kinds of fragrances]. Likewise, [when you smell dried mushrooms, if they have a pleasant scent, it seems to me that you should also say the berachah *Borei minei vesamim*.
- ⁶ Balsam oil which grows in the Land of Israel, enjoys a prominence as a product of the Land of Israel, and a special berachah has been instituted for it, which reads: *Borei shemen areiv* [Who has created pleasant-scented oil].
- ⁷ [If, by mistake] you said over a fragrance from a tree the berachah *Borei isvei vesamim*, or, conversely, [over fragrances from herbs, you said *atzei vesamim*], you have not fulfilled your obligation. But if you say *Borei minei vesamim* over any of the [fragrant] species, you have fulfilled your obligation. Therefore, if you are in doubt, regarding any species, as to what berachah to say, and you are unable to determine its classification, you should say the berachah *Borei minei vesamim*. It seems to me that if

you said the berachah *Borei atzei vesamim* on smelling the fruit of a tree, you have fulfilled your duty. Therefore, it seems to me, that on smelling cloves, orange peel, and lemon peel, you should say *Borei atzei vesamim*.

- 8 Oil or water that was scented with spices from fragrant wood (which are still in the oil or water), require the berachah *Borei atzei vesamim*. But [if the oil or water was scented] with fragrant herbs, you say [when smelling it] *Borei isvei vesamim*. If it was perfumed with both wood and herbs, you should say *Borei minei vesamim*. In all cases where the fragrance is a blend of several components, you should recite *Borei minei vesamim*. If the scent-producing substances were removed from the oil or the water, it is questionable whether a berachah is needed because the main ingredients are absent. Therefore, you should refrain from smelling [this kind of fragrance].
- 9 If fragrant fruit is set before you together with scented wood, herbs, and spices, you should say over each the berachah that is appropriate to it [in the following order:] first you say the berachah over the fruit, then over the wood, then over the herbs, and, finally, the berachah over the spices.
- 10 [If you smell] incense, i.e., spices burnt on coals which produces aromatic fragrances, you should say the berachah as soon as the fumes rise, before inhaling the aroma, as is the rule with all berachos said over articles for human enjoyment. However, you should not say the berachah before the fumes rise, for a berachah must be recited immediately before the enjoyment. If the incense consists of fragrant wood, you should recite *Borei atzei vesamim*; if it consists of herbs, *isvei*

vesamim, if it is made up of other kinds [of spices], you should say *Borei minei vesamim*, You should say the berachah only when you bum the incense especially in order to smell its aroma, but if incense is burned in order to deodorize [a room], as in the case where aromatic substances are placed near a corpse, no berachah should be said.

- ¹¹ All spices that are not meant specifically for smelling such as spices that are stored in a room as merchandise and perfume used only to scent garments, and not meant to be smelled for its fragrance, but only to give a fresh scent to the garments, require no berachah, even when you smell them intentionally.
- ¹² However, if you enter a store that sells spices, or a pharmacy, and you intend to smell them, you should say *Borei minei vesamim*, since the spices in the store are displayed in order to be smelled, as this is the shopkeeper's interest, for the aroma will make people buy [the spices]. If you keep going in and out of the store, [and when you first said the berachah,] you had in mind to return to the store, you need not repeat the berachah. But if you were distracted or you stayed away a long time from the store or you visited another store, you must repeat the berachah when you return.
- ¹³ Scents that emanate from objects other than the original source, such as from garments that have been perfumed, or from a vessel that contained spices and absorbed their scent, or from your hands after you handled *esrogim* (citrons), or other fragrant fruit, require no berachah.
- ¹⁴ Chapter 152:8 mentions the law which states that it is forbidden to smell perfumes created for women, and Chapter 167:7 mentions the

law according to which it is forbidden to smell the incense which was burned for idol worship. Needless to say, that it is forbidden to say a berachah over them.

Siman 59

- ¹ If you receive good tidings from a reliable eye-witness, and needless to say, if you witness the event yourself, if you are the only one who benefits from the tidings, you recite the berachah *Shehecheyanu* [Who kept us in life]. But if it is good for you and others as well, you say the berachah *Baruch ata Adonoy Elokeinu melech ha'olam hatov ve'hameitiv*, [Blessed are You Hashem, our God, King of the universe Who is good and does good]. In other words, He is good to you and He also does good to your fellow man. If at the time that you see or hear the tidings, you are unable to utter the berachah, either because of your physical condition or because of the place where you happen to be, then you may recite the berachah later. This rule applies also to the berachah *Dayan ha'emes* [the true Judge] [which is said over bad tidings].
- ² It is our duty to express our blessing to Hashem, blessed be His Name even on bad tidings, as it is said: "Love Hashem, your God, with all your heart, with all your soul and with all your possessions." "With all your heart" means with your two inner drives, with the good and the bad inclination. (that is, even when you are engaged in worldly pursuits, you should fulfill the command: "Affirm Him in all your undertakings." See Chapter 31 above). "With all your soul" [means] even if He takes away your life. "With all your possessions" means with all your resources. Another meaning of the words *uvechol me'odecha* is

with any measure that He metes out to you, whether it is a measure of goodness or a measure of punishment, express your gratitude to Him. What berachah should be said? Upon hearing bad tidings, the berachah said is: *Baruch ata Adonoy Elokeinu melech ha'olam dayan ha'emes*, [Blessed are You Hashem, our God, King of the universe, the true Judge]. If many tidings are received at the same time, whether good or evil, one berachah is sufficient for all. The blessing for adversity must be expressed in a spirit of unquestioning acceptance as is done when good tidings arrive, as it is said, "Of kindness and judgment will I sing, to You, Hashem, will I sing." If you bestow kindness on me, I will sing, and if You render judgment, I will, likewise, sing. Because an evil fate, too, to the true servant of God is a source of joy and a favor, since [the believer] willingly accepts whatever God has decreed, firmly convinced that his suffering is an atonement for his sins. Thus, in accepting this misfortune he is, in fact, serving God, and serving God is a source of joy to him.

- ³ If something fortunate happens to someone or he receives good news, even though it is likely that this benefit will give rise to evil, as when he finds a precious object, and, if the king were to discover this fact, he would confiscate all his possessions; nevertheless, he should say *Hatov ve'hameitiv*. So, also, if disaster strikes or someone receives bad news, even though, most probably this adversity will turn to his advantage, as when his fields are flooded, and his crops are ruined, but the subsiding flood water is of great benefit to him because it waters his fields, nevertheless, he should say *Dayan ha'emes*, since *berachos* are not made for future events. [A berachah is said] only over something that occurs here and now.

- ⁴ You should accustom yourself to say always: "Whatever the Almighty does is for good."
- ⁵ When the wife gives birth to a son, the father says the berachah *Hatov vehameitiv*. The mother, too, should say this berachah. If the mother dies in childbirth, the father says *Shehecheyanu*, because the good has come only to him. Likewise, if the father dies before she gives birth, she recites *Shehecheyanu* (when the child is born).
- ⁶ Upon the death of a father or other relative, or even an unrelated, observant Jew, and certainly [on the death of] a Torah scholar whose death distresses us, we recite the berachah *Baruch ata Adonoy Elokeinu melech ha'olam dayan ha'emes*. On the death of a person whose demise does not cause as much anguish, *Baruch dayan ha'emes* should be said, omitting the Divine Name and Kingship. If a father leaves property to his son as an inheritance, the son also says the berachah *Shehecheyanu*. If there are other brothers who share the inheritance, then, instead of *Shehecheyanu*, he says *Hatov vehameitiv*.
- ⁷ If you built or bought a house or you bought vessels or valuable clothes, even if you already own similar possessions, as long as you have never owned these objects, (this excludes objects you sold and then bought back) and you take pleasure in owning them, you say the berachah *Shehecheyanu*. The berachah should be recited at the time you make the purchase or upon the completion of the building, even though you have not yet made use of them, for the berachah is said over the happiness you experience when you acquire them.

- 8 When you put on a new garment [for the first time] you say the berachah *Malbish arumim* [Who clothes the naked]. Even though you have said *Malbish arumim* in your morning prayers, you repeat it when you put on [your new clothes]. However, if you had the new garment on in the morning, the berachah in the morning prayers exempts you [from saying it again]. Some authorities hold that when you buy a hat, and you wear it [for the first time], you should say the berachah *Oteir Yisrael besif'arah* [Who crowns Israel with splendor], and when putting on a new belt you say *Ozeir Yisrael bigevurah* [Who girds Israel with strength]. Other authorities disagree with this opinion. Therefore, it is best to put them on for the first time in the morning, [and to have in mind] to exempt them when you say those berachos [in your morning prayers]. If you buy a new *tallis*, then, after you tie the *tzitzis* to it, you recite the berachah *Shehecheyanu*. If you did not say it at that time, you should say it when you wrap yourself in it for the first time, following the berachah *Lehis'ateif batzitzis* [to be enwrapped in *tzitzis*].
- 9 When you buy articles that will be used by the entire household, you say the berachah *Hatov vahameitiv*.
- 10 When you receive a gift, you say the berachah *Hatov vahameitiv* for you benefit from it and the donor benefits from it as well. If the recipient is poor, the donor has the satisfaction that the Almighty has enabled him to give charity, and if the recipient is wealthy, the donor is pleased by the fact that the rich man accepts his gift.
- 11 When you buy new sacred books, you need not say *Shehecheyanu*, as the things with which you perform mitzvos are not for physical

enjoyment.

- ¹² On purchasing an article of minor value such as a shirt, a pair of shoes, or socks, you should not recite a berachah. This is true even if the buyer is a poor man who derives pleasure [from these new possessions]. If a rich man buys new vessels [or garments] that an average man would be happy to own but to which a rich man attaches little importance and in which he finds no joy, he should not say a berachah.
- ¹³ It is customary to say to a person who puts on a new garment, "May you wear it out and acquire a new one." [But to someone] who puts on new shoes or a new garment made of fur or leather, even if the fur or leather is from an unclean animal and even if the fur or the leather are only used as lining, do not say "May you wear it out and acquire a new one," because a new garment like this one requires the killing of a living creature, and it is written, "And His mercies are on all His works."
- ¹⁴ The first time you eat a new fruit from a tree which reproduces annually, you say the berachah *Shehecheyanu*. First you say *Shehecheyanu* and then the berachah over the fruit. If you forgot and first said the berachah over the fruit, you may say *Shehecheyanu* afterwards, and this is not considered an interruption. But if you failed to say *Shehecheyanu* the first time you ate the new fruit, you should not say it [when you eat the same fruit] later. If there are before you several kinds of new fruit, one *Shehecheyanu* is sufficient for all. Concerning two kinds of fruit, although they slightly resemble each other, such as cherries and small plums, or even if they are called the same name, but only differ in taste, such as white figs and black figs, [the rule is] that if you said *Shehecheyanu* over one kind and later you wish to eat of the other, you

repeat the berachah *Shehecheyanu*, since you enjoy [each fruit] separately.

¹⁵ If you said *Shehecheyanu* over grapes, some authorities hold that you need not repeat it when you drink new wine, since both are one of the same pleasure, as wine is made out of grapes. But others hold that even so, you should say *Shehecheyanu* over the new wine as well, because wine gives you greater pleasure than grapes. Therefore, the best course to follow is, if you already said *Shehecheyanu* over grapes and then you wish to drink new wine, that you first say *Shehecheyanu* over some new fruit [and keep in mind] to include the wine. But if you have said *Shehecheyanu* over new wine, all agree that you need not repeat it over grapes. This law applies only when you drink new wine [not fully fermented] that can easily be recognized as new, but if you drink [new wine] that is fully fermented, even if you have not said *Shehecheyanu* over grapes, you do not say *Shehecheyanu* over [this wine], because you cannot distinguish between new and old [wine].

¹⁶ Over unripe grapes you may not say *Shehecheyanu*. [This berachah may be said] only when the clusters are fully ripe; and so must any fruit be fully ripe, [for a *shehecheyanu* to be said].

¹⁷ It is customary not to say *Shehecheyanu* over new vegetables or turnips because they can last a long time by being kept in the ground or in sand, and also since they are always available, we do not have great pleasure [when eating the new ones].

¹⁸ You should not say *Shehecheyanu* when you smell a fragrant scent, for only the soul senses delight from the scent and the soul is eternal.

- ¹⁹ [In the World to Come,] every man will have to answer for all the [delicacies] his eye beheld which he declined to eat. Rabbi Eleazar would save small coins and buy everything [at least] once a year and eat it.
- ²⁰ When you see a very close friend after a separation of thirty days, and especially, [when you see] a person who is superior to you, like your father or teacher, and you take pleasure in seeing him, you should say *Shehecheyanu*, even if in the interim, you received a letter from him. If the separation has been twelve months, you recite *Baruch ata Adonoy Elokeinu melech ha'olam mechayei hameisim*. [Blessed are You, Hashem, our God, King of the universe Who revives the dead] and you do not say *Shehecheyanu*. This berachah is made because after twelve months he was forgotten, just as the dead are forgotten, as it is written, "I have been forgotten as a dead man, from the heart, I have become like a useless vessel." Just as when a man loses a vessel and does not find it within twelve months, he gives up hope of ever finding it, so are the dead forgotten after twelve months.) But if you received a letter from [your loved one] during the [twelve months'] interval or you had word concerning his well being, you do not say *Mechayei Hameisim* but *Shehecheyanu*. This applies to men and women alike. Even if a man sees his wife or his mother, or his sister, or his daughter. or if woman sees her husband or her father, or her brother, or her son, [in all these cases *Shehecheyanu*] should be said.
- ²¹ [In the case of] a friend whom you have never met, but by way of correspondence with each other you became friends; when you come together for the first time, you need not say a berachah; for since you

have never seen each other before, face to face your love cannot be so strong that you should feel true gladness when meeting him.

Siman 60

- ¹ Upon seeing a fruit tree in bloom, you should say: *Baruch ata Adonoy, Elokeino melech ha'olam shelo chiseir be'olamo kelum uvvara vo beriyos tovos ve'ilanos tovim leihanos bahem benei adam*, [Blessed are You, Hashem, our God, King of the universe, Who caused nothing to be lacking in His universe, and He created in it goodly creatures and goodly trees, to give mankind pleasure therewith]. You recite this berachah only once a year. But if you delayed saying the berachah until the fruit grew, then you should no longer say it. Some authorities hold that if you neglected to say the berachah when you saw the blossoms for the first time, you should no longer say it.
- ² When you see a meteoric shower, that is shooting stars flashing across the sky from one place to another in a brilliant streak, or when seeing a comet that has a bright tail streaming behind it, or on witnessing an earthquake, or a hurricane, or lightning, on each of these, you say the berachah *Baruch ata Adonoy Elokeinu melech ha'olam osei ma'asei vereishis*, [Blessed are You, Hashem, our God, King of the universe, Who makes the work of Creation.] (The berachah over a meteor, should be said no more than once during the night, even if you saw another meteoric shower. Once you said the berachah over a comet, you should not repeat it when you see it again within thirty days.) On hearing thunder after the lightning has flashed, you say: *Baruch ata Adonoy, Elokeinu melech ha'olam shekocho ugevuraso malei olam*, [Blessed

are You, Hashem, our God, King of the universe, for His strength and His power fill the universe]. If you see lightning and hear thunder at the same time, you say only the berachah, *Osei ma'asei vereishis*. If on seeing lightning, you said the berachah *Osei ma'asei vereishis* and immediately after the lighting, you hear thunder, you must not say the berachah over [the thunder] for the berachah over the lightning exempts it. The berachah over lightning and thunder should be said the moment they occur, but if there is a brief interruption, the berachah should not be said any more.

- ³ As long as the clouds have not scattered, one berachah exempts all [the lightning and thunder that may occur]. But if the clouds dispersed and the skies became clear between thunder claps and lightning flashes, you must repeat the berachah. A flash of lightning unaccompanied by thunder, [i.e., lightning] that is caused by the heat, is not considered real lightning and requires no berachah.
- ⁴ When you see a rainbow you say: *Baruch ata Adonoy Elokeinu melech ha'olam zocheir haberis vene'eman biveriso vekayam bema'amaro*, [Blessed are You, Hashem, our God, King of the universe, Who remembers the covenant, is trustworthy in His covenant and fulfills His word]. It is forbidden to gaze too much at a rainbow.
- ⁵ When you see great seas or tall mountains which are famous for their great height, you say: *Osei ma'asei vereishis*.
- ⁶ When you see the sun at the end of its cycle, that is, after a period of twenty-eight years, when the vernal equinox of the month of *Nisan* occurs at the beginning of Tuesday night, then you should say on

Wednesday morning, when the sun is shining [and visible], *Baruch ata Adonoy Elokeinu melech ha'olam osei ma'asei vereishis*. Before saying this berachah, you should recite Psalm 148 "Halleluyah! Praise Hashem from the heavens ..." and then say the berachah. After that say the prayer *Keil Adon* [God the Master] up to *vechayos hakodesh* [and the holy Chayos], followed by Psalm 19 "The heavens declare the glory of God ..." You conclude with *Aleinu leshabei'ach* [It is our duty to praise] and Kaddish.

- ⁷ It is best to say this berachah [early] in the morning, immediately after sunrise, because "The diligent perform all mitzvos promptly." It is best, if possible, to say it in an assembly of people for it is written: "In the multitude of people is the king's glory." (An announcement should be made on the day before to inform the public of the gathering). But if it is impossible to call an assembly for early in the morning, the berachah should not be postponed because of that. Rather, each person should say it immediately when he sees the rising sun. The rule that "The diligent do mitzvos promptly" takes precedence [over the rule that] "In the multitude ..." If you have not said the berachah in the morning, you may still say it until the third hour of the day and in case of an emergency [you may say it] until noon. Therefore, if [the sky] is cloudy in the morning, and [the sun] is obscured, you should wait until it is near noon, perhaps the sun will by then appear, and you will be able to say the berachah mentioning God's Name and Kingship. But if the sun did not appear by then, you should say the berachah omitting the Name and Kingship. (The most recent *kiddush hachamah* occurred in the year 5741/1981. May we merit to live and see the light of the seven days of Creation.)

- ⁸ If, on your behalf, the Holy One, blessed is He, performed a miracle [by saving your life] in a supernatural way and you see the place where this miracle took place, you say *Baruch ata Adonoy Elokeinu melech ha'olam she'asa li neis bamakom hazeh*, [Blessed are You, Hashem, our God, King of the universe, Who performed a miracle for me at this place]. Even a son or a grandson, even those who were born before the miracle occurred should also say the berachah. What is the wording of this berachah? A son says: *She'asa neis le'avi bamakom hazeh*. [Who performed a miracle for my father at this place]. If there is more than one son, they say *le'avinu* (for our father) [instead of *le'avi*]. A grandson says *la'avosai* (for my ancestors), and if there is more than one grandson, they say *la'avoseinu* (for our ancestors). A person who experienced many miracles, and he arrives at one of the places, where a miracle occurred to him, should mention all the other places and include them all in one berachah as follows: *She'asa li neis bamakom hazeh uvemakom peloni*. [Who performed a miracle for me at this place and at such and such place]. His son and grandson should also mention all the other places.
- ⁹ When you see an outstanding Torah scholar in Israel, you should say: *Baruch ata Adonoy Elokeinu melech ha'olam shechalak meichochmaso lirei'av*, [Blessed are You, Hashem, our God, King of the universe Who has apportioned of His knowledge to those who fear him]. (Because Israel is God's portion and clings to Him, the term "apportioned" is used.) When you see an outstanding scholar, renowned for secular knowledge, who is a gentile, you say: *Baruch ata Adonoy Elokeinu melech ha'olam shenasan meichochmaso levasar vadam*, [Who has given of his wisdom to human beings].

- ¹⁰ When you see a king of any of the nations of the world, you say: *Baruch ata Adonoy Elokeinu melech ha'olam shenasan mikevodo levasar vadam*, [Blessed are You, Hashem, our God, King of the universe, Who has given of His glory to human beings]. Even if you do not see the king in person, but you witness the spectacular pageantry and you are certain of the king's presence, you may recite this berachah. A blind person should say the berachah omitting the divine Name and Kingship. It is a mitzvah to make an effort to behold the glory of kings. But if you have seen him once, you should not stop your [Torah] studies to see him again unless he appears later with a greater military parade and a more majestic display than before.
- ¹¹ When you see graves of Jews, you should say: *Baruch ata Adonoy Elokeinu melech ha'olam asheryatzar eschem badin* ... [Blessed are You, Hashem, King of the universe, Who has formed you in judgment etc.] When you see the graves of pagans, you say: [the verse in Jeremiah 50:12] "Your mother will be deeply ashamed, she that gave birth to you will be disgraced. Behold, the ultimate end of nations will be a desert, a dry land, and a wilderness."
- ¹² If you see the same phenomenal sights again, you should not repeat the berachah, unless [at least] thirty days have elapsed since you last saw it. You do not count the day you saw it, and if you exclude the day you see it again there are thirty days you may make the berachah. But if you see different individuals [who hold the same high public office] as those whom you have seen previously, as, for instance, another king, or [you see] other graves, or the like, then you should repeat the berachah even within thirty days.

- 13 When you see an African, or an Indian, that is, a person of deep red [skin] color, or an albino, that is, a person with a very pale skin, or a malformed individual, that is to say, a person who is [abnormally] tall and slender, or a dwarf or a *hidrakonah*, that is, a person whose skin is covered with wart-like scales, or a person with tangled hair, whose entire hair clings together, or an elephant or an ape, you say: *Baruch ata Adonoy Elokeinu melech ha'olam meshaneh haberiyos*, [Blessed are You, Hashem, our God, King of the universe, Who makes creatures different]. You say this berachah only [when you see them] the first time because [then] the strangeness is most striking.
- 14 The first time you see any of the following you say the beracha *Meshaneh Haberiyos*: a crippled person, or an amputee, that is to say, a person whose hands were amputated, or a blind person, or one afflicted with open sores, or a person covered with freckles, that is, a person whose [skin] is speckled with white spots [alternating with brown spots], if these are birth defects. But if they were afflicted after [birth], and to see them causes you distress, you say: *Baruch dayan ha'emes*.
- 15 When you see beautiful trees, or good-looking creatures, even if it is a heathen, (by casually glancing at him, since gazing at him is forbidden) or an animal, you say: *Baruch ata Adonoy Elokeinu melech ha'olam shekachah lo be'olamo*. [Blessed are You, Hashem, our God, King of the universe, Who has such as this in His world]. This berachah is said only when you see them the first time, and it should not be repeated when you see them again, or others [of the same kind], unless the latter are more beautiful than the former.

Siman 61

- ¹ On four [occasions] a person must thank God [for His goodness]; 1] after crossing the ocean and reaching his destination; 2] after crossing the desert or any other dangerous road and reaching his destination; included in this rule is also one who was saved from any other peril, as when a wall caved in on him or an ox lunged at him, ready to gore him, or robbers attacked him on the road, or thieves at night and he was saved from them, or from similar perils; 3] one who suffered from serious illness or a serious injury or he was confined to bed for [at least] three days due to an illness and he recovered, his health restored; 4] one who was in prison even if [he was in prison] only because of monetary matters and he was released. [The following phrase may serve as] a mnemonic device: "All those who are alive thank you, selah." [The word *chayim*—**חיים** — forms the acronym of] *choleb*—a sick person, *yisurim* —a person suffering [in prison], *yam*—(crossing the) ocean, *midbar*—(crossing the) desert. What berachah should they say? *Baruch ata Adonoy Elokeinu melech ha'olam hagomeil lechayavim tovos shegemalani kol tov*, [Blessed are You, Hashem, our God, King of the universe, Who bestows good things upon the guilty, Who has bestowed every goodness upon me]. The listeners should respond: *mi shegemalecha tov hu yigmalecha kol tov selah*, [May He Who has bestowed goodness upon you continue to bestow every goodness upon you forever].
- ² The berachah [*Hagomeil*] should be said in the presence of ten [male adults] besides the one who is saying the berachah. Two of them should be scholars who are engaged in the study of Torah, as it is said: "Let

them exalt Him in the assembly of the people and praise Him in the seat of the elders." But if no scholars are present this should not deter him [from saying the berachah]. It is customary to say the berachah [*Hagomeil*] when called to the reading of the Torah after the concluding berachah. You should not intentionally delay [saying *Hagomeil*] longer than three days. Consequently, if you were saved [from danger] on Monday [after the Torah was read], you should say *Hagomeil* immediately without the Torah scroll, and not wait until [the next Torah reading on] Thursday. Likewise, if a person is a mourner, who may not be called to the Torah, he should not wait, but say [*Hagomeil*] immediately [after being saved from danger], but he should say it while standing before ten [male adults], as mentioned above. If it so happened, that you did delay [saying *Hagomeil*] longer than three days, you may still say it afterwards.

³ A person to whom a miracle happened should designate a sum of money for charity, according to his wealth, and distribute it among men who are engaged in the study of Torah, and he should say: "I hereby give this money to charity. May it be God's will that it will be counted as if I had brought a thanksgiving offering." It is also proper that he should establish some project to benefit the local community; and every year on the anniversary [of the event], he should privately thank God, blessed be His Name, and happily tell the story of the miracle.

⁴ Before undergoing surgery, or before eating or drinking something [as a remedy], or taking a treatment for a cure, you should first recite the following brief prayer: "May it be Your will Hashem, our God, and the God of our forefathers that this measure may serve me as a cure, for

You are a gratuitous Healer." And if the substance which you eat or drink for medicinal purposes requires that you say a berachah over it (see Ch. 50:8 above), you should first offer this prayer and then say the berachah. This seems to me to be the proper order so as not to cause an interruption between the saying of the berachah and the eating). After bloodletting, say the following berachah *Baruch ata Adonoy Elokeinu melech ha'olam rofei cholim*, [Blessed are You, Hashem, our God, King of the universe, Who heals the sick].

- ⁵ If someone sneezes, you say to him "To your health," and he answers, "May you be blessed." Afterwards he says: "I hope for Your deliverance, O God," for whoever prays for his fellow man has his prayer answered first.
- ⁶ Praying for something that has already happened is a vain, useless prayer. The following are examples: if a person hears wailing in the town and says: "May it be Your will that this cry should not be in my house;" or if his wife has become pregnant and forty days after her conception, he would say the following prayer: "May it be Your will that my wife should give birth to a boy." Such prayers are useless for what has already happened belongs to the past. However, within the forty days, this prayer is worthwhile and may be offered. After forty days he may pray that the child should be a healthy baby, good in the sight of Heaven and of benefit to mankind.
- ⁷ A person who enters his threshing floor to measure his crops, or some similar activity should recite the following prayer: "May it be Your will, Hashem, my God, that you send a blessing on this pile [of grain]. After he began to measure, he should say, "Blessed is He Who sends a

blessing on this pile [of grain]" (omitting the Divine Name and Kingship). If he had already measured it and then offers a prayer, it is a vain prayer, because God's blessing is bestowed only on something that is hidden from view [i.e. of unknown quantity].

- ⁸ The first time a Bar Mitzvah is called to the Torah, after he has concluded the second berachah over [the reading of] the Torah, the father says the following berachah: *Baruch ata Adonoy Elokeinu melech ha'olam asher petarani mei'onsho shel zeh* [Blessed are You, Hashem, our God, King of the universe Who has freed me from the punishment due this boy]. It is a mitzvah for a father to prepare a festive meal on the day that his son becomes Bar Mitzvah, that is, on the first day of his fourteenth year. If the boy delivers a Torah discourse, it is considered a meal for the sake of a mitzvah even if [the banquet] is not given on the [Bar Mitzvah] day.
- ⁹ *Berachos* are said when a drought occurs, even in our areas where it rains with [seasonal] regularity and where droughts are rare. If this drought was so severe, that it caused general distress and then it [finally] rains, and the rain comes down so heavily that bubbles are formed on the [flowing] rain water that [seem] to converge, special berachos should be said.
- ¹⁰ What berachah should be said? Someone who does not own a field says: "We thank you Hashem, our God, for every drop [of rain] that you made fall on us, and even if our mouths were full of song as the sea, etc.," (and continue the text of *Nishmas*) [in the Sabbath morning service] until "sanctify and declare the sovereignty of Your Name, our King. Blessed are You, Hashem, God of many thanksgivings and

praises." If he owns a field, in partnership with another Jew, he says the berachah *Hatov ve'hameitiv*, but if he has no Jewish partner, even if he has a wife and children, he says the berachah *Shehecheyanu*. The berachos *Hatov ve'hameitiv* and *Shehecheyanu* may be said even if you do not see the rain but hear it coming down. But the berachah *Modim anachnu* [We thank You] should only be said if you actually see the rain.

Siman 62

- ¹ You should be extremely careful not to deceive your fellow man. If anyone deceives his fellow, whether a seller deceives a buyer, or a buyer deceives a seller, he transgresses a negative commandment, for it is said: "When you sell something to your neighbor, or buy from your neighbor, do not deceive one another." The first question a person is asked when he is brought before the [Heavenly] Court is: "Have you [always] been honest in your dealings?"
- ² Just as deception is forbidden in buying and selling, so is it forbidden in hiring, in working on contract, and in money changing.
- ³ If a person is candid in his dealings, he will not be guilty of deception. How is this to be understood? [He says to his neighbor:] "I bought this article at this and this price and I want to make a profit of so much and so much." Even though he was deceived [overpaid] when he bought [the article], and having been deceived does not entitle a person to deceive others, nevertheless, he is permitted [to sell it] this way. Because [his statement] makes it clear [to the buyer] that the price does not

reflect the value of the article, rather, it is based on the price which he [the seller] paid for it.

- 4 If a person has something to sell, he is forbidden to make it look better than it really is in order to mislead [the buyer]. Examples of this are: giving an animal bran-water to drink which makes it swell up and makes its hair stand up so that it appears fat [and healthy], or putting a fresh coat of paint on old utensils to make them look new. All similar procedures [are forbidden].
- 5 Likewise, it is forbidden to mix a little bad fruit with a lot of good fruit, and to sell all of them as good fruit or to mix a low-grade beverage with a better grade. But if the taste of the [blended] beverage can [easily] be recognized, the mixing is permitted because the buyer will detect it [and will not be cheated].
- 6 A shopkeeper is permitted to distribute roasted kernels and nuts to children to get them into the habit of buying from him. He may also sell below the market price to attract customers, and the other merchants cannot prevent him from doing so.
- 7 Anyone who gives short measure or weight, even to a non-Jew, transgresses a negative commandment as it is said: "Do not falsify measurements, whether in length, weight, or volume," (see Ch.182:1, 4 below). The punishment for giving short measure and weight is very severe, as it is impossible for a person who gives short measure or weight to repent properly, since he does not know how much and whom to compensate. Even the active participation in communal affairs is not considered suitable repentance.

- 8 It is written: "You must not keep in your bag two different weights, one large and one small. You must not keep in your house two different measures, one large and one small. You must have a full, just weight, and you must have a full, just measure ..." The words "your bag" and "your house" appear to be superfluous and our Rabbis, of blessed memory, explained: "You shall have *no money* in your bag." Why is this so? Because you had different weights. "You shall lack *the necessities of life* in your house." Why is this so? Because you had different measures. But if full, just weight is in your house, then you will have money; and, similarly, if full and honest measure is in your house, then all your needs will be filled. Furthermore, our Rabbis of blessed memory said: "What should a man do to become rich? He should conduct his business honestly and ask for compassion from the One to Whom riches belong," as it is said: "Mine is the silver and Mine is the gold."
- 9 You should measure and weigh generously. [That is,] you should give more than the exact quantity as it is said: "You must have a full, just measure." What does the word "just" imply? Says the Torah: "Be just by giving him some of your own."
- 10 You must measure according to the local custom and not deviate from it. Where it is the custom to give a heaping measure, you should not give a level measure, even with the buyer's approval who [now] pays less than the full price; and where it is the custom to give a level measure, you should not give heaping measure, even when [you], the seller, are glad to do so and charge more for it, because the Torah is very strict with regard to fraudulent weights and measures, lest this will create a pitfall [for others], since a [stranger] may notice the way of measuring

and get the impression that this is the norm in this town; then he, too, will give such a measure to someone who is also unfamiliar with the local custom and thus he will deceive him.

- ¹¹ The leaders of the community are obligated to appoint supervisors who will inspect the stores, and anyone found to have deficient measures or deficient weights or defective scales may be punished and fined as they see fit.
- ¹² A person is forbidden to keep short measures in his house or in his store even if he does not use them. Anyone who keeps them, transgresses a negative commandment, as it is said: "You must not keep in your bag two different weights, one large and one small. You must not keep in your house two different measures, one large and one small." Even to use such a [deficient] measure for a urinal (chamber pot) is forbidden, lest someone unknowingly uses it for measuring [purposes]. However, if it is the rule in the community to use only measures that are stamped with a well-known mark, and this [measure] is not stamped, then it may be kept.
- ¹³ If someone seeks to buy or rent something whether real property or movable goods from a non-Jew or from a Jew, and they [already] agreed on a price and before they completed the sale, someone else [outbid him] and bought or rented it, the latter is called a *rasha*, a wicked person. But if they have not yet agreed on a price, then, someone else may buy [or rent] it. We are forbidden to infringe on our neighbor's rights in the matter of renting houses from a non-Jew.

- ¹⁴ If a person gives money to someone [to act as his agent] to buy real property or movable goods for him and the agent purchased the object for himself, with his own money, [he may keep the object, but] he is a swindler. But if he bought it with the principal's money, he must convey it to [the principal], even if he the agent intended] to buy it for himself.
- ¹⁵ If anyone gave a deposit on a purchase, or he marked the article [for identification] in the seller's presence, or if the seller said to him: "Mark your purchase," even though, through such action, the buyer does not acquire title to the article, nevertheless, if one of the parties backs out, whether the buyer or the seller, he does not behave as a Jew should, and he is liable to Divine punishment. A curse is invoked against him in court, as follows: "He Who punished the generation of the Flood, and the generation of the Tower of Babel, and the people of Sodom and Amorah, and the Egyptians who drowned in the sea, may He punish the one who does not keep his word."
- ¹⁶ A man has the moral obligation to keep his word even though he gave no deposit as yet, nor did he mark the article, nor was the transaction completed. [If the parties] agreed on the price neither [the buyer nor the seller] may back out. Whoever retracts whether buyer or seller is guilty of acting in bad faith, and the spirit of the Sages do not look kindly on him, for a Jew should keep his word, as it is written, "The remnant of Israel shall not commit injustice nor speak lies." [In addition], a God fearing man should carry out even his unspoken decisions. If he decided to sell a certain article at a certain price and the buyer, not knowing [the seller's] innermost thoughts, offered him

more, he should only accept from him the amount he had [originally] decided to charge, fulfilling the verse that states: "And speaks the truth within his heart." The same rule applies to a buyer; if he decided to buy an article at a certain price, he may not change his mind. This rule applies to all matters in relationships between man and his neighbor. If he decided to do a certain favor [to someone] and is able to do it, he should fulfill his intention. But regarding his personal needs, if it does not involve the performance of a mitzvah, he need not fulfill even [intentions] expressed with his lips.

- ¹⁷ Likewise, if a person promises someone a small gift and he depends on it being sure that it will be given to him. If the donor changes his mind and does not give it, he is considered lacking in honesty. But [if he promised] a large gift [and then changed his mind], he is not considered lacking in honesty, as the [prospective recipient] did not depend on it. Nevertheless, at the time that he promises to make a gift, he has to act in good faith and not have the intention of changing his mind; for to say one thing, while thinking the opposite is forbidden by the Torah, as it is said, "You must have a just *eifah* and just *hin*." Why does the Torah mention a just *hin*? Is not *hin* included in the term *eifah* [both are units of measurement]? [Our Sages explain:] "Let your *hein* (yes) be just and let your "no" be just." The above-mentioned law [refers to a promise made] to a rich man, but if someone makes a promise to a poor man whether [he promised] a small gift or a large gift, he may not legally change his mind, because [his promise] is considered as a vow. Even [if he did not verbally express his promise] but only made up his mind that he would give, he must carry out his intention.

18 If a person wishes to sell land or a house and two [prospective buyers] come, each of them saying: "I am willing to pay the price," and neither owns land adjacent to the property [offered for sale], these rules should be followed: If one of them is a fellow townsman and the other comes from another town, the fellow townsman has the preference. If they are both fellow townsmen, but one of them is his neighbor, the neighbor has the preference. If the other person is the [seller's] friend who visits him often, while his neighbor never visits him, the [seller's] friend has the preference. If one of them is a friend and the other is a relative, the friend has the preference, for it is said: "A neighbor who is near is better than a brother far off." But with reference to all other people, a relative has the preference. The exception is a Torah scholar, who has preference even over a neighbor and a friend who visits regularly. However, if one of the [prospective buyers] owns land adjacent to the property [offered for sale], he has preference over all [the others]. Even after [the seller] sold it to someone else, the owner of the adjacent property has the right to pay the purchase price to the buyer and make him yield [the property]. Even if this buyer is a Torah scholar or he is the seller's neighbor or relative, and the adjacent owner is an unlearned person and not related to the seller, the adjacent owner has the preference and can force the buyer to surrender the property. All the above-mentioned rules of preference were instituted by the Sages, in order to fulfill the mandate written [in the Torah]: "Do what is upright and good in the eyes of Hashem, your God."

Siman 63

- ¹ Just as it is forbidden to deceive a person by [dishonest] buying and selling, so is it forbidden to deceive a person with words, as it is said: "And you shall not deceive one another, but you shall fear your God." This refers to "deception done by means of words." The sin of deceiving someone with words is greater than deceiving him in money matters, because [misappropriated funds] can be returned but no amends can be made for pain inflicted with [hurtful] words. [Monetary deception] only affects [the victim's] finances, whereas [hurtful or insulting remarks] are aimed at his person. Anyone who cries [to God] because of wrong done to him with words is answered immediately. A person must be particularly careful not to hurt his wife's feelings and not to cause her pain with [harsh] words, for a woman is sensitive by nature, and even a slight hurt will bring tears to her eyes. And God, blessed be He, pays heed to tears, for the gates of tears are never closed.
- ² What is meant by hurting someone with words? A person should not say to someone: "For how much will you sell this article?" when he has no intention of buying it. To someone who wishes to buy grain, he should not say: "Go to so and so," knowing full well that this person has [no grain] to sell. If his neighbor is a *ba'al teshuvah*, he should not say to him: "Remember what you used to do in the past." If his friend has to endure great suffering, God forbid, he should not speak to him like Iyov's friends spoke to Iyov, [who said]: "Is not your fear of God your confidence?... Remember, I pray you, who ever perished being innocent?" (They spoke to him this way because he rebelled against Divine Providence and God's Attributes [of Justice]). If someone is asked a scholarly question, he should not say to a person who is not knowledgeable in this field: "How would you answer this question?"

The same applies to all similar situations which would cause heartache [to others].

- ³ If a man has a humiliating nickname, although he is used to being called by that name and is not embarrassed by it, yet, if someone has the intention of humiliating him, he may not call him by this nickname, because this means hurting him with words.
- ⁴ It is forbidden to mislead anyone (meaning, to deceive anyone, even though no monetary loss results), even if he is a non-Jew. Thus, it is forbidden to sell to him non-kosher meat under the false pretense that it is kosher. If someone sells an article that has an imperfection, even though the article is worth the price for which he sells it, nevertheless, he must inform the buyer of the imperfection. (In the case of a gift, however, the questions of deception does not exist.)
- ⁵ You should not invite anyone for a meal, when you know that he will not accept. You should not offer someone a gift, when you are sure that he will not accept it. And so it is in all similar cases, where a person says one thing but in his heart he does not mean it, as when he pretends to show respect to someone, but this does not reflect his true feelings, [such conduct] is forbidden. Your mouth and your heart should always be in perfect agreement.

Siman 64

- ¹ Any article of food, that you are forbidden to eat, and the article is used exclusively as food, even though you are allowed to make use of it, you may not offer it for sale or use it as security for a loan. Even buying it to

feed your non-Jewish worker is prohibited. But if it is something that is not used for food, such as horses and donkeys, you may do business with them. You may also deal in the forbidden fat of an animal, for it is said with regard to it: "You may use [its forbidden fat] for any purpose you desire."

- ² If, by chance, you happen to acquire a forbidden thing, for example, while fishing you catch a [ritually] unclean fish in the net, or you find an animal that died a natural death or an animal that has been killed by a wild beast in your house, you are allowed to sell it, since you did not intend [to acquire] it. But you must sell [a living animal] at once and may not wait until it grows fat in your possession. You may also sell it through an agent, although the agent will make a profit from [the sale]. But the agent may not buy it outright, for in that case, he would be doing business [with forbidden merchandise].

- ³ You are also allowed to collect unclean things as payment for a debt, but you must sell them at once; for it is forbidden to keep them in order to make a profit on them. But you are permitted to wait long enough, so as not to suffer any loss on the capital.

- ⁴ It is permitted to deal in articles such as cheeses of non-Jews, whose consumption is forbidden only by Rabbinical decree.

Siman 65

- ¹ Preface

The *Torah* writes: אִם כַּסְף תַּלְוחָ אֶת עֲמִי אֵת הָעָנִי עַמְךָ לֹא כְנַשְׁפָה لֹא תְשִׁימָוּ עַלְיוֹ נִשְׁבָּךְ "When you lend money to my people, to the poor among you, do not press him for

payment, do not take interest payment from him" (Ex. 22:24). The *Torah* obligates us to lend money to one less fortunate than we, but, at the same time, forbids us to derive benefit from making this loan. Any benefit derived thereof is called **רַבִּית**—interest. There are two major categories of *ribis*: 1) *Ribis deoraisa* (רַבִּית דְּאוֹרָיֶת) i.e. interest that is Scripturally prohibited. The classic case is when the lender stipulates at the time of the loan that the money is being lent with the condition that it be paid back with a set rate of interest. It makes no difference how high or how low the rate may be; in either case, it is *ribis deoraisa* and the lender must return the interest payment to the borrower. This holds true even where the borrower willingly agreed to the interest payment. 2) *Ribis derabanan* (רַבִּית דְּרַבְּנָן), i.e. interest that is Rabbinically prohibited, such as a) *sa'ah besa'ah* (see para. 11); b) *avak ribis* (אַבָּק רַבִּית), i.e. "a shade of *ribis*." The *Torah* prohibited only interest charged for a loan. The Rabbis added a prohibition on interest charged for a purchase; c) *ribis mukdemes* (רַבִּית מַקְדֵּמָה), i.e. "pre-loan" *ribis*. The borrower sends money or gifts to the lender so that he will lend him money at a later date; d) *ribis me'ucheres* (רַבִּית מַעֲכֶרֶת), i.e. "post-loan" *ribis*. The lender did not set interest payments at the time of the loan, but the borrower paid interest at a later date. In cases of *ribis derabanan*, the *Bais Din* [Court] does not have the power to force the lender to return the interest collected, but it is, nevertheless, preferable in some cases that he do so on his own. The laws of *ribis* are complex and this chapter will only touch some of the fundamentals of this important subject. It is, therefore, extremely advisable that when a question of *ribis* arises, a competent rabbi, well-versed in these laws, should be consulted.

It being the nature of man to desire and lust after money, and it being more likely for man to transgress the prohibition of interest than other prohibitions concerning money, because where robbery and fraud and the like [are concerned], the victim usually protects himself against robbery or fraud. Also, one who wants to rob or defraud another, will often be inhibited because of shame or because of fear. This is not so

concerning interest, for the borrower willingly pays and is happy that he has found a place to borrow even with interest. The lender, too, thinks to himself that he is doing a great favor to the borrower by enabling him to profit with this money, many times more than the interest. It is, therefore, very easy for the person to be seduced, Heaven forbid, by his evil inclination to transgress this prohibition. Therefore, the *Torah* was very stringent with this prohibition. And many prohibitory laws are said concerning it. The lender transgresses six prohibitory laws, and will not be included in the resurrection of the dead, for it is said: "He gave money [in return] for interest and he accepted interest, he shall not live." The borrower transgresses three prohibitory laws. The scribe, the witnesses and the co-signer each transgress one prohibitory law. [This applies] also [to] the broker who brought them together or if he was of help to one of them, for instance, directing the borrower to one from whom he could borrow, or if he directed the lender to one to whom he could lend, he, too, transgresses one prohibitory law.

- ² One who failed [to observe this prohibition] and collected interest, is obligated to return it (except where "pre-loan" interest and "after-loan" interest [are concerned] which are discussed later in paragraph 6).
- ³ Even if the lender did not stipulate [*ribis*] with the borrower at the time of the loan, but, rather, lent him [money] without charge until a specified time, or where he sold him merchandise on credit until a specified time, or where there is an obligation of payment in any other situation, for whatever reason, and when the time for payment arrives he agrees to some additional payment in order to extend the due date, this too is considered *ribis*.

- ⁴ Even if the borrower voluntarily makes an additional payment at the time the loan is repaid, which was never stipulated and he (the borrower) does not state that he is giving it to him as interest, [this] too is prohibited.
- ⁵ Even if the borrower tells him at the time of the *ribis* payment that he is giving it to him as a gift, it is also prohibited to accept it from him. But if he already accepted the interest from him and then the lender repents and wants to return it to the borrower, and he the (borrower) waives it to him, [then] he is permitted [to keep the interest].
- ⁶ It is prohibited to pre-pay the *ribis* or delay it [until after the payment of the loan]. For example, *Reuven* desired to borrow money from *Shimon*, and sent him a gift in advance, explaining [that he did so] in order to obtain the loan, or if it was a substantial gift, even though nothing was said, [nevertheless,] it is as if it were explicitly stated that it was for the purpose of obtaining the loan. This constitutes *ribis mukdemes*. If he [*Reuven*] borrowed money from him [*Shimon*] and repaid the money and then sent him a gift in consideration of the fact that [*Shimon's*] money was tied up by him during the loan period, this is *ribis me'ucheres*.
- ⁷ If one lends money to his friend for a specified time, [with the understanding that] [the borrower] reciprocate and lend him at another time, [either] a greater amount for the same period of time or an equivalent amount for a longer period of time, this is absolute *ribis*. [But,] if he lends him money with the condition [that the borrower] lend him at another time an equivalent amount of money for the same

period of time, some say that this, too, is prohibited, and others say that it is permitted. It is preferable to adhere to the stringent opinion. However, if no stipulation was made, but he voluntarily lends him money at another time, despite the fact that he is doing this only because the other previously granted him a loan, in this instance one may be lenient.

- 8 The lender must take care not to derive any benefit from the borrower without his permission as long as his money is in the borrower's hands. [This applies] even if it is something that he would have done for him had he not lent him [money], because since he benefits without permission, he (the lender) seems to be assuming that because his money is in (the borrower's) hands, (the borrower) will forgive him. But, when he benefits from him *with* his permission [then], it is permitted, provided it is something that he would have done for him even had he not lent him money. Another provision is that it is not widely publicized.
- 9 If it was not the usual practice of the borrower to initiate greetings to the lender on other occasions he may not initiate them [now]. [The borrower] may not honor him with any sort of honor in the synagogue or any other place if it was not his usual practice to do so on other occasions. So, too, other types of *ribis* of words are prohibited, for it is said "Interest of any *thing* which is interest." [The sages interpret this to include] that even verbal *ribis* is prohibited. The lender, likewise, is commanded regarding *ribis devorim*. For instance: If he says to the borrower, "Let me know whether so-and-so arrives from such-and-such place." Though he bothers him only to speak a few words, if he had not been accustomed to do so before this (i.e. the loan) and now because of

the loan he bids him to do so, this constitutes *ribis* because [the borrower] is obligated to him. And if you ask: "Is it not written: 'The borrower is a servant to the lender?'" [The answer is:] the verse refers only to a situation where there is a dispute between them and the lender says, "Let us go to the Supreme Court to adjudicate our dispute;" and the borrower says that the dispute be heard here; then the borrower is obligated to travel to where the lender wishes; whereas there is no obligation on the lender to travel to the Supreme Court located elsewhere, for it is said: "The borrower is a servant to the lender."

¹⁰ Even advantages that are not monetary may not be derived by the lender from the borrower; for instance: if the lender is a craftsman, and it is not usual for this borrower to give him work at other times, but now, in return for the loan, he wants to give him work. This is prohibited.

¹¹ Preface to Paragraph 11

It was previously mentioned in the preface to this chapter that *ribis deoraisa* applies where the lender and borrower, at the time of the loan, agree to a set amount of interest to be repaid. If the rate of interest is not set, or if at the time of the loan it is uncertain whether interest will actually be paid, then this constitutes *ribis derabanan*.

The following paragraph discusses one aspect of *ribis derabanan*.

Unlike money whose value, halachically, remains constant, the value of goods and services fluctuate. This creates a problem when lending goods and services, because at the time of payment, albeit the same quantity is returned, nevertheless, the value of the said goods may have increased thereby giving the lender a profit on his loan. This kind of *ribis* is known as *sa'ah be'sa'ah*, (*sa'ah be'sa'ah*) i.e. "a bushel for a bushel." The derivation of this name stems from the situation where a bushel of grain is lent with the stipulation that a bushel be repaid. Since the repaid bushel may increase in value,

this constitutes *ribis derabanan*.

An exception to this prohibition: If the borrower of the goods has the identical goods in his possession at the time of the loan which can potentially be used as payment at the time of the loan.

You may not lend someone a *sa'ah* of grain [with the stipulation] that he repay a *sa'ah* of grain even if they are both of the same species, because there is the possibility that, in time, the price of the grain will increase and, consequently, he will be repaying [value] greater than what he borrowed. Rather, a money valuation should be set on the grain, so that if the price of the grain increases, he will pay you only the amount of money [at which the grain was originally valued]. However, if the borrower owns even a small amount of that kind [of grain], he may borrow many *korim*. Similarly, if that particular [grain] has a set price in the marketplace, he may borrow [*sa'ah besa'ah*], even though the borrower does not possess any [grain] of that kind. All of the above applies where the same species of grain [are involved], but where two different species [are involved]; for instance, lending a *sa'ah* of wheat for a *sa'ah* of millet is prohibited under any circumstances, even if their prices are the same and [the borrower] possesses millet. When [the loan is] an insignificant amount, where it is unusual to be concerned about higher or lower prices, [*sa'ah besa'ah*] it is permitted in all cases. Therefore, a woman is permitted to lend a loaf of bread to her friend.

¹² One who lends money for a mortgage [whether it be] a house, a field, or a place in the synagogue, and the lender receives the benefits from the mortgage [then] this must be done by deduction; that is, he (the lender) must deduct a set amount per year from the loan which is then considered the rental that the lender is paying. Even if the actual rental value is greater than what they agreed to, [nevertheless,] it is permitted.

However, the lender may not turn around and rent [the property] to the borrower himself. Concerning mortgages there are many additional laws and [therefore] nothing should be done [concerning mortgages] unless a Rabbinic authority is consulted.

- ¹³ An object that has a set price may not be sold at a higher price because the seller is willing to wait for payment. But, an object that has no set price, [then] even though, were he to give him the money now he would give it to him for less, and in return for waiting for the money, he charges him slightly more, nevertheless, it is permitted, provided he does not charge too much. (*Chavos Da'as* writes [that "too much"] is a sixth or more above the accepted price), for then it is obvious to everyone that it is [in return for] awaiting payment that he is charging more. And even if he charges only slightly more, but he explicitly states: "If you pay me immediately, then you can have it for ten but [if you want it] on credit, you must pay me eleven," [this is] prohibited. Similarly, if the buyer buys the goods at a higher price (in return for the seller waiting for payment) in order to sell it immediately at a loss, and to have ready cash available for a certain period of time, this, too, is prohibited.

¹⁴ Preface to Paragraphs 14 and 15

It is a common business practice to sell promissory notes at a discount of their face value. For example, a lender who is holding a one-hundred dollar note due in six months, is in a situation where he needs money immediately. He finds a buyer willing to buy the note—or the right to collect the money in six months—for ninety dollars. Although, what has, in effect, happened is that the buyer advanced the lender ninety dollars in return for collecting more in the future, yet no *ribis* is incurred because the money advanced is not considered a loan, but, rather, a bona fide sale where the buyer

has bought the rights to "become the lender."

It, therefore, follows that if it is stipulated that the seller retains all responsibilities for collecting the loan and if, for any reason, the borrower does not pay, the seller will be obligated to pay the buyer the one hundred dollars—in that case the ninety dollars paid is nothing but a loan with a promise that one hundred dollars will be repaid. Of course, this constitutes *ribis*.

One who has a promissory note against his friend, may sell it to another for less, even [before it is] due. The seller must write to the buyer, "I, hereby, sell you this note and you thereby obtain it and any mortgage [attached to it]." All responsibility [for collecting the monies] must rest with the buyer. Only responsibility that emanates from the seller, for example, selling a note that has been paid, etc. or any similar situation, may rest with the seller. Just as the note may be sold to a third-party at a discount, so, too, it may be sold also to the borrower himself.

- ¹⁵ The following scenario is permitted: For example, *Reuven* needs money [during the month of] Nissan, and goes to *Shimon*, and *Shimon* gives him a promissory note obligating himself to pay to *Reuven* one hundred gold coins in the month of *Tishri*. (In response, *Reuven*, gives such a promissory note to *Shimon*, that is obligating himself to pay him one hundred gold coins in *Tishri*, so that *Shimon* will be reassured). *Reuven* now goes and sells the promissory note that he has against *Shimon* to *Levi*, in *Nissan* for ninety gold coins. (Certainly this holds true [in a situation where] *Shimon* has a promissory note against *Yehudah* whose due date is sometime in the future. He (*Shimon*) may sell it to *Reuven* on credit until the [due] date and *Reuven* will give him a promissory note on this [transaction]. Now, *Reuven* may sell this promissory note for as much as he can get.) However, if *Reuven* were to write a

promissory note against himself to sell to *Shimon* [at a discount] even [if the money is delivered] through an intermediary, it is prohibited.

- ¹⁶ It is prohibited to buy grain or any other item by paying money in advance while the grain will be delivered at a future date, because it is possible that in the interim the grain price will increase by the time the delivery is made, resulting in the buyer getting more than [the value of] his money, because he advanced the money. However, if the seller now has in his possession all the grain that he is selling, though he will not deliver it to the buyer until a later date, it is, nevertheless, permitted, because a man may sell whatever he possesses at a very reduced price if he sees fit to do so. [This applies] even when the grain is not yet completely ready but still needs one or two processes [for its completion]. Regarding the transaction, it is considered completed and is permitted. If, however, it lacks three processes it is prohibited. (See following chapter for a permissible procedure for advancing money for goods).

- ¹⁷ If the market price for grain has been set, one may buy at the market price by advancing money, though the seller does not possess any [grain]; for, even if the price of grain increases afterwards, the buyer derives no profit from his advanced payment, since he could have bought the grain then with his money at the current price. Since the transaction was made according to *halakhah*, even though there was an increase in the price of grain at the time of payment and the seller does not wish to deliver the grain that was agreed upon, the buyer is permitted to assess substitute goods to be delivered [at a later date]; or the seller must give him cash value at the present price of the grain. (See *Kuntres Sha'ar Dei'ah* at the end of the Seifer *Sha'ar Mishpat* Chapter

175, paragraph 2 which disagrees with what is written in *Shulchan Aruch* of the *Tanya*, paragraph 28).

¹⁸ One who has merchandise that sells here at a low price and elsewhere for a higher price, and his friend says to him: "Give me this merchandise and I will transport it to the place where the higher price [can be obtained]. I will sell it there and use the money for my own needs until such and such a time, and I will repay you according to what it sells for there, minus the expenses incurred [in transporting and selling] the merchandise". If the risk in transit [for the merchandise] was taken by the buyer, it is prohibited. But, if the responsibility [remains] with the seller, it is permitted, provided that he compensates the buyer with something for his bother.

¹⁹ One may lend his friend one hundred dinars with which to buy merchandise at the *yerid*, and when they return home the borrower may give him one hundred and twenty dinars for it, provided that the lender takes delivery of the merchandise and transports it home. Since the risk of transit on the lender, it is considered as though the lender has a share in the profit of the merchandise, since he accepted the responsibility for it.

²⁰ [If] *Reuven* is traveling to a place where merchandise can be purchased cheaply, *Shimon* is permitted to tell him: bring merchandise from there and I will give you so much profit; provided that responsibility for the merchandise [rests] with *Reuven* until delivery to *Shimon*.

²¹ It is permitted to increase the rental of real estate. How so? One rented a property to another and he (the owner) said to him before he (the

renter) took possession: "If you pay me the rent in advance, you can have it for ten gulden per year. But, if you pay me monthly, then you must pay me one gulden per month." This is permitted. The reason for this is because, *halachically*, rent is not payable until the end [of the rental period]. Therefore, when he takes a gulden each month, which add up to twelve gulden, it is not compensation for awaiting payment, because there is no obligation to pre-pay. Therefore saying to him: "If you pay in advance, you can have it for ten," is considered a waiver of the two gulden in return for his pre-paying before payment becomes due and this is permitted.

²² Only where real-estate rental [is concerned], is it permitted to increase [payment] in this manner because the property is acquired immediately. But, to profit from the wages of a worker in this manner is prohibited, for example, if he hires a person to do a job for him sometime in the future and he pays his wage today before he begins the work, and in return for this (the pre-payment), he will do the work for him for less than usual compensation, this is prohibited. Since the worker is not obligated now, then the pre-payment is like a loan. But if the worker began the job immediately, even though he will not complete [the job] for many days to come, it is permitted to pay his wages in advance in return for his working more cheaply. Since he begins the work immediately, [the money] is considered wages and not a loan.

²³ It is permitted to increase the dowries of bridegrooms. For example, if one set aside a dowry for his daughter and agreed with his son-in-law that for every year he leaves the dowry with him, he will give him so much profit, this is permitted; for this is considered only as an increase in the dowry. It is as if he had said to him: "I will give you a gift of so

much at a certain time, and if I fail to give it to you by that time, I will add to it so much and so much," which is permitted. This applies only where they agreed to this immediately at the writing of the *tena'im*. Since until that time there was no obligation on him (the father in law), it is all considered one obligation. However, if at the writing of the *tena'im* he obligated himself unconditionally to a set dowry, and at the time of the wedding they want to arrange to give the groom something in return for extending the time [of payment], this is prohibited. This should be done in a permissible manner.

²⁴ Preface to Paragraph 24

These laws are pertinent to the understanding of paragraph 24:

- 1) The *Torah* permits the borrowing from and lending to a gentile for interest. (The Sages, however, limited the collection of interest from a gentile to the amount necessary to earn a livelihood).
- 2) There are two kinds of *areiv* (עֲרֵב)—co-signer:
 - a) The lender must first approach the borrower to collect his debt. In the event that the borrower cannot pay, then and only then may the lender demand payment from the *areiv*. In this situation the original recipient of the money from the lender is considered the borrower, regardless who pays in the end.
 - b) The lender retains the option to demand payment from either the *areiv* or the borrower, whomever he decides to approach first. If he collects from the *areiv*, then the *areiv* has the right to be reimbursed from the borrower. Here, the borrower is considered to have borrowed from the *areiv*. It is as if the *areiv* borrowed the money from the lender and then proceeded to lend that money to the borrower.

A Jew may borrow from a gentile with interest with another Jew as an *areiv* under the following conditions: the terms of the loan are such that the gentile must first demand payment from the borrower and only if it is impossible to collect from the borrower can he demand from the

areiv. But, if the terms of the loan are such that the gentile may first demand [payment] from the *areiv*; consequently, it is as if the *areiv* borrowed money from the gentile and [then] lent it to the Jewish borrower and it is prohibited. Similarly, [if] a gentile borrowed from a Jew with interest, and another Jew is the *areiv*, if the terms of the loan are such that the lender must first demand payment from the gentile, and only when he does not find [satisfaction] from the gentile borrower that he may collect from the *areiv*, [then] it is permissible. But if the terms of the loan are such that the lender can initially demand payment from the *areiv*, consequently, the *areiv* is like the borrower, and it is prohibited. However, if the Jew co-signs only for the principal and not for the interest, it is permitted. (Concerning a Jew who borrowed from a Jew and another Jew will be the *areiv*, and the borrower gives the *areiv* a fee for signing, the *Turei Zahav* and the *Sifsei Kohein* in *Nekudos Hakesef* are lenient. However, the opinion of the *Chavas Daas* is to be stringent.)

²⁵ When a gentile says to a Jew: "Borrow money on interest for me from a Jew with this collateral," or even if he does not give him collateral but, only a promissory note, and the lender depends solely on the gentile's collateral or note, and the intermediary has no responsibility, it is permissible. And even if the Jew, the intermediary, delivers the interest payment to the lender, he may accept it, provided that the lender definitely understands that all the risk for the collateral and the money, whether when it is brought, or when it is returned, is entirely his own responsibility, and the intermediary has no responsibility whatsoever.

²⁶ Similarly, a Jew who gave collateral or a promissory note to a fellow Jew to borrow money on interest for him from a gentile on the collateral or

note; it is permitted, if the gentile relies solely on the collateral or the note, and the intermediary assumes no responsibility. Similarly, if at first a Jew lent [money] to a fellow Jew on collateral, and afterwards the borrower said to the lender: "Borrow money from a gentile on interest [using] this collateral and I will be obligated to pay [the gentile] the principal and the interest," if the gentile depends solely on the collateral, it is permitted.

²⁷ If a Jew lent [money] to a gentile on collateral for a certain rate of interest per month, and then the Jew comes to his fellow [Jew] [and asks] that he lend him the [same amount of] money [originally lent to the gentile] for this collateral, and that he should collect the interest [owed by the gentile] that will accumulate from now until the payment [of the loan], it is permitted. However, if the first Jew has already set the [total amount of] the principal and the interest for the entire duration of the loan, [then], the whole [amount] is considered as principal belonging to the Jew and it is prohibited to borrow with this collateral from his fellow Jew for interest, because it is as if he paid the *ribis* from his own pocket.

²⁸ If monies of a Jew are entrusted to a gentile and he (the gentile) lent them to [another] Jew in return for interest, if they remained the responsibility of the gentile, meaning that if the debt be forfeited he (the gentile) will be obligated to pay out of his own money, it is permitted. If, however, the gentile does not assume responsibility, it is prohibited. Therefore, in communities where there are banks or similar institutions where Jews own shares and Jews borrow from them on interest, even if the officers are gentiles, nevertheless, it seems to me that it is absolutely prohibited. It is, therefore, prohibited to deposit

money there because any unrighteous Jew may borrow. Similarly, it is prohibited to borrow from them, because an unrighteous Jew may have deposited money there.

- ²⁹ Partners who have to borrow from a gentile on interest should consult a competent Rabbinic authority how to go about this. (See *Turei Zahav* 170:3, *Chavos Da'as* ibid: I and *Shulchan Aruch* of the *Tanya* Laws of *Ribis*: 64).
- ³⁰ From an apostate Jew, it is prohibited to borrow on interest, and also lending him money on interest should be dealt with stringently.

Siman 66

¹ Preface

If *Reuven* gives money to *Shimon* for investment purposes and they agree to divide the profits or losses of this investment, then, it is considered as if each invested half the money with each receiving the profits or losses from his respective half. Thus, the half of the money that is *Shimon's* responsibility is actually a loan to him to do with as he sees fit. The half that is *Reuven's* is considered a *pikadon* (פְּקָדֹן), i.e., an object given for safekeeping from *Reuven* to *Shimon*. The result is that *Shimon* expends time and effort on *Reuven's* half, in return for the half that is on loan to him. This is *ribis*. The entire transaction is called *iska*.

If one gives money to another for a business, stipulating that the profits be divided equally and any loss incurred also be [shared] by both of them equally, this is called *iska* and is prohibited. [This is] because half of the money is considered a loan to the trader (recipient) for which he is responsible and out of which he receives the profits, and for which he also incurs the loss. The other half is considered as a deposit for

safekeeping, for it remains the responsibility of the investor, and he receives the profit from this half, and also incurs the loss from this half. The trader preoccupies himself and bothers with the *pikadon* half which belongs to the investor, only because he gives him half [the money] as a loan; this is *ribis* and prohibited. This transaction can be made legal by the investor giving the trader some compensation for the effort and bother [that he expends] when dealing with his share. [The compensation] should be set [beforehand], or paid immediately upon the transfer of the monies. Even a nominal payment is sufficient.

- ² They may stipulate that the trader is not to be believed should he claim that he incurred a loss from the principal, unless [there is testimony to that effect] from valid witnesses, nor is he to be trusted regarding the profit unless he takes an oath.
- ³ They may also stipulate that the trader shall have the option, that to give the investor a fixed sum for his share of the profit, and any remainder of the profit be left with him (the trader). This method is proper because, it is likely that the trader, reluctant to take an oath [as to the amount of profit] would rather give the investor the amount stipulated between them. This is the *heteir iska* that is prevalent among us. And even if the trader knows afterwards that he made no profit, or even that he suffered a loss, he may give the investor the principal plus the profit that they set between them, and there is no prohibition here, for since the trader is obligated to take an oath, he may absolve himself of the oath with his money.
- ⁴ However, it is prohibited for the trader to buy out the share of the investor's profit for a set amount under all circumstances. But, rather,

the trader must have the option.

- 5 If he gave him an *iska* till a certain date and the trader withheld the money beyond the repayment date, the trader [must also give him a share of] the profit for the time elapsed, because it is assumed that the money remained with him beyond the allotted time on the original terms. It is, nevertheless, preferable to add to the *iska* contract [the stipulation] that if the money remains with the trader beyond the [allotted] time, it will remain so on the same terms.
- 6 This is a [sample] text of an *iska* contract: I, the undersigned, acknowledge that I accepted from Reb Reuven Hurwitz of Ungvar (Czechoslovakia) the amount of 100 gulden as an *iska* [transaction], for one-half year from the date recorded and I have obligated myself that any quality merchandise as may seem to me most likely of showing profits, I am obligated to buy with the above-mentioned sum and this money shall take precedence over mine. All profits that Hashem will grant me from the merchandise will [be divided], half the profit [going] to me and half to the above-mentioned Reb Reuven. Likewise, if, Heaven forfend, there be a loss it will be equally shared. Immediately after the end of the half-year from the date recorded below, I am obligated to repay to the above-mentioned Reb Reuven the principal as well as his half of the profit. I shall not be believed to claim: "I have suffered a loss" unless [I produce] testimony of two valid witnesses, whereas, concerning the [amount of] profit I shall not be believed except under oath. However, there was a stipulation between us that if I choose to pay him for his share of the profits, a sum of ten gulden, then, he has no claim whatever against me, for the excess shall belong to me alone even if it is established that there was a sizeable profit. All

credibility [remains] with the holder of the contract even after the date of repayment. As long as I have not repaid the above-mentioned monies, they remain with me as an *iska* in the manner mentioned above, and I have received compensation for my labor.

Ungvar—28 Shvat 5631 (1871)

Shimon Eisenstein

Before us witnesses: Levi Blaustein — Yehudah Hochberger

⁷ If they are pressed for time and it is impossible for them to write an *iska* contract, they may make all the above-mentioned stipulations orally.

⁸ If one prepays money for merchandise they shall draw up an *iska* contract in the following manner: I, the undersigned, hereby acknowledge that I received from Reb Reuven Weinstock, of Ungvar, the amount of 100 gulden to do business with these monies through [manufacturing] equipment that I control in the village, Zahan, until the first day of the month of Nissan, may it come to us for goodness. The profit that will be realized proportional to these monies, after deducting all the expenses, shall be half mine and half to the aforementioned Reb Reuven. Likewise, if, Heaven forfend, [there be a loss], the loss incurred shall be divided equally. Immediately, on the first day of the month of Nissan may it come to us for goodness, I obligate myself to repay to the aforementioned Reb Reuven the principal plus his share of the profit. I shall not be believed to say: "I suffered a loss," unless with verification through the testimony of two valid witnesses. I shall not be believed as regards the profit unless under oath. However, there was a stipulation between us that should I want on the first of Nissan may it come to us for goodness, to give to the aforementioned Reb Reuven for the principal as well as for his share of the profit, the

amount of five measures of spirits, then he shall not have any further claim against me. All credibility [remains] with holder of the contract even after the date or repayment and I have received compensation for my labor.

Ungvar—11 Tishrei 5631 (1871)

Shimon Blumenthal

Before witnesses: Levi Blaustein — Yehudah HaLevi Taube

⁹ The investor may want the trader to give him a simple promissory note, which is binding in a civil court so that in the event the trader refuses to pay or should he die, it would be easy for him to collect his money in the civil court. Even if they agree verbally that these monies [are being given] as an *iska*, this does not suffice, even if the note is only for the principal. Since the investor can collect the entire sum with the note in his possession, even in the event of an established loss, such a transaction is forbidden. Even if the trader trusts the investor, and he is a righteous person, nevertheless, this does not suffice. Even if the trader will also give the investor an *iska* contract in which it will be written that the money mentioned in the promissory note was [given] with *iska* conditions, this, too, is insufficient, because there is concern that the investor or his heirs might conceal the *iska* contract afterwards and then collect [their money] with the note. The only permissible way [to go about] this is to deposit the *iska* contract with a third (disinterested) party, or the investor must sign his name on the *iska* contract and it must remain in the trader's hands, or they must write into the promissory note that the transaction therein is based on the transaction implicit in an *iska* contract, or, at the very least, they must appoint witnesses [who will testify] that the promissory note is based on the *iska*

agreement. In all these ways, even if the promissory note includes the principal and the profit, it is permissible.

- ¹⁰ An *iska* contract is of no avail unless it is the truth, that he is taking the money to use it to transact business. But, if he does not take the money to transact business, but to repay some loan or the like, then, an *iska* contract is of no avail since it is untrue. However, it is permitted to do the following: if *Reuven*, who is in need of money owns certain merchandise, even if it is located in another locality, he may sell it to *Shimon*, even at a great discount on the condition that *Reuven* has the option that if it is not delivered to *Shimon* by a certain date, he will give him in its stead so much and so much ([an amount] which will profit *Shimon* accordingly), then *Shimon* may give the money to *Reuven* and they make a *kinyan sudar* to establish the transaction. [It is done in the following manner:] *Shimon*, the buyer, gives part of his garment to *Reuven* for *Reuven* to take hold of; thereby, acquiring ownership of the merchandise belonging to *Reuven*. [The transaction is binding] even without witnesses, and the merchandise become the responsibility of *Shimon*, the buyer.

- ¹¹ Similarly, if *Reuven* owed *Shimon* money, and when the due date arrived, *Reuven* had no money, and they agreed that *Shimon* would wait a certain amount of time; here, too, an *iska* contract is ineffective, unless *Reuven* sells *Shimon* some merchandise that he owns, in the manner mentioned above. *Shimon* may return the promissory note that he formerly held on him, whereby *Reuven* will give him a note on the merchandise that he purchased from him in the manner mentioned above.

- ¹² When a Jew gives his fellow-Jew an animal to raise, on the condition of subsequently sharing the profit, the same law applies as in the case of one who gives money for *iska*.

Siman 67

- ¹ Do not form the habit of making vows. Whoever makes a vow, [it is considered] as if he built an altar at a time that [private] altars were prohibited. One who fulfills [such a vow is considered] as though he had offered a sacrifice upon it, which makes him guilty of *shechutei chutz*. Rather it is preferable that you request absolution from your vow and that the *Beis Din* (Court) nullify it for you. This applies only to ordinary vows, but vows made to the sanctuary are meritorious to fulfill, for it is said: "I will fulfill my vows to Hashem," and one should not attempt to annul these vows unless the need is great.
- ² Similarly, you should distance yourself from taking an oath. However, if it happened that you *did* swear concerning any matter, you should not attempt to annul the oath, but rather abide by it even if it causes you distress, for it is said: "He swears to his own hurt and changes not," and afterwards it is written: "Whoever does these things will never be moved." No attempt should be made to annul an oath unless the need is great.
- ³ You should take care not to make any vows. It is best not to make vows even for charity. Rather, if you possess that which you wish to donate, give it immediately. If you do not have [what to donate], then wait until you have and give without making a vow. If people are making

commitments to charity and you must join them, you should explicitly state that you are committing without a vow. Similarly, when the *Yizkor* prayer is said when it is customary to make a vow to charity, you should say: ["I will give,] but I am not making a vow." (See above Chapter 34, paragraph 9.) At a time of great distress it is permitted to make a vow.

- ⁴ If you resolve to set for yourself [a time] for the study of Torah or to perform any mitzvah, and are concerned that you will neglect to do so later; or if you are concerned that your [evil] inclination might induce you to do something which is forbidden or prevent you from doing a mitzvah, you may quicken your resolve by means of a vow or an oath, for *Rav* said: "From where is it known that we may take an oath to fulfill a mitzvah to quicken our resolve, though we are already under oath to do so from [the time we stood at] Mount Sinai?" For it is said: "I have sworn and I have fulfilled [my oath] to preserve your righteous mandates." Even if you did not declare your intention in the form of a vow or an oath, but even a simple declaration constitutes a vow and obligates you to fulfill it. Therefore, you must be careful when saying that you will perform any mitzvah to say: "[I will do so] but I am not making a vow." It is worthwhile to develop this habit, even when planning on doing something mundane, so that you will not transgress the violation of vows.
- ⁵ One who makes vows in order to improve his character is considered diligent and praiseworthy. These are examples: A glutton vows to abstain from eating meat for a certain time, or if he was overindulgent in wine he vows to abstain from wine and other intoxicating beverages. Similarly, one was vain about his good looks and took upon himself the *nazirite* vow. These vows are for the service of God, blessed be His

Name, and regarding these situations our Sages said: "Vows are a protective fence for abstinence." Nevertheless, a person should not make it habitual even regarding vows of such nature, but should strive to conquer his vices even without resorting to vows.

- ⁶ A vow is not valid unless the "mouth and heart were as one." But if you vowed mistakenly [that is,] your intention was not the same as the utterance of your lips, or if you only thought of making a vow, but did not utter it with your lips, this is not [considered] a vow.
- ⁷ If you are accustomed to adhere to certain [voluntary] restrictions that are permitted according to the *halachah* in order [to create] a hedge and a fence or to inculcate self abstinence, for example, fasting during *selichos* days, or abstaining from eating meat and drinking wine from the seventeenth day of *Tammuz* until *Tisha B'av*, and other similar [restrictions], even if you practiced these things only once, but intended to continue this practice always, or practiced them three times even without the intent to continue this practice always, but did not stipulate that it shall be "without a vow," and you [now] wish to cancel [this practice] because you are not well—you require nullification [of your vow by a *Beis Din*]. You must begin [the nullification process] with regret, i.e. that you regret that you assumed this practice as a vow. Therefore, if you wish to assume some restrictions [for the purpose of creating] a hedge or for [reasons of] abstinence, you should first state—that you do not take it upon yourself as a vow, and you should also say that you intend to practice this only for that time or at other times that you may wish to do so but not for always [as a regular practice].

- 8 What is the process of nullification for a vow or an oath? You must go before three learned men one of whom is an expert in the laws of vows, who knows which of the vows may be nullified, which of them cannot be nullified, and in what manner it may be nullified, and they (these three men) may nullify it for you. A vow made in a dream should preferably be nullified by ten learned men.
- 9 Although where all *mitzvos* of the Torah are concerned a son does not reach adulthood until he is thirteen years old, and has grown [pubic] hair, and a daughter does not reach adulthood until she is twelve years old and has produced "signs" [of adulthood], nevertheless, where vows and oaths are concerned they become responsible one year earlier. That is, a young boy twelve years and a day, and a young girl eleven years and a day, even though they haven't produced "signs," if they understand in whose name a vow or an oath is made, their vow is a [valid] vow and their oath is a [valid] oath. But, [if they are] younger than this age, even if they understand [vows and oaths], their words count for naught. Nevertheless, they should be reprimanded and spanked in order that they not become accustomed [to making] vows and [swearing] oaths. If [the vow that the youngsters made] is insignificant and easy [to fulfill] not entailing any suffering, they should be ordered to fulfill it.
- 10 A father may cancel his daughter's vows until she comes of age, that is, when [she reaches the age of] twelve years and six months, provided that she has not married. A husband may cancel his wife's vows. What is the process for cancellation? He says three times: "cancelled" or "absolved" or any other language that indicates total abrogation of the vow, regardless whether he says this in her presence or not in her

presence. However, language of "nullification" is not valid for a father or husband. Also, they can only cancel the vow within the day they heard it. That is, if they heard the vow at the beginning of the evening, they may cancel it all night and the entire following day. If they heard [the vow] close to the time that the stars appear, they can cancel it only until the stars appear. Beyond that time they cannot cancel it. On Shabbos, he should not say to her: "It is cancelled for you" as [he would say] on a weekday, but he should cancel it in his heart, and say to her: "Take and eat" or some similar expression. If the father or the husband at first said that he is satisfied with the vow, although he did not say so explicitly, but said something that indicated his satisfaction, and even if it was only in his heart that he thought that he is satisfied by her vow, he can no longer cancel it. (If she made the vow conditional upon some act, see *Shach* 234:45.)

- ¹¹ What manner of vows can a father or husband cancel? Only matters of physical discomfort such as: bathing, adorning herself, eye makeup, hairdo, and the like. The husband can cancel also things that do not entail physical discomfort, if they are matters concerning things between husband and wife which cause resentment between them. However, these things are permitted [for her] only for as long as she remains with him. [But], after she is widowed or divorced they are prohibited to her.

Siman 68

- ¹ When you set out on a journey, whether from home or from a place where you lodged overnight en route, as well as on returning home, after having left the boundaries of the city, that is seventy and two-

thirds *amohs* beyond the last house, you should say the traveller's prayer: "May it be Your Will, Hashem our God and the God of our fathers that You lead us in peace, etc." This prayer is said in the plural form, except for: "*vesiteneini lechein*" which is said in the singular form. It is preferable to recite *Tefillas Haderech* after you have travelled a *mil* beyond the outskirts of the city. Once you are en route and stay overnight in any city, you may recite it in the morning even before you leave.

- ² It should not be recited unless you have to travel at least a *parsah*. It is preferable to recite it within the first *parsah*. If you forgot, you may recite it as long as you are still on the road, provided that you have not yet reached to within a *parsah* of the city where you intend to spend the night.
- ³ *Tefillas Haderech* should be said following another berachah. Therefore, if you depart in the morning and will say the morning berachos while en route or if you lodged overnight on the trip, in any city, (in which case you may recite *Tefillas Haderech* even before you depart) and you recite the morning berachos even before departing, then, you may recite *Tefillas Haderech* after the berachah *Hagomeil chasadim tovim le'amo Yisrael*. [But,] if you depart from home after prayers, [then] you should eat or drink something while en route and recite the after-berachah, and immediately [thereafter] recite *Tefillas Haderech*. After urinating and reciting *Asher Yatzar*, you may recite immediately [*Tefillas Haderech*.]
- ⁴ It should be recited while standing. If you are riding an animal or travelling in a wagon, if it is possible to stop the animal [then,] you

should stop it because riding an animal is equivalent to walking. If it is not possible to stop the animal you may recite it while riding.

- ⁵ *Tefillas Haderech* is recited only once each day that you travel. But, if you stopped off in a city intending to spend the night there, and, afterwards, reconsidered and left it to continue onward or to return home, you should recite it a second time. If you travel day and night or if you spent the night in an uninhabited place, [then,] the first time you recite *Tefillas Haderech*, you recite it with a closing berachah and the remaining days you recite it without a closing berachah, because as long as you do not spend the night in an inhabited place, it is considered one [continuous] journey.
- ⁶ Before departing on a journey, you should give charity, for it is said: "Righteousness will precede him and he will set his footsteps upon the way." You should take leave from the leaders of the city that they may bless you with success on your journey. You should endeavor that some people escort you. When escorting a friend, and when taking leave of him, you should remain standing in your place until the traveller disappears from view. Those who bless the traveler should not say to him: "Go *in* peace," but, [rather,]: "Go *towards* peace;" because David said to Absalom: "Go *in* peace." He went and was hung, whereas Yisro said to Moshe: "Go *towards* peace," and he [Moshe] rose to success. While traveling, you should be occupied with Torah study, for it is said: "And when you travel on the road." You should also recite some Psalms each day with concentration and humility. You should take care to take along bread even when traveling to a nearby destination. You should also take along *tzitzis* lest a *tzitza* become invalid and being unable to obtain another, you will remain idle from [fulfilling] a *mitzvah*. "A

person should always arrive when it is good and depart when it is good," that is, when traveling to an inn towards evening, you should arrive while the sun is still shining, and the following day you should wait until the sunrise and [then] depart, and then things [will be] well for you, as is written: "God saw the light that it was good." You should not overeat while on a journey.

- ⁷ When eating at an inn, you should carefully take note whether the owner and his household are righteous and trustworthy. If you contemplate eating meat at an unfamiliar place, you should investigate thoroughly as to who is the *Shochet* [ritual slaughterer] and who is the Rabbi who supervises him, for due to our "many sins" violations are common and one who is wise will understand [the allusion]. And certainly where wine is concerned, where because of our "many sins" the transgressors have proliferated, therefore scrutiny and investigation are necessary.
- ⁸ When praying *shacharis* on a journey, you should take care to wrap yourself in a *tallis gadol* just as you do when praying in the synagogue, because the "small" *tallis* is unlikely to be the proper size. If you are traveling by foot, then, when reciting the verses: *Shema Yisrael* and *Baruch shem kevod malchuso le'olam va'ed*, you should stand still so that you are able to concentrate well. If you are riding an animal or sitting in a wagon you are permitted [to recite *Shema* in that position.] [When reciting] *Shemoneh esrei* you should stand. If you are pressed to be on your way, [then] if you can stand for at least the first three berachos of *Shemoneh esrei* and the last three berachos, you should do so, and if it not (you cannot stand), then you may pray sitting in the wagon and perform the [required] bendings in a sitting position. However, it is

preferable to pray even immediately at dawn, and *minchah* even immediately after a half hour past midday, in order to pray while standing and to pray properly. (The distance you must travel to seek water [for washing the hands] and to pray with [a *minyan* of ten], is discussed in Chapter 12 parag. 5 and 8.)

- ⁹ The law concerning the situation of a traveler when mealtime arrives and he finds no water, is discussed in Chapter 40:14. In Chapter 42:19 it was explained that one who eats bread may not leave his place before reciting *Birkas Hamazon*. In Chapter 44:6 it was explained that one may recite (*Birkas Hamazon*) only while sitting. However, if you eat on the road, while walking, you are permitted to recite *Birkas Hamazon* also while walking, because you would be uneasy if you were compelled to halt [in order to say *Birkas Hamazon*.] But, if you ate while sitting, then, *Birkas Hamazon*, too, must be recited while sitting.

- ¹⁰ It is the custom of some, when traveling and eating at the house of a Gentile, not to recite *Birkas Hamazon* with a *mezuman* because it is not considered [a] fixed [meal]. Nevertheless, if they set themselves there to eat together [as a group] [then,] it is not proper to annul the *mezuman*. They should recite: *Harachaman hu yishlach lanu berachah merubah bimekom halichaseinu* "May the Compassionate One send us an abundant blessing wherever we travel," *uvimekom yeshivaseinu ad olam* "and wherever we stay, always." If they partake of the food of one person, they may recite: *Harachaman hu yevareich es ba'al habayis hazeh*, "May the Compassionate One bless this host" referring to the owner of the meal. If not, (i.e. if each eats his own food) they should recite: *Harachaman hu yevareich osanu* "May the Compassionate One bless us." See above, end of Chapter 44.

- ¹¹ *Halachically*, it is prohibited to travel more than three *parsas*, on Fridays whether to your home or any other destination, in order to enable them (i.e. his hosts) to prepare adequately the needs for the Shabbos meals. [However,] in these lands this [law] is not adhered to because most people prepare in abundance. Nevertheless, you should take great care to arrive at your place of accommodation when there is still sufficient daylight, because many violations of the Shabbos result due to late arrivals. Therefore, you should take great care and not rationalize by saying: "The day is yet long and the road is good."
- ¹² Should you find yourself, on the holy Shabbos, in mid-journey at an inn, and have money in your possession, if you can deposit it safely with someone, or hide it, it is forbidden to keep it in your pocket, for it is *muktzeh*. If you fear lest it be stolen, you may sew it into your garment on Friday and remain in the house and not walk out with it if there is no *eiruv*. But, if there is concern that because of not leaving the house all day it will be sensed that you possess money and you may be robbed, you may go out with it if it is sewn into your garment. But, if it is in your pocket, [then] going out is prohibited in all circumstances. (See also Chapter 189 concerning precautions to be taken for a journey).

Siman 69

- ¹ "Rabbi Chelbo said, in the name of R. Huna: 'A person must always take care [to pray] the *Minchah* prayer, for Elijah was answered only at the *Minchah* prayer, as it said: It was at the time of the *Minchah* and Elijah came near.'" The reason the *Minchah* prayer is so esteemed [is]

because the *Shacharis* prayer has a set time, [i.e.] in the morning when arising from bed we immediately pray before becoming involved with our own affairs. Similarly, the *Maariv* prayer has a set time, [i.e.] when we arrive home and are free from our tasks. But, the *Minchah* prayer is prayed while the day is yet long and we still are absorbed in our affairs, and we must pay attention and free ourselves from all our affairs to pray. Therefore, its reward is very great.

- ² The most proper time for the *Minchah* prayer is from nine and one half hours and on; and that is called *Minchah ketanah*. When the situation is urgent, for example, if you must depart on a trip or if you must eat, you may pray [*Minchah*] immediately after six and one-half hours and this is called *Minchah gedolah*. The time [for *Minchah*] is preferably, until one and one quarter hours before nightfall and not later. This (the 1–1/4 hours before night) is called *pelag haminchah* (lit. half of the *Minchah*), because from the time of *Minchah ketanah* until nightfall two and one-half hours elapse; half of this is one hour and one quarter. After the fact (i.e. this preferable time has lapsed) or in time of great need, you may pray until the stars appear. This has now become the custom in most congregations—to pray *Minchah* shortly before nightfall. These [above-mentioned] "hours" are "time-variable hours," measured according to the length of daylight from sunrise until sunset, the day is divided into twelve parts. [For example] if daylight is eighteen hours then 1–1/2 hours is considered one "hour."

- ³ It is forbidden to begin eating even a small meal shortly before [the time of] *Minchah ketanah*. By shortly we mean one-half hour before. If you do not sit down to a meal, but eat or drink only casually, [such as] fruit or any cooked dish, even if it is [made] of the five grains, some

authorities permit it. But, it is best to be stringent even in this regard. Similarly, it is forbidden to enter a bathhouse or to [have] a haircut shortly before *Minchah ketanah*. An elaborate meal, such as at a wedding or a circumcision and the like, must not be started even shortly before [the time] of *Minchah gedolah*; therefore it is prohibited to begin such a meal beginning from midday. It is best to wait until the time [for] *Minchah gedolah* and pray [*Minchah*] before the meal. In communities where the people are summoned to the synagogue and it is your usual practice to attend synagogue to pray communally, [then,] you may start a small meal close [to the time] of *Minchah ketanah*, and even afterward, provided that immediately upon being called to synagogue you interrupt whatever you are doing [in order] to pray. When it is close to *Minchah Ketanah*, an elaborate meal may not be started even where [people] are called to synagogue; and even close [to the time] of *Minchah gedolah* it is preferable to be stringent.

- ⁴ The *Minchah* prayer also requires washing of the hands until the joint (i.e. the wrist) as does the *Shacharis* prayer as was explained above in Chapter 12, paragraph 5 and paragraph 6 (See *Chaye Adam* Chapter 33, para. 6, and the *Shulchan Aruch* of the *Tanya*, Chapter 92, footnote 23). Likewise, you must wash your hands, for the *Maariv* prayer, if you were interrupted after *Minchah*, and for *Musaf*, if you were interrupted after *Shacharis*.
- ⁵ The *Ashrei* that precedes *Minchah* should not be said until a *minyan* is present in the synagogue, so that the *chazzan* may say *Kaddish* following the *Ashrei* which was said by ten men. If *Ashrei* was said with less than a *minyan* and afterwards the *minyan* was completed, another psalm should be said, and then, the *chazzan* says the *Kaddish*. The

chazzan should wrap himself in a *tallis* before reciting *Ashrei*, in order that there be no interruption between *Ashrei* and the saying of *Kaddish*. If there was no *tallis* [available] until after *Ashrei* was said, he wraps himself in it, and says a few verses of *Psalms*, after which he recites *Kaddish*.

- ⁶ If time is short and it is close to nightfall, the *chazzan* should begin reciting the *Shemoneh Esrei* aloud, immediately after saying the *Kaddish*. The congregation should not pray [at this time], rather listen and make the necessary responses until he (i.e. the *chazzan*) says *Ha'el Hakadosh*; they, then, answer *Amein* and pray [the *Shemoneh Esrei*] silently. If the time is extremely short, and there is concern that if they wait for the *chazzan* until after he says *Ha'el hakadosh*, they may not complete their prayers while it is still daytime, they may immediately pray along with the *chazzan* silently, word for word, until *Ha'el Hakadosh*. It is preferable, if possible, that there be at least one [person] that will respond *Amein* to the berachos of the *chazzan*.

- ⁷ If you come to the synagogue and find the congregation praying *Shemoneh Esrei*, you should pray the *Shemoneh Esrei* along with them and say *Ashrei* after *Shemoneh Esrei*. If you will be unable to complete the *Shemoneh Esrei* before the *chazzan* reaches *kedushah*, and if you wait until after the *chazzan* completes the entire *Shemoneh Esrei* as well as the *Kaddish*, the time for [the *Minchah*] prayer will pass, [then] you should wait and pray silently along with the *chazzan* when he repeats the *Shemoneh Esrei*, word for word, and say the entire *Kedushah* text along with him, as well as *ledor vador*, etc., just as he (i.e. the *chazzan*) says. You should complete the berachah *Ha'el hakadosh* and the berachah *Shomei'a tefillah* together with him. *Modim*, too, should be

said together with him, so that you can bow along with the congregation. However, on a public fast day, you should not say *Aneinu* with the *chazzan*, but recite it during *Shemei'a tefillah*, as [would] any other individual. Similarly, if you want to pray *Maariv* together with the congregation, but if you wait [to pray *Minchah*] until after the *chazzan* [completes] the repetition of the *Shemoneh Esrei*, you would be compelled to pray *Maariv* alone, then you should pray *Minchah* along with the repetition of the *chazzan*. If you arrived just before *Kedushah*, you should wait until after the *chazzan* says *Ha'el hakadosh*, answer *Amein* and, then, pray [*Minchah*]. Although you will miss answering *Amein* following *Shomei'a tefillah*, as well as *Modim*, which are obligatory, nevertheless, it is preferable [to miss the responses] than to miss the chance of praying *Maariv* with the congregation. And certainly you should do so, if the time for *Minchah* is elapsing. (See above Chapter 20, para. 11.)

- ⁸ If the *Minchah* prayer is delayed until night, the *Tachanun* prayer is not said, because *Tachanun* is not said at night. Care should be taken that *Minchah* not be delayed until actual nightfall, because, in that case, *Kaddish tiskabel* is not said after prayers belonging to the previous day, since the night belongs to the following day.
- ⁹ If you arrived for *Minchah* on Friday at the synagogue, and the congregation already accepted the Shabbos or Yom Tov, that is on Shabbos they already said: *Mizmor shir leyom haShabbos*, and on Yom Tov they already said *Barechu*, you should not pray *Minchah* in that synagogue, rather you should go outside the synagogue and pray. If you hear the *chazzan* saying *Barechu*, you should not respond along with the congregation, for if you answer *Barechu*, you are no longer

permitted to pray a weekday prayer. (If you mistakenly responded, then you should pray [the] *Maariv Shemoneh Esrei* twice as explained above, Chapter 21.) If you arrive shortly before the acceptance of Shabbos or Yom Tov, although you will be unable to complete *Shemoneh Esrei*, before they accept Shabbos or Yom Tov, [nevertheless] you may pray [*Minchah*], since you began at a permitted time.

Siman 70

- ¹ The [beginning] of the *Kerias Shema* period of the *Maariv* prayer is when three small stars become visible. On a cloudy day one should wait until "the doubt leaves his heart." Nowadays it is customary for the congregation to pray *Maariv* immediately after *Minchah*, even it is not yet night in order not to burden the congregation, for it is a burden for the congregation to gather a second time. This should not be done before *pelag haminchah*, for then, even already having done so, they will not have fulfilled their obligation. Fortunate is one who prays *Maariv* with the congregation after nightfall; and between *Minchah* and *Maariv* engages in the study of Torah, so that he joins night and day with Torah. According to *Kabbalah* this is a significant matter. At any rate, it is fitting for any God fearing person, who prayed with the congregation before nightfall, not to eat [a meal] before nightfall. He should wait and immediately after the stars appear he should read the three chapters of *Kerias Shema* and then eat his meal. One who does not pray with the congregation is forbidden to pray *Maariv* before the stars appear.

- ² It is preferable to pray *Maariv* immediately when the stars appear. It is forbidden to start a meal or do anything, even to study [Torah], one-

half hour before the stars appear, the same as it is forbidden before *Minchah ketanah*. If you have no time, for instance, if you teach a group [at that time], you should, at least, not delay [praying *Maariv*] beyond midnight. Even if you prayed after midnight, although it is after the fact, as long as it is before daybreak, you have fulfilled your obligation.

- ³ If you arrive at the synagogue for the *Maariv* prayer, and find the congregation about to begin the *Shemoneh Esrei*, even if it is before nightfall but after *pelag haminchah*, you should pray *Shemoneh Esrei*, along with them, and afterwards—after nightfall, recite *Kerias Shema* with the berachos. If the congregation is holding in mid-*Kerias Shema* and its berachos, and you have sufficient time to recite *Kerias Shema* and [its] berachos until *Shomeir amo Yisrael la'ad*, before they reach *Shemoneh Esrei*, you should do so and omit *Baruch Hashem le'olam* etc. and you are not required to say it after the prayer. If you have not yet prayed *Minchah*, you should pray the *Shemoneh Esrei* prayer of *Minchah* while the congregation is reciting *Kerias Shema* with the berachos, and wait, at least the time required to walk four *amos* and afterward pray the *Maariv Shemoneh Esrei* with the congregation. Afterwards—after nightfall you should recite *Kerias Shema* with the berachos.

- ⁴ *Baruch Hashem le'olam* until *Yiru eineinu* should be said preferably while seated. It is forbidden to interrupt from the beginning of *Vehu rachum* until after the *Shemoneh Esrei*. The *Shamosh*'s announcements of *Ya'aleh veyavo!* and *Tal umator!* are not considered an interruption because they are needed for the prayer.

- 5 If one person remains praying *Maariv* at the synagogue at night his friend must wait until he completes his prayers so that he not be distracted. [However,] if he began to pray at a time which would not enable him to complete his prayer together with the congregation, then one is not obligated to wait for him, because it is apparent that he knowingly began this prayers because he is not afraid.

Siman 71

- ¹ After [completing] the *Maariv* prayer you should set aside a time for Torah [study], to fulfill the verse: "And you shall meditate in it day and night." (*Joshua* 1:8) You should recognize the fact that if you eat first, you might be overcome by sleep since you are tired and nature will demand rest. This will cause you to neglect Torah study. Therefore, you should take care to set aside a time for study before your meal. However, if you are hungry and famished because you didn't eat enough by day, you may have a snack so that your mind is at ease, and then study a little. Then you may eat your meal to your satisfaction, and resume your Torah study, according to your ability. Our Sages of blessed memory said: "Night was created solely for study," referring to the [long] winter nights. Nevertheless, also during the shorter nights you should study a little each night to fulfill the verse: "And you shall meditate in it day and night." From the fifteenth day of the month of *Av* and on you should gradually add to your study period. Reish Lakish said: "Whoever is engrossed with Torah study at night a chord of grace is strung around him by day, as is said: 'By day God will command His grace [over us] and at night His song is with me.' [This can be interpreted:] "For what reason will God command His grace [over us],

because His song is with me at night." Others stated: "Reish Lakish said: 'Whoever is engrossed in Torah study in this world which is compared to the night, God strings about him a chord of grace in the World to Come which is [compared to] day as is said: "By day God will command His grace and at night His song is with me".''" Certainly, one, who has a set time to study every day and was deterred during the day, should compensate for his commitment, at night.

- ² It is advisable for a normal, healthy person to eat moderately at his evening meal and it should be lighter than the meal he eats by day. The benefit of such a course is fourfold: 1) he will preserve his health, 2) it will prevent sinful things, [namely] that it not lead to nocturnal emissions, which are caused by excessive eating and [eating] things that warm [the body], 3) his dreams will be pleasant and calm, because excessive eating and drinking cause nightmares, 4) he will not sleep too heavily and he will be able to awaken at the proper time. It is sufficient for a healthy person to sleep six hours. You should be careful not to sleep in a room alone, and not to sleep in a place that is too hot, and not in a place that is too cold.
- ³ It is proper for every God fearing man before going to sleep, to examine the deeds that he performed all day. If he finds that he committed a transgression he should regret and confess it and wholeheartedly resolve not to do so again. Especially the common transgressions, such as flattery, lies, mockery and gossip require careful scrutiny. A person should also resolve to forgive any person who sinned against him, so that no person be punished on account of him, for it is stated in the Talmud: "Whoever is the cause for another's punishment is not permitted to enter into the presence of the Holy One, blessed is He."

He should say three times: "I forgive whoever hurt me" and afterwards say: *Ribono shel olam, hareini mochel* etc. ["Master of the Universe, I hereby forgive" etc.]

- 4 If you did not recite the three chapters of *Kerias Shema* after nightfall, then you should say all three chapters during the *Kerias Shema* before retiring. But if you *did* recite them at night, all that you are required to recite at the *Kerias Shema* before retiring is the first chapter itself. Nevertheless, [to fulfill] the mitzvah in its excellence, you should recite all three chapters. Afterwards, [it is customary] to say psalms and verses describing God's mercy as printed in the prayerbooks. In most prayerbooks the berachah of *Hamapil* is [printed] before *Kerias Shema*; but it is preferable, [however,] to recite the berachah of *Hamapil* at the end, so that the berachah immediately precedes sleep. *Kerias Shema* and the psalms should be said before you go into bed, and the berachah of *Hamapil* should be said when you are in bed. Before going to bed you should walk over to the *mezuzah*, place your fingers on it and say *Adono-y shomri* etc. Afterwards you should say seven times: *Bechol derachecha* etc. After reciting the berachah of *Hamapil* you should not eat or drink or speak until you fall asleep. If you cannot sleep, you should again recite *Kerias Shema*, the psalms and the verses of mercy, and continue reciting them until you fall asleep. You may also repeat many times the following verses: *Torah tzivah lanu* etc., *Eish tamid* ..., *Se'afim saneisi* ..., *Or zaru'a* ... until overcome by sleep. This reading is also a preventive against nocturnal emissions, Heaven forbid. Your purpose for sleeping should be to strengthen yourself for the service of your Master; thereby it will be considered as serving God. If you intend to engage in marital relations, you should not recite the berachah

Hamapil first but, afterwards you should recite at least the first chapter of *Kerias Shema* and, then, recite the berachah *Hamapil*.

- 5 You should undress yourself and not sleep in [day] clothes. When removing your shoes or clothes, you should remove those on the left first. You should not place your clothes under your head, because it causes one to forget his learning. You should take great care to get yourself into the habit of lying on your side. It is strictly forbidden to lie in a supine position, that is your back downward and your front [facing] upward, or conversely—your front downward and your back upward, but only on your side. It is advisable to begin sleeping on the left side and finish on the right side; this is beneficial for one's health because the liver is located on the right side and the stomach on the left, and when leaning on the left the liver rests on the stomach and warms it with its heat thereby facilitating the speedy digestion of food. After the food has been digested it is advisable to turn on the right side so that the stomach rests and cause the waste to pass, and you should not turn from side to side too often [during the night] (The laws of modesty will be explained, if God so wills, in Chapter 150).

Siman 72

- ¹ The holy Shabbos is the great sign and covenant which the Holy One Blessed is He gave to us, to know that in six days the Almighty made the heavens and the earth and all that is in them, and abstained from work on the seventh day. This is the foundation of our faith. Our Sages of blessed memory said: "Shabbos is equivalent to all the mitzvos." "Whoever keeps the Shabbos in accordance with its laws is regarded as though he fulfilled the entire Torah;" and "whoever desecrates the

Shabbos is like one who completely denies the whole Torah." And so it is said in *Ezra*: "And You came down on Mount Sinai and You gave Your people righteous judgments and true laws ... and Your holy Shabbos You made known to them."

- ² Anyone who desecrates the Shabbos publicly is regarded as a non-Jew in every respect. If he touches wine you are forbidden to drink it; the bread he bakes is like the bread of a non-Jew; the food he cooks is like the food cooked by a non-Jew. "Publicly" means in the presence of ten Jews and it is not necessary that he actually desecrates the Shabbos in their presence, but [even] if they know of the desecration it is considered public. This law is derived from the *Talmud* and *poskim*. The Talmud asks, "Was not the incident of Queen Esther public knowledge?" The *Peri Megadim* ruled that "publicly" means in the presence of ten Jewish men, or when the desecration is public knowledge.
- ³ Therefore the prophet offers praise and says, "Fortunate is the man who does this, and the son of man who maintains this, he who preserves the Shabbos from desecration etc." The prophet describes the reward of one who keeps the Shabbos in accordance with *Halachah*, and honors it and delights in it to his utmost ability. He will be rewarded in this world besides the great reward reserved for him in the World to Come, as it is said: "If you restrain your feet [from going out of the *techum*] and abstain from doing your business on My holy day and you proclaim Shabbos a delightful day, and the sanctified of God, honored, and honor it by not engaging in your weekday activities, and abstain from pursuing your business affairs and (from) speaking words [pertaining to your weekday needs]; then you will delight yourself before Hashem,

and I will cause you to ride over the heights of the earth, and will nourish you with the inheritance of Jacob, your father, for the mouth of God has spoken."

- ⁴ It is written, "Remember the Shabbos day to keep it holy," which means: you must remember the Shabbos every day of the week to keep it holy. Thus, if you happen to find a rare delicacy which is not available every day, and which will not spoil, you should buy it in honor of Shabbos. On the eve of Shabbos it is a mitzvah to rise early in the morning to purchase your Shabbos needs. You may shop for them even before saying the [morning] prayers, provided that doing so will not cause you to miss praying with the congregation. It is preferable to make purchases on Friday in honor of Shabbos rather than on Thursday. But something that requires preparation should be purchased on Thursday. With each purchase you make you should say, "This is in honor of Shabbos." In accordance with the ordinance of Ezra, clothes should be laundered on Thursday in honor of Shabbos, and not on Friday, because on Friday you must be engaged in preparations for Shabbos.
- ⁵ Even though he has many servants, it is a mitzvah for every person to do something himself in honor of Shabbos, in order to honor it, as was the custom of *Amoraim*. *Rav Chisda* used to cut the vegetables very fine, *Rabba* and *Rav Yosef* used to chop wood [for cooking], and *Rav Zeira* used to light the fire. *Rav Nachman* used to put the house in order, and would bring in the vessels needed for Shabbos and remove the weekday vessels. Everyone should learn from them and not say "I will not blemish my honor," for by honoring the *Shabbos*, he honors himself.

- ⁶ It is the custom among Jews everywhere, to bake breads (*Challos*) at home in honor of Shabbos. Certainly if on weekdays you eat bread from a non-Jewish (kosher) bakery, you should take care to eat bread baked in a Jewish bakery on the holy day of Shabbos. But even if on weekdays you eat bread from a Jewish bakery, nevertheless, in honor of Shabbos, the bread should be baked at home to give the woman of the house the opportunity to fulfill the mitzvah of separating *challah*. This is especially important for the woman because Adam was created on *Erev Shabbos* (Friday) and he was the *challah* of the world. The woman (Eve), through her sin caused him to lose (much of his spiritual greatness); she, therefore, must rectify this loss (through the mitzvah of *challah*). Three *challahs* should be made: a large one, a medium one, and a small one. The medium one for the evening meal, the large one for the daytime meal, to show that the honor of the daytime meal is of greater importance; and the small one for the third meal.
- ⁷ You should prepare choice meats, and fish, and fine wine according to your means. It is a mitzvah to eat fish at every Shabbos meal if it agrees with you. But if it does not agree with you or if it isn't pleasing to your taste you should not eat it, for the Shabbos was given for enjoyment and not for discomfort. You should sharpen the knives, for this is also included in honoring the Shabbos. You should put the house in order, make the beds, and cover the table with a tablecloth. The table should remain covered the entire Shabbos. Some people are meticulous to spread out two tablecloths. You should rejoice in the coming of the Shabbos. Imagine how you would put the house in order in honor of the arrival of a dear and distinguished person, all the more so [should you exert yourself] in honor of the Shabbos Queen. In some places they

make meat pies, also called *mulyesa* for the Shabbos evening meal, in remembrance of the Manna which lay as if in a box, dew on the bottom and dew on top. On *Erev Shabbos*, you should taste the food that was cooked for Shabbos.

- ⁸ Even a poor Jew should endeavor and make every effort to delight in the Shabbos. He should economize all week in order to have enough money to honor the Shabbos. And if he doesn't have money he should borrow, even if he must give security, in order to provide the needs of Shabbos. Regarding this, our Rabbis of blessed memory said, "My children, borrow for My sake and I will repay you." On Rosh Hashana all of man's needs are apportioned for him except his expenses for Shabbos and Yom Tov, for if he spends more for Shabbos and Yom Tov, Heaven adds more to his (allotment). If he is in extremely poor financial straits, our Rabbis of blessed memory said, "Make your Shabbos simple (like the weekdays) rather than depend on people." Nevertheless, if at all possible, he should at least try to do something to honor the Shabbos, even a minor thing, like [purchasing] small fish or the like. If something is sent to you to eat on Shabbos, you should eat it on Shabbos and not leave it for a weekday.
- ⁹ Regular work should not be done on *Erev Shabbos*, from the time of *Minchah Ketanah* and thereafter, but on a provisional basis it is permitted. If one must work in order to provide for Shabbos meals, it is permitted even after that. It is forbidden to make clothes for someone for money, but if he is poor and wants to earn enough for Shabbos needs (meals), he is permitted to work all day [Friday]; just the same as on *Chol Hamoed*. Giving a haircut to a Jew is permissible all day [on Friday], and even a professional haircut for pay [is permitted] because it

is obvious that the haircut is given now for Shabbos. Stores should be closed [at least] one hour before the Shabbos.

- ¹⁰ From nine hours, *shaos zemanios* and thereafter, it is a mitzvah to refrain from eating a regular meal, even the kind you regularly eat during the week. A type of meal that is not usually eaten during the week, even a meal that is considered a mitzvah that can be eaten on another day must not be eaten at any time on Friday, (not) even in the morning. But a meal that is considered a mitzvah which must be eaten specifically (on that) day, such as the meal given at a circumcision, or at the redemption of the first born son, and the like, is permitted. But, nevertheless, it is proper to (make it) early in the morning and not to prolong it, and certainly not to indulge in overeating, so that you will be able to eat the Shabbos meal with appetite.
- ¹¹ Every man must complete the *Parshah* of the week with the congregation; that is, you should read the weekly portion (of the Torah) twice and the *Targum* (*Onkelos*) once. From Sunday and after, it is considered [reading] 'with the congregation' (for the congregation has already started reading this portion at *Minchah* on Shabbos). But the mitzvah done in its perfection is to read it on *Erev Shabbos* in the afternoon. You should [first] read each chapter two times and after that the *Targum*. It makes no difference if the Chapter is a closed or open one. And even if the chapter ends in the middle of a verse, you should stop there. After finishing the *Targum* you should read one verse from the Torah in order to conclude with the Torah. It is best not to interrupt the reading with conversation. It is also customary to read the *Haftarah*, and some are accustomed also to say *Shir HaShirim* after that. If you are traveling and you have only a *Chumash* without *Targum*, you

should read the weekly Torah portion two times, and when you come to a place where a *Targum* is available you should read the *Targum*. [Every God fearing Jew should also study *Rashi's* commentary on the *Sidrah*. If you are not capable [of learning *Rashi*], you should study a commentary in Yiddish such as the *seifer Tze'enah Ure'enah* in order to understand the subject matter of the *Sidrah*].

- ¹² It is a mitzvah for everyone to wash his face, hands, and feet with hot water every Friday. And if possible you should wash your whole body with hot water, and immerse yourself in the *mikveh* [ritualarium].
- ¹³ It is forbidden to bathe with your father, father-in-law, your mother's husband, or your sister's husband. And in places where it is customary to cover their nakedness in the bath house, it is permitted. And also the student should not bathe with his (teacher) *Rebbe*, but if he needs him to assist him, it is permitted.
- ¹⁴ It is a mitzvah to wash your hair and to cut your nails and to have your hair cut if it is too long. You should not cut your fingernails and toenails on the same day, and you should not cut your nails or your hair on *Rosh Chodesh*, even if it occurs on *Erev Shabbos*. Some are particular not to cut their nails in consecutive order but to alternate; beginning with the right hand, you start with the finger next to the thumb, and the symbol is 2, 4, 1, 3, 5. On the left (hand) you start with the fourth finger, and the symbol is 4, 2, 5, 3, 1. Some are also particular not to cut their nails on Thursday because they start growing on Shabbos which is the third day. It is proper to take care to burn your nails after they are cut.

- 15 Every *Erev Shabbos* you should examine your deeds, arouse yourself to repent and make amends for all the misdeeds you did in the six weekdays; because *Erev Shabbos* incorporates all the days of the week, just as *Erev Rosh Chodesh* incorporates the whole month.
- 16 You should try to wear fine clothing and also a nice tallis in honor of Shabbos, as it is written "And you shall honor it;" and it is explained [by the Sages] that your Shabbos clothes should not be like your weekday clothes. And even if you are traveling amongst non-Jews, you should wear Shabbos clothes, because the clothes are not for the honor of those who see them but for the honor of the Shabbos.
- 17 Cooked foods must be removed from the coals before Shabbos. If you forgot, and did not remove them, you are forbidden to remove the pot while coals are burning around it; since by taking the pot the coals will be moved. But it is permissible through a non-Jew.
- 18 Cooked food [may be] placed in the oven [on Friday] to be eaten on Shabbos, as is our custom. Even though the door is not sealed with mortar, it is permitted. However, it is forbidden to open the oven at night, for there may be food which is not thoroughly cooked, and by closing the oven afterwards you will cause the cooking to be accelerated.
- 19 The law which permits us to place cooked food in the oven even when the oven door is not sealed with mortar applies only to meat, and also to various kinds of legumes [peas, etc.], and also to various types of dough, provided you put them in the oven a long time before nightfall, so that the food will be cooked a little before nightfall, until it reaches

the stage when it can be eaten with difficulty. But if you place legumes or types of dough in the oven close to nightfall you must seal the oven door with mortar. (For probably the coals were not removed or were not covered and cooled with ashes properly.) You must be careful about this; for if you failed to do this, the food is forbidden even *bediavad* (post factum) until after Shabbos, until enough time has elapsed to accomplish what was done (on Shabbos)

²⁰ On Shabbos, opening the oven door that is sealed with mortar, should be done by a non-Jew, and if a non-Jew is not available, it should be opened by a minor. If a minor is unavailable, even an adult may open it, but in a way that is different than on a weekday.

²¹ *Erev Shabbos*, when you put a pot of coffee, into a hole [in the ground], [to retain its warmth,] so that it can be used on Shabbos, and cover it with pillows or similar things to keep it warm; if you put it into sand, it is forbidden to insert the whole vessel into the sand. Even if you don't insert the whole vessel but only part of it, and you cover the remainder with clothing or similar things, so that the whole vessel is covered on all sides, this too is forbidden. You must do it in such a way that the pot of coffee is inserted so that only one half or one third is in the sand, and the remainder exposed to the air (in the hole). You may then place a board or inverted vessel to cover the hole so that there is air space between it (the cover) and the pot of coffee. After doing this you may put over them clothing, pillows or similar items. (For more laws pertaining to *hatmanah* see *Shulchan Aruch*, Chapters 257, 258, 259.)

²² Before dark on Friday you should gently ask your household: "Did you separate *Challah*?" And you should tell them to light the (Shabbos)

candles.

- 23 You must examine your clothing on Friday before dark (to see) whether a needle is stuck in them or if there is anything in the pockets. Even in a place where there is an *eiruv* [it is necessary to check clothing] because the pockets might contain something that is *muktzeh*.

Siman 73

- ¹ It is forbidden to allow a non-Jew to do work for you on Shabbos. They (the Sages) based this on the verse: "No manner of work should be done," which implies (not) even through a non-Jew. If you give the work to the non-Jew on Friday even though the non-Jew does it on Shabbos, it is permissible, But only on these conditions: a) the non-Jew must take the article from the house of the Jew before Shabbos and not on Shabbos.
- ² b) The wages of the non-Jew should be set in advance so that he will be doing the work for his own sake in order to get paid. Therefore, if you have a non-Jewish servant for a pre-determined period of time, it is forbidden to allow him to do any work for you on Shabbos, because then the work is done solely for the benefit of the Jew. If a non-Jew travels to a certain place and a Jew gives him a letter to carry there, which he will carry on Shabbos, the Jew must give him some compensation, so that the non-Jew does it for his compensation and not gratis.
- ³ c) The wage should be established for the entire job, and the non-Jew should not be hired by the day.

- 4 d) It is forbidden to stipulate with the non-Jew that he do the work on Shabbos. Even if you are not explicit about his doing it on Shabbos, but you set the time for the work to be completed shortly after Shabbos, and it is clearly impossible to complete the work by that time unless it is done on Shabbos; this too is prohibited. Similarly, if you give him a letter and tell him, "See to it that it is delivered there on such and such day," and it is clearly impossible, unless he travels on Shabbos; this too is prohibited. Likewise, if the market day is on Shabbos, it is forbidden to give a non-Jew money on Friday to buy something for you when you know that he can only buy it on Shabbos. Similarly, it is forbidden to give him something to sell for you under these conditions. However, the aforementioned instance in which you did not specify that he do the work on Shabbos is only prohibited if you give (the work) to him on *Erev Shabbos*, but before then you may give him something to make or some money with which to make purchases. It is best not to live in a city where the (only) market day is on Shabbos, for it is impossible to avoid violations. If the market is not in the Jewish neighborhood, there is no reason to worry.
- 5 e) The work should not be connected with the soil such as construction or farm work. Construction work is forbidden through a non-Jew on Shabbos even if you have stipulated his wage for the entire construction job. If the matter is very pressing you should consult a Rabbinical authority. And even to cut stones or prepare wooden beams for building purposes, if it is known that they belong to a Jew, and the non-Jew works on it in public, it is forbidden to be done on Shabbos. This rule applies also to farm work such as plowing, harvesting, etc; even if you hired the non-Jew to do the job for a set wage, (contractual

basis) and he is not a salaried worker, it is forbidden. However, if the non-Jew receives a percentage of the crop, and it is customary in those areas, that the farm worker shares in the crops, it is permitted. If the field is far away, so that no Jew lives within *techum Shabbos*, it is permissible [for the non-Jew to work on it] even for a pre-set wage (without a share), provided he is not paid by the day.

- ⁶ If a non-Jew built a house for a Jew on Shabbos, in violation (of the aforementioned *Halachos*), it is proper to be scrupulous and not move into it. (This *Halachah* has many details.)
- ⁷ If you own a field or mill, you may lease them to a non-Jew even though the non-Jew will work there on Shabbos. But you may not lease a bathhouse to him. If the bathhouse is not yours, but you merely rented it from a non-Jew, you should consult a Rabbinical authority on how to act. Similarly, if you own a hotel, brick factory or glass factory, etc., you should consult a Rabbinical authority on how to act.
- ⁸ It is forbidden to allow a non-Jew to do a *melachah* under any circumstances in the house of a Jew. Even if a non-Jewish servant wants to do a *melachah* for himself [in your house], you must protest his doing so.
- ⁹ If a non-Jewish tailor made a garment for you, and brought it to you on Shabbos you may wear it. But if you know that he completed it on Shabbos you may not wear it unless it is of extreme necessity. You are not allowed to take vessels or clothing from the craftsman's house, not even from a Jewish craftsman, on Shabbos or Yom Tov. If the non-Jew is not a craftsman but owns a store that sells shoes etc., a Jew who

knows him well is permitted to take shoes from him on Shabbos and wear them. (You may do this) provided the price of the merchandise was not established and (provided) the goods were not brought from outside the *techum*.

- ¹⁰ Tools that are used for a *melachah*, such as a plow or similar things, are forbidden to be rented to a non-Jew on *Erev Shabbos*. For though we are not commanded to let our utensils rest (on Shabbos), nevertheless, since you take a fee, and you rented it to him on *Erev Shabbos*, it appears as though the non-Jew is your agent. However, on Thursday, you may rent to a non-Jew. It is permitted to lend him [tools] even on *Erev Shabbos*, even tools normally used for a *melachah*, provided the non-Jew takes them from your house before the Shabbos sets in. Even if you make an agreement with the non-Jew that he lends you his tools, in return, on another occasion, it is permitted, and we do not consider this equivalent to renting. And so to rent him utensils not used for a *melachah*, is also permitted, even on *Erev Shabbos*; provided the non-Jew removes them before Shabbos.
- ¹¹ It is permitted to rent vessels to a non-Jew, on the aforementioned conditions, only when you are not paid for Shabbos separately, but rather as a day among the other days. For example (it is permitted) to rent him (the vessels) for a month or a week, and tell him, "For the entire week or the entire month you must pay me this amount," or even [if you tell him] "For every two or three days (you must pay this amount)"; but specific payment for Shabbos, is forbidden. Even if you rent it to him for a year and you calculated individual days, [for example, if] you said, "I am leasing it to you for a year or a month, and for each day pay me so much"; even though afterwards the non-Jew

pays you for all the days in one lump sum, it is forbidden to accept the compensation for Shabbos, since individual days were calculated. It is forbidden to accept compensation for Shabbos unless it is included as part of a time period, even for such utensils that are not used for a *melachah*, and not even for the rental of a room. The prohibition of taking compensation for Shabbos is from non-Jews and Jews alike.

Siman 74

- ¹ You may not board a sea-going vessel less than three days before Shabbos; that is from Wednesday on, it is forbidden. But if you are going to perform a mitzvah, you may embark even on Friday.
- ² [If the boat is to sail] on rivers you may embark for any purpose, even on Friday, provided that a Jew need not perform *melachah* on Shabbos. And even if animals pull the boat, it is permitted.
- ³ (In cases) where it is permitted to board ship on Friday, and you boarded the ship on Friday and remained there until dark, even though you went home and remained overnight at home, you are permitted back on board ship on Shabbos, provided the ship does not make the trip exclusively for Jewish passengers. However, since you were in your house on Shabbos, you established *shevisah* [residence] in your house, therefore, if the boat sails more than the *techum Shabbos* and reached land on Shabbos, you are permitted to walk only four *amohs*, but it is forbidden to walk more than that from the landing. See chapter 95.
- ⁴ It is permitted to board a ship on Shabbos in order to pray with a *minyan* of ten, or for the sake of another mitzvah, provided the ship is

making the trip for others as well. However, you should try to board the ship on Friday while it is yet day and remain there till nightfall, after which you may return to your home, and come back to the boat on Shabbos. But if the vessel makes the trip only for the sake of a Jew, it is not permitted.

Siman 75

- ¹ Every person must put all work aside and light the Shabbos candles at least a half hour before the stars come out. If they recited *Mizmor shir leyom haShabbos* in the synagogue even though there is still two hours until night, nevertheless, the Shabbos laws become binding on the minority, and they are forbidden (to do) any manner of work. Even someone who arrives from another city, is obliged to observe the [laws of] Shabbos as soon as the congregation has said, *Mizmor shir leyom haShabbos*. In a city that has two synagogues, one is not bound by the other.
- ² It is a mitzvah to (light) many candles in honor of the Shabbos. Some are accustomed to light ten (candles) and others light seven (candles). And in no event should less than two candles [be lit] symbolizing [the verses:] *Zachor* [Remember] and *Shamor* [Preserve]. In time of pressing need even one (candle) is sufficient. The candles should be long (enough) to burn at least until after the meal. And you should endeavor to buy the best candles, for Rav Huna said: "He who habitually practices the lighting of Shabbos candles; who endeavors to buy the best ones, will have sons that are Torah scholars." As it says: "For the mitzvah is a candle and the Torah is a light." Through the mitzvah of

the (Shabbos) candle will come the light of the Torah. It is, therefore, fitting for the woman to pray at candle lighting time that the Holy One, blessed is He, grant her sons who are bright in the study of Torah. Prior to lighting candles it is good to give some charity. A woman who has trouble raising her children, or who has no children at all, should recite the *Haftarah* of the first day of *Rosh Hashanah* after lighting the candles. It is good if she understand what she is saying, and she should say it with concentration.

- ³ It is a mitzvah done in its perfection to light with olive oil, but even the oil we commonly use that is called "Blumenöl" is kosher. But among other oils, there are some that are not kosher. Regarding the wick too, it is best to use cotton, flax, or hemp; for among other materials there are some that are not kosher. And in our country we are accustomed to light with candles of tallow which are kosher. But putting a piece of fat into a vessel, and inserting a wick into it—is forbidden for the purpose of candle lighting. The one who lights the candles must light them until the fire ignites most of the wick protruding from the candle. The same applies to candles made from tallow; the fire must ignite most of the wick that protrudes from the candle.
- ⁴ It has already been established that the berachah for all mitzvos must be said before doing the mitzvos. But [this does not apply to] lighting Shabbos candles, for by lighting the candles the woman ushers in the Shabbos; and since the berachah is the beginning of the lighting, if she makes the berachah first she will no longer be able to light the candles. Therefore, she first lights the candles, and in order that the berachah be said before doing [the mitzvah], she covers her face with her hands so that she doesn't see the candles and she says the berachah and removes

her hands, and looks at the candles. In so doing, it is like saying the berachah before lighting the candles. (And in order not to differentiate, this procedure is also practiced on Yom Tov.) The important candles with which the Shabbos is welcomed—are those that are on the table where the meal is served, and therefore she should light them last. And in time of need, as when she has to immerse herself in the *mikvah*, or go to a marriage ceremony, or for other important matters, she may light them with the stipulation that she is not assuming [the holiness of] Shabbos with the lighting (of the candles) and then she can say the berachah before lighting. In this regard, even a mental reservation is sufficient.

- 5 The mitzvah of lighting the candles is incumbent on both men and women, but women are urged to be more concerned with the mitzvah because they are usually at home at candle lighting time. The woman extinguished the light of the world when she caused Adam to sin and darkened his soul which is called light, as it is written, "The light of God is the soul of man." Therefore she must make amends for this by lighting candles in honor of Shabbos. Therefore if the woman is in her home she takes precedence in performing this mitzvah. Nevertheless the man should also assist with the mitzvah. He should prepare the candles and should singe them; that is, he should light them and extinguish them, making it easier to light them afterwards. After a woman gives birth, her husband should light the candles the first Shabbos and say the berachah, but after that and also each time she is a *niddah*, she should light them and say the berachah.

- 6 Before lighting candles women customarily wash themselves and dress up in Shabbos clothes. Fortunate are those who do so. She must recite

the *Minchah* prayer before lighting candles, because by lighting candles she assumes the sacredness of Shabbos, and she can no longer pray the weekday *Minchah* prayer. If a woman was delayed by her occupation [or business], and came home close to a half hour before Shabbos, and if she would then wash and dress there would be a risk of desecrating the Shabbos, it is a greater mitzvah to light (the candles) as she is, rather than risk, Heaven forbid, a possible desecration of Shabbos. If the husband sees that she is late in coming home it is a great mitzvah for him to light the candles and to disregard her resentment.

- ⁷ When the man lights the candles, [knowing] that afterwards he must perform some task, it is also advisable that he stipulates that he does not assume the holiness of Shabbos with this lighting, but if he did not make this reservation, he is still permitted to do work after (lighting), because when the husband lights candles it is not ordinarily an act of ushering in the Shabbos.
- ⁸ Candles must be lit in the room where the meals are served in order to indicate that they were lit in honor of Shabbos. They should not be lit in one place and transferred to another place. However in time of pressing need, for instance when the woman is sick and unable to go to the table, she may light them at her bed, and they may be placed on the table in the house, because the whole house is considered their place. And women who light the candles in the *sukkah* and bring them into the house afterwards, are not doing the proper thing. A candle that was burning before Shabbos must be extinguished and then relit in honor of Shabbos, in order to make it clear that it is lit in honor of Shabbos.

- ⁹ You must light candles in all the rooms that are being used. If you are at home with your wife, since she says the berachah on the candles in one room, it is not necessary to say a berachah on the lighting (of candles) in the other rooms. But if you are in another place, where you have a room for yourself, you must light candles and say the berachah. If several men live in one room, they should all share the cost of buying candles. One of them should light them and say the berachah [and they must all listen to the berachah], and he should have in mind to include all of them in his berachah, and they should also have in mind to be included in his berachah. But if you do not have a private room but you are in one room with the host who is Jewish (who is lighting), you need not light candles since your wife is lighting for you at home. Unmarried students who are learning away from home, and have a private room, must light candles with a berachah, and they should also share (the cost of) buying candles. One of them should say the berachah and have them all in mind. It is necessary that the candles burn until they return to their room. And if they do not have a private room, since they have no wives to light candles for them, they must give a coin to the host in order to acquire a share in the candles. One who is supported by the host is considered one of the household and need not share in the cost of the candles.
- ⁹ It is a custom that even if many women light candles in one house, each one says the berachah on her (own) candles, because the more light, the more joy. However, care should be taken that two (women) should not light in one candelabra, but in times of pressing need we may be lenient even in this regard.

- ¹¹ No water should be put—even by day [before shabbos]—into the socket of the candlestick wherein you place the tallow or wax candle, so that it will be extinguished on reaching it; but in case of necessity, this rule may be waived provided the water is put there in daytime. But placing a vessel with water under a candelabra so that if sparks fall they will be extinguished—this is strictly forbidden even when placed when it is still daytime. But placing a vessel without water to intercept the sparks is permitted even after dark because sparks are not tangible. Placing a vessel to catch the dripping oil or fat is forbidden once it is dark, for should oil or tallow drip into the vessel, it would be forbidden to move the vessel. Consequently, you are neutralizing the vessel from its state of readiness, which is forbidden, because it is considered as though it were fastened there. But placing it there while it is still day is permitted. And if oil dripped into it you are forbidden to use the oil on Shabbos and you are not allowed to move the vessel. And if (oil) did not drip into it, it is not forbidden to move the vessel, merely because of intent.
- ¹² It is best to put the *challo*s on the table before you light the candles. See further in chapter 89: 2.
- ¹³ If a blind woman has a husband, he should light (the candles) and say the berachah. And if she doesn't have a husband and she lives alone she lights the candles and says the berachah. And if she lives in a house with others and they light candles, the blind (woman) lights her candles without a berachah. If she is the head of the household she lights first and says the berachah, and afterwards the others should light their candles and say the berachah.

- ¹⁴ If a woman once forgot to light the Shabbos candles, for the rest of her life she should light one candle more than she usually lit. And if she forgot several times she should always light an extra candle [for each time]. This is done to impress upon her to be more careful in the future; therefore, if it was due to an emergency that she did not light her candles, she need not light additional candles.

Siman 76

- ¹ It is customary to pray the *Maariv* prayer of Shabbos earlier than on weekdays. It is proper to do so in order to usher in the Shabbos as early as possible—so long as it is done from *Pelag haMinchah* onwards. And even those accustomed to praying *Maariv* on time during weekdays, which is when the stars appear, may pray earlier on Shabbos. Although sometimes on weekdays the *Minchah* prayer is said at the same time at which *Maariv* will now be said, it does not matter with regard to the *Maariv* prayer of Shabbos, for it is a mitzvah to add time to the holy [Shabbos.]
- ² The berachah of *Hashkiveinu* is not concluded the same as on weekdays i.e., "Who guards His people Israel." This berachah encompasses the entire nation of Israel, and the entire nation of Israel does not require protection on Shabbos because the Shabbos itself protects us. But we say instead "Spread [over us]" and conclude: "Blessed are You Hashem, Who spreads the shelter" etc. The same law applies to Yom Tov. If you mistakenly concluded the berachah as on a weekday, and you remember immediately after saying the word *lo'ad* [forever], you should immediately say: *Haporeis sukkas shalom*, "Who spreads the shelter of

peace" etc. But if you didn't remember until after *kedei debur* you need not say it again.

- ³ It is the custom to say in the *Maariv* prayer, "and may (Israel) rest 'thereon,'" and in the *Shacharis* and *Mussaf* prayers, "and may (Israel) rest 'thereon'" and in the *Minchah* prayer, "and may (Israel) rest 'thereon.'"
- ⁴ After the *Maariv Shemoneh Esrei* Friday night, (the entire congregation) says "*Vayechulu*" together. This is said while standing, because this passage is our testimony that the Holy One Blessed is He—created the world, and witnesses must give their testimony while standing.
- ⁵ After this the chazzan recites the abridged form of the seven blessings [of the *Maariv Shemoneh esrei*] which is: *Baruch atta Hashem* [Blessed are you Hashem] *Elokeinu Velokei avoseinu* [our God and God of our fathers etc.], *Magein avos* [Shield of (our) fathers etc.], *Elokeinu velokei avoseinu* etc., and concludes *Baruch atta Hashem* "Blessed are You, *mekaddeish haShabbos* [Sanctifier of the Shabbos.] The congregation should stand when the chazzan recites this berachah and they should listen attentively. It is customary to say with him *Magein avos* [Shield of (our) fathers] until *zeicher lema'aseih vereishis...* [in commemoration of the work of creation.] One who prays alone may also say the prayer of *Magein avos* until *zeicher lema'aseih vereishis* but not further.
- ⁶ On all Shabbosos of the year this berachah is said, even on Yom Tov, and even on Shabbos which occurs at the close of Yom Tov. But when the first night of Pesach falls on Friday night it is not said.

- 7 It is not said unless there is a permanent minyon. But in a place where ten people pray only on occasion as in the house of a bridegroom, or in the house of a mourner, it is not said. If a place was established wherein ten Jews would pray for several weeks, as at a market-fair, *Magein avos* is said.
- 8 In these countries it is customary for the chazzan to recite the "Kiddush" in the synagogue on Shabbos and Yom Tov evenings, (except on the first two nights of Passover). Since he does not fulfill the mitzvah with this Kiddush, and it is forbidden for him to taste the wine before Kiddush, therefore in order that his berachah not be in vain, the wine is given to a child who has reached the age of *chinuch*. When the child hears the berachah from the chazzan, he is exempt from saying a berachah, and thus the chazzan's berachah was not in vain. (For it is permitted to feed a child before Kiddush, as will be explained later on in chapter 165.) And if there is no child in the synagogue, the one who recites the Kiddush or another person should have in mind to fulfill his mitzvah of Kiddush with this Kiddush, and drink the amount of a *revi'is* in order to recite the concluding berachah. And even so he may recite the Kiddush again in his house to exempt his wife and household, if they are unable to recite Kiddush themselves. The mitzvah of Kiddush is fulfilled with the Kiddush which is recited in the Synagogue, even though [the rule is that] Kiddush is not valid unless it is accompanied by a meal, because in time of pressing need, we rely on the "*Poskim*" who hold that it is sufficient to drink a whole *revi'is* from the cup. And it is best to drink a *revi'is* in addition to the mouthful [that is swallowed], so that the mouthful is counted for Kiddush and the *revi'is* for the meal.

- ⁹ We are accustomed to recite the chapter entitled *Bameh madlikin*, [on Friday evening]. It is not said when Yom Tov falls on Shabbos, nor when Yom Tov falls on Friday, and not on Shabbos *Chol Hamoed*.
- ¹⁰ It is customary not to arise as early on Shabbos to go to the synagogue as during weekdays, since sleep is one of the pleasures of Shabbos. This custom is supported by a Scriptural verse; concerning the daily offering on weekdays it is said: "In the morning," but concerning the Shabbos offering it is said: "And on the Shabbos day," which indicates a later time (in the day). However you must be careful not to delay the reading of *Shema* and *Shemoneh esreih* [beyond the proper time, see chapters 17, 18.]
- ¹¹ The time for the *Mussaf* service is immediately after the *Shacharis* service. And it must not be delayed later than the end of the seventh hour. The person who recites *Mussaf* after seven hours is called a transgressor, but nevertheless his obligation is fulfilled because the time (for reciting *Mussaf*) is all day.
- ¹² If you must pray two prayer services, the *Minchah* service, and the *Mussaf* service, for example if you delayed praying *mussaf* until six and a half hours, you should first pray *Minchah* and after that *Mussaf*, because *Minchah* is recited more regularly [daily], and it is an established rule: that when a regular practice conflicts with an occasional practice, the regular practice takes precedence. However, in congregational prayers, this rule is not followed.
- ¹³ In the *Kedushah* of *Mussaf* when the congregation says: *Shema Yisrael, Hashem Elokeinu, Hashem Echad*. "Hear Israel Hashem is our God

"Hashem is One," and the congregation immediately says: *Echad hu Elokeinu* "One, He is our God," etc., it is a mistake, for it is forbidden to say the word "One" twice consecutively; but the congregation should say "Hashem is One," "He is our God," etc. But the chazzan who pauses while waiting for the congregation may begin with the word "One" [*Echad*] since he paused between [the two *Echads*].

- ¹⁴ At *Minchah* before reading the Torah we say: *Va'ani sefilasi* "But as for me, may my prayer etc." This is in accordance with the interpretation of our Sages of blessed memory of the verse: "They talk of me, those who sit in the gate, and (about me) are the songs of drunkards." And immediately thereafter it is written: "But as for me, may my prayer ..." etc. King David said before the Holy One Blessed is He, "Master of the Universe, this Nation is not like other nations of the world. Other nations of the world when they drink, they get drunk, and become boisterous, but we are not like that, for even though we drink, we say 'But as for me, may my prayer ...' etc." Therefore this verse is recited before the reading of the Torah to give thanks to our Creator that He has not assigned our portion like theirs for even the ignorant among us come to hear the reading of the Torah. On Yom Tov which occurs on a weekday, since the Torah is not read, *Va'ani sefilasi* is not said. But on Shabbos even though there is no *seifer Torah* from which to read, nevertheless it is said. In such an event it is said before the Half Kaddish in order that there be no interruption between Kaddish and *Shemoneh esreih*.

- ¹⁵ After the repetition of the *Shemoneh esreih* we are accustomed to say "*Tzidkasecha tzedek ...*" ["Your righteousness is righteousness everlasting"] which consists of three verses that are similar to "*Tzidduk*

Hadin." [These verses express our acceptance of Divine decree] on the death of three *Tzaddikim* [pious souls] who passed away at this time [Shabbos afternoon]: Yoseph, Moshe and Dovid. If Shabbos occurs on a day where if it were a weekday *Tachanun* would not be said, *Tzidkassecha tzedek* is not said. But when praying with a congregation in the house of a mourner, it is said, for if it would not be said it would be a public demonstration of mourning and public mourning is not permitted on Shabbos.

- ¹⁶ If you made a mistake on Shabbos or Yom Tov and began saying the intermediate portion of the weekday *Shemoneh esreih*, and reminded yourself in the middle of the berachah, you must complete the entire berachah that you began, and afterwards begin the intermediate berachah of the Shabbos or Yom Tov (*Shemoneh esreih*). The reason being that halachically it would have been appropriate to enact that even on Shabbos and Yom Tov the intermediate berachos be recited as on weekdays, and the holiness of Shabbos be mentioned in the berachah of *Retzei* as is done on *Rosh Chodesh* and *Chol Hamoed*, but due to the honor of Shabbos and Yom Tov, the Sages did not want to burden us and thus enacted that only one intermediate berachah be said for the holiness of the day. But since you began the weekday berachah you must complete that berachah since it is fitting that it be said now according to halachah.

- ¹⁷ Even if you started to say only one word of the [wrong] berachah, and remembered instantly, you must complete the berachah except in the berachah of *Attah chonein*. In this berachah, if all you said was the word *attah*, since the Shabbos prayers of *Maariv* and *Minchah* also begins with *attah*, therefore in the *Maariv* or *Minchah* prayers, even though

you forgot that it was Shabbos and you began (with) the word *attah* with intention to say *attah chonein* but you remembered immediately that it is Shabbos, you need not complete the berachah, *Attah Chonein*, but continue by saying *kidashta* at *Maariv* and *echad* at *Minchah*. If, however, this happens at *Shacharis* [then it depends]: if you erred because you thought it was a weekday you must complete the berachah *Attah chonein*. But if you knew it was Shabbos and were supposed to say *Yismach Moshe*, but through a slip of the tongue, due to habit, you said the word *attah*, you need not complete the berachah *Attah chonein*, rather say *Yismach Moshe*; for since there are in the Shabbos prayers other prayers that begin with *attah*, it is as though you mistakenly substituted one Shabbos prayer for another, since you knew it was Shabbos and you only said the one word.

¹⁸ If you did not realize [your error] until you began saying the concluding berachos, (that is from *Retzei* [be pleased] and further) you should stop in mid-berachah, at the place you remembered, and begin (the berachah) of Shabbos or Yom Tov, and conclude (the prayer) in its (proper) order. If you did not realize until after you started to say: *Yiheyu leratzon* [may they be acceptable], you must start from the beginning of the *Shemoneh esreih*.

¹⁹ If you erred in the *Mussaf* prayer and said the weekday berachah in the middle of *Mussaf*, you must stop in the middle of the berachah in which you remembered your error, and begin the middle berachah of the *Mussaf* prayer, because for the *Mussaf* prayer there was never an halachic consideration to include all the middle berachos of the weekdays, but only the one berachah of *Mussaf*.

- ²⁰ If one errs and begins the weekday *Shemoneh esreih* on Shabbos it is a bad omen for him, and he should examine his deeds during the coming week and repent.
- ²¹ If you erred in the middle berachah of the Shabbos *Shemoneh esreih* substituting one berachah for another, [e.g., you said in *Shacharis*, *Atta kidashta* (You sanctified) instead of *Yismach Moshe* (Moses will rejoice)] if you remember before you said the Name (of Hashem) at the conclusion of the berachah, you must repeat from the beginning of the berachah which you should have been praying. But if you did not remember until after you said (the Name of) Hashem, you should conclude and say *Mekadeish Hashabbos* [Sanctifier of Shabbos.] By doing so you will fulfill your obligation, because the principal part of the middle berachos is *Retzei na bimenuchaseinu* [be pleased with our rest] which is uniform in all the prayers (of Shabbos).
- ²² The above rule applies only to *Maariv*, *Shacharis*, and *Minchah Shemoneh esreih* but as for *Mussaf*, if you substitute another prayer, you have not fulfilled your obligation, since you did not mention the *Mussaf* offering. Similarly, if instead of the *Maariv*, *Shacharis*, or *Minchah Shemoneh esreih* you prayed the *Mussaf Shemoneh esreih* you have not fulfilled your obligation, for since you mentioned the *Mussaf* offering you uttered an untrue statement before Hashem.
- ²³ If you erred in the Yom Tov prayers, and instead of concluding *Mekadeish Yisroel vehazemanim*, [Sanctifier of Israel and the Seasons,] you concluded with *Mekadeish Hashabbos*, [Sanctifier of the Shabbos,] if you retracted within the time of *kedei dibbur* and said *Mekadeish*

Yisroel vehazemanim, you fulfilled (your obligation). And if not, you must go back and start (again) from *attah vechartanu*.

Siman 77

- ¹ It is a positive Biblical commandment to sanctify the Shabbos day with words, as it is said: "Remember the Shabbos day to sanctify it," implying that Shabbos should be remembered with kiddush. And you must remember it when it arrives by reciting kiddush, and also when it departs by reciting *havdalah*. The Sages ordained that this remembrance should be enacted over a cup of wine, when it arrives and when it departs.
- ² You may recite kiddush and eat the Shabbos meal even though it is not yet night. However, those accustomed to pray *Maariv* at the proper time, during weekdays but who pray earlier on Shabbos, are forbidden to eat after one half-hour before the stars appear. If therefore it is only one-half hour until nightfall, they must wait until nightfall. And then they should first read the three chapters of *Shema* and after that recite kiddush. It is forbidden to eat anything, even (to drink) water before kiddush.
- ³ It is a mitzvah to recite kiddush on old wine and a mitzvah to select fine wine. And if possible you should dignify the kiddush by using red wine. Where suitable kosher wine is unavailable you may recite kiddush on raisin wine. You should say *Vayechulu* while standing and while looking at the candles; and afterward you should sit down and look at the (kiddush) cup and say the berachah *Borei peri hagafen* [Who creates

the fruit of the vine] and *Asher Kideshanu* [Who sanctified us, etc.]. If you don't have wine you may recite kiddush over bread but not on any other beverage.

- ⁴ Women are also obligated to recite kiddush. Therefore they should listen well to the kiddush and answer Amein. But they should not say *Baruch Hu uvaruch shemo* [Blessed is He and blessed is His Name.] A minor, even if he is thirteen years old, but is not known to have two pubic hairs, cannot exempt the woman, and therefore the woman should recite kiddush herself. And if she doesn't know how to say it, she should say it word by word with the minor. Similarly if she hears the kiddush from her husband or another man, it is most proper that she should say it word by word with the one who recites kiddush. (See *Dagul Meirevavah* and *Shulchan Aruch haTanya*.) (If there are several heads of a household in one house, the correct procedure of reciting kiddush is discussed in chapter 135, paragraph 6.)
- ⁵ Wine that turned sour should not be used for kiddush. This law also applies to wine that has a bad odor, even though it has not turned sour. If its odor and taste is that of wine over which the berachah *Borei peri hagafen* is said, but it has a slightly disagreeable odor because it was kept in a filthy barrel, or it has the same odor as the barrel, it should not be used for kiddush. Similarly, wine that remained uncovered for several hours, (even though nowadays we are not strict about this) should not be used for kiddush, [as the Prophet says]: "If you offer it now to your governor, will he be pleased with you, or show you favor?" If the wine is powdery it should be strained, and if it can not be strained, it may be used for kiddush as is. But if there is a white film on it, it should not be used for kiddush, because presumably it has lost its flavor.

- 6 Kiddush may be said on boiled wine and on wine that has honey [or sugar] in it. But there are those who say that these should not be used for kiddush since they are not fit for use on the Altar. Therefore if possible an attempt should be made to obtain other wine.
- 7 The (kiddush) cup must be whole and clean. All the laws that apply to the cup used for *Birkas hamazon* apply to the cup used for both the day and night Kiddush and also to the cup used for *havdalah*. It is good to say kiddush at night over a large cup so that some of it remains for the kiddush of the day and for *havdalah*.
- 8 The challahs should be covered during kiddush, and even if you say kiddush over them they should be covered during kiddush in commemoration of the *manna* which was covered with dew both underneath and from above.
- 9 The person who recites kiddush should drink at least a full cheek of wine from the cup without interruption. It is a mitzvah for everyone to taste from the cup of blessing. Someone who does not drink wine because of a vow, or because it is harmful to him, or for similar reasons, should not make kiddush on wine and rely on those present to drink it.
- 10 The kiddush wine is a necessary part of the meal, and does not require a [separate] after-berachah, because the *Birkas hamazon* exempts it. But there are *Poskim* who hold that *Birkas hamazon* does not exempt it. Therefore after *Birkas hamazon* you should endeavor to make a berachah over a cup of wine, and drink a *revi'is* and say the concluding berachah which will also exempt the wine of kiddush.

- ¹¹ On wine which you drink during the meal you need not say a berachah, for it is exempt with the berachah *Borei peri hagafen* of kiddush.
- ¹² If you made kiddush on the cup, thinking that it contained wine and then discovered that it contains water or some other beverage, you must repeat the kiddush over wine. If there was wine on the table and you also intended to drink wine during the meal, you need not repeat the kiddush, because it is considered as though you made kiddush on that wine. And if there was no wine on the table, but there was wine in the house which you intended to drink during the meal, you need not say the berachah, *Borei peri hagafen* [Who created the fruit of the vine] but only the [berachah] *Asher kideshanu*, [Who sanctified us.] If the cup contained beer or mead, [and you live] in a place where they are accepted beverages, in any case there is no need to repeat the kiddush, and you should say the berachah *Shehakol* and drink it. And in places that are accustomed to reciting kiddush after washing the hands, before breaking the bread, there is also no need to repeat kiddush, rather say the berachah *Hamotzi* and it is considered as though you said kiddush over the bread.
- ¹³ By day, at the morning meal, you must also recite kiddush over a cup [of wine]. You need say over it only the berachah *Borei peri hagafen* [Who creates the fruit of the vine] and this is [sufficient for] kiddush. Women are also obligated to say this kiddush. Before this kiddush it is also forbidden to taste any food or even water, just as before the kiddush at night. It is a mitzvah performed in its perfection when this kiddush is also said specifically over wine. [However], if you prefer

whiskey and say kiddush over it, you also fulfill the mitzvah, but you should be careful [to see] that the cup holds a *revi'is* and you should drink a full cheek without interruption. If you say kiddush on wine and you also want to drink whiskey or coffee see chapter 49, paragraph 6, regarding the proper berachah.

- ¹⁴ Both at night and during the day kiddush must be recited only at the place where the meal is served, as it is said, "And you will call the Shabbos a delight." And our Rabbis of blessed memory expounded: In the place where you call forth the Shabbos, namely with the saying of kiddush, that should be the place of delight. Therefore, if you say kiddush in one house and eat in another house, even if during kiddush you had this in mind, you have not fulfilled the mitzvah of kiddush. You are also required to eat the meal immediately after kiddush. And if you did not eat immediately after kiddush, you did not fulfill the mitzvah of kiddush. By day, even if you do not want to eat the regular meal immediately, you can recite the kiddush, and eat some cake, but then you must drink a *revi'is* [of wine] from the cup in order to say the berachah *Al hamichyah ve'al peri hagafen*, [for the food and for the fruit of the vine.] This may also be done before Musaf, if one has a weak heart. A *mohel* who must say a berachah on the cup [of wine drunk] at the circumcision and has not yet recited kiddush, should first drink a cheekful from the cup and an additional *revi'is*.
- ¹⁵ You are permitted to taste something after the *Shacharis* service, before the *Musaf* service. Tasting is limited to a *kebeitzah* size piece of bread and no more, but you may eat fruit in abundance in order to strengthen yourself. However, you must recite kiddush first and drink a cheekful [of wine] and then an additional *revi'is* of wine, (for in a time

of need this is considered kiddush at the place of the meal). You may drink a *revi'is* of wine and eat a *kazayis* of food made of any of the five species of grain as an alternative.

- ¹⁶ Every Jew, man or woman, is obligated to eat three meals on Shabbos, one at night and two during the day. You must eat bread at each meal. And even at the third meal you should be very meticulous to eat bread. (And since you wash your hands and say a berachah on washing you must eat a *kebeitzah* size piece of bread.) Therefore everyone should be careful not to eat to excess at the morning meal in order to fulfill the mitzvah of [eating] three meals. If it is impossible for you to eat bread [at the third meal], you should at least eat cake or some other food made from the five species of grain over which the berachah *Borei minei mezonos* is said, for this [too] is considered food. And if this is also impossible, you should at least eat things that are usually eaten with bread such as meat or fish or similar things. And if this too is impossible, you should at least eat cooked fruits. The time for eating the third meal is from the time of *Minchah Gedolah* which is from six and one-half hours [of the day] and after.
- ¹⁷ You are obligated to break bread over two whole loaves at each meal. Both of them should be held in your hand when you make the berachah *Hamotzi* and then one of them is broken. It is customary to mark the loaf with the knife at the place you want to cut. The reason is because on weekdays you must cut a little around the bread before saying the berachah *Hamotzi* as it is written in chapter 41, paragraph 3. On Shabbos, however, this cannot be done, because the loaves must be whole when the berachah is said. Therefore you should at least mark the place so that you know the exact spot to cut, without pausing too

long before deciding where to cut. You should place the loaves in such a way that the one you want to cut is in front of you, so that you will not need to pass over the mitzvah. And even if you eat many meals, you must have two whole loaves at each meal. Similarly, when you say kiddush in the morning before your regular meal, and you have cake, you should also have two whole cakes.

- ¹⁸ If all those seated at the table are not provided with two whole loaves, but only one of them [has two loaves], he should break [his two loaves] [having in mind to] exempt the others. Similarly, regarding the berachah *Hamotzi*, they are exempt with his berachah. Before saying the berachah over the loaves, you should say: "With the permission of my teachers and masters." And after you eat from the bread of the *motzi*, you should give everyone a piece of bread and they too should eat.
- ¹⁹ If you did not read the weekly portion of the Torah on *Erev Shabbos*, you should not eat the Shabbos morning meal until you read it. And if you did not read it before eating, you should at least read it before *Minchah*. And post facto, you may read it until Tuesday night.
- ²⁰ It is forbidden to fast on Shabbos for the sake of fasting, even for a short time; and even if not intended as a fast, it is forbidden in any case to fast until noon.
- ²¹ It is forbidden to grieve, heaven forbid, over any misfortune, may the Merciful One save us, but you should seek mercy from the Merciful One.

- ²² It is a mitzvah to partake generously of fruits and delicacies and to enjoy fragrances in order to complete the total of one hundred berachos. It is a mitzvah to delight in everything that gives you delight, as it is said: "And you shall call the Shabbos a delight."
- ²³ After the morning meal, if you are accustomed to sleep you may do so, but do not say, "I will sleep [now] because I have to do work or start on a journey at night."
- ²⁴ After sleeping you should set a time for learning Torah. In the portion of the Torah relating to Shabbos it is said: "And Moshe assembled." And our Rabbis of blessed memory expounded: Why does it say in this portion "and he assembled," whereas it is not said thus elsewhere in the entire Torah? The Holy One, blessed is He said to Moshe, Go down, and make for Me large assemblies on Shabbos so that future generations will learn [from you] to gather assemblies every Shabbos to learn Torah in public. They said further, Shabbos and Yom Tov were given to Israel only for the study of Torah, because many people are burdened during the week with their daily tasks, and they have no time to engage in the study of Torah regularly. However on Shabbos and Yom Tov when they are free from their work they can learn Torah properly. Therefore workers and laymen who are not engaged in Torah study during the week, are more obligated to engage in the study of Torah on the holy Shabbos, each man according to his understanding and ability.

Siman 78

- ¹ When *aliyahs* are added on Shabbos a *Kohen* or *Levi* may be called for the last *aliyah*, since the requirement of calling seven men was fulfilled, and also because it is the last of the main *aliyahs* except for the *maftir*. Similarly, for *maftir*, a *Kohen* or *Levi* may be called. It is even permitted to call one *Kohen* for the last *aliyah* and one *Kohen* for *maftir*. They may be called [in this situation] since the kaddish intervenes between them. On Simchas Torah when three *sifrei Torah* are taken out, one *Kohen* may be called as *Chasan Torah*, [the groom of the Torah] and one as *Chasan Bereishis*, [the groom of Bereishis] and one for *maftir*, since each one reads from a different *seifer Torah*. But when *Rosh Chodesh Teivis* occurs on Shabbos, even though three *sifrei Torah* are taken out, even if they want to call eight men to the first *seifer Torah*, it is not permitted to call the *Kohen* to be the eighth one, since as yet [the required reading] was not completed in this *seifer*. The reading is completed in the second *seifer* in which the portion of *Rosh Chodesh* is read, and then a *Kohen* may be called. The same law applies to *Shabbos Shekalim* and to *Parshas Hachodesh* when they occur on *Rosh Chodesh*.

- ² If a *Kohen* or *Levi* is called for one of the middle of the required *aliyahs*, someone else, [a *Yisrael*] should go up in his place and he (the *Kohen*) should wait near the *bimah* and go up for *maftir* or the last *aliyah* once the required number [of seven] has been called.

- ³ On a Shabbos when two *parshahs* are read, the *parshahs* should be merged with the reading of the fourth *aliyah*.

- ⁴ The curses contained in *parshas Bechukosai*, and in *parshas Ki Savo* should be read without interruption. The reading of these curses must

be preceded by one verse of the preceding chapter. But in order not to begin the *parshah* with less than three verses, the reading must begin with the three verses preceding the curses. At the conclusion also, we must read at least one verse after the curses, but care should be taken not to end at less than three verses from the beginning of a *parshah*. In *parshas Ki Sisa*, we read for the *Levi*, the whole chapter of the golden calf until the words *Umeshareso Yehoshua* [and his servant Yehoshua]. And the reason is because the Levites did not participate in making the golden calf. It is customary to read in a low voice [the portion beginning with] *Vayittein el Moshe kechaloso* [and He gave Moses as He had finished] until *Vayechal Moshe* [and Moses beseeched]. The verse beginning with *Vayechal* is read in a loud voice until *Vayifen vayeireid Moshe*, [And Moses turned and descended]. And the verse beginning with *Vayifen* is read in a low voice until *uMoshe yikach es ha'ohel*, [And Moses took the tent]. The reading is then resumed in a loud voice until the end of the *parshah*. And also the curses in *parshas Bechukosai* and *parshas Ki Savo* should be read in a low voice. However, the verse, *Vezacharti es brisi Yaakov* [And I will remember the covenant with Jacob] is read in a loud voice. The following verse, *Veha'aretz tei'azeiv* [And the land will be forsaken] is read in a low voice. From the verse: *Ve'af gam zos* [and with all this] [the reading is resumed] in a loud voice until the end. And in *parshas Ki Savo*, [the verse] *Leyira es Hashem hanichbad* [to fear the honored Name] until the end of the verse should be read in a loud voice and thereafter in a low voice until *Ve'ein koneh* [and there is no one to buy]. Also in *parshas Beha'alozecha* it is customary to read in a low voice from *Vayehi ha'am kemisonenim* [and the people were as murmurers] until *Vehaman kizra gad* [and the manna was like the coriander seed] and the reason is to show that they

were regretful. Whatever is read in a low voice should be read at least [loud enough] for the congregation to hear the voice, otherwise they have not fulfilled their duty of reading [the Torah]. [In the reading of] the forty-two journeys in *parshas Masei* no interruption should be made, for they represent the [Divine] Name of forty-two [Letters].

- ⁵ Between one *aliyah* and the next the *seifer Torah* should be rolled up but it need not be covered. But before *maftir*, when Kaddish is said and there is a long interval, it should be covered with its mantle. Likewise, on any other occasion when there is a long interval, as when a chant is sung for a bridegroom [who is called to the Torah], or something similar, [the *seifer Torah* should be covered]. And it would seem that this rule also applies when much time is spent in saying *Mishebeirach* [He Who blessed ...].
- ⁶ If by mistake they read for the sixth [*aliyah*] to the end of the *sidra*, Kaddish is not recited but the *maftir* is immediately called, and he also completes the [required] number of seven persons (called up for *aliyahs*). And after he has said the *haftarah* with its berachos, then the kaddish is said. And on Yom Tov also, if by mistake they read for the fourth *aliyah* until the end, the Kaddish is not recited but the *maftir* is called up immediately to the second *seifer Torah* and after the *haftarah* and its berachos, the Kaddish is recited.
- ⁷ When three *sifrei Torah* are needed [for the required reading] and only two are available, the second [*seifer*] should not be rolled to read the portion that must be read in the third [*seifer*], but rather the first [*seifer*] should be taken for the reading [of that portion].

- ⁸ The laws concerning a defect discovered in a *seifer Torah*; were explained in Chapter 24. If the defect is discovered during the reading of the *maftir*; then, if this *maftir* is a special obligation for that day, such as [the *maftir*] of Yom Tov or of *Shabbos Rosh Chodesh* or of [*parshas*] *Shekalim* and the like, when an extra *seifer Torah* for *maftir* is taken out, then the same law applies as for any other *parshah*. But on a regular *Shabbos*, we repeat the reading of the seventh portion for the *maftir*. We do this out of respect for the Torah, [so as not to create the impression] that the honor of the Torah and the honor of the Prophets are equal, for the one who reads in the Torah makes a berachah before and after, and also the one who reads the Prophets makes a berachah before and after; therefore it was ordained that the one called for *maftir* reads in the Torah first to show that the reading of the Torah is the main (reading). Therefore, another *seifer Torah* should not be taken out, but the reading is concluded in the same *seifer Torah*. The concluding berachah should not be said, but the *haftarah* and its berachos should be said. If the defect was discovered before the first berachah was said, it would seem that another *seifer Torah* should be taken out. If no other *seifer Torah* is available then the one who was called up last should say the *haftarah* with its berachos; and if the Kaddish has not yet been said, it should be said after the *haftarah*.
- ⁹ In Chapter 24 paragraph 1, it was explained that if an error is discovered of either a missing [letter] or an extra [letter], as long as it does not alter either the pronunciation or the meaning [of the word], another *seifer Torah* should not be taken out. However, if such an error is discovered on *Shabbos*, even though another *seifer Torah* need not be taken out; in any case to this *seifer Torah* they should not call more than

seven persons for an *aliyah*. The seventh person should read the *haftarah* with its berachos and Kaddish is only said after the reading of the *haftarah* and the berachos. (This rule applies to a regular Shabbos, but when the *maftir* is the special obligation of that day, as was discussed in the previous paragraph, then surely one must be called for *maftir*). And at *Minchah* [this *seifer Torah*] should not be taken out.

- ¹⁰ If on a day when two *sifrei Torah* are taken out, a defect is discovered in the first, and there is another *seifer Torah* in the Holy Ark, they should not take the second *seifer Torah* to resume the reading, and after that take out another *seifer Torah* [from the Ark] for the second reading. This should not be done, because the reading should be done from the *seifer Torah* that was set aside for it. [This law applies] also to a day on which three *sifrei Torah* are taken out. Likewise, if the *sifrei Torah* were switched by taking first the one that was intended for the later [reading]; [then the one taken by mistake] should be rolled up, and the second *seifer* taken from the Ark, in order to read from each *seifer Torah* that portion for which it was intended.

- ¹¹ [The following is] the order of precedence for those who are obligated to have an *aliyah*: 1) A bridegroom on his wedding day. 2) A bridegroom on the Shabbos before his wedding day [when he is called to the Torah] when they sing for him, provided he has never been married, and a lad who has become *Bar Mitzvah* during that week—have equal rights [to an *aliyah*]. 3) A *sandek* on the day of the *bris*—he is the one who holds the baby during the *bris*. 4) The *sandek* on the day of the *bris* who brings the baby to the synagogue for the *bris*. 5) The husband of a woman who gave birth to a girl when [the mother] comes to the synagogue. 6) The husband of a woman who gave birth to a son,

and the mother comes to the synagogue. But if the woman does not come to the synagogue, the husbands are not obliged [to have an *aliyah*], unless it is the 41st day for a son or the 81st day for a daughter, because it was on these days that a sacrifice was brought [in the *Beis Hamikdash*]. 7) A bridegroom whose wedding took place on Wednesday or later [in the week], on the Shabbos after the wedding, but only if he had not been previously married or she had not been previously married. 8) One who has *Yahrzeit* on that day. 9) The father of the baby on the day of the circumcision. 10) One who will have *Yahrzeit* during the week following the **Shabbos**. 11) The *mohel* on the day of the circumcision. 12) The *sandek* and then the father of the child, then the *mohel* on the Shabbos before the *bris*. Two people with equal claim to an *aliyah* should depend on the discretion of the president of the synagogue or they should decide by casting lots. A non-resident cannot take precedence over any [resident] who is obliged to have an *aliyah*. It is customary to call up to the Torah one who is going on a journey after Shabbos or one who has returned from a journey. Likewise, it is customary to honor an important guest by calling him up [for an *aliyah*], but none of these takes precedence over anyone who is obliged [to have an *aliyah*].

Siman 79

¹ Before the *maftir* is called to the Torah the half-Kaddish should be said. During the recitation of the kaddish, the *seifer Torah* from which the present reading was done and also the *seifer Torah* that will be used for the *maftir* reading should both be on the reading desk. And on a day

that three *sifrei Torah* are used it is not necessary to place the first one [on the *bimah*].

- 2 The one who has *maftir* should not begin the berachos of the haftarah until after the one who rolls up the *seifer Torah* binds it in its wrapping cloth.
- 3 In the first berachah, after the words *hanemarim be'emes* [which were spoken in truth] Amein is not answered until the end, when the last word *vatzedek* is said, because it is all one berachah. Similarly, after the first segments of the concluding berachos, Amein is not said after the words *emes vatzedek* [true and righteous] because [the segment beginning with] *ne'emani ata* [you are faithful] is also part of this berachah. And because there are some people who mistakenly answer Amein in these places, it is better that the *maftir* not make any pauses there, in order to indicate that the berachah does not end there.
- 4 It is forbidden to speak when the *maftir* reads the *haftarah*.
- 5 According to the basic law, only the *maftir* himself should say the *haftarah* [aloud], and the congregation should repeat after him quietly. And the custom whereby the congregation reads aloud together with the *maftir*, stems only from ignorance, and this custom should be abolished. There are some people who say the *haftarah* so slowly that even after the *maftir* ends the *haftarah* and begins the berachos, they don't want to stop saying the *haftarah*. These people are acting improperly, because if they say it aloud, they, themselves, cannot hear the words of the beginning berachos of the *maftir*, and they also prevent their neighbors from hearing them. And even if they lower

their voices, a little at the beginning of the berachos, still they themselves do not hear them. Therefore, the recommended practice is that as soon as you hear that the *maftir* concludes the *haftarah* and begins the berachos, even though you still did not finish, you should wait silently until the *maftir* concludes the berachos, and after that you should finish saying the *haftarah*. The *maftir*, too, should be careful not to begin the berachos until the noisy sound of the congregation has ended completely.

- ⁶ On a Shabbos when two *sidrahs* are joined, the *haftarah* is read of the second *sidrah* except when *Acharei* and *Kedoshim* are joined, then the *haftarah* *Halo kivenei kushiyim*, is read [Are you not as the children of the *Kushim*?] In some *chumashim* it is noted that for the *sidrah* *Vayishlach* the *haftarah*, *Vayivrach Ya'akov* [And Yaakov ran] should be read, but this is an error, because this *haftarah* belongs to the *sidrah* *Vayeitzei* and the *haftarah* of *Vayishlach* is *Chazon Ovadyah* [The vision of Ovadyah].
- ⁷ When *Rosh Chodesh* occurs on Shabbos, the *haftarah Hashamayim Kis'i* is read [The heavens are My throne]. If, by mistake, the *haftarah* of the weekly *sidrah* was read, [if the reader becomes aware of it] before he said the concluding berachos, he should also read *Hashamayim kis'i* and then say the berachos. If he only became aware of it after saying the berachos, he should say *Hashamayim kis'i*, without the berachos. If *Rosh Chodesh* occurs on a Sunday, the *haftarah*, *Machar chodesh* is read [Tomorrow is the new moon]. If [the reader] made an error, the same *halachah* applies as that of *Shabbos Rosh Chodesh*. If *Rosh Chodesh* occurs on Shabbos and Sunday, the *haftarah Hashamayim kis'i* is read.

- ⁸ On Shabbos of *Chol Hamo'eid Pesach* no mention is made in the berachos of the *haftarah* of anything relating to *Pesach*, either in the middle or at the end [of the concluding berachos]; but they should be concluded with *Mekadeish haShabbos* [Who sanctifies the Shabbos]. But on *Chol Hamo'eid Sukkos* (since the complete *Halleil* is then said and there is a difference in the daily sacrifices,) mention is made [of the Yom Tov] just as it is done on the Yom Tov days of Sukkos when they fall on Shabbos.
- ⁹ A minor who has reached the age of *chinuch* and knows to whom the berachos are directed, and can articulate the letters well, may be called up for *maftir* on Shabbos and on Yom Tov, except on *parshas Zachor*, on *parshas Parah*, and on *Shabbos Shuvah*. Likewise, on the seventh day of *Pesach*, when the *shirah* is read for the *haftarah*, it is customary not to call a minor to go up for *maftir*. Likewise, on the first day of Shavuos when the *haftarah* is read of the *merkavah*, the chariot in Ezekiel, it is customary to call up only an adult who is a Torah scholar. Likewise, on *Shabbos Chazan* it is customary to call up the Rabbi for *maftir*.
- ¹⁰ Reading the *haftarah* with berachos was instituted only after the reading of the Torah with berachos, and all the required *aliyahs* [has been completed]. But if a defect is found in the *seifer Torah* on a regular Shabbos, even during the seventh *aliyah*, and there was no other *seifer Torah* available, and therefore the concluding berachah was not said, or when the *maftir* is read, relating to the subject of the day, even if [the defect] is discovered in the *maftir*, then no berachos are said on the *haftarah*, but it should be read without berachos. But on a regular Shabbos, if after seven men were called, [all of whom recited] the

berachos, the defect is found, whether while reading for the added *aliyahs* or while reading the *maftir*, it seems that the *haftarah* should be read with the berachos.

Siman 80

- ¹ The principal *melachos* which we are forbidden to do on Shabbos are already known to most of the Jewish people. Thus, we will list only those things which are not generally known [to be forbidden] and are done in our daily activities.
- It is forbidden to use the light of an oil lamp for anything that requires concentration. This is a rabbinic prohibition, lest you forget and tilt the lamp to draw the oil closer to the wick, thereby violating [the *deoraisa* prohibition of] lighting a fire. Two people may read the same subject from the same book together, for if one attempts to tilt the lamp, the other one will remind him. [Studying by the light of] our present day candles in which the wax or tallow adhere to the wicks, is permitted, but you must make some sort of mark in order to remember not to snip off the charred end of the wick which, according to the opinion of the Rambam, is a *deoraisa* prohibition. Even through a non-Jew, it is forbidden to snip off the tip of the wick.
- ² It is forbidden to open a door or window directly opposite and close to a burning candle lest the flame be extinguished. But it is permitted to close a door or window [even in such circumstances]. The door of an oven in which a fire is burning must not be opened or closed, for by doing so, the fire is either increased or extinguished.

- ³ It is forbidden to pour hot gravy on pieces of bread or matzos, rather you should first pour the gravy into a dish, and let it cool until it is fit to eat. After that you may put in the bread or matzos. However, as long as the gravy is hot, even if it is in the dish [which is a *keli sheini*], it is forbidden to put in bread or matzos. You should also not put salt or spices into the [hot] gravy, even if it is in a dish [*keli sheini*] and, certainly, not into the pot [*keli rishon*] as long as it is hot. But (you) should wait until it cools off, until it is fit to eat. If the salt was processed through boiling, some are lenient [and permit it], but he who adheres to the stricter view, will be blessed. Likewise, you should not pour hot coffee or tea into a cup that you wish to drink from if it contains sugar; rather, you should first pour in the coffee or tea and then put in the sugar. When there is a necessity, you may be lenient.
- ⁴ It is forbidden to place fruit or water on a hot stove because the water might boil and the fruit might bake. Even if your intention is only to warm them a little, nevertheless, if on this place it is possible that they will boil or bake, it is forbidden to warm them there. Likewise, pudding (kugel) containing fat should not be placed near a fire or on an oven in a place where it may boil, even if you intend only to warm it. But in a place where it cannot be cooked but only warmed somewhat, you are permitted to place it, even if the fat is congealed or the water is frozen. But *in* an oven in which food is kept warm, it is forbidden to put anything cold for the purpose of warming, even if it cannot boil there. If it is needed for one who is slightly ill, a halachic authority should be consulted. There are some who are accustomed to replace foods into the oven on Shabbos where they had been kept warm, since they are still

warm. But if they cooled off completely, it is forbidden to do so. A spiritually sensitive person should be stringent in all such cases.

- 5 On Shabbos it is forbidden to warm food, by wrapping it in anything [that insulates], (even if it does not increase its warmth). Therefore, if you remove a pot containing food that was cooked or warmed in it, it is forbidden to wrap it or cover it with pillows or cushions, etc. to preserve its warmth.
- 6 Food that cannot be eaten at all without being rinsed, is forbidden to be rinsed on Shabbos, even with cold water. Salted fish [herring] may be soaked in cold water for even before soaking, it is edible.
- 7 It is forbidden to put vinegar into mustard, horseradish, and other relishes on Shabbos, in which no vinegar was put while it was still day (before Shabbos). It is permitted if you do it in an irregular manner; that is, you must first put the vinegar into a dish, and afterwards put in the mustard or horseradish. You should not make a thick mixture, but you must pour enough vinegar into it so that the mixture is thin. You may not mix it with a spoon or anything similar, but with your finger, or you may shake the vessel until the contents are well mixed.
- 8 Fruit found lying under a tree [on Shabbos], must not even be moved, for it may have fallen off that very day. Similarly, all fruits of a non-Jew, if there is a possibility that they were picked that day, must not even be moved.
- 9 It is forbidden to remove honey from a beehive. It is also forbidden to crush honeycombs, even if they were removed from the hive before Shabbos. If the honeycomb was not crushed before Shabbos, the honey

that flows from it on Shabbos is forbidden. But honey flowing from the hive itself is permitted (to be eaten on Shabbos).

¹⁰ Fruit that was scattered in one place in the house or yard, may be gathered together. But if they are scattered all about, when it is a bother to gather them, it is forbidden to gather them into a basket, but you may pick them up and eat them [one by one].

¹¹ Concerning legumes [peas] in their pods (which are called *sharvitin*), when their pods are fresh and edible, you may open them and remove [the peas] from the pod, (for this is considered separating food from food) [which is permitted]. But if the pods have become dry and are no longer edible, it is forbidden to remove the peas from them. Similarly, you must be careful not to remove nut (kernels) from their (soft) green (outer) shell or sesame seeds from their shells.

¹² It is forbidden to squeeze fruit for their juice. Therefore, it is forbidden to squeeze lemons into water to make lemonade. And even to suck the juice into your mouth is forbidden according to some *poskim*. You should be careful at least when eating grapes, not to suck out the juice and discard the skins. If you do not need the juice, it is permitted to squeeze it out. Therefore, you may squeeze out lettuce or cucumbers [pickles], since the water goes to waste.

¹³ A woman may not squeeze milk from her breasts into a cup or pot and feed her child with it, but she may squeeze out a little milk to facilitate the baby's nursing. It is forbidden to sprinkle some of her milk on something for the sake of a remedy where there is no danger involved and no intense pain.

- ¹⁴ It is permitted to place congealed fat upon hot food even though it melts. You may not crush snow or hail by hand, breaking them into pieces so that their water oozes out; but you may put [ice] into a cup of wine or water to chill it, letting the ice melt of itself. In the winter, you should be careful not to wash your hands with water containing snow or hailstones. If you did, you should be careful not to squeeze them with your hands, in order not to crush them. It is permissible to break ice in order to take water from underneath. Urinating in snow should be avoided if possible. Likewise, you should be careful not to urinate on mud or soft dirt.
- ¹⁵ When food is mixed with *pesoles*, you may separate [select] the food from the *pesoles*, but not the *pesoles* from the food. And even separating food from *pesoles* is forbidden when using a utensil. It is permitted only by hand, and only for the purpose of eating it immediately. Even foods which you select to eat now, from food which will be left for later use, care must be taken to select only what is to be eaten now, and not to select that which will be left over, because the part to be eaten now is considered food and the part to be left over is considered *pesoles*. Even peeling garlic or onions and putting them away is prohibited, because of *boreir* (selecting). You are permitted to peel only what you need for eating now. The outermost peel of the garlic, that surrounds the whole cluster must not be removed even to eat the garlic now, because it is considered *mefareik*, a *toldah* [offshoot *melachah*] of *dosh* (threshing).
- ¹⁶ Even non-edible items are included in the prohibition of *boreir* (selection), such as utensils etc.; whatever you need for immediate use is considered food and the rest is considered waste.

- ¹⁷ It is forbidden to strain any liquid because it involves many *halachic* details. However, it is permitted to drink through a cloth, for the law of *boreir* applies only to improvements made prior to eating or drinking, but in this case (of drinking through a cloth), you are merely preventing the *pesoles* from entering your mouth. Nevertheless, drinking water through a cloth is prohibited by some *poskim* because it constitutes washing (the cloth). But you can be lenient in an urgent situation where there is no pure water to drink. However, you should not drink through your shirt sleeve for fear that you will wring out [the sleeve].
- ¹⁸ A coffee (beverage) which has coffee grounds on the bottom, which is *pesoles*, or any other beverage that has dregs on the bottom, or other *pesoles*, when you pour from it, care must be taken not to pour off all the clear liquid, but you must leave a little with the *pesoles*. In the case of milk that has curdled, it is forbidden to remove the top which is called butterfat, unless it is needed for the immediate meal, and even in this case, you must be careful not to remove all of it, rather leave some of it on the milk which is on the bottom.
- ¹⁹ If a fly or other insect fell into food or beverage, it is forbidden to remove just the fly itself; but you must, remove some of the food or beverage with it and discard it with the fly.
- ²⁰ If you must crush pepper or salt, and similar items, to put into food, you may crush (them) with the handle of a knife on the table, or with similar methods. But not with a mortar and pestle, or with a hand-mill.

- ²¹ It is forbidden to cut up onions and other vegetables, except immediately before a meal and even then, they should not be cut very fine.
- ²² It is forbidden to salt anything which will become soft or less pungent because of the salt. This is similar to (the melachah of) *me'abeid* [tanning]. Therefore, it is forbidden to salt raw cucumbers. It is also forbidden to salt radishes or onions, even if they are needed for that meal, but you may dip each piece in salt and eat them. Eggs, cooked meat, and other foods that are not affected by salt, except that it gives them a salty flavor, may be salted to be eaten at that meal. It is forbidden to salt them for another meal.
- ²³ You may not salt a large quantity of cooked beans and legumes together, because salting helps to soften them; and even if you intend to eat them immediately, it is forbidden.
- ²⁴ Cucumber salad, and other relishes made from onions, may be salted immediately before the meal, since the oil and vinegar which are added immediately weaken the strength of the salt. But it is forbidden to salt them and leave them stand for a while.
- ²⁵ The prohibition of "Building" applies also to foods, such as making hard cheese or arranging fruits in an orderly fashion. Therefore, when cutting onions for eggs or for creamed herring, you should be careful not to shape them and decorate them, rather put them on the plate as they are.

- 26 When washing dishes in boiling water, you should not pour the water on the dishes, rather, pour the water into another vessel and then put the dishes into the vessel. Dishes must not be washed with a cloth because of the prohibition of squeezing, but you may wash them with a cloth used especially for this purpose, since you are not concerned to wring it out, even on weekdays. Glass dishes must not be washed with oats or similar detergents. It is forbidden to wash dishes on Shabbos other than those [actually] needed for Shabbos.
- 27 Whatever is forbidden to be done on Shabbos by a Jew, is also forbidden to be done for him through a non-Jew. Nevertheless, in the winter, since it is permitted to light the oven in order to heat the house through a non-Jew, the custom is that the non-Jew [is permitted] to place the cold food on the oven before he lights it, and then light it. Since lighting the oven is not intended for heating the food, but rather for heating the house some (*poskim*) permit this; but only if he (the non-Jew) put on the food before lighting the oven and not after. Certainly if lighting (the oven) is not intended for the sake of heating the house, but for the food, it is forbidden in any manner. Some (*poskim*) forbid this even if the intent is to heat the house. Even though the custom is to rely on the *poskim* who permit it, nevertheless, a scrupulous person should be stringent when it is not very urgent. And certainly this is the case with iron ovens which are made especially for cooking purposes. Although people light them on Shabbos to heat their homes, and the non-Jew puts on the food before lighting it, nevertheless, a God-fearing Jew should abstain from this practice.

- 28 Anyone who spills liquid on soil where something grows is guilty of violating the law against sowing, for the liquid causes the soil to sprout. Therefore, you should be mindful not to eat (a meal) in a garden; because it is difficult to prevent the spilling of some liquid on the soil, and, besides, it is forbidden to carry in a garden.
- 29 A sponge that has no handle must not be used for wiping [a table].
- 30 It is forbidden to spit in a place where the wind will scatter the saliva.
- 31 A girl is forbidden to braid her hair on Shabbos and she must not undo her braids, but she may fix her hair with her hands. Regarding combs made from hogs' hair, —If the bristles are very hard, so that it is impossible not to tear out hairs, it is forbidden to comb with it, but if it is not so hard, she is permitted to set her hair with it. And it is certainly [permitted] if it is set aside for that purpose.
- 32 A garment or anything similar that is soiled, may be wiped with a rag or something similar, but water may not be spilled on it because spilling water on it is equivalent to washing. Therefore, if a child urinates on a garment, it is forbidden to pour water on it. (But if he urinates on the ground or on a wooden vessel or hide, it is permitted to pour water on it.) When you wash your hands and want to dry them with a towel, you should rub your hands together well, to remove the water, so that only a little water remains on them; (for the little water that you dry is considered soiling and is not considered washing). When a colored towel is used there is no cause for concern in any case, (since such a towel is not likely to be washed in this manner).

- 33 If a barrel contains water or other liquids, it is forbidden to cover it with a cloth which is not set aside to cover it, lest it be wrung out. But with a cloth set aside for this purpose, it is permitted to cover it, for since it is set aside for that purpose, we have no reason to fear that it will be wrung.
- 34 If water spilled on the table or any similar surface, it is forbidden to wipe it with a garment which you value, for since it absorbs much water you might wring it out. Similarly, you may not use a towel to dry cups or other vessels having a narrow opening, because the liquid will be squeezed out of the towel.
- 35 If you were walking in the rain and your clothing got wet, you are permitted to go home, but when you remove [your clothes], it is forbidden to spread them out to dry. Even if they were only moist from perspiration, it is forbidden to spread them out and certainly it is forbidden to spread them out (to dry) near a fire. Even if you are wearing them, it is forbidden to stand near the fire where it is very hot. It is likewise forbidden to shake off the water from the garment. A garment of which you take special care lest it get wet, is forbidden to be handled even after taking it off for fear you might squeeze out the water.
- 36 If you are walking and reach a stream, you may jump over it even if it is [a bit] wide. It is better to jump over it than to bypass it, because (bypassing) increases the [effort of the] journey. It is forbidden to pass through the stream, lest you wring your clothes after crossing. It is

forbidden to walk on Shabbos in any place where you might slip and fall into water lest your clothes get soaked and you will wring them out.

- ³⁷ If you are going to do a mitzvah, such as greeting your father or your rebbe or someone greater in Torah wisdom than you, you may cross the river, provided you do so in an unusual manner. For example, do not remove your hands from underneath your overcoat, so that you will remember not to wring [the clothes]. It is forbidden to cross (a stream) wearing sandals, for since you cannot secure them and fasten them well, they may fall off and you will carry them. But you may (cross the stream) in your shoes. Once you go for the purpose of doing a mitzvah you may also return [the same way]. If you are going to guard your fruit, (watching over your property is also somewhat of a mitzvah), you may (cross the stream) on the way there but not when you return.

- ³⁸ Wet mud on a garment, may be scraped off with a fingernail or a knife, but if it is dry, it is forbidden to scrape it, for that would be similar to "Grinding."

- ³⁹ It is forbidden to shake dust or snow from a black garment, but it is permitted to remove a feather from it. Some (*poskim*) rule that this too is forbidden.

- ⁴⁰ Mud that is on your foot or your shoe may be removed with something which is permitted to be handled [on Shabbos], or they may be wiped on a beam. They may not be wiped on a wall or on the ground. If there is an urgent need, as when there is excrement on your foot, or on your shoe, and there is nothing available which may be handled on Shabbos, they may be wiped on a wall. If there is no wall they may be wiped on

the ground. And if water is available, the shoe may be washed even in water if it is made of leather. (For in the case of leather, mere splashing of [water] is not considered washing unless the two ends are rubbed together in the manner of launderers.) But it is forbidden to use a knife to scrape off mud or excrement from a leather shoe. If the iron (post) in front of the house, that is made for cleaning shoes, is sharp, it is forbidden to scrape shoes with it; if it is not sharp it is permitted.

⁴¹ If your hands become soiled with mud you should not wipe them on a hand towel, (lest you forget and rinse it).

⁴² It is forbidden to dye anything even with a dye that is not permanent. Therefore a woman is forbidden to color her face. Care must be taken when your hands are colored by the fruits you have eaten, not to touch your garment, because it will become dyed. Likewise, blood from your nose or blood from a wound should not be wiped on a kerchief.

⁴³ You may not put saffron into your (cooked) food because it colors [dyes] it. (And so it is written in the sefer *Chayei Adam* [24: 5].)

⁴⁴ It is forbidden to braid or weave even two threads, or two loose hairs [on Shabbos].

⁴⁵ Usually when we want to tie something with two strings or ropes, or when we wind around a string or rope, and tie the two ends together like a belt, we tie a double knot because a single knot will not hold. It is forbidden to tie a double knot on Shabbos, even on something that is usually untied the same day. [Therefore] you must be careful when wrapping a scarf around the neck, not to make a double knot. Similarly on Friday [*erev Shabbos*] you should not make a double knot, for if you

do, it is forbidden to untie it on Shabbos, as discussed below. Similarly, to make even one knot at one end of a string or rope, or to hold the two ends together, and make one knot on both of them is forbidden, since with this method even a single knot holds strongly. It is permitted to take the two ends together, tie them with a single knot and a loop on top, if it is something that is usually untied the same day. If not, it is forbidden, even if you intend to untie it the same day. But making two loops, one on top of the other, is permitted, [and it is permitted to make] even many loops even if it is intended that they remain for many days.

- ⁴⁶ A knot which you are forbidden to tie is also forbidden to be untied. If it causes discomfort it may be untied by a non-Jew.
- ⁴⁷ It is the custom of tailors before sewing a garment to connect the pieces with long basting stitches, and afterward remove the threads from these stitches. It is forbidden to remove them on Shabbos.
- ⁴⁸ Some garments are made so that a string or strap may be inserted in them such as pants, shoes, or a robe. If it is a new garment it is forbidden to insert them, because it is like perfecting a vessel. If it is old, and the hole is not narrow, so that there is no bother inserting [the string], it is permitted. If it is bothersome, it is forbidden.
- ⁴⁹ When a stitch becomes loose and the parts of the garment become a bit separated, if the thread is pulled, the loose parts will tighten and hold together. It is forbidden to do this on Shabbos because this is considered sewing.

- 50 If sheets of paper were stuck together unintentionally, as the pages of a book sometimes stick together from the paint [or glue] used by the bookbinder, or if some pages were stuck together by wax, it is permitted to open them.
- 51 If the openings of vessels were covered with a cloth and tied with a string, it is permitted to tear them open on Shabbos, for this is considered *spoiling*, and it is permissible when needed for Shabbos.
- 52 It is forbidden to catch any living creature on Shabbos. It is forbidden even to catch a flea [on Shabbos]. But if it is on your body and it is biting you, since it causes you physical discomfort, it may be removed and thrown away. It is forbidden to kill it because it is forbidden to kill any living creature [on Shabbos]. [It is, however, permitted to kill] lice since they are created only by perspiration. Nevertheless, those found in clothing must not be killed, rather they should be removed and thrown away. Only lice found in the head may be killed.
- 53 You must take care when closing a box or vessel in which there are flies, to let them fly out first, because when you close it they will be trapped there. However, it is not necessary to examine the box to see that none are left, it is sufficient to chase away those you see.
- 54 It is forbidden to draw blood [on Shabbos]; it is forbidden even to suck blood from the gums. It is also forbidden to dress a wound with a dressing that draws out blood and pus. It is certainly forbidden to squeeze a wound to draw out blood or pus.

- 55 If *tzitzin*, shreds of skin, become separated from the skin around the fingernail, it is forbidden to remove them either by means of an instrument or by hand, or with the teeth. A nail, most of which has been separated and is almost torn off, and causes discomfort, may be removed by hand, but not with an instrument. If most of it was not separated, it is forbidden to remove it even by hand.
- 56 It is forbidden to pour other liquids into vinegar so that they too become vinegar.
- 57 Meat that was not salted (Kashered) and its third day occurs on Shabbos and if it is not rinsed [now] it will be forbidden, may be rinsed by a non-Jew, but it is forbidden for a Jew to do so.
- 58 It is forbidden to smear plaster or wax or tar. Therefore, it is forbidden to put wax or congealed oil into a hole to close it, or to stick it onto something for a marker. But it is permitted to smear food, like butter on bread or similar things.
- 59 It is forbidden to break or cut anything that is not food; but it is permitted to cut food, even animal food. Therefore you may cut straw to pick your teeth. Fragrant woods may be crushed and broken in order to smell them even if they are as hard as wood. But you may not break them to pick your teeth.
- 60 A tree, be it green or dried up, may not be used for any purpose, even if you do not shake it. (Because shaking the tree is in itself a violation of *muktzeh*.) You may not climb on it nor hang on it. It is forbidden to place any article on it or remove anything from it, or to tie an animal to

it, or to make any other use of it. And even the sides of the tree are forbidden to be used. Therefore, if a basket is hanging on it, it is forbidden to take anything from the basket or to place anything into it, for the basket is (considered) the side of the tree. But if a spike is driven into a tree and a basket is suspended from it, it is permissible to take things from it or to put (things) into it, because the basket is then considered the side of the side [of the tree]. It is forbidden to remove the basket from it or to hang the basket on the spike, because you would be making use of the spike which is the side of the tree.

- 61 If a vessel is used for planting herbs or roses for their beauty or fragrance; it is forbidden to pluck them from the vessel just as it is forbidden to pluck them from a tree. Care must be taken [that such a vessel] not be moved from the ground to set it in another place, because when it stands on the ground it is nourished from the aroma of the soil, therefore removing it from there is like plucking [something from the ground]. Similarly, if it is standing in another place, it is forbidden to remove it and place it on the ground, because doing this is equivalent to planting. You must be diligent in all these matters, whether the vessel is of wood or of clay, and whether there is an opening on the bottom or not.
- 62 It is forbidden to write or draw any form, even with your finger, with liquid [spilled] on the tabletop, or with the condensation on a glass window, or with anything else, even if it is not of a permanent nature. Even to make a mark with your fingernail upon an object for a sign is forbidden. If wax or something similar is found on a book, even if it is only on one letter, it is forbidden to remove it.

- 63 Just as it is forbidden to write, so is it forbidden to erase any writing. However, cakes upon which letters or figures were made, are permitted to be broken and eaten on Shabbos; but if they were made as a charm for children, you should be *machmir* (stringent).
- 64 Books upon which the edges of the pages have written words, according to some (*poskim*), are forbidden to be opened or closed on Shabbos, but other (*poskim*) permit it, and such is the custom. However, since some poskim forbid it it is best not to write on the edges of pages.
- 65 You are permitted to say to a friend, "Fill up this vessel for me," even though it is specifically used for measuring, and even if it belongs to the seller, so long as [you] the customer, takes it home. And certainly if the customer, brings his own vessel and says, "Fill up this vessel for me," it is surely permitted. However, it is forbidden to measure in a measuring vessel that belongs to the seller, and empty it into the customer's vessel. It is permissible to say to your friend, "Give me fifty nuts" etc. provided you do not mention any measure or money, and you also make no calculation saying, "I owe you for fifty nuts, give me another fifty nuts and I will owe you for a hundred." Certainly you should not speak in terms of sale, even if you do not set the price, and even if it is for Shabbos needs. It is forbidden to make purchases on Shabbos, [even] through a non-Jew and the same law applies to renting.
- 66 You are permitted to say to a friend, "Fill up this vessel for me or fill it up until this mark and tomorrow we will measure it or weigh it."
- 67 Just as it is forbidden to erect even a temporary building on Shabbos, so too is it forbidden to add even a temporary addition to a permanent

structure. There is a halachic question regarding a door made for a doorway which is not used frequently for entrance and exit except on rare occasions. A door which does not swing on pivots or on hinges but rather was attached and suspended there, may be used to close [the opening], so long as there is a hinge on the door, or even if there is no hinge at present, but it had one that was broken and the place where it was is still discernible. Even if the door is such that when it is opened, it drags on the ground and in order to close it it must be raised and placed on the threshold, it is nevertheless permissible. (The reason is) since it is attached and suspended and there is also a mark of a hinge, it is obvious that it is a door used for closing and opening, and it does not appear as construction. Certainly this is true if it still has a hinge, provided that you do not slip the hinge into place, for this would be considered (the *melachah* of) building.

⁶⁸ But if there is no mark of a hinge, it is forbidden to close an opening with it on Shabbos. For since it is made to open only on rare occasions, and it is not obvious that it is used as a door, closing it is equivalent to building. But if it is attached and suspended well so that when it is opened it does not drag on the ground, even if it is suspended above the ground only a hairbreadth, it is clearly a door and it is permissible to close the opening with it.

⁶⁹ If it is not attached and suspended at all, and upon opening it, it is removed entirely, it is absolutely forbidden to use it to close an opening not made for regular entrance and exit. But if it is an opening which is made for regular entrance and exit, it is permitted to close the doorway with it, even if there is no mark of a hinge on it.

- 70 A door made of one (wooden) plank, may not be used to close a doorway that is not used for regular entrance and exit, even if it has a hinge, but it does not swing on its hinge, for since it is made of only one plank and it does not swing on its hinge, it appears like building and closing up an open space. But if an opening is made for regular entrance and exit, you may be lenient and close the doorway with it provided there is a doorsill, for then it is obvious that it is a doorway.
- 71 A window shutter such as a plank or anything else with which a window is shut, may be used to shut the window even if it is not attached there, provided that it has already been used once to shut the window before Shabbos, or you had in mind to shut the window with it before Shabbos. However, if it was never used to shut the window, and you did not have in mind to do so, it is forbidden to shut a window with it on Shabbos, if it is a thing which is customarily left there for a long time. But something which is customarily left there only for a short time, such as a garment or the like, is permitted to be used for shutting under all circumstances.
- 72 Doors and windows even when they hang on iron hinges, and are easily removed and reset, nevertheless, it is forbidden to remove them or to hang them on Shabbos, for one who hangs them is [in violation of] building and the one who removes them is [in violation of] demolition.
- 73 It is forbidden to sweep the house even if the floor is made of stone or wood. But when a non-Jew does it, it is permitted. If you do it in an entirely unusual manner, such as using the feathers of a goose wing, or something similar, it is permitted even for a Jew.

- 74 You may not rub saliva on the ground with your foot, but you may step on it without rubbing it.
- 75 It is forbidden to relieve yourself in a plowed field on Shabbos. (If it is someone else's field, it is forbidden to enter it [for such a purpose] even on weekdays, as stated in Chapter 183: 5.)
- 76 It is forbidden to make even a temporary partition, on Shabbos or Yom Tov if it is for the purpose of permitting something. Therefore it is forbidden to make a partition with a curtain or anything similar to block out the light of a candle in order to permit marital relations, or in front of *seforim* in order to have marital relations or (to permit) moving the bowels; for since the partition legalizes [these activities] it creates a separate domain and it is equivalent to making a tent. However, it is permitted to cover the *seforim* with two coverings, one on top of the other for this does not constitute making a tent. If the curtain that hangs in front of the bed was spread out [at least] one *tefach* before Shabbos, whether from the side or from the top, it is permitted to spread all of it on Shabbos, because then it is only an addition to a temporary tent. But the ruffled part of the curtain which always hangs at one end [of the bed] is not included in the *tefach*, because it is not intended to serve as a tent. Similarly, a partition called a "Spanish wall" is forbidden to be opened unless it was slightly opened from *erev Shabbos*. But the part that is always folded, even if that part of the wall is more than a *tefach*, cannot be considered. But a temporary partition that is not made to permit (anything) but rather to serve as a shield from the sun or to prevent wind from blowing out the candle, etc., is permitted.

- ⁷⁷ A tent, even if it is made only to shield from the sun or from the rain; and even if it is only a temporary tent, if it is one *tefach* by one *tefach* and one *tefach* high it is forbidden to be made on Shabbos. Therefore, it is forbidden to spread a sheet over a baby's crib that has wooden hoops on the top upon which a sheet is spread, unless at least a *tefach* was spread before Shabbos, [in which case] the remainder is only an addition to a temporary tent, which is permitted. If the hoops were close to each other, and were less than three *tefachim* apart, they are in themselves considered a tent, (for it is a law given [orally] to Moses on Mount Sinai that any space less than three *tefachim* is considered *lavud*, which means connected and closed) and it is permissible to spread a sheet over them.
- ⁷⁸ It is forbidden to remove the cover of a box [trunk] which is not attached with hinges, because it is equivalent to demolishing a tent. And likewise it is forbidden to cover the box with it because it is like making a tent. When placing a board on an [open] barrel to serve as a table, you must place the barrel with its open side on the bottom, because if you place the board on the open side, you will be making a tent.
- ⁷⁹ If a chimney has its opening on the side, so that closing it is like adding to a partition, it is permissible to close it. But if the opening is on top of the chimney, it is forbidden to close it on Shabbos and Yom Tov because it is like making a tent. If an iron door is installed there that swings on hinges, it is permissible to close it, for since it is installed there it is like (any) door that swings on hinges.

- 80 If a garment was spread over the opening of a barrel and the barrel is not entirely full, but there is an empty space of *tefach* between the beverage and the cover, you should not cover it completely because it is like (making) a tent, but rather leave a little of the opening uncovered.
- 81 Any partition or tent which you are forbidden to make [on Shabbos], once it is made, you are forbidden to remove it, for it is like demolishing a tent.
- 82 It is forbidden to carry a covering that is made to protect from the sun or rain, which is called an umbrella, [because when you open it] it is considered making a tent.
- 83 When vessels made of different sections inserted into one another became separated, if they were usually joined loosely, it is permissible to put them back, but if they were usually joined tightly, it is forbidden to put them back even loosely. Similarly if they were joined by means of screws, since they are usually joined tightly, if they became separated, it is forbidden to join them even loosely. However, it is permissible to remove pot covers and to put them on, since they are not made to remain there, but rather to be opened and closed constantly.
- 84 When a press is made of two boards one on top of the other, between which clothes are pressed, if it is a household press it is permissible to open it to take out clothes needed for Shabbos and Yom Tov. But you may not press clothing in it, for you would be doing it for weekday needs. If it is a launderer's press or that of another craftsman, it is forbidden to be opened, for since it is joined together strongly, opening it is like demolition. Even if the press was opened before Shabbos it is

forbidden to take clothing from there on Shabbos or Yom Tov. This is a *gezeirah* (rabbinic decree) lest you open it on Shabbos.

- 85 If the leg of a stool came out, it is forbidden to put it back, and it is also forbidden to lean the stool on another stool unless you previously sat on it in this manner. However, it is permissible to place a board on stools, or on pieces of wood that you prepared *erev* Shabbos for that (purpose).
- 86 It is forbidden to wind even an ongoing clock on Shabbos and Yom Tov to prevent it from stopping. On the second day of Yom Tov you may be lenient, so long as it is still going. It may be wound [only] for the need of Yom Tov but not for the next day. For a sick person it is permitted in any case, if a non-Jew cannot easily be found to do it.
- 87 It is forbidden to make a musical sound with an instrument on Shabbos, or with the limbs of your body, (except the mouth). It is even forbidden to snap your fingers, or tap them on a board to make a sound, or to rattle a nut, or to ring a bell to silence a crying child. It is forbidden to clap or to dance. [However] in the honor of the Torah it is permissible to clap and dance. Also if someone does it to silence a crying child, you should not protest for there are (*poskim*) who permit it.
- 88 It is permitted to make non-musical sounds. Therefore it is permissible to knock on a door so that it will be opened for you, and similar things [are also permitted]. Some authorities hold that it is nevertheless forbidden to make noise with a special instrument such as knocking on a door with the knocker attached to it or to ring the bell set up for that

purpose. Similarly, those clocks that are made to strike the hours by means of pressing them, or by pulling a special chain, may not be operated as such on Shabbos or Yom Tov.

- 89 If you are guarding fruits or grain against animals and birds, you may not clap your hands, nor slap your hands on your thighs, nor stamp your feet to chase them away as you would do on weekdays.
- 90 It is not permitted to play with nuts or the like on the ground, even if covered by a floor. You should nevertheless not protest against women and children (who do it), for they will certainly not listen, and it is better that they err unintentionally rather than intentionally.
- 91 In reference to folding clothing there are many halachic intricacies and you should (therefore) not fold any garment.
- 92 If a garment is caught on fire it is permissible to spill any kind of beverage on the spot which is not yet burning, so that when the fire reaches the wet part it will be extinguished, but it is forbidden to spill water on the garment.
- 93 You may not make your bed on Shabbos for use after Shabbos. Even if there is still time left in the day during which you can sleep while it is still Shabbos, nevertheless, since it is not your intention to sleep on it until after Shabbos, you are preparing something on Shabbos for weekdays, and this is forbidden.

Siman 81

- ¹ There are four classes of domains with regard to the laws of Shabbos: private domain, public domain, *karmelis* and *makom petur*. We shall explain them briefly.
- ² What is a private domain? It is a place that is at least four *tefachim* by four *tefachim* (which is sufficiently significant to be of use) and is surrounded by partitions at least ten *tefachim* high (even if the partitions are not complete). A trench, ten *tefachim* deep and four *tefachim* wide, has the same halachah as a partition. Similarly, the same is true of a hole ten [*tefachim*] deep, and four *tefachim* by four *tefachim* wide, and also a mound ten *tefachim* high and four *tefachim* by four *tefachim* wide. Even a vessel such as a box, if it is ten [*tefachim*] high, or a round barrel that is large enough to circumscribe a four by four square; all of these, even if they are in a public domain or in a *karmelis*, are considered separate premises of their own and constitute a private domain. The open space over a private domain is considered a private domain until the sky. The tops of the walls that surround a private domain, are also considered a private domain. If there are holes in the walls on the side facing a private domain, even if they run through from side to side, since they can be used from the private domain, they are insignificant in comparison to the wall [and therefore] are considered as a private domain. (When the holes are only on the outside of the wall, this will be explained in the following paragraph.)
- ³ What is a public domain? Streets and market squares that measure sixteen *amos* by sixteen *amos* are considered public domains, for this was the width of the road in the camp of the Levites in the desert. And highways by which people travel from city to city that are sixteen *amos*

wide are [also] public domain. Anything in a public domain that is less than three *tefachim* above the ground, even thorns or dung on which most people do not step, is nevertheless insignificant when compared to the ground, and is considered part of a public domain. Likewise, a ditch in a public domain; that is less than three *tefachim* deep, is considered public domain. The holes in the walls facing a public domain that do not run through to a private domain, and are lower than three *tefachim* from the ground, are insignificant compared to the public domain, and are considered public domain. However, if they are higher than three *tefachim* [from the ground], we must consider them according to their dimensions. If the hole measures four by four *tefachim* but is lower than ten *tefachim*, it is considered a *karmelis*; if it is higher than ten *tefachim*, it is a private domain. If it is less than four by four *tefachim* it is a *makom petur*, whether it is above ten *tefachim* or below ten *tefachim* [from the ground]. Alleys that lead into a public domain are sometimes regarded as public domain and sometimes as *karmelis*. This involves many intricate halachic details. Some authorities say, that any place through which fewer than 600, 000 people pass daily, as was the number of Jews in the desert, is not a public domain, but is regarded as a *karmelis*. Therefore, nowadays, we have no public domain. Every God-fearing person should follow the more stringent view.

- ⁴ What is a *karmelis*? It is any place that is not a public thoroughfare, and is not properly surrounded by partitions such as a field; or a stream that is no less than ten *tefachim* deep and no less than four *tefachim* wide; and alleys that have three partitions. Also an *itztavanis*, (which is a place in front of shops where merchants sit) or an *itztaba*, (a stand on which merchandise is placed,) in front of the pillars in the public

domain, and [the *itztaba*] is four *tefachim* wide and from three *tefachim* to ten *tefachim* high. Also a place that measures four [*tefachim*] square, and is surrounded by partitions that are less than ten [*tefachim*] high; and a mound that measures four [*tefachim*] square and from three to ten [*tefachim*] high; and a pit that measures four [*tefachim*] square and is from three to ten [*tefachim*] deep. There are also many other examples of *karmelis*. (The word *karmelis* is a composite of *rach* and *mol*, which means, neither wet nor dry, but in between. The same applies in this case; it is neither a private domain, because it does not have proper walls, nor is it public domain, because not many walk there.)

- ⁵ What is a *mekom petur*? It is any place in a public domain that does not measure four [*tefachim*] square and is more than three [*tefachim*] high; or a pit that is not four [*tefachim*] square and is deeper than three [*tefachim*] ; and a place that does not measure four [*tefachim*] square but is surrounded by partitions of three or more [*tefachim*] high. All these places [are exempt] only when they are in a public domain, [for then] they are considered a *mekom petur*. But when they are in a *karmelis*, they are also considered part of *karmelis*.

Siman 82

- ¹ It is forbidden to move anything a distance of four *amos* in a public domain or in a *karmelis* whether by carrying, throwing it, or handing it over. Even carrying [an object] a little at a time a distance of less than four *amos* is also forbidden.

- ² It is forbidden to carry, to throw, or to hand over anything from a private to a public domain or to a *karmelis*; or [to carry] from a public domain or from a *karmelis* to a private domain. It is likewise [forbidden to carry] from a public domain to a *karmelis*, or from a *karmelis* to a public domain. But regarding a *mekom petur*, you are permitted to carry out and bring in from it into a private domain, public domain, or a *karmelis*; and from the latter into the former, provided you do not carry the article four *amos* within the public domain or the *karmelis*. Since there are many complex differentiations regarding what constitutes a public domain, a *karmelis*, and a private domain, (aside from those mentioned in the previous chapter); therefore, in a town where no *eiruv* has been erected, a person who is not well versed [in these laws] should be careful not to carry any article from the place where it rests into a domain of a different category, unless he is certain that it is permissible.
- ³ Taking an article from the place where it is resting is called *akirah* (dislodging). Putting down an article is called *hanachah* (depositing). Even dislodging without depositing, or depositing without dislodging is forbidden. Therefore, a Jew is forbidden to hand an article to a non-Jew in order that he take it from a private domain to a public domain or a *karmelis*, for the Jew is thereby doing the dislodging; —rather, the non-Jew himself should take the article. Likewise, when a non-Jew brings an article, the Jew may not take it from his hand, for thereby the Jew does the depositing; rather, the non-Jew himself should put down the article. You should be careful in this regard in the case of an infant, when a non-Jewess carries him to the synagogue to be circumcised, that she herself pick up the baby in the house, and when she comes to the

courtyard or the lobby of the synagogue, she should put him down, and then a Jewess should take him.

- 4 If there is a break in the partition of a courtyard, if what is left of the partition on one side of [the break] measures four *tefachim* wide by ten *tefachim* high, above the ground, or if there remains on both sides of [the break in] the wall a piece measuring one *tefach* wide by ten *tefachim* high, and the break is not wider than ten *amos*, it does not need to be repaired, for that break is considered as a door. But if the break is wider than ten *amos*, or if there has not been left of one side of the wall the width of four *tefachim*, or of the two sides, the width of one *tefach* of each, and certainly, if it was completely broken, that is, if there is no wall left, on one side, like this □, then, even if the break measures only three *tefachim*, it is forbidden to carry in this courtyard until it is repaired. (And the best way to repair it is) by making it in the form of a doorway. (If there are in this courtyard two or more households, they must also establish *eiruvei chatzeiros*, as will be explained, God willing, in Chapter 94).
- 5 We have stated above that if a break in the partition [of a courtyard] is not more than ten *amos* wide, it is considered as a door and does not need to be repaired. [This rule applies] only if there is only one break, but if there are two or more breaks, it is necessary that the area of the remaining wall be at least as large as the broken area. But if the broken area measures more than the part that remains standing, then every break that is more than three *tefachim* wide must be repaired.
- 6 What is a *tzuras hapesach*? [If] you erect two posts on either side [of an open space], each post no less than ten *tefachim* high and you place a

stick or a string on them, [it is a *tzuras hapesach*, a form of a doorway.] It is necessary that the stick or the string be attached specifically to the top [of the posts] and not to their sides. However, if you hammer a nail into the top of the posts and tie the string around it, it is perfectly acceptable. It is essential that neither of the posts be away from the wall more than three *tefachim*, nor should they be higher than three *tefachim* from the ground. In an emergency, when it is impossible to make a *tzuras hapesach*, except by placing the posts at a [greater] distance from the walls than three *tefachim*, you may follow the lenient view.

- ⁷ If a courtyard or a house opens to the street and its door opens inward and the doorpost, the lintel, and the threshold are towards the street, the space [in front of the door] is sometimes considered a private domain and sometimes a *karmelis*. Since not everyone is well versed in these laws, therefore, because of the existing doubt, we apply both the restrictions of a private domain and those of a *karmelis*. It is forbidden to carry anything from there into the street which is either a public domain or a *karmelis*, or from the street into this place for it may be a private domain. It is likewise forbidden to carry anything from the house or the courtyard to such a place, [in the space in front of the door,] nor from that place to any of the others, for it may be considered a *karmelis*. Therefore, if the door is locked and needs to be opened, care should be taken that a non-Jew put the key into the lock, and after opening the lock, before the Jew opens the door, the non-Jew should remove the key; for if the Jew would open the door while the key is in the lock he is thereby bringing the key from a *karmelis* into a private domain.

- ⁸ In many places there are houses whose roof extends from the wall of the house into the street and it is supported there by pillars. It is forbidden to carry anything from such a house into the area [beneath the extension], or to bring in anything from there into the house. It is also forbidden to carry anything there [over a distance of] four *amos*, because *halachically* it is considered as a street, whether it is a public domain or a *karmelis*. And although the roof rests on the pillars, giving it the form of a door [*tzuras hapesach*] which the *halachah* regards as a wall, still, since on its sides [between the pillars and the house] there is no wall, [you may not carry there]. It is necessary, therefore, to erect a post on one side near the wall of the house opposite the pillar which supports the roof, so that there should be a *tzuras hapesach* also on that side. The same should be done on the other side. If there are a number of such houses adjacent to each other, in this manner, it is sufficient if you erect [these posts] on the end of the outermost house on one side [of the row], and on the end of the outermost house on the other side [of the row]; and [the residents] should make an *eiruvei chatzeiros*.
- ⁹ You are allowed to place food in front of a non-Jew in a yard or a house, even though you know that he will take it outside; as long as you do not put [the food] into his hand, for if you do, you are doing an *akirah* dislodging; and you may place the food in front of him only if the non-Jew is allowed to eat [the food] there if he wants to, but if he is not allowed to eat it there, or you are giving him a large amount of food, so that he could not eat it all there; or if you give him other articles, when it is obvious that he will carry them outside, it is forbidden, because it appears as though you gave it to him with the aim of carrying it outside.

- ¹⁰ A woman may lead her child even in a public domain as long as she does not drag him. But the child should lift up one foot and keep the other one on the ground supporting himself on it until he sets down the foot he had lifted. This way he is always supporting himself on one foot. But when she drags both feet [of the child] it is just like carrying him, which is forbidden, even in a *karmelis*. Carrying a child outright, even if he is big enough to walk by himself, is forbidden, even in a *karmelis*. The Sages applied the rule that "a living being carries itself" only to exempt [the person who carries it] from bringing a sin-offering, but it still is a violation of a Rabbinical prohibition (*shevus*). In a *karmelis* it is a *shevus* on a *shevus*. It is necessary to warn the public who [generally] err regarding this matter.
- ¹¹ [From] a stream that runs through a courtyard it is forbidden to draw water.
- ¹² A person must not stand in a private domain and urinate or spit into a public domain or a *karmelis*, or from a public domain or a *karmelis* into a private domain, or from a public domain into a *karmelis* or from a *karmelis* into a public domain. Likewise, you must not walk four *amos* in a public domain or a *karmelis*, or from one domain into another with saliva in your mouth, if the saliva has already been moved from one place in your mouth to another.
- ¹³ You may spill dirty water into a courtyard that measures four *amos* square, although it will run off to a public domain.

Siman 83

- ¹ Fencing an area with partitions to make carrying in it permissible, will serve that purpose only when the area was fenced around for dwelling purposes. What is meant by "fenced around for dwelling purposes" ? If you built a house to live in, or you opened a door from your house, and fenced the area with partitions, the way courtyards are built for houses, then, even if the [enclosed area] is very large, it is an absolute private domain. But areas that have been fenced around for other than dwelling purposes, such as gardens or orchards, whose fences are made only to guard their contents, these are graded by their size. If the area would not require more than two *seahs* [of seed], you may carry things in it, but if it would require more than two *seahs* [of seed], it is considered a *karmelis*.
- ² What is the size of an area requiring two *seahs* [of seed] ? It is the area of the courtyard of the Tabernacle, [which was] one hundred *amos* long by fifty *amos* wide. If the space is a square, it would measure seventy *amos* and four *tefachim* by seventy *amos* and four *tefachim*. (In our *amos* it measures fifty three by fifty three and a little more). If the area is circular or in any other shape, it should also be calculated to measure 5,000 square *amos*. (In our *amos* it is 3,750.) However, if the length of the area is more than twice its width even if only by one *amah*, then it is considered as requiring more than two *seahs* [of seed], since it does not resemble the courtyard of the Tabernacle.
- ³ A space which has been fenced around for other than dwelling purposes, and which is not larger than "two *seahs*" so that you are allowed to carry in it, if there is a courtyard next to it, you are also permitted to carry from there into the courtyard and from the

courtyard into the enclosed space, because [the enclosure] and the court are considered as one domain. However, it is not considered the same domain as the house, and therefore the vessels in such an enclosed space are forbidden to be carried into the house, and vessels that are in the house are forbidden to be carried into the enclosed space.

- 4 If you fenced around a space with partitions for other than dwelling purposes, and afterwards built a dwelling on it, or you made a door in the house leading to it; what can legally be done to change it into an enclosure for dwelling purposes? You should make a break in the partition of more than ten *amos*; because an opening of ten *amos* is considered a door; but if it is more than that, it is considered a break, whereby the partitions will be nullified. After that if you repair the fence, it will be considered as fenced around for dwelling purposes.
- 5 [If you have] a courtyard that is larger than two *seahs*, and you planted trees in it, even in the greater part of it, the status of dwelling is thereby not nullified, and it is still considered as fenced around for dwelling purposes, because people usually spend time in the shade of trees. However, if you planted seeds that cover the greater part of the yard (even if it is not in one area, but scattered) the status of dwellings has been nullified and the entire [yard] is considered as a garden. If [the planted area] covers less than half of the courtyard; and this area is less than two *seahs*, it is of no consequence compared to the courtyard and the whole area is regarded as a courtyard. But if [the planted area] covers more than two *seahs* (in one place), then the planted area is regarded as a *karmelis*, and the rest of the courtyard is completely open to a place which is forbidden (to carry into), and thus it is forbidden to carry anything in it except within four *amos*.

- 6 Likewise, a courtyard measuring only two *seahs* or less, part of which has been planted, should also be judged by the greater part of it. If the greater part has been planted, although you are permitted to carry there, since it is not larger than two *seahs*, nevertheless, vessels that are in your house are forbidden to be carried into it. Therefore, it is necessary to make a partition in front of the garden in order that you may carry things from the house into the courtyard.

Siman 84

- 1 It is forbidden to walk out into a public domain or a *karmelis* with article that is neither a garment nor an ornament. Therefore, you may not go out with a needle stuck in your garment, or even a pin without an eye. Even when he needs it for his clothes a man should follow the stringent view. However, since women usually fasten their ribbons, kerchiefs and similar things with pins, she is permitted to go out with [pins] for her dressing needs, but only with a pin without an eye, not with a needle with an eye.
- 2 There are certain ornaments that our Sages of blessed memory forbid to be carried on Shabbos in a public domain. Some ornaments are forbidden to men and some ornaments are forbidden to women. For example, jewelry about which there is reason to be concerned that the woman might remove in order to show it to someone [is not permitted.] Now, the prevailing custom is to permit it, and the authorities wrote reasons for this, but a God-fearing person should be strict regarding this. A man should be careful not to go out with a ring on which there is no engraved seal, and he should certainly not wear a

watch, even if it is attached to a gold chain that he wears around his neck, which is a piece of jewelry. But the pocket watch [is certainly considered] a burden, and is not permitted.

- ³ A silver key, even though it is made for ordinary use, since it is also a piece of jewelry, it is customary to carry it on Shabbos. But eyeglasses, even if they have silver frames, are forbidden to be carried outside.
- ⁴ A woman may not put a garment over her kerchief, nor should a man put a garment on his hat to protect it from the rain, for this is not the usual way the garment is worn. If their intention is that they should not be annoyed by the rain; it is permitted.
- ⁵ A person who is lame, or a sick person, just recovering from his illness, or a very old person, who finds it impossible to walk without a cane, is permitted to walk with a cane in his hand. But if he can walk without a cane, and he walks without one in his house, except that when he walks outside he uses it for support, he is forbidden to do so. A blind person is forbidden to go out with a cane in a city in which there is no *eiruv*. A person who needs no cane at all is forbidden to go out with one even in a town where there is an *eiruv*, because it shows disregard of the Shabbos.
- ⁶ A person who is shackled in chains may walk out with them, [on Shabbos].
- ⁷ You may not walk out on stilts, that people use in mud and water.
- ⁸ You may go out with a plaster on a wound (provided you do not place it on the wound on Shabbos) for since it is a remedy it is like an

ornament. And you may wrap it in an inexpensive piece of cloth and it becomes insignificant in relation to the plaster. But an article of value, such as a scarf or the like, you must not wrap around it, because it does not become insignificant in relation to the plaster, neither is this the usual way a scarf is worn. It is therefore considered a burden.

- ⁹ You may go out with cotton placed in your ear to absorb discharge from the ear, provided it is tightly stuck, so that it cannot fall out. Likewise, you may walk out with a footpad or straw in your shoes, if it was placed there in a way that it cannot fall out.
- ⁹ A woman should not go out with a menstrual pad that she uses in order not to soil her clothing; neither may she go out with an apron which she wears for the same purpose, unless it is a real garment. But if she puts on the pad or the apron to save herself from discomfort, for if the blood dries on her skin she will suffer discomfort, she is permitted to go out with them.
- ⁹ When walking in a place of mud and clay, you may raise your clothes a little so that they will not be soiled but it is forbidden to raise them fully.
- ⁹ It is permitted go out on Shabbos wearing two garments one over the other, even though you do not need the other garment for yourself but are taking it out for someone else. But this is true only if occasionally on weekdays you also wear two such garments, for then it is your usual way of dressing, (even though most of the time you do not dress like that). But if you never wear two such garments, you are forbidden to go out with them on Shabbos, because the second one is considered a

burden. The same law applies to two pairs of socks, or a large hat over a yarmulka or something similar.

¹³ If it is the custom of the community to wear a cheap belt underneath and an expensive one it is permitted to do so on Shabbos, even though now you need only one, and the second one is taken out for a friend. But if it is not the custom to wear two belts, even though you prefer personally, to dress like this, you are forbidden to do so; for since one belt is sufficient, the second one is considered a burden. In any case, you are permitted to go out with two belts where there is a garment worn between them, as for example, when the bottom belt is on your trousers and the top one on your coat, for then you have benefit and use of both.

¹⁴ [Regarding] a handkerchief, it is customary to wrap it under the outer garment around the trousers. You should be careful not to tie it into a double knot, one above the other. A God-fearing man who usually wears suspenders to hold up his trousers, should remove them on Shabbos, so that the handkerchief is actually used [to hold up his trousers]. Some people are accustomed to wrap the handkerchief around their neck. This is not permitted, unless you wear no other kerchief around your neck, and you are accustomed to wearing a scarf in cold weather. You must tie it in a way that is permissible; but just throwing it around your neck, letting the corners hang down in front of you, is absolutely forbidden. Likewise, it is forbidden to wrap it around your leg or your hand and to walk out with it.

¹⁵ Some authorities permit wearing gloves [on Shabbos], while others forbid it. [Regarding a muff] that warms both hands together, you may

be more lenient.

- ¹⁶ You may go out with a tallis with tzitzis if you wear it in the usual way; but if you wear it folded around your neck in a community where it is not customary to wear it like that, it is forbidden.
- ¹⁷ If a garment has two straps or strings with which it is tied, or if it has hooks with which it is fastened, and one of them was torn off, even though the remaining one that matches it is useless, nevertheless, if you intend to repair it later by replacing its mate, the remaining one does not become insignificant to the garment. It is like a burden, and it is forbidden to go out in such a garment. But if you do not intend to repair it, therefore, since the remaining piece is useless, it is thus insignificant to the garment, and you are permitted to go out with it. If it is an article of value, such as a silk cord or a silver clasp, even if you do not intend to repair it, it is not insignificant to the garment and it is forbidden to go out with it.
- ¹⁸ Bald persons who wear a toupé on their head may go out in it on Shabbos to a public domain, because it is considered as their ornament, (provided it was prepared on *erev Shabbos*).
- ¹⁹ One who wears an amulet must consult a *halachic* authority as to whether or not he may go out with it on Shabbos, because not all amulets are of equal value. A woman who wears a stone called *sternschuss* to prevent miscarriage may go out with it on Shabbos.

Siman 85

- ¹ If, Heaven forbid, a fire breaks out on Shabbos, our Sages were concerned that the head of the household and his family [who are] in the vicinity of the fire, will be occupied with rescuing their belongings. They will be hasty and panicky at the prospect of losing their valuables, and, as a result, forget that it is Shabbos, and they might extinguish the fire. They, therefore, forbade rescuing even objects that are [normally] permitted to be handled. They forbid even to move them to a place where it is permitted to carry. Only that which is needed for the day is permitted to be rescued. For instance: If a fire broke out on Shabbos eve before the [Shabbos] meal, you may rescue [enough] food for three meals, [food] fit for humans—for humans, [food] fit for animals—for animals. [If the fire broke out] in the morning, [you may rescue] food for two meals. [If the fire broke out] in the afternoon, [you may rescue] food for one meal. If one vessel contains much food [i.e. more than you need], for example, a basket full of breads, or a barrel full of wine or something similar; since you can remove it [all] at the same time, it is permissible [although you are rescuing more than you need]. Similarly, if you spread a sheet or something similar, and gather into it everything you can remove, even quantities of food and drink, and you remove them all at once, it is permissible. You may also remove all the utensils that you need to use on that day [Shabbos].
- ² You may say to others: "Come and rescue [something] for yourselves," and each person may rescue the food that he needs, or a vessel that contains even a great amount [of food] and it will belong to the rescuer, since the owner renounced his ownership, and he [the rescuer] acquired it from ownerless property. If he [the rescuer] is a God-fearing person and returns to the owner that which he rescued because he knows [that

the owner] did not willingly renounce ownership, he may receive payment for the rescue and it is not considered Shabbos wages, since, legally, it is all his. Nevertheless, it is virtuous not to accept payment for the trouble of rescuing [anything] on Shabbos, although it is not [considered] Shabbos wages, because a virtuous person should give up his rights concerning anything that has the slightest taint of sin.

- ³ All that was said above applies only [when taken] to a place to which it is permitted to carry things. But, to a place where it is forbidden to carry, it is forbidden to rescue anything. However, clothes that you can wear may be put on, and you may wrap everything you can around you and carry them out even to a public domain. Then, you may remove the clothing, [return] and again put on clothes and carry them out. [You may do this] even the entire day. You may also tell others: "Come and rescue!" and they, too, may rescue.
- ⁴ Since the owners of the houses that are near the fire are less panicky even though they are afraid that [the fire] will also reach them, they may rescue everything [by taking it] to a place where it is permitted to carry. Some say that money as well as other valuables, though they are *muktzeh*, may be rescued from a great, sudden loss, such as a fire, a flood or a robbery, by placing on them some food item, and handling them together in that manner. (However, under other circumstances, there is no allowance whatsoever to handle *muktzeh* in this manner.) There are those even more lenient [who rule] that the valuables themselves may be handled, because where a great sudden loss [is involved] the prohibition of *muktzeh* is set aside provided that you do not carry them out to a place wherein it is forbidden to carry.

- ⁵ All sacred books, whether they be handwritten or printed, may be rescued from a fire, a flood, and the like, even to a yard or an alleyway to which it is forbidden to carry due to the lack of an *eiruv*; provided the yard or alley is constructed in a manner that an *eiruvei chatzeiros* or *shitufei mevo'os* could be set up. It is permitted to use a non-Jew to rescue these books even [if it means] carrying through a public domain. (Salvaging the dead from fire is discussed further on in Chapter 88, paragraph 16.)
- ⁶ You may rescue the book-bag along with the [sacred] book, and the *tefillin*-bag along with the *tefillin*.
- ⁷ A *Seifer Torah* should be rescued before other books.
- ⁸ When life is endangered you may extinguish the fire. Therefore, in areas that Jews reside amongst non-Jews, you may extinguish the fire even if it is in a non-Jew's house. It all depends on the circumstances. Only extinguishing is permitted, but it is prohibited to desecrate the Shabbos to save some valuables. If you violated the law and *did* desecrate [the Shabbos], you should consult a rabbi to learn the way of repentance.

Siman 86

- ¹ It is forbidden to wash your entire body, or even most of your body with hot water, even if it was heated on Friday. Even to wash one limb at a time, is forbidden when the majority of the body [will be washed]. Even to enter a bathhouse solely for the purpose of sweating is also forbidden. But you may wash your face, hands and feet with hot water that was heated on Friday.

- 2 Water that flows hot from its source such as the hot springs of Tiberias and the like, if [the waters] are in the ground and there is no roof over them, you may wash even your entire body in them. But, if [the water] is in a vessel or the place is covered with a roof, it is forbidden. Even to enter a bathhouse solely for the purpose of sweating, is forbidden. There are those who say that as long as [the water] is in the ground even if the place has a roof, you may bathe in it.
- 3 You may immerse your entire body in cold water. However, you may not stand afterwards in front of an oven in order to warm yourself, because that amounts to washing in hot water. Even if you washed only your hands in cold water, do not warm them near the oven while they are still wet, because it is considered as if you washed with water that was warmed today [Shabbos], for such water is prohibited for washing even one limb. You must first dry them well and as stated in Chapter 80, paragraph 32, you must rub them well before drying them so that only a little water remains on them.
- 4 If you bathe, be careful not to squeeze your hair. Also take care not to swim because it is prohibited to swim on Shabbos and Yom Tov. It is also forbidden to make things float, such as wood chips, on top of the water. If you bathe in a place where it is forbidden to carry, you must also take care before leaving [the water], to first remove the water from your body and hair, and dry yourself well, so that no water remains on you, which you would be carrying from one domain into another. Similarly, in the river itself, you must take care not to carry the water which is on you four *amos*, because the river is considered a *karmelis*. Since not everyone knows to be careful, therefore, it has become the

prevailing custom in these regions not to bathe at all on Shabbos even in cold water, except for the purpose of a mitzvah, such as a woman after menstruation, (as discussed further, Chapter 162, paragraph 7) or a man after a nocturnal emission.

- 5 You may stand at the river bank and wash your hands in the river; and it is not forbidden to remove the water on your hands from the river onto the bank, because the river is [considered] a *karmelis* and the bank is also a *karmelis*, and it is permitted to carry from one *karmelis* to another less than four *amos*, provided that you take care to dry your hands thoroughly before walking four *amos*.
- 6 You may clean your hands by rubbing them with crushed grain [or bran] although your hands may be wet, provided you don't put the water directly on the crushed grain. But it is forbidden to rub your wet hands with salt, and, certainly, not with soap because it liquefies.
- 7 Water that is not usually used for washing, but, rather, for medicinal purposes, such as malodorous or noxious [water], is forbidden to be used for washing on Shabbos, since it is obvious that it is being used as a cure, (see below, Chapter 91). This applies only if you linger in [the water], but, if you do not linger, it is permissible, because [then] it appears [that your purpose is] only to cool off. Concerning the hot springs of Tiberias and the like: if the normal practice is to bathe in them only for health reasons, it is forbidden to bathe in them on Shabbos for health reasons, even if you do not linger in them.

- ¹ It is written [in the Torah]: "...so that your ox and donkey may rest..." Here the Torah commands us that the animals of a Jew must also rest [on Shabbos]; and not only cattle, but all animals. Therefore, it is forbidden to allow your animal to carry out a load, because even if the animal went out on its own, into the public domain carrying a burden, you have violated a positive command of the Torah. Even if the object [the animal is carrying] is ornamental, nevertheless, it is [considered] a burden. However, if the purpose of the object is to heal [the animal], such as a bandage on a wound, the animal may go out with it. Similarly, anything the animal requires for its safekeeping, is considered like a garment for a human being and the animal may go out with it. But something which is for excessive safeguarding is forbidden. Similarly, an object that this [particular] animal cannot be safeguarded with, though another animal *can* be safeguarded with it, is considered a burden for this animal and is forbidden.
- ² A horse may walk out with a halter or a bridle but not with both. You may wrap the halter straps around its neck and it may go out with it, provided it is wrapped loosely so that you may easily insert your hand between the wrapped [straps] and its neck, to restrain it, should it attempt to run off. You may handle the halter and place it on the animal but you may not lean on it because it is forbidden to lean on any animal on Shabbos. However, a donkey may not walk out with an iron bridle because that is an excessive safeguard for a donkey. An ox or a cow which do not require safeguarding, are forbidden to be taken out with a rope around its neck, unless they have a habit of running away. A rope tied on the horse's mouth is considered a burden because it is

not safeguarded by it, since it slips off its mouth. This is not comparable to a halter which is tied to its head.

- ³ Horses, as well as other animals, must not go out wearing a pack-saddle. Only a donkey may go out with a pack-saddle to protect it from cold, because by nature it easily catches cold. If you tied the saddle on the donkey before Shabbos, it may go out with it on Shabbos, because it is [considered] its garment. If, however, it is not tied on, it may not go out with it, because it may fall off and you may carry it by hand. You may not tie the saddle on Shabbos because it requires coming close [to the animal] and leaning on it. However, when the donkey is in the yard it is permitted to place a pack-saddle on it to protect it from the cold, provided it is not let out. However, you may never place a pack-saddle on a horse unless there is extreme cold which may harm the horse. Likewise, during the summer when there are many flies which annoy it, you may place a pack-saddle on it, provided you take care not to lean on the animal while putting it on. Removing a pack-saddle on Shabbos, whether from a donkey or a horse, is forbidden, since it suffers no discomfort if it is not removed.
- ⁴ It [the animal] may not go out [wearing] a bell even if it is plugged and does not ring. Even in a city where an *eiruv* has been established, it is forbidden to let it go out with a bell. Only in the yard may it [the bell] be upon her. If it [the bell] is not plugged, and rings [as the animal moves], [then,] even in the yard it is forbidden to be on the animal.

- ⁵ You may lead a horse with the straps of the bridle, provided you hold the end of the straps so that a *tefach* does not protrude from your hand; also, so that the strap which is between your hand and the animal [does

not reach] to within a *tefach* of the ground. If the strap is very long then, wrap it around the horse's neck.

- 6 When two or more animals are tied together and by holding one rein all are led, one following the other, it is forbidden to do this on Shabbos, even in a city where an *eiruv* has been established. But, you may hold a number of reins in your hand to lead them [the animals], if you do it the way it was explained in the previous paragraph.
- 7 Hens may not go out with strings that are tied to them for identification purposes, or to keep them from breaking things. But, to tie their feet so that they cannot run away [is permitted]. Similarly when horses graze in the field, their forelegs are tied together, so that they cannot run away; this too is permitted, provided that you not fetter or hog-tie them. "Fettering" means tying the foreleg to the hind leg. "Hog-tying" means tying one of the hind legs upwards, so that [the animal] walks only on three legs, which is forbidden even on weekdays because it is forbidden to cause pain to animals.
- 8 If you have a non-Jewish servant who rides on the animal on Shabbos when he leads it to water, you need not deter him, because the prohibition against riding an animal on Shabbos is not due to the burden that it carries, because a living thing carries itself (and is forbidden only by a Rabbinic prohibition, which does not apply to the animal). The prohibition applies to the person [i.e. the rider], for a Jew is forbidden to ride an animal on Shabbos, but a non-Jew is not bound by it. And even if the non-Jew places a saddle or a blanket upon which he will ride, [nevertheless,] they are subordinated to the rider. However, he may not put anything else on the animal.

- 9 You may tell a non-Jew to milk the cows on Shabbos, to avoid causing pain to the animals, because the milk causes them pain. [However,] that milk is forbidden even to be handled on that day. Instead, the non-Jew should place it in a safe place. Similarly, you may tell a non-Jew to force-feed the geese once a day to avoid causing pain to living creatures.
- 10 You may not lend or rent your animal to a non-Jew unless you stipulate that it be returned before Shabbos. If it happened that he did not return it, you must renounce your ownership of it before Shabbos even without letting anyone know, to save yourself from transgressing the law. But, initially, it is forbidden to lend or rent to him relying on this.
- 11 A person may not measure out barley to feed his animal, but should just estimate the amount needed.
- 12 A bundle of hay that was not tied with a "permanent knot" (i.e. double-knotted), may be untied and placed before an animal. You may cut up hard pumpkins near an animal, provided they were picked yesterday [before Shabbos]. If the pumpkins are soft and the animal can eat them as they are, it is forbidden to cut them up.
- 13 You may place your animal upon growing grass so that it may eat, because this does not constitute "work" for her; [the fact] that she will be uprooting grass, on the contrary, is a pleasure for her. However, it is forbidden to place an animal for grazing, [upon] grass that a non-Jew cut on Shabbos, which is *muktze*. However if it has nothing else to eat, then it is permitted [in order] to [avoid] causing pain to animals. Similarly, if it has nothing to drink, you may tell a non-Jew to bring water for her, from a well [situated] in a *karmelis*.

- ¹⁴ You may not hang a bag or vessel on an animal from which it will eat, since it is only for the animal's comfort, so that it will not have to bend its neck, and you are forbidden to exert yourself on Shabbos [solely] for the comfort of the animal. However, since calves and colts have short necks and it is troublesome for them to eat off the ground, it is permitted to hang a feedbag on them in the yard. But they may not go out with it, because it is considered a burden.
- ¹⁵ You may not throw grain for the poultry in a damp place because it is possible that some will remain there and will sprout afterwards.
- ¹⁶ If you give feed to your animals it is forbidden to first put it into a sieve to remove the chaff and to cleanse it. But, if this is not your purpose, you may take it with a sieve and put it into the trough.
- ¹⁷ If you give bran to your animals or your poultry, it is forbidden to put water into it. If you put water in on Friday it is forbidden to knead it on Shabbos, but you may pour it from one vessel into another in order to mix it.
- ¹⁸ Animals [such as cattle,] beasts, and poultry that are raised in the house and whose feeding is your responsibility, may be fed on Shabbos. But, it is forbidden to trouble yourself in order to feed those not raised in the house and whose feeding is not your responsibility. Even [just] to throw feed before them is forbidden. Therefore, it is forbidden to place food before doves because they can fly out and get their food in the fields. You may place food before a dog. Even if it has no owner, there is somewhat of a *mitzvah* to give it some food, because the Holy One, blessed is He, showed it compassion; for, because of the scarcity of its

food, He caused its food to remain undigested in its intestines for three days. Some are accustomed to place wheat before the birds on *Shabbos Shirah*, but this is not proper, because it is not our responsibility to feed them.

- ¹⁹ You may invite a non-Jew to your house to dine with you on Shabbos. Although this is prohibited on Yom Tov because of the concern that you may prepare extra food for him, (as is explained in Chapter 98) ; however, on Shabbos, this is of no concern and you may even serve him alone. Although you are not responsible for feeding him, nevertheless, since we are told to feed the non-Jew in order to maintain good will, it is considered as if you are responsible to feed him (see above Chapter 82, paragraph 9).

- ²⁰ Animals, beasts and fowl that are not yet trained to return to their cages in the evening, or even if they are trained to do so but at the moment, they have escaped, it is forbidden to drive them [back] into the cages or into the house. Even if they are in the house or inside the cage, but the door is open, it is forbidden to close it, because, as a result they are being caught, which is a violation of the prohibition of "trapping."

- ²¹ If they are already trained and domesticated and usually return home in the evening but they went out, and you are worried lest they be stolen, you are permitted to drive them to a safe place, but you may not carry them by hand because they are *muktzeh*.

- ²² You must not deliver an animal of its offspring on Shabbos. Even to assist it, that is, holding the newborn so that it should not fall to the ground, is forbidden.

- ²³ You may apply oil on a fresh wound which is causing the animal pain, but it is forbidden to apply oil on a wound that is healing and is only done for the animal's comfort.
- ²⁴ If it [i.e. the animal] ate [too] much vetch or the like and is [now] suffering, you may cause it to trot in the yard in order to exhaust it so that it should recuperate. If it (i.e. the animal) has become hyperemic [suffering from an increase in the blood], you may make it stand in water so that it will cool off. If there is a possibility that if it is not bled, it [may] die, [then] you may tell a non-Jew to bleed it. Other remedies should also be administered through a non-Jew.

Siman 88

- ¹ The following items are *not muktzeh* and may be handled on Shabbos: If you made up your mind, not to eat something on Shabbos because it is unfit to eat, except in an extreme circumstance, or if it is fit to eat, even in normal circumstances, but you set it aside for sale, even if you placed it in storage; also food that is considered dog food today even if was not intended as such before Shabbos, for instance, an animal or bird that died on Shabbos; or something that took a new form today other than what it was yesterday, but is, nevertheless, still fit for some use today, such as vessels that broke today but are still fit for some utility that is similar to their original purpose, [i.e.] to hold food or drink; also bones that were stripped today of their meat and are fit for dogs. All of these things may be handled on Shabbos, unless you definitely reject it, such as [drying] dates and raisins.

- ² The following are considered *muktze*h and may not be handled on Shabbos: Food that is totally unfit for human consumption as is, even in extreme circumstances, because it requires cooking, although it is fit for animals or dogs. Since it is meant to be eaten by people afterwards, it is not [considered] food for animals and dogs. Similarly, things that are not fit for any use on Shabbos; such as wood, feathers, animal skins, wool or flax and all living animals, even if they are domesticated; nut shells, egg shells, hardened bones that are not fit even for dogs, doors and windows of a house, ([those] that are forbidden to be hung on Shabbos); as well as broken vessels that are no longer fit for any use; all these things and similar things are forbidden to be handled. Nevertheless, when broken glass vessels can cause injury, the broken pieces may be removed.
- ³ Food that is forbidden to be eaten, but from which benefit may be derived, and is fit for a non-Jew in its present state, such as cooked meat and the like, and you have the right to give it to a non-Jew since it is yours, may be handled. But, if it is not fit for a non-Jew in its present state, such as raw meat, (neither can it be considered as food for dogs, since it is fit for a non-Jew;) or if you are unable to give it to a non-Jew, because it is not yours but someone else's, is forbidden to be handled.
- ⁴ *Nolad* is something that came into being today, such as ashes from a fire which was ignited today by a non-Jew; or an egg that was laid today and sap running from the trees during the month of *Nissan*. And even if nothing new came into being today, but came as a result of an act which is forbidden today, such as fruit that fell from the tree, or was plucked by a non-Jew, or milk that was milked today and the like, are

also forbidden to be handled. But bread that a non-Jew baked on Shabbos, in a town where a majority are non-Jews, where in all likelihood he baked it for non-Jews, in extreme circumstances, or for the sake of a *mitzvah*, a Jew may eat it on Shabbos.

- ⁵ Utensils that are specifically [used] to do work that is forbidden on Shabbos, such as a mortar, a mill, a hammer, an ax, and brooms used for sweeping the house, a *shofar*, a candelabra, a needle used for sewing, whole candles [made] either of tallow or of wax, cotton wicks, a *shatnez* garment that is forbidden to wear, and anything similar to these, may be handled [only] when needed for use; for example, a hammer to crack walnuts, or an ax to cut food, an unbroken needle to remove a splinter, (however, if its eye or point is broken off it is forbidden to be handled at all). Likewise, you may handle them for their space, that is, if you need to use the space occupied by the object. Once you have lawfully taken it or if you forgot and took it in your hand, you may continue to handle it and place it wherever you like. However, if you do not need the object itself nor the space it occupies, but you want to handle it solely for itself, that it not be stolen or damaged, such objects are forbidden to be handled. It is also forbidden to handle *tefillin*. However, if they are lying in an indecent place where they might be soiled, you may handle them and put them in a secure place.
- ⁶ All objects that are *Muktzeh* because of "monetary loss," are forbidden to be handled. These include things that you set aside not to be used because of your concern lest they become defective, such as: a craftsman's tools, a knife used to repair a quill, a knife used for slaughtering, a knife used for circumcision, as well as writing paper, promissory notes, accounting ledgers, letters that you take care to

safeguard, valuable vessels that you do not use at all, as well as anything that you are so careful about that you keep in a special place, and do not use it, as well as vessels in your store that are intended for sale, even if they are eating implements, if you do not usually lend them, (but if you sometimes lend them they are not *muktzeh*.) All of these and similar things, as well as a purse in which you keep money, are *muktzeh* because of "monetary loss" and you are forbidden to handle them even if you need to use them or you need the space they occupy.

- ⁷ An object that cannot be considered a "vessel" at all, such as wood, stones, chunks of metal and the like, are forbidden to be handled in any way, even when you need to use them or the space they occupy, unless you set it aside before Shabbos for some permanent use. Therefore, you may not handle a splinter to pick your teeth. Broken candles, are also not considered "vessels" and you are forbidden to handle them. Also, a ladder used for an attic is not considered a "vessel."
- ⁸ Implements for permissible usage, or even those used for both forbidden and permissible [usage], such as pots or even loathesome vessels, (because on Shabbos, *muktzeh* because of "repugnance" is permissible), may be handled even if only for the vessel's sake, that it not be stolen or broken. However, if there is no need for handling them, you are forbidden to handle them. Sacred writings and foods may be handled even for no purpose at all.
- ⁹ Just as it is forbidden to handle *muktzeh*, or something newly formed, so is it forbidden to place a vessel beneath those objects in order that they may drop therein; for by doing this, you are making the vessel useless, because you will no longer be allowed to handle it. This is

considered as if you cemented it there. (See above, Chapter 75, paragraph 11.) However, you may turn a basket over in front of young chicks so that they can go on and off it, because once they are no longer on it, it is permissible to handle the basket. If the chicks were on the basket at twilight, it is forbidden to handle the basket for the rest of the day.

- ¹⁰ Earth or sand that is heaped up in the corner of the yard or house, may be handled, for the fact that you made a pile, indicates its preparation for use. However, if it is scattered, it is considered part of the ground and it is forbidden to be handled. Also, if you cut a branch from a tree before Shabbos to use as a fan, or to chase away flies or any similar [use], you may use it on Shabbos since you prepared it for that purpose and made it into a [useful] utensil. But, it is forbidden to take a twig from a broom on Shabbos, since it is set aside [from use]. Even if a non-Jew took it out it is forbidden to handle it.
- ¹¹ Wooden boards belonging to the household that are not for sale, may be handled. If they belong to a carpenter it is forbidden to handle them, unless it was his intention on Friday to use them on Shabbos.
- ¹² Every type of *muktzeh* is forbidden only to be handled, but touching *muktzeh*, without moving it, is permitted. Thus, you may touch standing candlesticks even while the candles are burning in them. Similarly, you may take an object that may be handled which is lying on top of *muktzeh*. However, you may not touch a hanging candelabra, because just by touching it you will be moving it. You may cover a *muktzeh* object with a non-*muktzeh* object, [to protect it] from rain and the like.

- ¹³ If handled in an unusual manner it is permitted to handle *muktzeh*. Therefore, if you unintentionally left a *muktzeh* object on any vessel, or it fell there on Shabbos, if you need the permitted vessel, or the space it occupies, you may shake off [the *muktzeh* object] or carry the vessel [with the *muktzeh*] to another place and shake off the *muktzeh* there. This can also be done if you left money in a pocket of your garment and you need the garment. But, for the sake of the *muktzeh* object itself, it is forbidden to do this. (If you intentionally put a *muktzeh* object on a vessel before Shabbos, [the vessel] becomes a base for the forbidden object [and it may not be handled on Shabbos]. (This will, God willing, be explained in the following chapter.)
- ¹⁴ However, if you don't need the permitted vessel, you are forbidden to handle it if there is a *muktzeh* object on it. Therefore, you may not carry a child even in a private domain, if he has a stone in his hand or any other *muktzeh* object. But, if the child is very attached to you, and would get sick if you do not pick him up, and at the same time it is impossible to make him throw away the stone or any other *muktzeh* object, because he would scream or cry, you may pick him up [and carry him] if you are in a private domain. If the child has a coin in his hand, you may not even hold his hand while he is walking, even in a private domain, even if he is very attached to you, because we are concerned that the coin may fall from the child's hand, and you may forget that it is Shabbos and pick it up, resulting in your handling *muktzeh* in a direct manner. This is prohibited even where there is danger of illness, since there is no threat to [the child's] life if you don't pick him up.

- 15 It is forbidden to move a corpse on Shabbos. However, you may remove the pillow from beneath him, so that he does not decompose, provided you do not move any limb. If the mouth keeps opening, you may tie the jaw in a way that it opens no further, but not in a way that you close that which is already open, because then you would be moving a limb. (See below, end of Chapter 124.)
- 16 If a fire breaks out and there is concern that the corpse will be burned, you may move it together with a permitted object, that is, by placing some food on it or near it and [then] move them together. If there is no food available you may place on it any vessel or garment which may be handled. If this, too, is unavailable, you may move it by itself. Regardless, you may not move it except to a place where carrying is permitted. But, to a place where you are forbidden to carry, it may not be moved except by a non-Jew.
- 17 Anything repulsive such as dung, retch or excrement, whether of humans or hens, if they are in the house or yard where people live, may be removed to the trash heap. When a night pot is removed or a bedpan [to be emptied], as long as the vessel is still in your hand, it may be returned to its original place. This is in accordance with the law concerning any *muktzeh*, that as long as you are holding it you may handle it in order to place it anywhere you wish. But, once you put it down you are forbidden to move it, because it is extremely repulsive (and is worse than ordinary *muktzeh* due to "repulsiveness.") However, if it (the bedpan) is necessary to avoid embarrassment, it may be replaced. Similarly, if you can put water in it which is fit for an animal to drink, it may be returned in that way.

- ¹⁸ You may place a vessel under a leak on Shabbos. When it fills, you may empty it and put it back in its place, provided the dripping [water] is fit for washing. If, however, the water is dirty, you are forbidden to place a vessel there, because it is forbidden to create a "new bedpan." If you transgressed and placed [the vessel there] and it is in a place where it is repugnant to you, you may remove [the water]. (For the laws of *muktzeh* involving great monetary loss—see above Chapter 85, paragraph 4. The laws of *muktzeh* on Yom Tov and the laws of *muktzeh* due to a *mitzvah*, will be explained, God willing, in their respective places.)

Siman 89

- ¹ If you intentionally placed a *muktzeh* object upon your vessel on Friday and you intended that it be there at the onset of Shabbos, the vessel is considered a base for a prohibited object [*muktzeh*]. Even if the *muktzeh* object was removed on Shabbos; nevertheless, since it lay there at twilight, and the vessel then became a base for a prohibited object, it is forbidden to be handled afterwards for the rest of the Shabbos day even if you need the object itself or the space it occupies.
- ² If at the onset of Shabbos, a permitted object was lying there too, making the vessel a base for both a prohibited object *and* a permitted object, if the permitted object is more important to you, you may handle it [i.e. the base vessel]. But, if the prohibited object is more important to you, you are forbidden to handle it. It is, therefore, best to place the *challos* on the table before twilight, so that the tablecloth and the table become a base for [both] the candles *and* the *challos*, and it

will be permissible to handle them. If you did not do this, then the tablecloth and the table become a base solely for a prohibited object and it is forbidden to handle them. However, having done so, if there is an important need, such as if a [burning] candle fell on the table and it must be shaken off, you may rely on the *poskim* who rule that the rule of base does not apply unless you intended that the *muktzeh* object remain there for the entire Shabbos day, and since it is customary to have the candlesticks removed in the morning by a non-Jew, it does not become a base.

- ³ If you had money in your pocket you may handle the garment, because the entire garment is not a base, only the pocket, and the pocket is subordinate to the garment. However, you may not wear it even in the house, lest you inadvertently go out into the public domain. However, if a table drawer contains money, it is forbidden to move the table, because the drawer is a vessel unto itself and not subordinate to the table.
- ⁴ Nothing becomes a base unless the *muktzeh* object is lying there at twilight. However, if it was not there at twilight, but was put there afterward, it does not become a base and the vessel may be handled even while the *muktzeh* object is on it. You may, therefore, shake the table or tablecloth [to remove] bones and peels, provided the table and tablecloth have not become a base as a result of the candles, as was discussed above, paragraph 2.
- ⁵ [The vessel] does not become a base unless you intentionally placed [the *muktzeh*] to remain there at twilight. But, if it was left there as a

result of forgetfulness or if it fell there on its own, [the vessel] does not become a base.

- ⁶ It does not become a base unless the vessel belongs to you. But, if you placed a *muktze* object on a vessel belonging to someone else, it does not become a base, because you cannot cause someone else's object [to become forbidden] without his consent.

Siman 90

- ¹ Some things are forbidden [to do] on Shabbos, although they are [in no way] similar to a *melachah*, nor [is there a chance] that they will cause a *melachah*. Then, why were they forbidden? Because it is said "If you will refrain from walking on Shabbos [or from] doing your needs on My holy day," and [the verse goes on to] say: "and you will honor it [the day] by not doing your own needs [literally: "your ways"], or from pursuing your needs, or from speaking anything. From the words: "And you will honor it by not doing your own ways," our Sages, of blessed memory, inferred that your walking on Shabbos [should be different] from the weekdays. Therefore, it is forbidden to run on Shabbos. However, for the purpose of a *mitzvah* it is permitted to run. ([This is inferred] because it states "your ways"; which implies that your *own* ways [or needs] are prohibited, but the needs of Heaven are permitted) and for them it is your duty to run.
- ² And from the expression: "From pursuing your needs" our Sages, of blessed memory, inferred that your own needs are [sometimes] prohibited, even if no *melachah* is required. For instance, if you take stock of your belongings to see what their needs might be for

tomorrow, this, too, is forbidden. Similarly, it is forbidden to stroll in the city for the purpose of finding a horse, or a ship, or a [transport] coach, to hire after Shabbos, if it is obvious that you are walking for this purpose. However, [to walk] for the purpose of guarding your own or your friends' possessions, is permitted.

- ³ It is forbidden "to darken near the *techum*," that is, to walk on Shabbos to the end of the *techum* or less, and to remain there until dark, in order to complete your journey sooner by traveling from there onward. Since you will travel from there onward at the close of Shabbos, it is obvious that your main reason for walking there was for this purpose. [This is forbidden] only when you "darken" there in order to go and do something that cannot, under any circumstance, be done on Shabbos; for example, to hire workers, or to pluck fruit, or to bring back fruit that are *muktzeh*, since there is no way to permit doing these things on Shabbos. But, you may "darken on the *techum*" in order to bring back your animal, since, had there been houses until there within seventy *amos* of each other, you would have been permitted to bring them back on Shabbos. Similarly it is permitted to bring back fruit [that was already] plucked which is not *muktzeh*, since, had there been partitions surrounding your entire route, it would have been permitted even on Shabbos. [This applies to] any similar situation. Similarly, you may walk within the *techum* on Shabbos, to a garden, to pluck fruit there after the close of Shabbos, since it is not obvious that you walked for this purpose, but, rather, people will say that you went for a stroll, or to search for a lost animal, and once, having been there, you decided to remain until nightfall in order to pluck your fruit.

- 4 From the expression "From speaking anything" our Sages, of blessed memory, inferred that your manner of speaking during Shabbos should not be the same as during the week. Therefore, it is forbidden to say: "I will do a certain thing tomorrow" or, "I will buy a particular item tomorrow. It is forbidden only regarding things that are impossible to do today in any manner. However, something that had any possibility of being done today [Shabbos], even if at this moment this possibility no longer exists, is permitted (as I wrote in paragraph 3). Therefore, you may say: "I will go there tomorrow" provided you do not express yourself in a way that implies that you will travel by car; also, do not discuss it excessively. Even excessive idle-talk is forbidden. It is forbidden to relate anything that causes pain (or sadness) on Shabbos. It is forbidden to make verbal business calculations on Shabbos, whether they are calculations for future transactions, or calculations concerning past transactions which are still relevant [at present]. Therefore it is forbidden to say: "I have spent such an amount for workers' salaries on that building," and you still owe them a certain amount of wages for which you must know the calculation. However, calculations that have no relevancy, you may calculate, provided you do not do so excessively, because you may not overindulge in idle talk on Shabbos.
- 5 From the expression "Your needs" our Sages, of blessed memory, learned that only the needs of man are forbidden, but [his] spiritual needs are permitted. Therefore, you may "darken near the *techum*" in order to fulfill a *mitzvah*. Similarly, you may oversee communal affairs on Shabbos—for instance, to visit the authorities or ministries, to intercede for the people, because communal needs are equivalent to

spiritual needs. Similarly, you may speak with a teacher regarding your child, [asking him] if he will accept him as a [Torah] student or even [to teach him] a trade, which is also a *mitzvah*, for if he will have no trade with which to support himself he will [ultimately] resort to robbery. But it is forbidden to actually hire a teacher on Shabbos, because hiring is an unqualified prohibition *d'rabanan* and is not permitted even for the sake of a *mitzvah*. Only that which is forbidden based on [the verse] "*mimtzo cheftzecha vedabeir davar*" is permitted for the sake of a *mitzvah*. It is permitted to announce [the finding] of a lost object because returning a lost object is a *mitzvah*.

- ⁶ From the expression "And speaking words" our Sages, of blessed memory, learned that only *speaking* [of prohibited subjects] is forbidden but thinking [about them] is permitted. Therefore, thinking about business affairs is permitted. Nevertheless, for the sake of the *mitzvah* of *Oneg Shabbos* it is a *mitzvah* not to think about business at all, and you should view it as if all your work has been completed. And this is [the intent of what is] written: "Six days will you labor and do all your work." But man cannot complete all his work in the course of one week! Thus, [we deduce] that man should consider every Shabbos as if his work is concluded. You cannot experience a greater pleasure. Certainly, you should not think about anything that causes you concern or anxiety.
- ⁷ You may say to a worker: "Do you think you can join me this evening?" though he thereby understands that you intend to hire him for work that evening, because only a direct proposal is forbidden. However, you may not say to him: "Be prepared this evening," because that is comparable to saying explicitly that you wish to hire him.

- 8 If you hire a worker to safeguard something for you, the worker is forbidden to receive wages specifically for Shabbos. But, if he was hired by the week or month, he may include his Shabbos wages with his weekday wages.
- 9 It is forbidden to give your friend a gift unless he has a need for it on Shabbos. Similarly, it is forbidden to give collateral to your friend, unless it is required to fulfill a *mitzvah* or for Shabbos purposes. [However,] do not say: "Here is your collateral," but simply give it to him without comment.
- 10 Common documents such as promissory notes, bills, or letters of greeting are forbidden to be glanced at even without articulating [their contents]. Though you only think of their contents it is nevertheless forbidden, for the Sages permitted thinking of business, etc. only when it is not obvious that you are thinking of forbidden subjects. But, in this case, where it is obvious to all that you are thinking of prohibited subjects, it is in the category of the prohibition "*mimtzo cheftzecho*." If you receive a letter and do not know what is written in it, you are permitted to look at it because it may contain something of vital personal need. But, the letter should not be read aloud. If you know that the letter relates only to business matters, it is forbidden even to look at it. It is also forbidden to handle it because it is *muktze*.
- 11 If a wall or tablet contains drawings or portraits which are captioned: "This is a picture of such" or "this is a portrait of such," it is forbidden to read this caption on Shabbos. Even to look at it without reading is forbidden. Similarly, books about wars, and history books dealing with

worldly kingdoms [and governments], as well as mundane parables and anecdotes such as the Book of Emanuel, and certainly love stories, are forbidden to be read on Shabbos. Even to look at them, without uttering words [is forbidden]. Even during the weekdays it is forbidden because [of the prohibition against joining] frivolous company. [This is true] even if they are written in Hebrew. Love stories have an additional prohibition, because they entice the "*yetzer hora*." However, those history books from which ethical lessons and fear of God [can be learned], such as the Book of Josephus and the like, even if written in the vernacular, may be read even on Shabbos. Nevertheless, it is not proper to read too much of them.

- ¹² It is forbidden to measure anything on Shabbos if there is a need for it, unless it is essential for the fulfillment of a *mitzvah*.
- ¹³ Where a [substantial] loss is involved, it is permitted to discuss your business with a Jew or a non-Jew.
- ¹⁴ You may not tell a non-Jew anything that is forbidden for a Jew to do, because telling a non-Jew is a *shvuss*. Even to indirectly suggest that he do it, is forbidden. It is also forbidden to tell him before Shabbos to do it on Shabbos. Similarly, it is forbidden to tell a non-Jew on Shabbos to do it after Shabbos. [However,] this is not due to a *shvuss*, since the *melachah* is to be done at a time when it is permitted, but, rather, it is forbidden because of "*mimtzo cheftzecha*" and is therefore permitted for the sake of a *mitzvah*.
- ¹⁵ Even if the non-Jew came on his own to do any *melachah* for you, you must protest. Therefore, if a non-Jew wishes to remove the charred tips

from your candles so that they burn better, it is necessary to protest.

- ¹⁶ If you see that you are threatened with a loss; for example, if your wine barrel has weakened or anything similar, you may send for a non-Jew, notwithstanding that you know that the non-Jew is certain to repair it, even by doing an absolute *melachah*. This is permitted provided that you are careful not to [even] indirectly suggest any instruction concerning repairing [the barrel]. However, you may state in his presence, "Whoever prevents this loss will not lose his reward." The [above method] should not be done unless there is potential for substantial loss.

- ¹⁷ Anything that is not truly a *melachah* and is only prohibited as a *shvuss*, if it is needed to fulfill a *mitzvah*, or for someone who is even slightly ill, you may tell a non-Jew to do it. As a result, it became common practice to send a non-Jew on Shabbos to bring beer or other Shabbos needs, even where no *eiruv* has been established. However, this is permitted only where there is great necessity [such as when] there is nothing [else] to drink, but, just for the sake of pleasure this should not be permitted. It is forbidden to tell a non-Jew to bring [something] from outside the *techum*. And even that which he has already brought is forbidden to be used on Shabbos. Some [poskim] say that this applies also where you face a loss; [therefore] carrying [in] merchandise that is being ruined by rain, is permitted through a non-Jew. You may rely on this opinion where a substantial loss is involved.

- ¹⁸ When it is cold you may tell a non-Jew to light the oven, because everyone [is considered] ill in regard to cold. However, when it is not essential, this should not be done. It is also forbidden to permit a non-

Jew to light the oven on Shabbos, during the afternoon, so that it will be warm at night.

¹⁹ It is forbidden to send a non-Jew out of the *techum* to summon the relatives of the deceased, or someone to eulogize him.

²⁰ [If] a non-Jew delivers grain to a Jew as payment of a debt and the Jew gives him the key to his warehouse, the non-Jew is permitted to measure and count there, because the non-Jew is occupied with his own work, since the grain is not considered the Jew's until after the measuring [is completed]. The Jew is allowed to stand there to be certain that he is not cheated, provided he does not discuss anything dealing with their business. However, if they [the non-Jews] delivered the Jew's own grain, he is forbidden to tell them to unload it from the wagons into his warehouse. Even should they want to unload it on their initiative, he must express his disapproval to them.

²¹ When a non-Jew manufactures cheese from his own milk on Shabbos, a Jew is permitted to observe the milking and the cheese-making, in order that it be "Kosher" so that he can buy it after Shabbos. Even though the non-Jew's intention is for the purpose of selling it to the Jew, [nevertheless,] it is permitted, since the cheese is still the non-Jew's who makes it for his own benefit. The Jew is even permitted to tell him to make [the cheese] even on Shabbos, because it is permitted to say to a non-Jew, "Do your work," even where the Jew benefits from it.

²² A non-Jew who bought goods from a Jew and came on Shabbos to take delivery, if possible, he should be prevented [from doing so].

- 23 One whose *yahrzeit* falls on Shabbos, and he forgot to light a memorial candle, may ask a non-Jew, at twilight, to light it, but not on Shabbos.

Siman 91

- ¹ One who is slightly ill and makes an effort [and manages] to get around like a well person, is forbidden to be medically treated in any way, even in a way that no *melachah* is involved. [This applies] even to applying oil, whether this is done by himself or by someone else or even by a non-Jew.
- ² All foods and beverages which are consumed by people who are well may be eaten and drunk as a cure, even if they have some bad side effects, and it is [therefore] obvious that it is being done for medicinal reasons, nevertheless, it is permitted. Anything that is not eaten or drunk by well people, is forbidden to be eaten or drunk as a cure. You may consume herbal juices, or drink a raw egg to make your voice more pleasant. This is not considered medicinal since your throat is not sore.
- ³ If you have a slight toothache but are not in great pain, do not rinse them (the teeth) with vinegar, or other liquid for medicinal purposes and then expectorate the liquid. Rather, you should rinse and swallow it, or dip some bread into it and eat it as usual. Similarly, if you have a sore throat do not gargle with some liquid, but, instead, swallow it and, if as a result, you feel better, then so be it.
- ⁴ If you have abdominal pains and the like, or if you have a rash on your scalp, since in our society we do not usually apply oil except for medical

purposes, it is forbidden to apply oil, because it is obvious that you are doing this as a cure.

- 5 One who suffers from angina, and relieves his pain by sucking [milk] directly from a goat, may do so on Shabbos (because sucking milk is [considered] *mefarek* in an unusual manner, and due to the pain of the illness the Sages did not forbid it.)
- 6 If you have a stomach ache [and would feel relieved by heat] you may place on your stomach a cup from which hot water was emptied, although it still contains warm vapor. Similarly, you may warm up some clothes and put them on your abdomen.
- 7 If you have injured your hand or foot, you may soak it in wine to halt the bleeding, but not in vinegar because it is [more] potent, and is [therefore] obviously medicinal. For a delicate person, wine is the same as vinegar and is forbidden. If [the wound] is on the back of the hand or the back of the foot or was caused by a metal object you may do anything at all for a remedy. [For the significance of these wounds see later, Chapter 92, paragraph 5.]
- 8 For a slight pain of the eyes do not apply undiluted saliva (i.e. saliva that is in one's mouth before having eaten anything) because it is obvious that you are doing this as a remedy. However, if you are unable to open your eyes, you may moisten them with undiluted saliva, because this is not applied as a remedy but rather to enable you to open your eyes.
- 9 If you are suffering from overeating, you may insert your finger into your throat in order to regurgitate.

- ¹⁰ A wound which is not critical may not be bandaged with a dressing even if it was prepared the day before. Nor [may you apply] anything that acts as a remedy, even a leaf or an old dry rag, since it too serves as a remedy. However, you may apply something to prevent it from being scratched [or irritated]. If it was already bandaged the day before, you may open one end [of the dressing] slightly and cleanse the wound opening, and then open the other end and cleanse it. Do not wipe the dressing itself because you would be "smearing." If the bandage fell off the wound onto the floor you may *not* restore it. If it fell on any object, you may restore it. If you are suffering great pain you may tell a non-Jew to restore it. However, you may not ask a non-Jew to prepare a dressing on Shabbos, because smearing the dressing is a *d'oraiso* prohibition and is prohibited even through a non-Jew, unless you take completely ill (as [is discussed] later, paragraph 16).
- ¹¹ You may not place a cloth on a bleeding wound because the blood dyes the cloth; and certainly [not] a red cloth because it is improved by this. It is also forbidden to squeeze the wound in order to extract blood. But, what may you do? You may bathe it in water or wine to remove the blood, and then wrap it in a cloth. If bathing does not stop the bleeding, you may apply a spider web and then tie a cloth around it. However, some have misgivings about this because spider webs are curative. Therefore, if possible, this should be done by a non-Jew.
- ¹² One who punctures an abscess in order to enlarge the opening of the wound, in the manner of physicians when they attempt to facilitate healing by enlarging the opening of the wound, is guilty of a Shabbos violation, for this requires a doctor's skill. If his [purpose in] opening it

the abscess is only to drain the pus, which is causing him pain, and he is unconcerned if the [opening] closes up again immediately, this is permitted due to his pain. [This is permitted] only when he punctures it with a needle or something similar. But, [he may not do so] with his nails because he then tears some of the skin of the abscess, which makes him liable [for doing a *melachah*]. Even by means of a needle or something similar, there is concern that he may want the wound to remain open, so that the pus will continue to drain, therefore, wherever possible this should be done by a non-Jew.

- ¹³ If you have an incision on the arm, commonly referred to as "aftora" aperture and the opening has closed slightly, you may not insert a legume [for the purpose] of reopening it, because it is your intention that it remain open. A dressing (that was prepared yesterday) may be applied to the incision, because it is only to protect [the wound]. However, if you know that the dressing draws pus or blood, it is forbidden. Similarly, if you intend to wipe it [and] you know that [as a result] of wiping, blood or pus will be drawn out it is forbidden to wipe it. (This is not comparable to puncturing an abscess, because where the abscess is concerned, the pus and blood have accumulated in one spot and exist separately, and draining them is not considered making a wound, whereas in this situation where the pus and blood are still absorbed throughout the flesh, if you drain them you are [in effect] making a wound.)

- ¹⁴ If the wound has healed you may apply a dressing that you prepared yesterday, since it is only for protection. It is permitted to remove the crust around the wound.

- ¹⁵ If you were stuck by a splinter, you may remove it with a needle, provided you take care not to extract blood, for that would be making a wound.
- ¹⁶ A sick person who is confined to bed, but is not critical, or he has an ailment which causes his entire body to feel pain, whereby, although he gets around, is considered as someone who is bed-ridden; you may tell a non-Jew to do [anything required] for his cure, and to cook food for him. He may, eat on Shabbos that which the non-Jew cooked, since, today [Shabbos], cooking for him is permitted through a non-Jew.
- ¹⁷ He may also take any medications or do anything necessary for his cure, whether by himself or through someone else, provided that it does not involve any forbidden *melachah*, even if only a *d'rabanan* prohibition. But, if it involves even a *d'rabanan* prohibition, it must be done only by a non-Jew. If a non-Jew is unavailable, a Jew may do a *d'rabanan* prohibition by altering [the usual manner of doing it].
- ¹⁸ When a non-Jewish doctor comes to vaccinate children against smallpox, if the Jew can offer him compensation to postpone the vaccination till after Shabbos, he should do so. If not [i.e. the doctor adamantly refuses] and it must be done on Shabbos, in that case, the Jew should not hold the child, but let a non-Jew hold him.

Siman 92

¹ [The laws of] Shabbos are suspended where there is a life-threatening situation, as are all *mitzvos* in the Torah. Therefore, one who is dangerously ill and he is an observant person, though he occasionally

transgresses a law because of temptation, and even for a day-old child, it is a *mitzvah* to violate the Shabbos to save him. [Even] if the patient refuses, we force him to accept help. It is a grave sin to carry piety to the point of idiocy, and refuse treatment because it would violate a law. About such a person is it said: "Only of the blood of your lives will I demand an account." One who is quick to desecrate the Shabbos for the sake of a critically ill person, deserves praise. Even if a non-Jew is present, [every] effort should be made that a Jew do [what is necessary]. Any person that desecrates Shabbos for the sake of a critically ill person, even if it was found later to be unnecessary, will be rewarded. For example, if the doctor said: "This patient requires one dried fig [for cure]" and ten people ran and plucked one fig each and brought it, they all will be well rewarded by Hashem, blessed be His Name, even if the patient was cured [as a result of] the first [fig]. Similarly, in any life-threatening situation, even when the threat to life is uncertain, it is a *mitzvah* to desecrate Shabbos for him, and to do any and all *d'oraisa* prohibitions for him, because there is not a thing that stands in the way of a life-threatening situation. The Torah was given only for the purpose of [bringing] life, as it is said: "That man shall do them and live through them," and [the Sages] inferred: "Live through them but not to die on account of them." This holds true except for the laws concerning idolatry, illicit sexual relations and murder, where one must die rather than transgress.

- ² Any person who asserts: "I recognize that this person is critically ill," and no experienced doctor is present who denies it; he may be relied on, and the Shabbos may be violated for him. Even if he does not say it with certainty but says that it seems to him that Shabbos should be violated for him, we accept his opinion and violate Shabbos for him,

because [of the precept]: "Where there is a possible threat to life we are required to rule leniently." If one doctor's opinion is that he is critical, and requires a certain cure, and another doctor maintains that he does not require it, or if the patient says that he does not require it, we accept the opinion of the doctor who says that he requires it. If the patient says that he needs a particular cure, but the doctor says that he does not, we accept [what] the patient [says]. But, if the doctor says that this cure is harmful for him, we accept [what] the doctor [says].

- ³ If a skilled physician, even a non-Jew, or someone who is knowledgeable says that, although at present the patient is not in danger, nevertheless, if a particular treatment is not done the condition may deteriorate and become critical, even if the patient says that it is unnecessary, we accept the doctor's opinion and violate the Shabbos. If the doctor says that if a particular treatment is not done [the patient] will *certainly* die, and if done he will *possibly* live; here, too, the Shabbos may be violated.
- ⁴ Any internal injury [or wound] that begins at the lips inward, including the teeth, where the wound resulted from a blow or a blister or anything similar, the Shabbos may be violated for his sake without a [medical] evaluation. Even if no one knowledgeable is present and the patient says nothing, you may do for him anything that is usually done during the weekdays. However, when it is obvious regarding that illness, that it is possible to wait, and violating the Shabbos is unnecessary, you may not violate it. Pain is not considered a "wound." If you have a toothache and are suffering a great deal of pain to the point that you feel ill all over, you may ask a non-Jew to extract it.

- 5 [For] a wound on the back of the hand or the back of the foot, as well as any wound that was caused by anything made of metal, or for an anal blister, as well as for one who swallowed a leech, or was bitten by a rabid dog, or any snake, even if it is doubtful if it is poisonous, as well as for someone who has a high fever, the Shabbos may be violated for him. However, for an ordinary fever [Shabbos] is not violated, but should be attended by a non-Jew.
- 6 One who is polycythemic (high blood pressure) should be bled immediately. A fire may be made to warm one who was bled and feels chilled, even in mid-summer.
- 7 One who has pain in both eyes, or there is pus in one of them, or if his eyes are watering or bleeding, or any other symptom dangerous to the eye, the Shabbos may be violated for him.
- 8 A patient who is critically ill and requires meat and [only] forbidden meat is available, you may slaughter [an animal] for him rather than give him forbidden meat, because we are concerned that, possibly, upon discovering that he was fed forbidden meat, he will be nauseated by it. However, in circumstances where there is no concern that he will be nauseated by it, for instance, where he is a minor, or is mentally incapacitated, he should be fed forbidden meat, and you may not slaughter an animal for him on Shabbos.
- 9 Food that was cooked on Shabbos for the sake of a patient, is forbidden to a well person on Shabbos. But, after Shabbos it is permitted immediately even for a well person, if the cooking was done by a Jew.

¹⁰ If one is being forced to transgress even a serious sin for the moment, the Shabbos should not be violated in order to save him from committing the transgression. But, if he is being forced to convert and to leave the fold of the Jewish people, even if he is a minor, it is obligatory to exert all effort to save him, even if it is necessary to violate Shabbos by [transgressing] a *d'oraisa* prohibition, just as it is obligatory to violate Shabbos for someone who is critically ill; for it is written: "The people of Yisrael shall keep the Shabbos." The Torah tells us: Violate one Shabbos for his sake so that he may keep many Shabbosos. Even where it is doubtful whether the intervention will succeed or not, nevertheless it is obligatory to violate Shabbos and attempt to do whatever is possible, just as we violate [Shabbos] for a possible life-threatening situation. However, one who is faithless and wants to convert, Shabbos must not be violated for him [by doing] a *d'oraisa* prohibition, because since he is at fault, we do not say to anyone: "Sin for the benefit of your friend." Nevertheless, when it involves a *d'rabanan* prohibition, such as walking beyond the *techum*, or to ride a horse, or to ride on a wagon, as well as handling money; according to some *poskim* it is permissible to violate Shabbos to save him.

Siman 93

- ¹ As soon as a woman feels the first signs of labor, even if she is unsure, a midwife may be summoned even [if she must come] from a great distance.
- ² A woman at childbirth is considered a critically-ill patient, and the Shabbos may be violated for whatever she requires. However, if it can

possibly be done in an unusual manner, or by a non-Jew, it should be done. She is considered "a woman at childbirth" when seated on the birthing-stool, or as soon as there is a flow of blood, or if she doesn't have the strength to walk on her own. Also a woman who has miscarried more than forty days after having immersed herself [in a *mikveh*] has the classification of a "woman at childbirth."

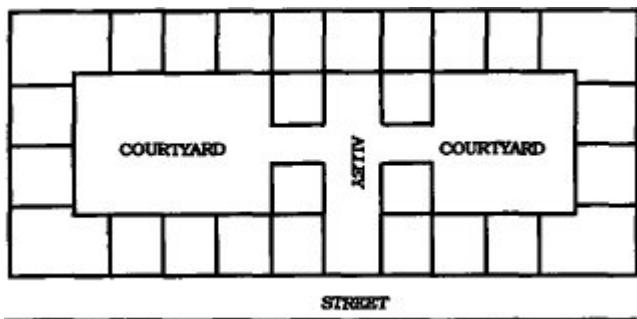
- ³ During the entire first three days, even if she says that it is unnecessary, Shabbos may be violated for her. Afterwards, if she has no other illness, but only the [usual] pain that follows childbirth, the rule is as follows: then, up to seven days, if she says: "I require it," [Shabbos] may be violated for her sake, and if she says it is unnecessary then it is not violated. The days referred to are counted from the day of the birth and [they do] not [have to be three] twenty-four-hour periods. For example: if she gave birth Wednesday in the late afternoon, then on Shabbos it is considered more than three days [since the birth], and if she gave birth Shabbos in the late afternoon then, the following Shabbos, it is considered more than seven days. If there is the slightest possibility of danger, because the woman is weak by nature, [then] one who is lenient, and counts full 24-hour days, is not considered wrong.
- ⁴ Once seven days have passed, even if she says: "I require [something]," [Shabbos] may not be violated for her, but she is considered a non-critical patient until thirty days, and all her needs may be done [only] by a non-Jew. However, even a Jew may heat the house for her if a non-Jew is not readily available, even in mid-summer, because a woman in confinement is considered critical for the first thirty days, as regards being cold.

- 5 The newly-born infant may be washed. His umbilical cord may be cut, his limbs straightened, and all his needs may be attended. However, if he cannot survive, for example: he was born in the eighth month, he may not be handled, but his mother may bend over him and nurse him because of her pain caused by her milk.

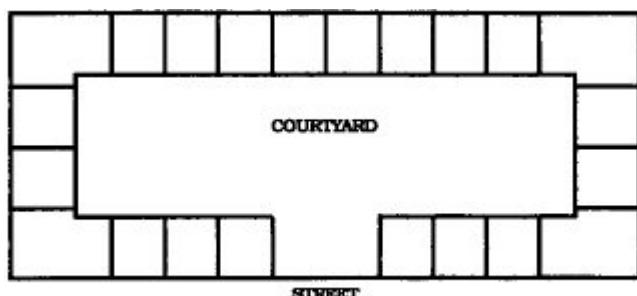
Siman 94

¹ Introductory Remarks to Chapter 94

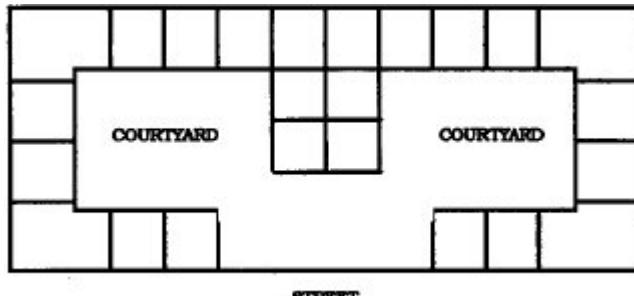
Houses usually were arranged in this fashion with endless variations:



Throughout these *halachos*, when reference is made to people living in a courtyard, it means people living in the houses that open to the courtyard. In order to carry from the houses into the courtyard, all residents had to join in making an eiruv. This is a rabbinical ordinance instituted by King Solomon and his Court. Sometimes courtyards were adjoining each other, having only one exit to the street, (as illustrated):



and sometimes each courtyard had its own exit to the street. There are *halachos* of *eiruv* pertaining to such situations. When the *halachah* refers to an alley, it denotes an area into which two or more courtyards



exit. See illustration.

In order to carry in

the alley, many requirements must be fulfilled. The *halachos* are complex and not discussed in the *Kitzur Shulchan Aruch*. However, mention is made of partnership in the alley. This is achieved when all the inhabitants of the courtyard that exit into the alley jointly make a special eiruv, the details of which are not discussed in the *Kitzur Shulchan Aruch*, but at times will be referred to in the footnotes.

Two or more Jews who reside in one courtyard, each living in his own apartment, are forbidden to carry from the house into the courtyard, or from the courtyard into the house. It is also forbidden to carry from one house into the other, even without passing through the courtyard, as for example, when there is a door or a window between one house and the other house. It is a mitzvah for them to make an *eiruvei chatzeiros*, so that they do not fall into transgression.

- 2 When two courtyards have a door between them, if they wish, all the tenants of each courtyard may make a separate *eiruv*, whereby all the tenants of the courtyard are permitted to carry into their own courtyard; but any vessels that were in the house before Shabbos began, are forbidden to be carried from one courtyard into the other. If they wish, all the tenants of both courtyards can make one *eiruv* jointly, in order that they should be allowed to carry, from one courtyard into the other, even such vessels that were in the house when Shabbos began. And if there is even a window between the courtyards that measures no less than four *tefachim* wide by four *tefachim* high, and it is within ten *tefachim* above the ground, and it has no grate, [the tenants of both

courtyards] may also make a joint *eiruv*. But if it is less than that, they cannot make a joint *eiruv*. If there is a window between two houses, even if it is higher than ten *tefachim*, they can make a joint *eiruv*, (because the house is considered as filled).

- ³ [If there are] two courtyards, one behind the other, and the tenants of the inner courtyard have no other exit to the street than through the outer courtyard, if [the tenants of both courts] wish to do so, they may make a joint *eiruv*. If they did not make a joint *eiruv*, then if the tenants of the inner court alone made an *eiruv*, they are permitted to carry in their own court and the tenants of the outer court are forbidden [to carry]. If the tenants of the inner court did not make an *eiruv*, but the tenants of the outer court alone made an *eiruv*, then the *eiruv* is of no use to them, because, since the tenants of the inner court have a right of passage through the outer court, they prohibit the tenants of the outer court [from carrying in their own court]. This is true only if the people of the inner court did not make an *eiruv*. For then, since they forbid one another [to carry] in their own place (court), it is "a foot (referring to the person) which is forbidden [to carry] in its own place," and a "foot forbidden in its place" forbids [others] also in another place. But if they made an *eiruv* by themselves, and they are allowed to carry in their own court, then it constitutes "a foot permitted [to carry] in its own place," and they do not forbid carrying even to the tenants of the outer court. Consequently, if there is only one Jewish tenant in the inner court, since he is not forbidden to carry in his own court, he cannot cause a prohibition to be imposed [on the tenants of the outer court]. If two tenants live in the inner court and they did not make an *eiruv*, even though only one tenant lives in

the outer court, since they are "a foot forbidden in its own place," they also forbid the single tenant.

- 4 When houses are built with a second story, and a balcony in front of them, from which the tenants go into the courtyard through a stairway, and from the courtyard into the public domain, they are governed by the same [laws] that apply to two courts, one behind the other, and the balcony is considered as the inner court.
- 5 A house that has two apartments with a lobby through which you enter both apartments, and the apartments are occupied by two tenants, they are forbidden to carry anything even from their apartments into the lobby. Similarly, even if one apartment is divided into two rooms occupied by two tenants, even though the occupant of the inner room has no other exit than through the outer room, which leads into the courtyard, nevertheless, they may not carry anything, even from one room into the other until they make an *eiruv*. (If the two houses or apartments belong to one person, and he rented an apartment to someone, and he also has "a hold on the apartment," see *Shulchan Aruch* 370 and *Chayei Adam* 73: 3–4.)
- 6 How do you make an *eiruv*? The mitzvah done to perfection is for one of the tenants of the courtyard, to take one whole loaf of his own bread on *erev Shabbos* and confer a share of it, through another person, to all the tenants of that court. This is done by saying to that other person, in any language he understands, as follows: "Take this loaf and acquire it on behalf of all the Jews who live in this courtyard, (or in these courtyards)." This person then takes the loaf and raises it one *tefach*. Then the one who is making the *eiruv* takes it from him and recites the

berachah, Baruch atah Adonai Elokeinu melech ha'olam asher kiddeshanu bemitzvosav vetzivanu al mitzvas eiruv. ["Blessed are You, Hashem, our God, King of the Universe, Who sanctified us with His commandments and commanded us concerning the mitzvah of *eiruv*]." He then says, "By means of this *eiruv* it will be permissible for us to take out and to bring in from the houses into the courtyard and from the courtyard into the houses and from one house into another, for all the Jews who live in the houses of the courtyard." Since they all acquired a share in this loaf, and at the beginning of Shabbos it is in the house of the one who made the *eiruv*, it is considered as if all the tenants were living in this house, and therefore they are permitted to carry from the houses into the courtyard, and from the courtyard into the houses, and also in the entire courtyard.

- ⁷ It is essential [that the maker of the *eiruv*] should grant them ownership only through a third party, therefore, he may not grant ownership through his son or daughter who are minors, even if they do not eat at his table, because their hand is considered an extension of his own hand. But through another minor he may grant ownership rights, (for regarding Rabbinical ordinances, a minor can acquire rights for another person); and, if possible, he should not grant ownership through his wife whom he supports, and not through his son or daughter who are *bar* or *bas mitzvah* who eat at his table [i.e. supported by him], for according to some authorities, they too are considered as an extension of his hand. However, if there is no other person present, he may grant it through them. If his son is married, although he is supported by his father, all authorities agree that the father may grant ownership rights through him.

- 8 What is the amount (of bread) required for the *eiruv*? If there are eighteen tenants or less, the amount is the size of a dried fig (which is one third of an egg) for each tenant, except for the one who makes the *eiruv* and keeps it in his house, (for he is not required to give bread [to establish his residence] since he already lives in his house). If there are more than eighteen tenants, even if there are one thousand, the size of the *eiruv* is an amount of food enough for two meals, which is [a loaf of bread] the size of eighteen dried figs, which is equivalent to six eggs. Some authorities hold that it is the equivalent of eight eggs. (According to their opinion a dried fig is equivalent to $\frac{1}{3}$ and $\frac{1}{9}$ of an egg.)
- 9 It is essential [that the one making the *eiruv*] should not resent it if a neighbor eats it. If he does resent it, it is not a valid *eiruv*. He should, therefore, be careful not to make the *eiruv* with food he prepared for Shabbos.
- 10 The *eiruv* must be placed where it is accessible to every tenant at twilight on *erev Shabbos*. Therefore, if there was a dead person there, or in an adjacent apartment and one of the tenants is a *kohein*, who is therefore unable to enter the place where the *eiruv* is at twilight, the *eiruv* is void.
- 11 The *eiruv* should be made every *erev Shabbos*, and on Shabbos, *Hamotzi* should be said over it, [and it should be eaten], as stated in Chapter 102:2 below, (for it has to be on hand) only at the beginning of Shabbos). But if you are afraid that you might in the future forget [to make an *eiruv*], you may make an *eiruv* with one loaf of bread for all the Shabbosos until Pesach, and [in this case], when you say: "By means

of this *eiruv* etc." you should conclude: "For all the Shabbosos until Pesach which will come to us for goodness." And [in this case] it is necessary that the loaf is thin and well baked, so that it will not become spoiled. For the Shabbos during Pesach you must make the *eiruv* with matzoh that is kosher for Pesach.

¹² You may not make an *eiruv chatzeiros* on Yom Tov. Thus, if a Yom Tov occurs on *erev Shabbos*, you must make the *eiruv* on *erev Yom Tov* [Thursday].

¹³ If a person eats in one place, and sleeps in another place, the place where he eats is his legal residence as far as the laws of *eiruv* are concerned. It is there that he prohibits [the other tenants from carrying if they were not included in the *eiruv*] if he eats his own food there, in a special room. But in the place where he sleeps he does not prohibit [the other tenants to carry].

¹⁴ Regarding a visiting guest in a court, some authorities hold, that even if he stays in a house by himself, as long as he does not stay there permanently, but for thirty days or less, he does not prohibit the tenants of the court [to carry]. Therefore all of them are permitted to carry either from the tenants' houses, or from the house of the guest; even if there are many guests [in the courtyard] and only one tenant. This is true only if there is [at least] one permanent tenant, even if he is a non-Jew, for then the guests become subordinate to him. But when all [the people in the court] are guests, they do prohibit one another from carrying, if each one eats in a special room for himself. If there is a non-Jew among them they must rent his residence from him as will be discussed below. Some authorities say that there is no difference

between a guest and a tenant; thus, as long as [the guest] has a special room where he eats, his status is the same as that of a tenant. It is proper to follow the stricter view initially, and they should make an *eiruv* without reciting the *berachah*. But when it is done already, the first opinion may be relied upon.

- ¹⁵ When a Jew lives with a non-Jew in the same courtyard, the non-Jew does not prohibit [the Jew to carry], and he is allowed to carry from the house into the courtyard and from the courtyard into the house. Even if there are two or more Jews, but they live there under such conditions that they do not need an *eiruv*, as explained in paragraph 13 above, then the non-Jew does not prohibit them [to carry]. But if there are two or more Jews [living there] who are required to make an *eiruv*, and a non-Jew also lives there, he prohibits them [to carry], and they cannot make an *eiruv* until they rent the premises. If two or more non-Jews live there, they must rent [the premises] from each of them.
- ¹⁶ Even if the non-Jew lives in another courtyard but he has no exit to the street other than through the court where the Jews live, or if he lives in the attic and the stairway leads to the courtyard, he also prohibits them [to carry].
- ¹⁷ If a courtyard belongs to a Jew, but he rented or lent an apartment to a non-Jew, [the non-Jew] does not prohibit [the Jewish residents from carrying], because [the Jew] did not rent or lend it to [the non-Jew] with the power to prohibit the Jewish residents [from carrying], even if the owner of the courtyard himself does not live there.

- 18 How do you rent [the premises from a non-Jew]? The Jew says to the [non-Jew] "Rent me your premises for so and so much money," and he does not have to explain to him that it is in order to make carrying permissible. However, if he says to him "Give me permission," even though he explains to him, "in order that I may be permitted to carry in the courtyard," it is not valid.
- 19 You may rent [the premises] even from the [non-Jew's] wife and even from his servant.
- 20 If you rented the premises without specifying any definite period of time, it remains valid as long as the non-Jew does not change his mind, and he still lives there. However, if the non-Jew moves away from there and another non-Jew moves in, you must renew the rental agreement with the second [non-Jew]. If you rented [the premises] for a specific time, and during that time the non-Jew rented his apartment to another non-Jew, then the original rental agreement is sufficient. But if the non-Jew died or he sold it to another non-Jew during this time, you must rent it again from the heir or from the buyer. And if you rented it from his servant, if you rented it without specifying a time, it is valid only as long as the servant is there. But if you rented it for a certain length of time, then even if the servant left, the lease remains in force until that time expires.
- 21 Whenever a rental [from a non-Jew] expires and you have to make a new lease, you also have to make a new *eiruv*; for an *eiruv* is not automatically renewed.

- ²² If it is impossible to rent the premises from [the non-Jew], one of the Jews should ask him to lend him a special place on his premises, to place an object there. And he should then put the object there and through this, the Jew acquires that place. Even if he removed the article from there before Shabbos, nevertheless, since the Jew had the right to leave that object there on Shabbos, it is considered as if he had a share in the apartment. This Jew may then rent the premises to all the residents of the courtyard.
- ²³ An apostate or a person who publicly desecrates the Shabbos (according to some authorities, even if it is only a Rabbinic prohibition), is considered as a non-Jew, and you must rent his premises from him.
- ²⁴ In many communities they equip all alleyways and streets with an *eiruv* (by installing the form of a door [*tzuras hapesach*] or something similar), and they rent the property rights from the non-Jews, in order to be able to carry throughout the city. It is essential that all the procedures are performed by a Rav who is an expert, and well versed [in these *halachos*]. In these communities it is customary to place the *eiruv* in the synagogue, (because the laws of partnership apply to it, and it is not necessary [to place it] specifically in a dwelling).
- ²⁵ In communities, however, where the city is not equipped with an *eiruv*, then, even when they make *eiruvei chatzeiros* for the residents of the courtyard in which the synagogue [is located], it is forbidden to put the *eiruv* in the synagogue, but it must be put in one of the dwellings.
- ²⁶ If a city-wide *eiruv* became defective on Shabbos, the residents of every courtyard that is properly [surrounded with partitions] in which there

is no break [large enough] to make [carrying there] forbidden,—even if that courtyard contains many houses—are permitted to carry there the entire Shabbos. Even if the *eiruv* is deposited in another premise which is now separated from this courtyard, nevertheless, they are permitted [to carry], because regarding this, we say, "Once it was permitted on that Shabbos, it continues to be permitted." However, since there is strong reason to be concerned that many people will fall into error and carry [by mistake], even in places where it is now forbidden to do so, since they are accustomed to carrying legally; therefore, if it is possible to have it repaired by a non-Jew, it may be done. If the string of the "form of the door" was torn, and it is possible for a non-Jew to repair it with a loop, or by making one knot and a loop over it, so much the better.

- ²⁷ If a Yom Tov occurs on *erev Shabbos* and the *eiruv* became defective, even though the *eiruv* serves a need also on Yom Tov [of permitting you to carry] articles you do not need [on Yom Tov], still we do not say that since it was permitted on Yom Tov it should also be permitted on Shabbos, because Yom Tov and Shabbos have two [distinctly different] characters of holiness.

Siman 95

- ¹ On Shabbos and Yom Tov it is forbidden to walk more than 2, 000 *amos* from the place you were at the onset of Shabbos. This is [in addition] to the space a person occupies which is four *amos*. This is true only if you happen to be in the field at twilight, but if you stayed in a city [at the onset of Shabbos,] then the entire city is considered your place of residence. The outskirts of the city are also considered part of

the city. What are the outskirts [of the city]? An area of seventy and two third *amos*. [This area] is considered part of the city, even though there are no buildings there. This is called the *karpeif* [enclosure] of the city. It is from the edge of this area that we begin to measure the *techum Shabbos*.

- ² A city surrounded by a wall, even if it is a very large [city], may be traversed over its entire area, including its outskirts, and it is from there that the Shabbos boundary is measured. A city not surrounded by a wall, but whose houses are close to one another, so that the empty space between one house and another is not more than seventy and 2/3 *amos*, is considered as joined together and belonging to the city, even if it would take many days to walk [from one end to the other]. And it is from the last house that the *karpeif* [enclosure] and the Shabbos boundary is measured.
- ³ *Karpeif*-enclosures are added only to cities but not to a single house; but it is directly from the wall of the house that we begin to measure the Shabbos boundary.
- ⁴ If there are two cities close to each other, we add a *karpeif*-enclosure to each. Therefore, if the distance between [the two cities] is not greater than two *karpeif*-enclosures, the two [cities] are considered as one city.
- ⁵ There are many *halachos* concerning measuring a Shabbos boundary that are lenient, and it should be done only by someone well-versed in these laws.
- ⁶ On Shabbos or Yom Tov, if you need to walk farther than the Shabbos boundary, you must place an *eiruvei techumim* on *erev Shabbos* or on

erev Yom Tov. You must place it within the Shabbos boundary lines of the city, in a place to which you would be permitted to walk [on Shabbos]. The place where you put down the *eiruv* is then considered as your place of residence. Therefore, you now have [the right to walk] from there two thousand *amos* in any direction. Of course, it is self-understood, that whatever you gain on the side where you put the *eiruv*, you lose on the other side. For example, if you place the *eiruv* at the end of two thousand *amos* on the eastern side, you are forbidden to walk any distance whatsoever on the western side, for you are already distant from your place of dwelling a *techum Shabbos*, [2, 000 *amos*].

- ⁷ How do you make this *eiruv*? You take bread enough for two meals, or relish, like onions or radish, or something similar, enough to eat with bread for two meals, except for salt and water with which you cannot make an *eiruv*, and go to the place where you want to put the *eiruv*; and you should say: *Baruch atah A-donoy Elokeinu melech ha'olam asher kiddeshanu bemitzvosav vetzivanu al mitzvas eiruv.* [Blessed are You, Hashem, our God King of the Universe, Who has sanctified us with His commandments and has commanded us concerning the *mitzvah* of *eiruv*.] Then you should say: "By means of this *eiruv* it shall be permissible for me to walk from this place two thousand *amos* in each direction," and then return home. You may place one *eiruv* for many Shabbosos, but you should put it in a safe place, so that it will not be lost or spoiled.

- ⁸ You may send the *eiruv* with a messenger who will place it for you. The messenger should recite the *berachah* and then he should say: "By means of this *eiruv* it shall be permissible for so and so to walk etc. ..." The messenger must be *bar mitzvah* and of normal intelligence. But

you may not send [an *eiruv*] through a minor. Even if the messenger does not return to the sender, you may rely on him [to have fulfilled your mission], for we take it for granted that a messenger fulfills his mission.

- ⁹ You may make one *eiruv* for many people, provided the *eiruv* consists of the prescribed quantity of food for each one. [If one person makes one *eiruv* for many people,] he must cause them to acquire a share in it through someone else, as is done with *eiruvei chatzeiros* [*eiruv* of the courtyards, see Chapter 94]. You should not make *eiruvei techumin*, [*eiruv* of the boundaries] [for anyone, without] his consent. One who makes [the *eiruv* for others], acting as the agent for all of them, should say, "It shall be permissible for so and so and for so and so [etc.]" [mentioning all names]. And if he includes himself also, he should say: "For myself and for so and so and so and so."

- ¹⁰ The *eiruv* must be deposited in a place where it can be eaten on Friday at twilight without violating a prohibition of the Torah. Therefore, if you placed it in a hole in the ground, and covered it with dirt, the *eiruv* is not valid. If you covered it with a stone, the *eiruv* is valid. If you put it in a tree, if the tree is strong, the *eiruv* is valid. If you put it on a soft tree or a reed the *eiruv* is not valid.

- ¹¹ If you put the *eiruv* in the middle of a city, then the whole city is considered as the place of your *eiruv*, and you may walk throughout the entire city even if it is a very large [city]. [You may also walk] outside the city, to the edge of its outskirts, as far as the Shabbos boundary, for it is considered as though you lived in that city.

- ¹² If there is a town within the *techum* that is either surrounded by walls or equipped with an *eiruv*, that town is not measured [in the 2, 000 *amos*], and is counted only as four *amos*. This is true only when the *techum Shabbos* reaches the town limits. For example, if [the distance] from the *eiruv* to the town is 500 *amos* and the length of the town is 1,000 *amos*, then the town is figured at only four *amos*; and you [may walk] an additional 1,496 *amos* from the town limits. [In this regard] we make no distinction between the side [of the town] nearer the *eiruv* and the side that is farther from the *eiruv*. But if the *techum Shabbos* ends in the middle of the town, you are forbidden to walk farther than that, since you [would be walking] outside the *techum*, for in this case, the entire town is *not* considered as four *amos*.
- ¹³ The same *halachah* applies when you put the *eiruv* in a place that is close to 2,000 *amos* outside the city. When you return to the city, and the 2,000 *amos* from the place of the *eiruv* end at the beginning of the city before [you reach] your house, you are forbidden even to return to your house. (This is the opinion of most authorities and it is the accepted *halachah*, see *Eliyahu Rabba*.)
- ¹⁴ An *eiruvei techumin* should be made only in order to do a *mitzvah* such as to pray with a *minyan*, or to meet your *Rebbe*, or a friend who arrived from a journey, or to (attend) a banquet in honor of a *mitzvah*, or to take care of communal affairs, or if you had returned from a journey and wanted to go home, or similar things.
- ¹⁵ An *eiruvei techumin* should not be placed on Shabbos or Yom Tov. Therefore, if Yom Tov occurs on *erev Shabbos* and you want to walk

[beyond the *techum*] on Shabbos, you have to put the *eiruv* in place on *erev Yom Tov* [Thursday]. Similarly, if Yom Tov occurs on Sunday and you want to walk [beyond the *techum*] on Yom Tov, you must place the *eiruv* on *erev Shabbos*. (The *halachah* of one who makes an *eiruv* "with his feet" [is found] in *Shulchan Aruch* 409: 7. The *halachos* of a Yom Tov [that occurs] near Shabbos, or the two days of Yom Tov of the Diaspora, on which you want to make an *eiruv*, for one day in one direction and for the second day in the opposite direction, are found in *Shulchan Aruch* 416.)

¹⁶ The property and livestock of a person are subject to the same laws that limit this person. Thus, to a place where he is not allowed to walk no one else is allowed to take them either. If he loaned them to someone or rented them or delivered them to someone for safekeeping, they are subject to the laws applying to the one in whose custody they are. Even if this is a non-Jew, the cattle and the vessels acquired *shevisah* at the [non-Jew's] place. Moreover, even the property of a non-Jew acquires *shevisah* wherever they are [on *erev Shabbos*] at twilight.

¹⁷ If a non-Jew brought fruit and there is no reason to be afraid that it was picked on Shabbos (or any other article about which there is no reason to fear that labor was performed on it), it is only forbidden because it has been brought from beyond the *techum*. If [the non-Jew] brought [the fruit] for himself or for another non-Jew, then a Jew is permitted [to make use of it] at once, even to eat it. It is forbidden to carry it more than four *amos*, unless [the non-Jew] brought [the fruit] into the house, or if the city is equipped with an *eiruv*. Then you may carry it in the entire city. For every place where you are allowed to carry is considered as [your] four *amos*. But if he brought it for a Jew, it is

forbidden for this Jew and for his entire family until the "*kedei sheyei'asu*" has passed after nightfall, which is the time it would take to bring it [from its point of origin]. Nevertheless, he is allowed to carry it within four *amos* or in a place where carrying is permitted. And when there is doubt if [the fruit] was brought from outside the *techum*, it is also forbidden, unless it is likely that it was not brought from outside the *techum*.

- ¹⁸ We have an accepted rule that the prohibition of *techumin* does not apply above ten *tefachim* [above the ground]. Therefore, if you boarded a ship on *erev Shabbos*, before the beginning of Shabbos and the ship sailed, even on a long voyage, nevertheless, when it reaches port on Shabbos and you go ashore; you are permitted to walk from there 2,000 *amos* in any direction. Because, there is no doubt, that during the entire voyage of the ship you were always above ten *tefachim* from the ground, and did not acquire *shevisah* until you landed. However, if during the Shabbos you went ashore and returned to board the ship again; since you were on land during Shabbos, you acquired *shevisah* there. If the ship sails afterwards beyond the *techum*, then you have on the ship only four *amos* within which you may walk, which is the *halachah* regarding someone who goes beyond the *techum*. If the ship reached a place that is less than ten *tefachim* above the ground, you have acquired *shevisah* there. If you are in doubt whether or not the ship was at such a place you may be lenient.

Siman 96

- ¹ [On Shabbos night] the *Maariv* prayer should be said at a later hour, [than on weekdays] and when saying "Vehu rachum" and "Barechu," the

chant should be drawn out in order to add from the mundane to the sacred. In the *Maariv Shemoneh Esrei* we say "*Attah chonantanu*." If you forgot and omitted it, and you remembered before saying Hashem's Name of that *berachah*, you should say it at the point you remembered and go on to conclude: "*vechoneinu* etc." But, if you did not remember until after mentioning Hashem's Name, [then,] finish the blessing, "*Chonein hadoas*," and you need not repeat [the *Shemoneh Esrei*] for you will recite *Havdalah* afterwards over wine. But great care should be taken not to do any *melachah*, nor to taste anything before reciting *Havdalah* over wine. If you did a *melachah* or ate something you must repeat the [*Maariv*] *Shemoneh Esrei*. (If you do not have wine over which to recite the *Havdalah*, and you forgot to say "*Attah chonantanu*," other rules apply in this case.)

- 2 After completing the *Shemoneh Esrei*, half-*Kaddish* is said followed by "*vihi no'am*," ["may the pleasantness"] which is said because it is a Psalm of blessing with which Moses blessed Israel when they completed the construction of the Tabernacle. It should be recited while standing. It is customary to repeat the final verse: "*Orech yamim* etc." ["With long life"]. After that "*Ve'atah kadosh*" ["and You, Holy One"] and the *kedushah*-order are said, since it relates to "*Vihi no'am*," because through the construction of the Tabernacle, the *Shechinah* dwelled amongst Israel. This is [the interpretation of]: "And You, Holy One, are enthroned upon the praises of Israel." If Yom Tov occurs during the following week, even if on Friday, "*Vihi no'am*" and "*Ve'atah kadosh*" are not said, since included in "*Vihi no'am*" is [the prayer:] "*Umaasei yadeinu koneneihu*" ["and the work of our hands—establish it"]. Therefore, it is required that all six weekdays be fit for work. And once "*Vihi no'am*" is not said then, "*Ve'atah kadosh*" is also not said, because

they relate to one another. After [completing] "Vih*i no'am*" and "Ve'at*ah kadosh*," whole- *Kaddish* is said followed by "Veyiten lecha" and "*Aleinu*." These prayers are said after *Maariv* on Shabbos night, so that the Bnei Yisroel can prolong the completion of the order [of prayers], in order to delay the return of the wicked to *Gehinnom*; because it waits for them until the last assembly in Israel completes its order [of prayers].

- ³ Just as it is a *mitzvah* to sanctify Shabbos upon its arrival over a cup of wine, so, too, it is a *mitzvah* to sanctify it at its departure over a cup of wine, which is done at *Havdalah*. A *berachah* is also recited over aromatic spices and over a candle. Women, too, are obligated [to recite] *Havdalah*. They should, therefore, be very attentive to the *Havdalah berachah*. When wine is unavailable, *Havdalah* is recited over beer or mead, or any beverage considered a popular drink with the exception of water.

- ⁴ Once twilight arrives it is forbidden to eat or drink anything except water prior to *Havdalah*. However, if you prolong the Third Meal even into the night, you may [continue to eat and drink] since you began when it was permitted. You may also drink from the cup [of wine] [over which] *Birkas Hamazon* was said because it, too, is part of the [Third] Meal, provided that you are always accustomed to reciting *Birkas Hamazon* over a cup of wine. But, if you sometimes recite *Birkas Hamazon* without a cup [of wine] (because you rely on the *poskim* [who hold] that *Birkas Hamazon* does not require wine,) it is forbidden at this time to drink from the *Birkas Hamazon* wine, prior to *Havdalah*.

- 5 Similarly, you may not do a *melachah* prior to *Havdalah*. Women who need to put on the lights prior to *Havdalah*, should first say: "Blessed is He who distinguishes between the sacred and the mundane, between light and darkness, between Israel and the peoples, between the Seventh Day and the six work days, blessed is the One Who distinguishes between the sacred and the mundane." If Yom Tov occurs on Sunday, they should conclude: "The One Who distinguishes between the sacred and the sacred."
- 6 If you prolong the *Maariv* prayer at the end of Shabbos or prolong your meal into the night, you may ask even a Jew, who has already prayed and said "*Attah chonantanu*," to do a *melachah* for you. You may benefit or partake of his *melachah*, though you will afterwards mention Shabbos during *Birkas Hamazon*.
- 7 When pouring [wine into] the *Havdalah* fill it to the brim until it overflows slightly, [for this is] a sign of blessing. Lift the cup in your right hand and the aromatic spices in your left, until after you recite "... *borei peri hagafen*," ["... Creator of the fruit of the vine"]. Then put the cup in your left hand and the spices in your right and recite "... *borei minei vesamim*," ["... Creator of various kinds of spices"]. Afterwards recite the *berachah* over the candle. Then again take the cup in your right hand and recite the *berachah* "*hamavdil*." After concluding [the *berachah*], sit down and drink the whole contents of the cup by yourself. And the little left in your cup you pour out and with it extinguish the candle. You apply some of it to your eyes to show your esteem for the *mitzvah*. It is customary for women not to drink from the *Havdalah* cup.

- 8 It is advisable to add some "pizem" [musk] to the *besamim* because it is agreed that its proper *berachah* is "... *borei minei vesamim*." It is preferable to also take a myrtle since a *mitzvah* was done with it once, let a *mitzvah* be done with it once more.
- 9 It is preferable that the candle be made of wax, and of single candles braided together forming a torch. If you do not have [such a candle] you may recite the *berachah* on two other candles whose flames have been brought together so that they form a torch. It is customary after reciting "... *borei me'orei ha'eish*," to look at your fingernails, preferably the fingernails of your right hand. It is also customary to look at the palm of your right hand. You should bend the four fingers over the thumb into the palm of your hand and look at your fingernails and at your palm simultaneously, then straighten your fingers and look at the fingernails from the back.
- 10 One who is blind does not recite a *berachah* over the candle. One who has no sense of smell does not recite a *berachah* over *besamim*.
- 11 If after you recited the *berachah* on the wine and you are holding the *besamim* in your hand and intended to recite the *berachah* over them, you inadvertently said "*borei me'orei ha'eish*," and immediately realized [your error] and concluded "*borei minei vesamim*" the *berachah* is valid for the *besamim*. You may then recite the *berachah* on the candle. But, if you intended the *berachah* for the candle, it is valid for the candle, and recite the *berachah* on the *besamim* afterwards.
- 12 It is a *mitzvah* to increase the lighting slightly on Shabbos night and to recite the *zemirot* to escort the Shabbos upon her departure. This is a

sign of respect similar to a king being escorted upon departing from the city. Eliyahu the Prophet is mentioned and we pray that he come and bring us the tidings of the Redemption. [We wait until Shabbos night] because Eliyahu will not arrive on Friday so as not to disturb Israel in its preparation for Shabbos. On Shabbos, too, we do not pray for his coming since there is a possibility that the laws of *techum* apply above ten *tefachim*, making it impossible for him to come on Shabbos; therefore, as soon as Shabbos is over and it is now possible for him to come, we pray that he come and bring us good [tidings]. The *Midrash* also states that at the end of every Shabbos, Eliyahu enters the Garden of Eden and sits under the Tree of Life and inscribes the merits of the Israelites who keep the Shabbos. We, therefore, mention him then for good.

¹³ If possible, you should fulfill the mitzvah of the *melaveh malkah* meal with bread and a hot dish. Set your table appropriately in honor of the departure of Shabbos. One who cannot eat bread should at least eat some cake or fruit.

¹⁴ [Even] if you already recited *Havdalah*, you may recite *Havdalah* for your children that have reached the age of training so that they fulfill their obligation, and certainly for an adult, provided they cannot recite *Havdalah* for themselves. However, one who is able to do so for himself, must himself recite the *Havdalah*. When reciting *Havdalah* for others, upon reciting "*borei minei vesamim*," you must smell the spices yourself so that your *berachah* not be in vain, (because the *berachah*, "*borei minei vesamim*" at *Havdalah* was established solely for man's pleasure). *Havdalah* should not be recited solely for women by someone

who has already recited *Havdalah* (because some hold that women are exempt).

- ¹⁵ If you forgot, were unable, or purposefully failed to recite *Havdalah* on Shabbos night, you may do so until the end of Tuesday. However, do not recite the *berachah* over the *besamim* or the candle, only the *berachah*, "borei peri hagafen" and the *berachah*, "Hamavdil." Once Tuesday has past, *Havdalah* can no longer be recited, because the first three days of the week are called "the days after Shabbos" and are considered the end of Shabbos, whereas the last three days are called "the days before the coming Shabbos" and have no relationship to the Shabbos past.

Siman 97

- ¹ Some people are accustomed to fast on Erev Rosh Chodesh and recite the order of *Yom Kippur Kattan*, for on this day we are forgiven for all the sins committed in the past month. It is likened to the *Seir* [goat offering] of Rosh Chodesh, and as we say in the Mussaf service, "It is a time of atonement for all their generations." Each community should follow its own custom.
- ² It is a Mitzvah to have an elaborate meal on Rosh Chodesh, and if it occurs on Shabbos, an extra cooked dish should be prepared in addition to those prepared on other *Shabbasos*.
- ³ It is permissible to do *Melacha* on Rosh Chodesh, but women customarily refrain from doing *melachah* on this day. This is a proper custom and it should not be made trivial for them.

- ⁴ *Hallel* should be said while standing, and without interruption. You should try to say it with the congregation. Therefore, if you arrive at the synagogue when the congregation is about to say *Hallel*, you should say *Hallel* with the congregation and recite the other prayers later. And if you are saying *Pesukei Dezimrah* (that is from *Hodu* until after *Az Yashir*), you should read *Hallel* with the congregation without saying the berachah before or after the *Hallel*, because the berachah of *Baruch Sheamar* and the berachah of *Yishtabach* also fulfill the berachah for *Hallel*. And only on Rosh Chodesh can this be done, because then parts of the *Hallel* are omitted. This is also true for *Chol Hamoed* and the last days of *Pesach*. But when the entire *Hallel* is recited, this cannot be done. And if you recite *Hallel* without the congregation, and two [or more] other persons are present, you should say *Hodu* in their presence in order that they may respond, for the expression *Hodu* (thank Hashem) implies that you are addressing others [to do so]. The law of saying *Hallel* in the house of a mourner, may the Merciful save us, is found further in Chapter 207.
- ⁵ After *Hallel* the whole Kaddish is recited, a *Seifer Torah* is taken out, and four (men) are called (to the Torah). The *kohein* reads three *pesukim* (verses), which are *Vayedaber*, *Tzav*, *Veamarta*. The Levi repeats the verse of *V'amarta*, and adds: *Es hakkeves echad, veasiris haeifah*. The Yisroel reads from *olas tamid* until *uverashei chodsheychem*. And the fourth person reads from *uverashai chodsheychem*.
- ⁶ On Rosh Chodesh it is forbidden to fast and to eulogize someone, and the prayer *Tziduk Hadin* is not said.

- ⁷ It is obligatory to sanctify the moon each month. It should not be sanctified until it is definitely night, which is when its light is visible on the ground, so that you can derive some use from its light. If the moon is covered by a cloud, it should not be sanctified unless the cloud is thin and scanty. If you began the berachah, and afterwards it was covered by the cloud, you should complete the berachah. But if you estimate that you will not be able to complete the berachah before it is covered, it is forbidden to begin (the berachah).
- ⁸ The moon must be sanctified only under the heavens (open sky) and not under a roof. If, however, there is no clean place [outside] or because of another situation beyond your control [you cannot go outside]; you may sanctify it inside the house through the window.
- ⁹ It is a mitzvah performed in its excellence to sanctify the moon on *Motzai Shabbos* when you are in high spirits and dressed in fine clothes. But if *Motzai Shabbos* will occur after ten days from the appearance of the new moon, or if it is feared that you will then be unable to sanctify it, you needn't wait until *Motzai Shabbos*. It is a mitzvah to sanctify the moon in the gathering of a multitude of people, since in the multitude of the people is the glory of the King. But it should not be postponed because of this, because the mitzvah to "perform precepts promptly" overrides the mitzvah of "in the multitude of people."
- ¹⁰ The moon should not be sanctified until the passage of at least three days from the appearance of the new moon, and some wait seven days. And when *Motzai Shabbos* occurs before seven days, you should not wait, but you should sanctify it on *Motzai Shabbos*. The moon may be

sanctified only up to the expiration of half the period of twenty-nine days twelve hours and 793 *chalakim* (29 days, 12 hours, 793/1080) that is fourteen twenty-four hour days and eighteen hours and twenty two minutes from the appearance of the new moon.

¹¹ The moon should not be sanctified before *Tisha B'av*, and not when one is a mourner, unless his mourning period will not end within the ten full days after the appearance of the new moon. In such a situation, it may be sanctified during the days of mourning. The moon should not be sanctified on a fast day until some food has been eaten. But in any case after Yom Kippur, since we leave the synagogue in a joyous spirit, confident that our sins were forgiven, we sanctify it immediately.

¹² The moon should not be sanctified on Friday night, nor on the night of Yom Tov except in extenuating circumstances, as when by *Motzai Shabbos*, the prescribed time will have passed.

¹³ A blind person is permitted to sanctify the moon.

¹⁴ If the moon is visible at the beginning of the night, before you began the *Maariv* prayer, and there is still time, [i.e., there are still] a few more nights in which to sanctify it, you should say the *Maariv* prayer first, and then sanctify the moon, because a mitzvah that is constant takes precedence over one that is only periodic, and also the reading of the *Shemah* is a Biblical precept. If, however, there remains only two or three nights [to the end of the period], since the time is short, it may happen that the moon will be covered by clouds. And in the rainy season even if there remain yet four nights [to the end of the period], it may happen that it will become covered by clouds, and therefore you

should first sanctify the moon (and then say *Maariv*). If the moon becomes visible at the time you are saying *Kerias Shema* and its *berachos*, and the time is so limited that before you complete *Shemoneh Esrei* the time of sanctification will have passed, you may interrupt even in the middle of the *berachos* of *Kerias Shema*, or in the middle of *Kerias Shema* in order to sanctify it. But if possible, you should complete the section [you are reading,] and sanctify the moon between the sections.

¹⁵ If in the month of *Adar* (the moon) was not visible until the night of the fourteenth which is the time for the reading of the *Megillah*, the moon should be sanctified first and the *Megillah* read afterwards. And if it became visible during the reading of the *Megillah*, then if there will be time even after the reading is concluded to sanctify the moon, the reading of the *Megillah* is not interrupted; but if by the time the *Megillah* is concluded, the time for sanctification will pass, and the entire congregation has not yet sanctified the moon, the reading is interrupted for the sanctifying, and afterwards the *Megillah* is concluded. But if only one person has not yet sanctified the moon, and if he stops to sanctify it, he will have to finish the *Megillah* alone, he must not interrupt, because the public reading of the miracle takes precedence.

Siman 98

¹ Any *melachah* (work) that may not be done on Shabbos, is also forbidden on Yom Tov. And just as on Shabbos it is forbidden to have work done even by a non-Jew, so it is forbidden on Yom Tov. And just as a person is commanded to allow his animals to rest on Shabbos, so, too, is he commanded on Yom Tov. Yom Tov differs from Shabbos only

with regard to the preparation of food, for it says (concerning Yom Tov), "Only that which is eaten by any soul, that alone may be prepared by you." This includes kneading, baking, slaughtering, and cooking. Carrying, and lighting a fire are permitted on Yom Tov, even if not needed for preparing food, but for some other necessity. Our Sages, of Blessed Memory, had this rule by tradition regarding these (two *melachos*), of which it is said: "Since these labors are permitted for the purpose of preparing food, they are also permitted for purposes other than preparing food," but for some other necessity. However, a *yahrzeit* candle may not be lit on Yom Tov.

- ² You may not make cheese on Yom Tov, neither may you make butter on Yom Tov. Likewise, you may not curdle milk, by putting it in a stomach or by putting a substance into it to cause the milk to thicken and coagulate. Also, you may not skim off the cream from the milk, unless you leave a little on the milk, the same way it must be done on Shabbos. This, too, is permitted only for as much as you need for that day, but not for the following day, because it amounts to preparing [on Yom Tov for a weekday, which is forbidden]. But if you fear that it will spoil, you may have it skimmed off in the aforementioned manner by a non-Jew.
- ³ Should spices that are ground before Yom Tov lose their flavor, [before Yom Tov,] they may be ground on Yom Tov, if done in an unconventional manner: such as inclining the mortar on its side, or by pounding them on the table, or similar unconventional procedures. Horseraddish that is grated on a (hand-)grater may not be grated into a dish as is usually done on weekdays, but onto a tablecloth. You may not grind coffee with a grinder, but you may pound it with a mortar in an

unconventional manner. It is best to prepare everything on the day before Yom Tov. Foods that do not lose their flavor, certainly should be crushed the day before Yom Tov, but if you forgot (to do it before), you are permitted to do it in an unconventional manner on Yom Tov. All that was mentioned is only permitted for as much as you need for that day, but not for the next day, and you should be stringent to prepare only as much as you need for that particular meal. When grinding matzoh, you should also be careful about this.

- ⁴ You may not split wood, or even break it by hand. It is also forbidden to gather wood from a place where it is scattered about.
- ⁵ Arranging wood on top of the stones to start a fire is prohibited, because you are making a tent; for it is like erecting two walls upon which you are placing a roof. But you can do it in an unconventional manner, that is by holding the wood in your hand and placing the stones underneath. Similarly, when you place a pot on stones to light a fire underneath, you must hold the pot in your hand and place the stones under it; but you may not place it (the pot) on top of the stones.
- ⁶ You may not fan a fire with a bellow, because it is forbidden to do so in a professional manner. It is customary to permit (the use of) a domestic-type bellows by operating it in an unconventional manner, holding it in an upside down position, but with a professional bellows it is forbidden, even in an unconventional manner.
- ⁷ You may sort all the legumes you need for that day, but not with a sieve or strainer. Neither may you put them in water so that the refuse or the edible part will float. But you may separate them by hand and pick out

whatever is easier for you; if it is easier to pick out the refuse,—pick out the refuse, and if it is easier to pick out the edible part,—pick out the edible part.

- 8 Flour that has already been sifted, but you wish to sift it a second time, should be sifted by a non-Jew or you may do it in an unconventional manner, turning the sieve upside down. Do the same when sifting crushed matzos. Flour that has never been sifted, may be sifted only by a non-Jew, in an unconventional way. It is forbidden to pick out refuse from flour; for example, if pebbles or something similar fell into it. It is forbidden to separate the large crumbs even from ground matzoh.
- 9 Kneading is permitted on Yom Tov. However, you should not measure the flour but should take it by estimate. If you do not measure exactly, but take less or more, it is permitted to (use a measuring utensil).
- 10 Dough for noodles and farfel used in soups should be kneaded on *erev* Yom Tov, for if they are older they taste better. But if you did not knead it *erev* Yom Tov, you may knead it on Yom Tov in an unconventional way. For example, if you usually knead it on a board, you should knead it on a tablecloth or on something similar. Cooked food that does not spoil, like dried fruits and similar food should be cooked on *erev* Yom Tov.
- 11 If you knead dough on Yom Tov, you may take *challah* from it. But you may not burn (the *challah* portion), because holy things may not be burned on Yom Tov. It is also forbidden to bake (the *challah* portion) because it is not fit to be eaten, for we are all considered as ritually unclean due to having come in contact with corpses. And it is

forbidden to handle (the *challah* portion), but while it is still in your hand, you should put it in a safe place until after Yom Tov, and then burn it. If you knead dough on *erev* Yom Tov, it is forbidden to take *challah* from it on Yom Tov, but you may bake (the bread) and eat it, leaving a little bread from which to take (*challah*) right after Yom Tov. The portion you leave should be sufficient for separating *challah* and have some left over.

- ¹² It is forbidden to mix clay on Yom Tov, even if done by a non-Jew. Therefore if you (need clay) to seal the oven in which you warm your food, for Shabbos, you must prepare clay that was mixed, before Yom Tov. Also taking mud from the street is forbidden, unless it was prepared on *erev* Yom Tov, and placed in a corner. You should be careful not to smear the clay or mud, but you should seal the oven with it without smearing, for some authorities prohibit this (on Yom Tov) even to keep food warm.
- ¹³ Domesticated poultry that is kept in the house or in the yard for food, are permitted to be caught so that you may slaughter them for your Yom Tov needs. But if not needed for food, it is forbidden to catch them. And if they are new and not accustomed to (the house or yard), it is forbidden to catch them even for food, even while they are in the house. But at night, when they are roosting, it is permitted to take them. In any event, you must be careful to select those you intend to slaughter on Yom Tov before Yom Tov, lest the one you will take will prove to be too lean and you will have handled it needlessly. Poultry, not kept for food, but for laying eggs, are *muktzeh*.

- ¹⁴ It is forbidden to catch doves of a dove-cote or doves living in an attic, even though they are accustomed to return to their nests and even if you selected them before Yom Tov.
- ¹⁵ It is permitted to cut or burn the rings around the legs of poultry after slaughtering. You may also sew up poultry when you stuff them, but you must be careful to thread the needle on *erev* Yom Tov. If you did not thread it before Yom Tov, it is forbidden to thread it on Yom Tov. After the poultry is sewn up, you may burn the leftover thread.
- ¹⁶ It is forbidden to catch fish in a pond, that cannot be caught with your hands, but (only) with a utensil. But if you can catch them with your hands, you may catch them, even with a utensil. If there are many fish in the pond you must designate before Yom Tov the one you wish to take on Yom Tov, by making a mark on it; and if you need all of them, you must designate all of them by saying before Yom Tov: "I am designating all of these fish for Yom Tov."
- ¹⁷ If you are in doubt whether something was caught or prepared on Yom Tov, it is forbidden to be used. If it is very urgent, you may be lenient on the second day of Yom Tov, but not on [the second day] Rosh Hashanah.
- ¹⁸ Living creatures that are *muktze* may not be given drink, nor may their food be placed within a close reach, but it should be placed a short distance away.
- ¹⁹ If you slaughtered poultry, and it was found to be *tereifa*, you are forbidden to handle it, similar to other *muktze* (items). But if you

slaughtered an animal and it was found to be *tereifah*, you may put it in a place where it will not spoil. But if it is impossible to put it away, so that it will not spoil, you may sell it to a non-Jew, provided that no price is set, and it is not weighed. Perhaps with regard to fattened geese among which *tereifos* are generally found, you may be lenient.

- 20 You may not slaughter an animal on Yom Tov unless it is absolutely necessary. It is forbidden to sell meat by weight and at a set price. But you may give someone a piece of meat to be paid for after Yom Tov.
- 21 When you slaughter an animal (on Yom Tov) it is best not to examine the lungs until after you have skinned it; for if you examine it and it is found to be *tereifah*, it is forbidden to skin it. You are allowed to handle the hide of an animal that was slaughtered that day in order to put it away. But not to spread it on posts. Other hides are absolutely forbidden to be handled. Also, feathers from a bird that was slaughtered that day, may be handled in order to put them away. But it is forbidden to handle any other feathers.
- 22 It is permitted to salt meat to draw off the blood, even if it could have been salted the day before Yom Tov, provided you need it for that day. If you have more meat (than you need) and fear it might spoil, you may salt all the meat together, no matter how much there is, and even that which is not needed for today, for it involves the same labor. But meat that has already been salted and its blood (drawn off), and fish that could have been salted on *erev* Yom Tov, is forbidden to be salted on Yom Tov.

- ²³ When baking pastry on Yom Tov, it is forbidden to shape it into figures either by using a mold or by hand.
- ²⁴ Levelling [or smearing] is forbidden on Yom Tov as on Shabbos. Therefore, it is forbidden to warm a candle of wax or of tallow to make it stick to the candlestick or the wall, for you might inadvertently smear it. If the socket (of the candlestick) is full of tallow, you may clean it with an object that is not *muktze*.
- ²⁵ It is forbidden to extinguish a fire on Yom Tov. It is even forbidden to extinguish it indirectly. Therefore, it is forbidden to place a burning candle where the wind may blow it out, even though when you place it no wind is blowing. It is also forbidden to open a door or a window opposite a burning candle. See above chapter 80:2
- ²⁶ It is permitted to cover a fire (on Yom Tov) with a vessel or ashes that have been prepared (before Yom Tov). Even though it may be slightly extinguished by being covered, nevertheless since your intention is not to extinguish it, (and it is a *melachah* not needed for its own sake), it is permitted for the needs of the Yom Tov. But it is permitted only when you need it for that day. But for the needs of the (following) night it is forbidden, for the night belongs to the second day.
- ²⁷ You may not kasher utensils by placing them in boiling water, nor by heating them until red hot, once they have become forbidden for use. For the laws of immersing (new) utensils on Yom Tov, see Chapter 37 above.

- ²⁸ The law regarding washing dishes on Yom Tov is the same as on Shabbos. It is forbidden to wash dishes on the first day Yom Tov to be used on the second day of Yom Tov.
- ²⁹ It is forbidden to make a fire in order to heat the house, unless the cold is so severe that the food congeals; then it is considered as required for the preparation of food. But if the cold is not so severe, it is forbidden. If done by a non-Jew, it is permitted
- ³⁰ It is permitted to heat water to wash your hands but not for bathing your whole body. If you need (warm) water to bathe a child, it is also forbidden to heat the water for him, even through a non-Jew. But you may heat a larger quantity because of him; thus when you need a little water for cooking, it is permitted to heat even a large kettle, provided you pour in all the water before placing it on the fire and do not add any water after that. If the child is slightly ill, it is permitted to have the water heated for him through a non-Jew.
- ³¹ It is forbidden to touch off a fire either from a flintstone, a glass or a match.
- ³² You may not make *mugmar*, that is to scatter various spices over coals, either in order to smell its fragrance, or to perfume the house or clothing, for it is written "For everyone," (Ex. 12:16). meaning, it must be of a nature that everyone requires. But perfuming is only a necessity for dainty and indulgent people. With regard to smoking tobacco, the *poskim*, of blessed memory, disagree. Even according to those who are lenient, you must be careful not to light it with a (burning) piece of paper or a coal, because when you throw these on the ground, they will

be extinguished. It is easy to make the mistake of doing it on Yom Tov, since you are used to doing so during the week. If there are letters on the paper, either written or printed, and you burn it, the prohibition of erasing also applies. Rather, you must light it from a (pre-existing) flame. You also may not smoke a new pipe. It is also forbidden to grind the tobacco on Yom Tov. It would seem that it is also forbidden to cut off the tips of cigars.

³³ Something which is not a full-scale *melachah* and yet is forbidden on Shabbos in order to cure a patient who is not critically ill, is also forbidden even on the first day of Yom Tov, or on both days of Rosh Hashanah, unless it is done by a non-Jew. But on the second day of Yom Tov, (except for the second day of Rosh Hashanah), it may be done, even by a Jew. But a full-scale *melachah* may not be performed for a patient who is not critically ill, even on the second day of Yom Tov unless it is done by a non-Jew. (You should consult a halachic authority before taking any actions in this matter.)

³⁴ Carrying is permitted on Yom Tov. It is permitted to carry even things that are not needed for preparing food, provided there is some other need for it, but if it is totally unnecessary, it is forbidden to be carried out [of the house] unless it is to a place where you are permitted to carry on Shabbos. Concerning things that are needed for food, like kegs of wine, you should not carry as heavy a burden as you do on weekdays; but you should do it in a different way. If it is impossible to do it differently, as when you have many guests, you may carry it the usual manner.

- ³⁵ All work that is permitted to be done on Yom Tov, may be performed only for the needs of man, but not for animals, for it is written, "Shall be done for you," (Ex. 12:16) and it is expounded "For you, but not for animals." Therefore it is forbidden to cook or carry out anything for the needs of an animal, just as it is forbidden on Shabbos.
- ³⁶ It is forbidden to cook or bake for the needs of a non-Jew but if you have a non-Jewish servant, you are allowed to add food and cook it in the same pot so that there should be enough for the servant too. But for a distinguished non-Jew, it is even forbidden to add (food). Moreover, even if you cooked or baked anything for yourself, you are forbidden to invite a non-Jew to eat with you. But if the non-Jew is an ordinary person, you may give him something of what you cooked or baked. Baking bread, even if for your non-Jewish servant, is forbidden.
- ³⁷ It is forbidden to carry out anything on Yom Tov for a non-Jew unless to a place where you may carry on Shabbos.

Siman 99

¹ *All Muktzeh*, that is forbidden to be handled on Shabbos, is also forbidden to be handled on Yom Tov. Some authorities say, things that are purposely excluded from use and things excluded from use because of their filth, even though they may be handled on Shabbos, they may not be handled on Yom Tov. Therefore, fruits that were set aside for sale, are forbidden to be handled on Yom Tov, unless you designate them on *erev* Yom Tov by saying: "I will eat from this fruit tomorrow."

Concerning fruit that is scheduled to be sold a little at a time, you may be lenient.

- ² It is forbidden to handle an egg that was laid on Yom Tov, but you may cover it with a vessel so that it should not break. If it was laid on the first day (of Yom Tov), you may eat it on the second day, but if the second day of Yom Tov occurs on Shabbos, it is forbidden on Shabbos as well. Similarly, if the first day occurs on Shabbos, and it was laid on that day, it is forbidden also on the following day, which is the second day of Yom Tov. Whenever Shabbos borders on Yom Tov, whether before or after it, if it is laid on either of these days, it is forbidden on the other (also). And on Rosh Hashanah, even if it was laid on the first day, it is forbidden on the second day. (The two days of Rosh Hashanah are considered one long day, only concerning restrictive measures, as in this case. In reference to the law regarding the other *yomim tovim*, [however] when it is forbidden to prepare [food] on the first day for the second day, there is no difference between other *yomim tovim* and Rosh Hashanah. It is also forbidden to do so on Rosh Hashanah, because to effect a relaxation of the law we do not say it is considered one long day.) And if Rosh Hashanah occurs on Thursday and Friday, even if it was laid on Thursday, it is forbidden on Shabbos as well. If a hen was slaughtered and eggs found inside it, even if they are fully developed, they are permitted even on that day.
- ³ Wood may not be handled except to burn as fuel, but (if) not for burning, it is forbidden to handle it. Therefore, you may not support a pot or a door with a piece of wood.

- ⁴ Ashes (of wood) that was burned before Yom Tov may be handled on Yom Tov because it was fit (before Yom Tov) for all the necessities of man; such as to cover excrement with it or (to cover) saliva and similar things. If the ashes are made from a fire that burned on Yom Tov, then if it is still so hot that an egg can be roasted on it, it may be handled for all the necessities of man. But if it has cooled off, it is forbidden to be handled because it is *nolad* [newly created], (that is) yesterday it was wood and today it is ashes, and this is more stringent than *muktze*.
- ⁵ If you ate nuts before Yom Tov, you may burn their shells (for fuel). But if you ate them on Yom Tov, you may not burn their shells and it is forbidden to even handle them. Similarly, other peels, even though they are fit for animals, (may not be handled them) because they are *nolad*; for yesterday they were fit for human consumption.

Siman 100

- ¹ It is a positive commandment of the Torah for the *kohanim* to bless the people, as it is said: "This is how you must bless the Children of Israel." Any *kohein* who is not disqualified and does not go up to the *duchan* violates a positive commandment. But he is not in violation, unless he is called upon to do so, as it is said: "Say to them," and the *Targum* translates: "When they tell you." It is the custom in our regions that the *kohanim* bless the people only on Yom Tov because then, people rejoice Yom Tov, and it is said that a happy heart will bless, and on Yom Kippur there is (also) rejoicing over the forgiveness and pardon [of our sins]. This is not true on other days. Even on the Shabbos days of the whole year, people are worried about their livelihood and about being

idle from work. And even on Yom Tov, they only bless the people during the *musaf* service, because they will soon leave the synagogue and rejoice in the joy of Yom Tov. We are accustomed in our regions that [even] when Yom Tov occurs on Shabbos, the *kohanim* do not bless the people except on Yom Kippur; for even if it occurs on Shabbos, they bless the people. There are communities that have the custom, that on every Yom Tov, even when it occurs on Shabbos, the *kohanim* bless the people; and this is more correct.

- ² The *Birkas Kohanim* is pronounced only in a congregation of at least ten adult males, including the *kohanim*, because they also are included in the blessing, as it is said: "And I will bless them" (*Numbers* 6:27).
- ³ Before pronouncing the *Birkas Kohanim* the *kohein* may not drink wine or any other intoxicating beverage. And if he feels faint, and wants to eat some cake before *musaf*, he should listen to someone else's kiddush.
- ⁴ Before going up to the *duchan* the *kohein* must wash his hands up to the wrist, that is the junction of the hand and the arm, just as the *kohanim* sanctified their hands in the *Beis Hamikdash* before the *avodah*, as it is said: "Raise your hands in holiness and bless Hashem." It is questionable if they have to recite a berachah on this washing, or if they do not have to say a berachah, since he made a berachah on washing his hands when he got up in the morning. Because of the doubt, the custom is not to recite a berachah. In the meantime if he touched an unclean spot, it would be proper to say a berachah on this washing, but this is not the custom. Every God-fearing *kohein* should watch his hands carefully after washing his hands in the morning, not

to touch an unclean spot, so that he would need not repeat the berachah.

- 5 A *levi* pours the water on the hands of the *kohanim* as it is said: "And also your brothers, the tribe of *Levi* bring near to you, and they will accompany you and serve you." If no *Levi* is present, a first born of the mother, who is holy, should pour the water on his hands, and if there is no firstborn present, it is better that the *kohein* himself pour it rather than a Yisrael. If the *Levi* or firstborn who pours water on the hands of the *kohanim*, has unclean hands, he must wash them first.
- 6 The *kohanim* are forbidden to go up to *duchan* wearing shoes. They should remove their shoes before washing their hands. They should be careful to hide their shoes under the benches, so that they cannot be seen, out of respect for the congregation.
- 7 When the *Chazzan* begins *Retzeih*, all the *kohanim* must leave their places to go up to the *duchan*. Therefore, they should wash their hands before this, so that when the *Chazzan* says *Retzeih*, they will leave their places to go up to the *duchan* with hands fit for the blessing. If post facto they washed their hands afterwards (after *Retzeih*), it is acceptable.
- 8 When they go up to the *duchan*, they stand facing the Holy Ark (which is) in the East, and they say *Modim Derabanan* with the congregation, and after that they say: "May it be your will Adonoy, our God, and God of our fathers, that this blessing which you have commanded us to bless your people, Israel, be a perfect blessing; that there be in it neither stumbling nor iniquity from now and forever." And they should prolong this prayer until the *Chazzan* concludes with: *Ulecha na'eh*

lehodos, so that the congregation may respond *amein* also to this prayer. The *Chazzan* says: *Elokainu v'Elokei avoseinu barecheinu vaberachah* etc. quietly, but the word *kohanim* he says in a loud voice, for with this he calls the *kohanim* to bless (the people). And then he says quietly: *am kedoshecha ka'amur* "Your holy people, as it is said." And after the *Chazzan* proclaims: *kohanim*, they begin the berachah, all saying in unison "*Baruch atah Adonoy, Elokeine Melech ha'olam, asher kiddeshanu, bikedushaso shel Aharon,*" then, turning around facing the people they complete the berachah "*vetsivanu levareich es amo Yisrael be'ahavah,*" and the congregation responds *amein*. But the *Chazzan* should not respond *amein*, for this would constitute an interruption (in his prayer). From the words "With love," it is inferred, that if the worshippers hate the *kohein*, or the *kohein* hates the worshippers, he should not bless them. In fact, it is dangerous for the *kohein* to bless them (under such circumstances). Therefore, he should leave the synagogue (at that time). If there is only one *kohein* in the synagogue, the *Chazzan* should not say, *kohanim* in a loud voice, but the *kohein* should, on his own, turn around to face the congregants.

- ⁹ They raise their hands to the level of their shoulders and stretch them out, and separate their fingers in such a way that there are five spaces between them. That is, between two fingers and two fingers there is one space, and between the two fingers and the thumb, there is another space, and the same with the other hand; making four spaces. And between the two thumbs there is another space, which makes a total of five spaces. This must be done, because it is written, "He is peering through the lattices," five open spaces. He must be careful that his thumbs should not touch each other, so that there will be five spaces. He must raise his right hand slightly above the left and the right thumb

should be above the left thumb. They should spread out their hands in such a way that the palms of their hands are turned toward the ground, and the back of their hands toward Heaven.

¹⁰ When the *kohanim* bless the people, they should not look around, nor should they cause their mind to stray; but their eyes should be directed downward as in prayer. The people should concentrate on the blessing, and face the *kohanim*, but they should not gaze at them, neither should the *kohanim* gaze at their hands. It is [therefore] their custom to lower the *tallis* over their faces, extending their hands outside the *tallis*. The worshippers also lower their *tallissim* over their faces in order not to gaze at the *kohanim*.

¹¹ The people standing behind the *kohanim*, are not included in the blessing, unless they were compelled to stand there, but those standing on the sides facing (the *kohanim*) are included in the blessing. In a synagogue where the Holy Ark projects from the wall, the men standing near the eastern wall, on the sides behind the *kohanim*, should leave their places and stand in a place where they will be at least on the sides facing the *kohanim*. If this is not possible, they are considered as being compelled to do so, and are included in the blessing.

¹² The *Chazzan* reads to them the *Birkas Kohanim* word for word, and they repeat each word after him until the conclusion of the first verse, whereupon the congregation responds *amein*. [In this manner, the *Chazzan* reads the second and third verses as well.] After the second verse and after the third verse, [the congregation also responds *amein*.] The *Chazzan* should not recite (these verses) from memory but should read them from the *Siddur* in order not to get confused. The *Chazzan*,

too, may respond *amein* after these verses. It is not considered an interruption because it is necessary to the prayer. When reciting the following words, the *kohanim* turn (partially) toward the South and then to the North: *yevarechecha, veyishmerecha, eilecha* ["May He bless you" "and safeguard you," "to you"] *vichuneka, eilecha*, and *lecha*, ["and be gracious to you" "to you" "you"] because these words are in the second person. therefore, the *kohanim* turn also toward the sides, in order to bless the entire congregation. They also turn thus when saying the word *shalom*, because it is the conclusion of the blessings. While the *kohanim* prolong the slow chant before saying the concluding words of each verse, which are *ve'yishmerecha, vichuneka* and *shalom*, the congregation recites (the prayer) *Ribono shel olam* etc. "Master of the Universe ..." The one who prompts the *kohanim*, even though he is not the *Chazzan*, should not recite *Ribono shel olam*, in order not to get confused. Certainly the *Chazzan* should not recite it because it would be considered an interruption of the *Shemoneh esreih*. The *kohanim* should chant only the customary melody in order to avoid confusion.

¹³ When the *kohanim* recite the words (of the *Birkas Kohanim*), the congregants should not recite any verse, but should listen very attentively to the words pronounced by the *kohanim*; for is there a slave who, while receiving a blessing, would not listen attentively to his blessing? But if the worshippers recite verses, they cannot concentrate on the blessing. However, some are accustomed to recite various verses, and they must be careful to recite them only when the *Chazzan* or *kohanim* are chanting but not when they are saying the words.

¹⁴ After the conclusion of the *Birkas Kohanim*, the *Chazzan* begins reciting *Sim shalom*, and then the *kohanim* turn their faces toward the Holy Ark

in the East, and say, *Ribon Ha'olamin* etc. "Master of the Universe," and they prolong this prayer until the *Chazzan* concludes the berachah *Hamevareich es Amo Yisrael bashalom* ["Who blesses His people Israel with peace,"] so that the congregation should respond *amein* to their prayer as well. If they are unable to prolong this prayer until then, they should also recite, *Adir bamarom*. ["Mighty One on high."] On Rosh Hashanah and Yom Kippur when everyone sings *Hayom te'amtzeinu* ["Strengthen us this day,"] the *kohanim* should not begin reciting *Ribon Ha'olamim* until that prayer is nearly ended, in order to finish at the same time as the *Chazzan*.

¹⁵ The *kohanim* are not permitted to begin the berachah *Asher kiddeshanu* etc. until the *Chazzan* completely finishes the word *kohanim*. The *Chazzan* is not permitted to begin saying *yevarechecha* until the entire congregation finishes answering *amein*. The same applies to the *amein* the congregation says after *Veyishmerecha*, *Vichuneka* and *Shalom*. The *Chazzan* must wait and may not begin saying *Ya'eir*, *Yissa* and *Sim Shalom* until after the entire congregation has said *amein*. The *kohanim* are not permitted to turn their faces away from the congregation to the Holy Ark until the *chazzan* begins *Sim Shalom*. They are not permitted to relax their fingers from their extended position until they turn their faces away from the congregation. They are not permitted to leave the *duchan* until the congregation responds *amein* after the berachah *Hamevareich es amo Yisrael bashalom*.

¹⁶ Whenever the *kohanim* turn around, either at the beginning or at the end of (the *Birkas Kohanim*), they must always turn towards the right. Therefore, at the beginning, when they are standing facing to the East, they should first turn South and then West. After concluding *Birkas*

Kohanim, when they turn to face East, they should do so by first turning North. When going down from the *duchan*, their faces should be somewhat towards the Holy Ark, and they should walk backwards, like a pupil taking leave of his master. When putting on their shoes, they should not touch them. If they did touch them, they must wash their hands.

- ¹⁷ An effort should be made to have a *Chazzan*, who is not a *kohein*. If he is a *kohein*, he should not go up to *duchan*, and should not prompt the *kohanim*, but someone else should stand alongside him to call *kohanim*. He should also read to them the words *Yevarechecha* etc. and the *Chazzan* should remain silent, until *Sim Shalom*. He commits no sin by not going up to bless the people, even though the other man called out *kohanim*, because this call is intended only for a *kohein* who is not engaged in prayer, and who moved from his place during *Retzeih*. If he is the only *kohein* present, then, in order not to forego the mitzvah of the priestly blessings, he should go up to the *duchan*, relying on his hand-washing in the morning. How should he act? He should move his feet slightly while saying *Retzeih*, and continue until *Ulecha na'eh lehodos*. ["And to You it is fitting to give thanks."] Then someone else says, *Elokeinu veilokei avoseinu barecheinu vaberachah*; the *Chazzan* then goes up to the *duchan*, while the other man prompts him. After this, the *Chazzan* resumes and recites *Sim Shalom*, but does not say *Ribon Ha'olamim* until after reciting the *kaddish*. If he did not move his feet while reciting *Retzeih*, he is not permitted to go up to the *duchan*.

- ¹⁸ If a congregation consists of *kohanim* only, then, if there are no more than ten men, they all go up to the *duchan*. Whom do they bless? Their brethren in the fields (countryside). And who responds, *amein*? The

women and the little children. Even if there are no women and children, the lack of the *amein* response is not an obstacle. If there are more than ten *kohanim* present, then as many as there are in excess of ten go up to the *duchan*, and ten should remain to respond *amein*.

- ¹⁹ A *kohein* who had already blessed the congregation, and, afterwards, went to another synagogue, if he wishes to do so, he may go up to the *duchan* again, but if he does not wish to do so, even if he heard the call *kohanim*, he is not obligated to go up, since he has already gone up [and fulfilled his obligation.]

- ²⁰ In our communities where it is customary for all *kohanim* to lower their *tallisim* over their faces, a *kohein* who has a blemish on his face, is permitted to pronounce the *Birkas Kohanim*. But a *kohein* who has a defect on his hands, like *bahakaniyos*, i.e. a white lesion, or they are speckled with small spots, or they are deformed, or he is unable to separate his fingers, may not bless the people, because the people might look at him, and be distracted. If he is well-known in his town, having lived there for thirty days, and people recognize him, he may raise his hands to bless the people. If his hands are discolored from dye or paint, he may not raise his hands to bless the people because the people will look at them. If most of the people of the town follow this trade [of dyeing or painting], he is permitted to raise his hands in blessing. If he does not know how to pronounce the letters properly, or if he pronounces the letter *shin* like the letter *sin*, he may not raise his hands to bless the people, unless the entire congregation pronounces it like that. Any *kohein*, who does not raise his hands for the *Birkas Kohanim*, should leave the synagogue before *Retzeih* is said, [and stay outside] until the end of the priestly blessing.

- ²¹ A *kohein*, who once intentionally killed someone, even though he has repented, may not raise his hands to bless the people. If he accidentally killed someone, and has repented, he may raise his hands. Similarly, an apostate who repented, may raise his hands to bless the people. A *kohein* who married a divorcee, or a *chalutzah*, or who became ritually unclean by contact with a corpse, for whom he is forbidden to defile himself, may not raise his hands until he repents under the direction of a Torah scholar. Other transgressions do not disqualify a *kohein* from raising his hands. A *chalal* may not raise his hands to bless the people.
- ²² A mourner, before burial takes place, may not raise his hands. A mourner, during the twelve months of mourning for his father or mother, or, during the thirty days of mourning for other relatives, may not raise his hands. He must leave the synagogue before *Retzeih* is said, and stay outside until after *Birkas Kohanim*. In the event there are no other *kohanim* in the synagogue, the mourner is permitted to raise his hands during the twelve month period of mourning, for his father or mother, or during the thirty days of mourning for other relatives. But during the seven days of mourning, for example, if he buried his dead on the Festival, even if there are no other *kohanim*, he may not raise his hands to bless the people.

Siman 101

- ¹ All *Melachah* that is permitted on Yom Tov is permitted only if it is necessary for that day. But to prepare on the first day of Yom Tov for the second day, (even of Rosh Hashanah), and certainly for a weekday, is forbidden. However, if you need to cook for that day, you are

permitted to take a larger pot and fill it with meat or something similar, even though you do not need so much for that day, and leave some for the evening, or for the next day. Only in the case of cooked food, is this permitted. because it tastes better when a large quantity of meat is cooked in one pot. This is permitted provided you do not expressly state that the leftovers will be for the night, or for the following day. It should be cooked without mentioning anything at all. In the case of other foods, it is forbidden to add (to that day's needs), if even a little additional labor is entailed. because of adding to it.

- ² Even something that is not actual work, such as bringing in water, or even wine for *kiddush* and *havdalah*, is forbidden if it is for the next day. It is also forbidden to put the candles in the candlesticks, or to prepare the wicks and lamps on the first day of Yom Tov, for the night (of the second day of Yom Tov), unless they are needed also before the night, or they are lit in honor of the synagogue.
- ³ If a non-Jew brings fish or fruit on the first day of Yom Tov, and there is reason to suspect that the fish were caught, or the fruit was picked on that day, or brought in from outside the *Techum*, it is forbidden to handle them on that day. In the evening on the second night of Yom Tov it is permitted to use them. Thus, if the non-Jew knows you, and gives them to you without quoting a price, you may take them and eat them; except on Rosh Hashanah, when, even if they were brought on the first day, they are forbidden on the second day.
- ⁴ If the non-Jew brings these things, as a gift for a Jew or to sell them to him, they are forbidden even on the second day of Yom Tov. If Yom Tov occurs on Thursday and Friday, and the non-Jew brings them on

Thursday, if it is very urgent, you are permitted to handle them on Friday, and cook them in honor of Shabbos. On the Yom Tov of Rosh Hashanah, even this, is forbidden.

- 5 Milk which non-Jew milks on the first day of Yom Tov, in the presence of a Jew, may be used on the second day of Yom Tov. If the milking was done on Shabbos, and Sunday is the first day of Yom Tov, it is forbidden on Sunday. Milk that was milked on the first day of Rosh Hashanah, is also forbidden on the second day, and also on the Shabbos if it follows immediately.

- 6 Wicks that were lit on the first (night of) Yom Tov and were extinguished, may be lit on the second day of Yom Tov. But, on the two days of Rosh Hashanah it is forbidden to light a wick on the second day that was extinguished on the first day. It is forbidden to light them even at the other end. However, you are allowed to handle them in order to remove and replace them. The same law applies when Yom Tov occurs the day after Shabbos.

Siman 102

- 1 When Yom Tov occurs on Friday, it is forbidden to bake or cook in a separate pot for Shabbos, unless you make an *eiruv tavshilin* on *erev* Yom Tov. This is done as follows: Take some cooked or roasted food that is eaten with bread, and take bread with it, and recite the berachah *Asher kideshanu bemitzvosav* ["Who has sanctified us with the commandments] *vetzivanu al mitzvas eiruv*. ["and commanded us concerning the mitzvah of *eiruv*."] And declare: "By means of this *eiruv* it will be permissible for us to bake, cook, keep food warm, kindle a

light and do anything necessary on Yom Tov for the sake of Shabbos." If you do not understand this language, you should say it in the language you understand.

- ² The cooked food must be the kind usually eaten with bread, like meat, fish or eggs. But food not usually eaten with bread is not acceptable (for *eiruv tavshilin*). The required amount of the food is a *kazayis*, and of the bread, a *kebeitzah*. You should take a generous portion in honor of the mitzvah. The bread you use should be a whole loaf and should be placed [on the table], for *lechem mishneh* on Shabbos. You should eat it at the third Shabbos meal; since one mitzvah was performed with it, it is appropriate to use it for another mitzvah.
- ³ An *eiruv tavshilin* is effective in permitting you to prepare all your Shabbos needs on Yom Tov [only when you make the *eiruv*] early in the day; that is, there must be enough time in the day, that should guests arrive, who had not yet eaten that day, they would have enough time to eat and enjoy the food that was prepared on Yom Tov before the onset of twilight. But if there is not enough time (left in the day) to enjoy the benefit of the labor, the *eiruv tavshilin* is not effective. Therefore, it is customary, when Yom Tov occurs on Friday, to begin *Maariv* prayers Friday night earlier than usual, while it is still daytime, so that people will hurry to complete all their work before the congregation recites, *Mizmor shir leyom haShabbos*. The cooked dishes that you want to keep warm for Shabbos, should be put in the oven to warm while it is still broad daylight, so that before twilight, at least one third of the cooking should be done.

- ⁴ You are permitted to bake and to cook by means of an *eiruv tavshilin* only on Friday. If Yom Tov occurs on Thursday and Friday, you are forbidden to cook or bake anything on Thursday for Shabbos.
- ⁵ The *eiruv* must remain in tact until you have prepared all your Shabbos needs. If the bread (of the *eiruv*) was lost or eaten, it also does not matter; and you are allowed even to bake for Shabbos. But if the cooked food was lost or eaten, if a *kazayis* is left it doesn't matter. But if less than a *kazayis* is left, it is forbidden to cook [for Shabbos,] just as if you had made no *eiruv*. What should you do if you made no *eiruv*? If you thought of it after the morning (Yom Tov) meal, and in that community there is no other Jew who made an *eiruv*, you are perrmitted to cook only one pot, bake only one loaf of bread, and light one candle for Shabbos. If you thought of it before cooking the morning (Yom Tov) meal, you may cook all kinds of foods in a large pot and leave some over for Shabbos. If there is someone there who made an *eiruv*, you should give him as a gift, your flour, meat and all other ingredients. The one who made the *eiruv* acquires possession of these items by lifting them up, and then he may cook and bake for you, even in your house though you did not make an *eiruv*.
- ⁶ The head of every household is required to make an *eiruv tavshilin* for himself. Even a woman who has no husband, if she knows how to make an *eiruv tavshilin*, is required to make one for herself. It is forbidden to rely on the *eiruv* made by the rabbi of the city. If, because of unavoidable circumstances, you forgot to make an *eiruv tavshilin*, or you made one, but it was lost, then if someone in the city makes an *eiruv*, for everyone in the city, (that is, he gives them a share in the

cooked dish and the bread, as is explained in the *Shulchan Aruch*) you may rely on such an *eiruv*. But if you forgot out of laziness, or if you meant to rely on this *eiruv* from the start, it is ineffective and you must conduct yourself, according to the laws laid down in paragraph 5 above.

- ⁷ If Yom Tov occurs on Thursday and Friday, and on Thursday you remember that you did not make an *eiruv tavshilin*, you may make it on that day, and recite the berachah. Afterwards you should say, "If this day is Holy (Yom Tov), then I do not need to make an *eiruv*. And if today is really a weekday, then by means of this *eiruv* etc." On Rosh Hashanah, this cannot be done.

Siman 103

- ¹ Just as it is a mitzvah to honor the Shabbos and delight in it, so it is a mitzvah to honor all the *Yomim Tovim* and delight in them, as it is said, "God's holy and honored" (day). And with regard to all *Yomim Tovim* it is said, "A holy convocation."
- ² What is meant by honor? As our Rabbis, of blessed memory, said, "It is a mitzvah for a man to take a haircut on *erev* Yom Tov so that he does not enter the festival looking untidy. It is also a mitzvah to bathe in warm water, to wash your hair, and to cut your nails on *erev* Yom Tov, the same as on *erev* Shabbos. It is also a mitzvah to bake challos in your house on *erev* Yom Tov in honor of Yom Tov, just as it is on *erev* Shabbos. It is forbidden to eat on *erev* Yom Tov after *Minchah*, just as on *erev* Shabbos, so that you will be able to eat the Yom Tov meal with good appetite. And if *erev* Yom Tov occurs on Shabbos, you must eat

the third meal before *Minchah ketanah*. This law also applies to the first day of Yom Tov, since it is the *eve* of the second day of Yom Tov.

- ³ What is meant by delight? As our Rabbis, of blessed memory, said on each Yom Tov day you must have two meals, one at night and one during the day, but it is not our custom to have a third meal. You are obligated to say *kiddush* over a cup of wine before the meal. You should say *Hamotzi* on two whole loaves as you do on Shabbos, and you should be lavish with meat, wine and sweets, according to your means.
- ⁴ On every Yom Tov, at the conclusion of the *kiddush* at night we say the berachah of *Shehecheyanu* on the joy of the holiday, except on the seventh and eighth nights of Pesach when *shehecheyanu* is omitted, since they are not a separate Yom Tov in themselves. When lighting the candles, women should not say the berachah *shehecheyanu* on any Yom Tov. Some women follow the custom of saying *shehecheyanu* on all *Yomim Tovim* (except on the seventh and eighth nights of Pesach), and we do not protest their practice.
- ⁵ Every man is obligated to gladden the hearts of his wife, his children, and all who are dependent on him, in a way suitable for each. To the little children you should give nuts and candy, to the women, clothing and jewelry according to your means, and to the men, meat and wine. It is the custom to serve a greater variety of foods on Yom Tov than on Shabbos, because with regard to Yom Tov, the Torah mentions "rejoicing," but it is not mentioned with regard to Shabbos. Also Yom Tov clothes should be more expensive than Shabbos clothes.

- 6 On the second day of Pesach, you should add an extra dish to the meal to remember the feast of Esther which took place on this day, for it was on this day that Haman was hanged.
- 7 On the first day of Shavuos it is customary to eat dairy foods. There are several reasons for this. A hint of this custom is found in the words, *Minchah chadashah LaShem beshavuoseichem*. The initials of these words spell *meichalav*—"of milk." You should also eat foods with honey, because the Torah is compared to milk and honey, as it is said, "Honey and milk are under your tongue." Now, since we eat dairy foods and we must also eat meat, because it is a mitzvah to eat meat on every Yom Tov, care must be taken not to violate the law of mixing the dairy and meat foods.
- 8 Even though eating and drinking on festivals is a positive commandment, you should not spend all day eating and drinking, because it is said, "(A day of) restraint (in honor) of Adonoy, your God." Even though it is said, "(A day of) restraint it shall be for *you*," our Rabbis, of blessed memory, explained: The day should be divided, half devoted to Hashem and half to yourself. Therefore, it is your duty to engage also in the study of Torah.
- 9 And when you eat and drink, it is your duty to provide also for the orphan, the widow and other needy people, as it is said, "And the Levite, the proselyte, and the orphan etc...." (*Deuteronomy* 16:14). He who locks the doors of his courtyard, and eats and drinks with his wife and children and does not give food and drink to the poor and unhappy souls, is not rejoicing in a mitzvah, but rejoicing in his

gluttony. Concerning such people it is said, "Their sacrifices will be to them like the bread of mourners; all who eat of them will be unclean; for their bread will be for their souls." And such rejoicing is a disgrace for them as it is said, "I will spread dung on your faces, the dung of your festival offerings."

¹⁰ When a person eats and drinks, and rejoices on the festival, he should not overindulge in drinking wine, in laughter and lightheadedness, thinking that the more he indulges, the greater will be the mitzvah of rejoicing. For drunkenness, mockery and lightheadedness is not rejoicing, but licentiousness and foolishness. And we were not commanded to act licentiously and foolishly, but to rejoice in the service of the Creator of all things, as it is said, "Because you did not serve Adonoy, your God, with happiness and a glad heart, when you had plenty of everything." From this we infer that the service of God must be done with joy, but you cannot serve God in frivolity, or lightheadedness or in drunkenness.

¹¹ It is the way of the pious, who constantly have God before them, and who are mindful of Him in all their ways, when they rejoice, to greatly bless and praise the Holy One Blessed is He Who enabled them to rejoice. A man should say to himself at the time of his rejoicing and pleasure, "If the happiness of this world is so great, (a world) which is vanity because it ends in grief and sorrow, how great will be the eternal joy of the World to Come which is not followed by grief." And he should pray to the Holy One Blessed is He that He bend his heart to serve Him and to do His will wholeheartedly, and that He should gladden us with everlasting joy, and make us worthy of the life of the

World to Come, to be enlightened by the light of the presence of the Living King.

- ¹² Every man is obligated to prevent the members of his household from congregating in places which, Heaven forbid, could lead to levity, through association with lightheaded people. They should be encouraged to be holy because the day is holy.

- ¹³ At the conclusion of a Yom Tov that is followed by a weekday or *Chol Hamoed*, *Atah chonantanu* is said in the *Shemoneh Esrei*, and *Havdalah* is said over a cup [of wine.] However, the berachah is not said over the candle, or over the spices.

- ¹⁴ It is customary to eat and drink a bit more lavishly [than usual] on the day after all three festivals. That day is called *Isru chag*, and it is customary not to fast on that day. Even a groom and bride on their wedding day [do not fast], and a person observing *yahrzeit* [should also not fast on *Isru chag*]. On *Isru chag* following Shavuos, even according to *halachah*, it is forbidden to fast, because when the *Beis Hamikdash* was in existence, if Shavuos occurred on Shabbos, the sacrifices were offered on the following day. But on Pesach and Sukkos, they were offered on the first day of *Chol Hamoed*.

Siman 104

- ¹ On *Chol Hamoed* it is forbidden to do certain *melachos*, while others are permitted, namely, all work that is necessary for the preparation of food for *Chol Hamoed* or Yom Tov. Any *melachah* that is done to prevent a loss, that is, if by not doing it you will incur a loss, may be done. But

you should be very careful not to do any *melachah* that is forbidden on *Chol Hamoed* because our Rabbis, of blessed memory, said: "He who desecrates *Chol Hamoed* is considered as though he worshipped idols."

- ² In addition, our Rabbis, of blessed memory, said: "He who disgraces *Chol Hamoed*, even though he has to his credit Torah and good deeds, has no share in the World to Come." Disgracing *Chol Hamoed* implies not honoring it with better food and wearing better clothes. Therefore, every man is obligated to honor it according to his means, and to wear dignified clothing.
- ³ Work, which, if not done, would result in a loss, may be done even by another Jew, even for payment. But, if no loss would result, but the work is needed for the festival, it should not be done by another Jew for pay, but by a non-Jew. And if you cannot find a non-Jew, and you are unable to do it yourself, it is permitted to have it done, even by a Jew for pay.
- ⁴ The law that permits *melachah* in order to prevent a loss, applies only if it was impossible for you to do it before Yom Tov, but if it was possible for you to do it before Yom Tov, and you left it for *Chol Hamoed*, you are forbidden to do it on *Chol Hamoed*.
- ⁵ Any work that is forbidden on *Chol Hamoed*, [is permitted in the following circumstances,] if a Jew does not have enough food for *Chol Hamoed* and Yom Tov, it is permitted to give him work, so that he will have something to eat, but he should do it in private. It is forbidden to have such work done by a non-Jew, but if it is needed for a mitzvah, it is permitted.

- ⁶ Even *melachos* that are permitted, are forbidden to be done for a non-Jew.
- ⁷ It is forbidden to fertilize a field. Even to put sheep in a field to fertilize it with manure is forbidden. Even to have it done by a non-Jew is forbidden.
- ⁸ Planting is forbidden. However if you have seeds that will spoil completely, unless they are put into water, you are permitted to water [soak] them.
- ⁹ It is forbidden to pluck or cut off anything that is growing, unless the fruit will spoil [if left] until after Yom Tov. It is permitted to pluck what you need to eat on Yom Tov, and you do not have to skimp. You may pick a generous quantity, and if there is some left over, it does not matter. Also, wood that is needed for heating on the festival, is permitted to be cut from a growing tree. If it is necessary to pick something in order to feed your animals, it should be done in an irregular way. It is forbidden to collect wood from a field in order to improve it for plowing. But if it is obvious that you intend it for your own need, because you need the wood, for example, if you take the big pieces and leave the small ones, it is permissible. Similarly, it is forbidden to cut off the (soft) branches of a tree in order to trim it. But if it is obvious that your purpose is to feed the branches to your animals, and not to trim the tree, for example, if you cut all the branches from one side of the tree, it is permitted.
- ¹⁰ If you have a garden adjacent to a garden of a non-Jew, and the non-Jew is gathering his fruit, and if you do not gather (your fruit), you will

incur a loss, you are permitted to gather them. And if they are fruits that will spoil when they are picked, unless you do additional *melachah*, you are permitted to do everything [that is necessary] even to press grapes to make wine or similar *melachos*, provided you did not intentionally leave this work to be done on *Chol Hamoed*.

¹¹ It is forbidden to shave on *Chol Hamoed*, even if you shaved on *erev Yom Tov*. But a person who has been released from jail, even if he was released *erev Yom Tov*, but had no time to shave then, is permitted to shave on *Chol Hamoed*.

¹² Cutting your nails is also forbidden, but if you cut them on *erev Yom Tov*, you are permitted to cut them also on *Chol Hamoed*. A woman is also permitted (to cut her nails) for the ritual immersion.

¹³ It is forbidden to launder anything, even (clothes) needed for the festivals, unless it was impossible to wash them before Yom Tov. Since (babies) urinate all the time, and you need many diapers, you are permitted to wash them, but you should be careful to wash them in privacy.

¹⁴ Anything required to restore health, is permitted to be done, either for man or beast.

¹⁵ It is permitted to record bills and similar records which, if not recorded will be forgotten because it is considered prevention of a loss. You are permitted to write whatever is necessary for the needs of Yom Tov, but it is forbidden to write anything else. Social letters that friends write to each other, should be written with a slight change, like writing the first

line unevenly. For everything that you are permitted to write, you are also permitted to prepare a pen and ink.

¹⁶ A person who needs money, even if not for Yom Tov needs, and is afraid that he might not get a loan after Yom Tov, and the lender refuses to give a loan without receiving a note, is permitted to write such a note.

¹⁷ Weddings are not performed on *Chol Hamoed* because one kind of rejoicing should not be mixed with another. But one is permitted to remarry the woman he divorced. It is permitted to make a feast for a circumcision, or the redemption of a firstborn. It is also permitted to make a feast for an engagement.

¹⁸ It is permitted to hire workers, even Jews, to do work for you after Yom Tov.

¹⁹ You are permitted to go outside the *techum*, either on foot or in a vehicle, or on horseback.

²⁰ It is not permitted to mate a male animal with a female animal, because no loss is sustained [by delaying it]

²¹ You are not allowed to set a chicken on eggs to hatch them. If you set her before the festival and she ran away, if it is within three days from the time she ran away, you are permitted to put her back, but after three days, you are forbidden to put her back, even if the eggs will be spoiled. And to set another in her place, even within three days is forbidden.

Siman 105

- ¹ It is forbidden to move and carry movable belongings and household utensils on *Chol Hamoed*, from an apartment in one courtyard to an apartment in another courtyard, even from an unattractive apartment to a nice one. But to move these items from one house to another in the same courtyard, is permitted. Similarly, if the two courtyards are adjacent to each other, and there is a door between them, it is permitted to take things out through that door. However, if you would otherwise incur a loss, you are permitted to move these articles even from one city to another. Moving from a house that doesn't belong to you to your own house, is permitted, for this is considered rejoicing on Yom Tov, because it is a joy to live in your own home.
- ² If you must take in fruit, or other merchandise because you fear it will be stolen, or damaged, it should be done in a secluded manner if possible. If you cannot do it in a secluded manner, you are permitted to do it openly.

Siman 106

- ¹ All commerce is forbidden, whether buying or selling. However if you have an opportunity to make a big profit, you may buy and sell in private. You should then spend more in honor of Yom Tov than you had previously intended.
- ² If you have merchandise and you are afraid that if you don't sell it now, its value will become less than its cost, you are permitted to sell it,

because you prevent a loss thereby. However, if there is no fear of sustaining a loss, except that you will not make a profit later, you are forbidden to sell it, because unearned profit is not considered a loss.

- ³ If a fair occurs on (*Chol Hamoed*), that is, a market day which occurs infrequently, or even the weekly market day, which occurs before the non-Jewish holidays, when many buyers come together, you are permitted to sell in that market. Since it is an irregular occasion, even a lack of profit is considered a loss. But to sell in a regular weekly market is forbidden. Merchants or ships that arrive occasionally, and sell merchandise cheaply, or buy at a high price, which is something that does not happen often, you are then also permitted to buy from them and sell to them.
- ⁴ If you need to purchase wine at the time of vintage, for the needs of your household for the entire year, because later the price of wine will go up, you are allowed to buy it on *Chol Hamoed*, but it is forbidden to buy it for business purposes.
- ⁵ Things that are needed for the Yom Tov, like fruits and spices, may be sold regularly, even openly. And since you are allowed to open your store to sell to a Jewish customer, you may also sell to a non-Jewish customer.
- ⁶ It is customary to be lenient about collecting debts, even when the debt is owed by a Jew, because we consider this the prevention of a loss.
- ⁷ Lending money on interest to a regular non-Jewish customer is permitted, because it would be a loss, if he took his business elsewhere. If you lend money to a non-Jew, who is not your regular customer, you

should spend the interest of one week for [the mitzvah of] rejoicing on Yom Tov. Selling merchandise to someone who is not a regular customer is forbidden, and it is of no avail even if you spend more of your profits for [the mitzvah of] rejoicing on Yom Tov. But you are permitted to sell to a regular customer, because it is considered prevention of a loss, so that he will not get accustomed to purchase elsewhere.

- ⁸ It is forbidden to exchange money (on *Chol Hamoed*).

Siman 107

- ¹ During the entire month of *Nisan* we do not say *Tachanun* or *Tzidduk Hadin* (burial service), and we do not say *Tzidkasecha* on Shabbos at *Minchah*. It is customary from *Rosh Chodesh* on, to read (from the *Seifer Torah*) the *parashah* of the *Nasi* who brought his offering on that day. On the thirteenth day of the month, we read in *parashas Beha'alozechah* until "*Kein asah es hamenorah*" "So did he make the Menorah" which is fitting for the tribe of Levi.
- ² [During the month of *Nisan*,] we do not fast even the fast of a *Yahrzeit*, but we may fast because of a dream. The firstborn (males) fast on *erev Pesach*, as will be explained, God willing, in Chapter 113. A groom and a bride also fast during *Nisan*, even on *Rosh Chodesh Nisan*.
- ³ On *Shabbos Hagadol* at *Minchah* it is customary not to recite *Barchi Nafshi*, but to say instead *Avadim Hayinu* etc., because on *Shabbos Hagadol* the redemption from Egypt and the miracles began.

Siman 108

- ¹ It is written, "And you must guard the matzos" (**Exodus 12:17**). From this we learn that we must guard the wheat [from which we make] the matzos with which we perform the mitzvah, to see that no water comes upon them. According to some of the great *halachic* authorities, of blessed memory, this watchfulness is to begin from the time the wheat is harvested. The prevailing custom is to follow the opinion of the authorities, who maintain it is sufficient to guard it from the time it is brought to the mill, and thereafter. However, people who are meticulous in their performance of mitzvos, are concerned that [the wheat] should be guarded from the time it is harvested, and this is the proper thing to do. Special care must be taken that the stalks do not remain attached to the earth until they completely dry out and turn white, because then if rain falls on them they will become *chametz*, even though they are still attached to the soil, since they no longer need the soil's (nourishment). It is, therefore, fitting and proper to harvest them when they are still slightly green. If you can obtain wheat that was guarded from the time of harvesting for all the days of Yom Tov, so much the better. If this is impossible, you should at least be scrupulous about this for the matzos of both Seder nights.
- ² If in some of the wheat there was found kernels that were split open or sprouted; the rest may be used for matzah, provided the unfit ones were separated or carefully measured to make sure that there is at least sixty times as much (of the good wheat) as the split and sprouted (wheat). Initially, you should be scrupulous to sort out even wheat from which mice have eaten, or to make sure that there is at least sixty times as

much of the good wheat. Wheat that arrived by ship or was stored in pits, if it is dry and hard, and its color has not changed, is kosher for *Pesach*. If it was stored in an attic and rain dripped upon it in several places, through the roof, it is forbidden. But if a little snow fell on it or a little water, in one place only, you must remove those kernels which are doubtful, and the rest may be used.

- ³ It is a long established custom in Yisroel, in preparing the mill, to clean it thoroughly, and scrub it in every possible way and to purchase new bags [for the flour.] In a community where there are Torah scholars, they should go to the mill to supervise the cleansing, and to see that the preparations are done properly. In a community where there are no Torah scholars, every God-fearing person should go himself to supervise the preparation of the mill, for it is a greater mitzvah to do it yourself, than if an agent does it for you. It is customary that the first flour milled after this preparation, is not eaten on *Pesach*. If moist grain is also ground at that mill, it should be separated with a partition, so that none of its powder should mix with it.
- ⁴ If a bag of flour has become wet, if only one part became wet, whether it is still moist or already dry, you may take that part in your hand while you empty the rest of the flour, which you are permitted to use. Only the part that has become wet is forbidden. However, if the bag of flour has become wet in several places so that it is impossible to take these steps, then, if it is still moist, the flour is sifted and only the pieces that remain in the sieve are *chametz*, but the rest may be used. If mice have eaten some of the flour, it should be sifted. However, if the bag of flour has become dry, sifting is of no use, and the entire flour is forbidden to be used.

- 5 On the day the flour has been ground it is forbidden to be baked, because the flour is then warm and will quickly become *chametz* when water is poured on it. Therefore, you should postpone using it for at least twenty-four hours after the grinding.
- 6 The bags for holding the flour preferably should be made new, or at least the seams of the old bags should be opened, and they should be washed thoroughly with warm water and ashes, and by rubbing and beating them.
- 7 It is forbidden to load a bag of flour on an animal, unless thick leather is placed underneath the bag, as otherwise, it will get warm and moist from perspiration. If possible, you should also be careful not to place many bags one on top of the other, because as a result of that, the flour will be heated, and become *chametz* in the kneading.

Siman 109

- 1 The flour for the matzos should be kneaded only with water that has stayed overnight, that is to say, it should be drawn during twilight, and left standing overnight. Even if the night is longer than twelve hours, it is forbidden to use it for kneading until daylight, and if the night is short and there are no twelve hours until daylight, we must wait until twelve hours will have passed from the time it has been drawn. Ordinary people are accustomed to begin kneading as soon as it grows light, with water that stayed overnight, even though, as yet twelve hours have not passed. Although there are some authorities who permit this,

most of the authorities take the more stringent view. It is necessary, therefore, to be watchful in this matter.

- ² If you are unable to estimate the exact time of twilight, you may draw water a little earlier, provided you do not draw it before sunset. It is the custom to strain the water and to cover it, and it must be placed in a cool place. When bringing the water into the house in the morning, you must be careful to keep it out of the sun.
- ³ You are permitted to draw enough water at one time to last for several days, but the proper way of fulfilling the mitzvah is to draw water daily for the needs of that day. It is the custom not to draw water in an old earthen vessel, even though it is used only for Pesach, unless it is glazed, for the use of an old unglazed vessel cannot be considered an enhancement of the mitzvah. This custom should not be changed.
- ⁴ Rivers in the month of Nissan are generally cooler than wells. You should, therefore, draw water from a river. Sometimes, however, the rivers are swollen from the melting snow and the water is not so cold; it is then preferable to draw water from a well.
- ⁵ The water should not be drawn by a non-Jew, but by a Jew.
- ⁶ You should not put the water in a vessel that has contained honey or fruit juice, unless it has been *kasheder* with boiling water. You surely should avoid placing the water into a vessel that had contained food with a sharp taste, even if it was not *chametz*, because on account of the sharpness, the dough will rise faster, and even *kashering* with boiling water will be of no use in such a case. Neither should you put the water into a copper vessel, because it does not keep it as cool as other vessels.

- 7 If you notice that the water kept overnight is not sufficient, you may add other water, provided most of the water is that which stayed overnight. Initially, it is best that two thirds of the total should consist of the water that stayed overnight. If possible, try to draw the added water from a pump or a covered well, where the sun does not reach.
- 8 If the matzah is baked on Sunday, the water must be drawn on Thursday evening, because on Friday it is impossible to fix the exact time of twilight. In an extreme circumstance, if the water was not drawn on Thursday, it should be drawn on Friday after the Minchah service, or on Shabbos by a non-Jew.
- 9 The water held overnight should not be poured out on account of a death that has occurred, or on account of the vernal equinox, because it is said, "He who keeps the commandment shall know no evil thing" (Ecclesiastes 8:5). Nevertheless, if you know that the vernal equinox will occur, you should put into the water a small, clean piece of metal, something like a needle attached to a thread, so that afterwards you will not have to put your hands into the water to get it out, but you will be able to pull it out by the thread.

Siman 110

- 1 If you want to bake matzos in an oven in which *chametz* has been baked, it must be *kashered* by heating it until it becomes red hot, that is, heating it to such a degree that sparks fly from it, for anything less than that does not constitute true glowing. You should be careful to spread the coal over the entire area of the oven. The correct thing to do

is to remove the ashes and clean it thoroughly after heating, and wait until it cools off somewhat; and then make a new fire for baking the matzos. This should not be done immediately after the heating process.

- ² Some people have the custom to plaster the oven with fresh clay to avoid the necessity of *kashering* it through heating, for the *chametz* absorbed in the roof and walls of the oven is emitted by the heat of the flame that is lit for the purpose of baking the matzos. It is a good custom, provided the oven is plastered with a coating of clay, the thickness of a finger or more, over its entire area. But a thin coating is of no use.
- ³ Matzos should be kneaded and prepared only in a house that has a roof, and not before an open window, even if the sun does not shine through it. But if the windows are closed and have panes, it is permitted to knead the matzos, if the sun does not shine through them. But if the sun shines through them, the glass panes are of no use, but a curtain must be spread over the windows on the sunny side of the room. Care must be taken that the house should not be heated and warm.
- ⁴ No dough should be kneaded that is larger than the quantity of dough that is subject to the separation of *challah*. It is better to make it smaller, for our Rabbis of blessed memory estimated, that if the dough is larger than the quantity of dough that is subject to *challah*, it cannot be worked at one and the same time; thus part of it will be left unworked, and there is reason to fear that it may become *chametz*. If the dough you are kneading is loose, flour should not be added to thicken it.

- 5 When the flour is measured, it should not be stuffed into the measuring vessel because there is reason to fear that the dough might not be kneaded well, and particles of flour will be found in the matzah, and when put into the soup, it will become *chametz*. Care should be taken not to put the flour near the water, so that flour dust should not fall into the water. Similarly, the person who measures the flour should not go near the dough or the water. It is good to be careful not to handle the flour needlessly, because the hands will warm it slightly.
- 6 It should be watched that the vessel used for kneading should not have any holes or cracks where particles of dough might remain and become *chametz*. While kneading, the vessel should not be placed on pillows or pads, lest it become warm. Care must be taken that every eighteen minutes the vessel is thoroughly cleaned, and the hands thoroughly washed. The boards and rolling pins must be carefully inspected to make sure that they have no holes or cracks. They should be thoroughly cleaned at least every eighteen minutes. The tools that make the perforations must also be cleaned of even the smallest particle of dough. The peel (a shovel-like tool), with which the matzos are put into the oven, must be carefully inspected for any cracks where a particle of dough might be caught and become *chametz*.
- 7 If anything with a sharp flavor fell into the dough, such as salt, spices or even if the smallest quantity fresh lime and was kneaded into it, the use of the entire dough is forbidden, because it has become heated by it. If a grain of wheat is found in the dough, you should remove from it a quantity of dough as thick as your finger, all around that grain, and throw it away; and the rest of the dough may be used.

- 8 Care must be taken not to leave the dough, even for a moment without working it. As soon as the dough is completed, it should be divided into portions and handed to the rollers. Care should be taken, therefore, to make the dough only as large as can be handled by the rollers. If some of the dough is left with the person who hands out the portions, he should keep kneading it so that it should not lie idle even for a moment.
- 9 The rollers should do their work at full speed and not waste time on giving the matzos a specific shape. They should pay close attention that no particles of the dough are left on the board, and also that no dough clings to their hands. As soon as they notice any dough sticking to their hands, they must wash them thoroughly.
- 10 As soon as the matzah is ready, it should be perforated quickly. They should not make any design with the perforations, but they should rush at top speed, and put it into the oven immediately. Great care should be taken not to hold it even for a moment in front of the opening of the oven, for it will become *chametz* quickly. It is necessary, therefore, to make sure that the person handing the matzos to the baker should be a Torah scholar, a God-fearing man, who will be meticulously vigilant.
- 11 A God-fearing person should take care, before baking his matzos, to have the oven well heated again, and the coals spread over the entire oven, for who knows if the person who baked matzos before him was scrupulously careful about it.
- 12 The baker should be very careful to see to it that none of the matzos are folded over, and that one matzah does not touch the other, for in the

place where one matzah touches another or where it is folded over it does not bake quickly and it becomes *chametz*. In the event that a matzah is folded over or becomes blown up, it is necessary to break off and throw away that piece; that piece is *chametz*, but the rest may be eaten. However, if the matzos touched each other in the oven while still moist, they may be eaten, since it is already done. A blown up matzah is one in which it is evident that the matzah has separated in its thickness, and the bubble is as wide as a thumb.

¹³ Care should be taken not to take a matzah out of the oven before it is slightly baked; that is, if you would break it, there should be no threads of dough [between the pieces.] Before this stage it is still like dough, which when taken out of the oven will become *chametz* very quickly. The peel with which this matzah was taken out of the oven is forbidden to be used for baking matzos. If it is impossible to determine whether or not this matzah, had threads of dough when taken out of the oven, because of the uncertainty, we are strict. But if the matzah has formed a crust, we may take a lenient view.

¹⁴ Every God-fearing man should personally supervise the preparation and baking of his own matzos, and urge the workers, to work with speed and care. This was how it was done by the early, great Sages of Yisrael of blessed memory, and this is what is done also at the present time.

¹⁵ The matzos with which we fulfill the mitzvah of eating matzah on the first two nights of Pesach are referred to as *matzos mitzvah*, and they must be prepared for the sake of the mitzvah by an adult, male Jew of intelligence, aged at least thirteen years and one day, or a female aged at least twelve years and one day. At each stage in the preparation the

worker says, *leshem matzas mitzvah*, ["For the sake of the matzah of the mitzvah."] (This should be said) even when drawing the water. (All the foregoing laws regarding the baking of the matzos refer to our custom that all matzos are baked before Pesach. In an emergency, when matzos are baked on Pesach, there are other stringencies in addition to the ones mentioned above. Those who follow the custom of baking *matzos mitzvah* in the afternoon of *erev Pesach* must take special precautions).

Siman 111

- ¹ On the evening before *erev Pesach* the search for *chametz* must be made. You must make the search immediately after nightfall. It is forbidden to begin a meal or do any work one half-hour before nightfall.
- ² The search should be made with only one wax candle, not with several candles intertwined, for that would be like a torch. In a predicament when you have no wax candle, you may use a tallow candle.
- ³ You must search all rooms in which you suspect that someone carried *chametz*, even cellars, attics, stores and woodsheds; any places in which you think that *chametz* may have been brought must be searched. You must also search all vessels in which you keep *chametz*. Before making the search, you should carefully sweep all these places and clean all *chametz* out of them, in order to make it easy for you to search the rooms afterwards.
- ⁴ A cowshed where the cattle are fed grain, and a chicken coop where the chickens are fed with grain do not require searching; [first of all,] because the grain may never have become *chametz*, and even if it did

become *chametz*, it is possible that all of it was eaten and nothing was left. But if the grain you put there was *chametz*, you then have only one uncertainty, whether all of it was eaten; we do not rely on this possibility, and you are required to make a search.

- 5 You must search everywhere, every nook and cranny, as best as you can. You must also search the pockets of your garments and those of your children's garments; for since sometimes *chametz* gets into them, they have to be searched. You should shake them thoroughly the next morning when you burn the *chametz*.
- 6 [This is the law concerning] the rooms you sell to a non-Jew together with the *chametz* in them. Since the sale is not valid until the morning, you are obliged to search them in the evening, and you must do so.
- 7 Before beginning the search you recite the berachah: *Baruch ata Hashem, Elokeinu melech haolam asher kideshanu bemitzvosav vetzivanu al biur chameitz* "Blessed are you, Hashem, our God, King of the universe, Who has sanctified us with His commandments, and has commanded us concerning the removal of *chametz*." Even though you do not yet remove it, you still say the berachah "concerning the removal," since immediately after the search, you nullify the *chametz* that is unknown to you, and this, in effect, is the removal of such *chametz*. Do not make any interruption between the berachah and beginning the search. It is a good thing not to interrupt until the search is completed, except for things relating to the search. You may search many houses on the basis of the one berachah you recited.

- 8 Some people have the custom, before beginning the search, to deposit small pieces of bread in places where the searcher will find them. They are fearful, if he finds no *chametz*, the berachah will have been said in vain. Needless to say, however, anyone who does not search properly, but only gathers up these pieces of bread, has not fulfilled the mitzvah of searching, and his berachah was said in vain.
- 9 The *chametz* you leave for food or for sale, should be put away in a safe place, before making the search. The *chametz* you find in the search, which must be burned in the morning, should be put away in a safe place and tied so that it won't get lost. It should be put it in a place where you will notice it in the morning, so that you will not forget to burn it.
- 10 Immediately after the search, you should nullify the *chametz*. The actual nullification takes place in your heart, when you decide in your heart that you consider all *chametz* in your possession as non-existent, as worthless, as compared to dust, as something utterly useless. Our sages ordained that you should express these thoughts verbally by declaring *kol chamira* (all *chametz*) etc. Anyone who does not understand it in the Aramaic, should say it in a language he understands. [The English translation of the Aramaic text is]: "Any leaven or *chametz* that is in my possession, that I have not seen and have not removed, should be nullified and become ownerless, like the dust of the earth."
- 11 Even though you have already nullified the *chametz* at night after the search, nevertheless, in the morning after burning it, you must nullify it

again. In this declaration you include all the *chametz*, and you say, *Kol chamira*—(all *chametz*) etc., or in a language you understand. [The English translation of the Aramaic text is:] Any leaven or *chametz* that is in my possession whether I have seen it or not, whether I have removed it or not, should be nullified and become ownerless like the dust of the earth."

- ¹² If you have a room that must be searched, that you want to use as a storage room; that is to say, you want to store, fruit, wood or other articles, which would make it impossible to search the room on the night of the fourteenth of Nisan, then you should search that room before you convert it to a storeroom, making the search at night, in the same manner as you search for *chametz* on the night of the fourteenth of Nisan. [This holds true] even if there is still plenty of time before Pesach, and even if this is immediately after the *Pesach* that has just passed. However, if you did not search the room before turning it into a storage room, if you intend to remove the stored articles, before the time of the search will come, you do not have to go to the trouble at this time to empty the room and search it. But if you intend to remove the articles during the week of *Pesach*, you must remove them now and make the search, even though it involves great trouble and loss of money.
- ¹³ If you fill up a storage room with the intention of not emptying it until after *Pesach*, then it depends on the time you fill it up. If you do it more than thirty days before *Pesach*, you need not search the room. However if there is any *chametz* you know of, you must first remove it. The declaration of nullification will then effectively nullify all your *chametz* at the proper time (*erev Pesach*). However, if it is within thirty days

before *Pesach*, you are subject to the laws of searching for *chametz* (because we ask questions and explain the laws of *Pesach* thirty days before *Pesach*), thus you must search the room. Even if, inadvertently, you forgot to make the search, you must empty the storeroom, and make the search in the night, immediately after you become aware of your oversight.

- ¹⁴ If you store wheat that has not become *chametz*, in a pit, but afterwards, because of the dampness of the pit, the wheat at the bottom of the pit and at the sides became *chametz*; then, even if it was stored there within thirty days, you need not empty the pit on the night of the fourteenth and search it, rather reciting the nullification is enough, since it was stored in a permissible manner. If some of the wheat was *chametz* (when stored); there are many differing opinions about this, and in such case you should consult a qualified *posek*.
- ¹⁵ You should not throw grain to the chickens in a moist place during the thirty days before *Pesach*, for you may forget to burn it.
- ¹⁶ Before starting on a trip, you should appoint an agent to search and nullify your *chametz*. You should tell him explicitly, that you appoint him as your agent to make the search and the nullification. When making the nullification the agent says, "The *chametz* of so-and-so etc." Nevertheless, wherever you happen to be on the morning of *erev Pesach*, you should nullify the *chametz* on your premises.
- ¹⁷ If you find *chametz* in your house on *Chol Hamoed*, you should take it out and burn it, and if it is the quantity of a *kazayis*, you should first say the berachah: *Al biur chametz*, but if it is less than a *kazayis*, you do

not say a berachah. If you find the *chametz* on Yom Tov or on the Shabbos of *Chol Hamoed*, or on the Shabbos which occurs on *erev Pesach*, when it is forbidden to handle the *chametz* because it is *muktzeh*, you should cover it with a vessel until the conclusion of Yom Tov, or the conclusion of Shabbos, and then you should burn it. If you find *chametz* on the last two days of *Pesach*, in which case at the conclusion of Yom Tov, *Pesach* has already ended, you do not say the berachah when burning it. You should burn it without saying the berachah, even though its quantity is as much as a *kazayis*.

Siman 112

- ¹ Any food that contains a mixture of *chametz* even if the *chametz* is not actually present, but only the taste of the *chametz* remained after the *chametz* itself was removed, is forbidden to be kept during *Pesach*. However, if the food never contained *chametz* but was cooked in a vessel used for *chametz*, even if *chametz* was cooked in the vessel that day, or if an item was pickled in a vessel used for *chametz*, you are permitted to keep it during *Pesach*, provided it was cooked or pickled before *Pesach*; but if the cooking or pickling was done on *Pesach* in a vessel used for *chametz*, the food item must be burned.
- ² If grain contains some seeds that have sprouted or were split open, even if only a few of them were mixed in a large quantity, or if water has fallen on the grain, or it was washed with water, it is forbidden to keep (such grain during *Pesach*), and anything that was prepared from such grain, is forbidden to be kept during *Pesach*. If you sell your neighbor grain that has become wet, you must let him know this, so that he will

not keep it in his possession during *Pesach*. You are forbidden to sell it to a non-Jew, when you are concerned that the non-Jew will sell it to a Jew who will keep it during *Pesach*.

- 3 Clothes that were laundered and starched with wheat starch are permitted to be worn on *Pesach*, but you should not spread a tablecloth if there is any starch on it, for there is concern that some particles may flake off, and most certainly it is forbidden to put the *Pesach* flour into such a cloth.
- 4 You are allowed to paste paper on a window even during the thirty days before *Pesach*, provided the *chametz* is not visible. Since the paste is not absolute *chametz*, and it is also covered up, the Sages did not rule stringently in this case. But, if the paste is visible, it is forbidden. But before the thirty days, it is permitted in any case.
- 5 If ink was prepared with beer before *Pesach*, you are permitted to write with it on *Chol Hamoed Pesach*, because it has become unfit even for dog food before *Pesach*. The same law applies to all similar cases where *chametz* has become spoiled and totally unfit before *Pesach*. You may derive benefit from such *chametz* and keep it on *Pesach*. But if a non-Jew prepared ink with beer on *Pesach*, a Jew is forbidden to derive benefit from it, because the *chametz* belonging to a non-Jew is also forbidden for a Jew to benefit from on *Pesach*.
- 6 All vessels that you are not kashering for *Pesach* must be scrubbed thoroughly on *erev Pesach* before the sixth hour, and rinsed in such a way that no *chametz* is visible on them. They should be stored in a

secluded place where you do not ordinarily go on *Pesach*. It is best to lock them up in a separate room and to hide the key until after *Pesach*.

Siman 113

- ¹ On *erev Pesach* we do not say *Mizmor lesodah*—"A psalm of thanksgiving" (**Psalm 100**), neither do we say *Lamenatzei'ach*—"For the Conductor" (**Psalm 20**).
- ² You are permitted to eat *chametz* only during the first third of the day, (the day is calculated as extending from dawn until the stars appear). But you may derive benefit from it for another hour. Thus, you are permitted to sell it to a non-Jew during that hour, but after that time it is forbidden to derive any benefit from it. You must burn the *chametz* and nullify it while you are still permitted to derive benefit from it.
- ³ After midday it is forbidden to do any work. However, you are permitted to do such work as is permitted on *Chol Hamoed*. But it is customary to permit a non-Jew [to do work for you.] In some communities it is the custom to forbid doing work the entire day.
- ⁴ You should take a haircut and cut your nails before midday. If you forget to do so, you may cut your nails in the afternoon, but it is forbidden to take a haircut, unless it is done by a non-Jew.
- ⁵ It is forbidden to eat matzah the entire day. It is forbidden to give matzah even to small children once they are able to understand the meaning of the Exodus. However, everyone is permitted to eat food made of matzah meal, until the beginning of the tenth hour, that is

until the beginning of the final quarter of the day. From that time on it is forbidden to eat, except when it is necessary, in which case you may eat some fruit, or a little meat and fish. You should be careful not to overeat, so that you will eat the matzah in the evening with appetite.

- 6 The firstborn sons either of the father or of the mother must fast on *erev Pesach*, even if it occurs on Friday. A firstborn who was born after a miscarriage must also fast. When the firstborn is a minor, his father fasts instead of him. Whether firstborn are permitted to eat at a mitzvah meal depends on the local custom.
- 7 A firstborn who fasts should say *Aneinu* in the *Shemoneh esre* of *Minchah*. If there are many firstborn and they pray with the congregation, none of the firstborn should be the Chazzan, since *Aneinu* should not be said loud during the repetition of the *Shemoneh esre*, since it is the month of Nisan.
- 8 People who do the mitzvah meticulously bake the mitzvah-matzos in the afternoon of *erev Pesach*, which is the time when the Paschal lamb was offered. And because at that time *chametz* is forbidden, it is best to nullify the crumbs explicitly, by making the following statement: "All the crumbs that will fall off during the kneading and preparing, as well as the dough that will cling to the vessels, I hereby nullify and render ownerless."
- 9 The water with which the vessels are washed should be poured on a sloping place where there is no stone floor, so that it will be quickly absorbed in the ground; for by pouring it on level ground, or even in a sloping place with a stone floor, there is reason to be concerned that the

water will gather in one place and become *chametz* before it is absorbed in the ground; thus there will be *chametz* in your possession.

Siman 114

- ¹ A Jew who has *chametz* in his possession on *Pesach*, continually transgresses the law, "No *chametz* must be seen in your possession" (Ex. 13:7) and "No *chametz* may be found in your home" (Ex. 12:19). Benefit of such *chametz* is forever forbidden, even if he nullified it before *Pesach*. Therefore, if you own a great deal of *chametz* that you cannot do away with, you must sell it to a non-Jew before *Pesach*, while you are still permitted to derive benefit from it. You should not treat the matter of selling *chametz* as a routine formality. Rather, it should be your firm intention to actually sell the *chametz* to the non-Jew, in a firm and binding sale. You should not sell it for more than it is worth. After *Pesach* you demand from the non-Jew that he pay his debt, and when he replies that he has no money, you ask of him to resell the *chametz* to you (together with the room) for so-and-so-much. You should not make a mockery out of this matter, rather, it should be handled in a business-like manner.
- ² The *chametz* sold to the non-Jew, may not remain in the house of the Jew. If the non-Jew takes the *chametz* into his own house, so much the better. But if he cannot take it to his home, then you must rent to him the room in which the *chametz* is (stored). You must mention in the bill of sale the name of the buyer and the amount for which the room was rented, and that by means of the rental of the room, you are transferring to him the ownership of the *chametz* that is contained in it.

You should list all the *chametz*, stating the price of each item, but you need not mention their weights and measures. You may simply write how much you charge per measure. All that is written in the contract should be discussed orally with the buyer. You should take a deposit from him, and the balance of the purchase price should be considered as a loan. All of the above should be written in the contract. You must also deliver to the buyer the key to the room. If any *chametz* is in a vessel that requires *tevilah* (ritual immersion) when bought from a non-Jew, you should not sell it with the vessel, because (if you do sell it), then, after *Pesach*, when you buy it back from the non-Jew, you will have to immerse it again.

- ³ If, after you sold the *chametz*, you are afraid that the buyer may damage it, you are permitted to put an additional lock on the door to protect it; or, if the buyer wants to deposit the key with the Jew, he may do so. But it is forbidden for a Jew to put a seal on the *chametz*.
- ⁴ If you are unable to rent the whole room because you need part of it for your own use, you should make a partition in front of the place where the *chametz* is kept, and rent to the non-Jew the space (where the *chametz* is kept) up to the partition, and write this in the contract. You should also state that the buyer has the right of access to enter this place at will. You should also stipulate, that if this non-Jew, the buyer, wishes to sell the *chametz* to another non-Jew during *Pesach*, or to a Jew, the day after *Pesach*, all of these have the right to access there. If a Jew rents or sells to a non-Jew a room that is accessible only through the premises of the seller, it must be written in the contract that the non-Jew, the buyer, and any other buyers that he may bring there, should have the right to enter there.

- 5 If the house you live in was rented from another Jew, you cannot rent it to the non-Jew as a residence without the permission of the landlord. Therefore, you should expressly tell the non-Jew that you are not renting it to him as a residence, but only to keep his vessels and belongings there. You should not rent it with the stipulation that you are doing so to keep the *chametz* there, but generally to keep his vessels and belongings as he sees fit. Nevertheless, if the landlord is in town, you should obtain his permission to rent it. If you go on a trip before *Pesach*, and your wife is going to sell the *chametz*, you should give her express permission to rent the room.
- 6 It is forbidden to stipulate with the non-Jew that after *Pesach*, he must sell the *chametz* back to you, or that you, are obligated to buy it back from him, but you are permitted to assure him that you will buy it back from him, and give him some profit.
- 7 It is forbidden to sell the *chametz* to an apostate Jewish man or woman, or to the son of an apostate woman, even if she gave birth to him from a non-Jew after she became an apostate; for regarding this matter, they are Jews in the eyes of halachah, and the *chametz* will be considered as *chametz* that was in the possession of a Jew during *Pesach*, the benefit of which is forbidden forever.
- 8 If you own *chametz* in another place, or en route in wagons or on ships, you can also sell it [to a non-Jew] by means of selling him a place in your town. Nevertheless, you should also renounce your ownership to it before a Rabbinic Court or before three laymen. If the *chametz* is delivered to you on *Pesach*, the non-Jewish buyer should pay the cost of

the wagon and the other expenses. If *chametz* is delivered to you, which was shipped by a non-Jew, and you had not ordered it, and knew nothing about it, the non-Jew should also receive it and pay whatever is due to the one who brought it. You should have nothing at all to do with it; on the contrary, you should renounce ownership to it before a Rabbinical Court or before three laymen.

- ⁹ A person owning a mill, whose customers, grind their grain, and pay their fee in grain, which is *chametz*, must either sell or lease the mill, to a non-Jew, before *Pesach*.
- ¹⁰ Regarding the sale of cattle to a non-Jew, who will feed them *chametz*, there are differing opinions among the Sages of blessed memory. If possible, it is best to avoid selling them, but if it is impossible, it should be done with advice of a qualified *Posek*.
- ¹¹ You are permitted to lend a loaf of bread to another Jew before *Pesach*, with the understanding that he should return (a loaf of bread) after *Pesach*. In some communities, it is the custom to forbid such loans.
- ¹² If the *chametz* of a Jew is in the possession of a non-Jew, or conversely, the *chametz* of a non-Jew is in the possession of a Jew, you should consult (a qualified *Posek*) how to act in this matter, for there are many differing opinions regarding it.
- ¹³ You should be careful, not to benefit after *Pesach* of the *chametz* of a Jew, who is suspected of not having sold it properly.

¹⁴ **Form of Contract for the Sale of Chametz**

I, the undersigned, have sold hereby to the non-Jew (so-and-so) all the

whiskey that I have in the cellar of my residence. The cellar is on the north side of the courtyard, another cellar is situated on the east side. All the whiskey that I have there, whether in medium-size barrels, or in large ones, I have sold to the above-mentioned party, together with the vessels for one hundred and twenty dollars. Also the arak-brandy that I have there, in a big bottle, about seven measures in size, I sold to him for five dollars, without the bottle. Also, the slivovitz, that I have there in a small barrel, I sold him for twelve dollars and fifty cents, together with the vessel. I also sold him six empty barrels, that once contained whiskey, and two large barrels with iron hoops, that once contained whiskey. I sold all of these for eight dollars and fifty cents. Also, five bags of wheat flour, that I have in a room called storage room, which is part of my residence, I sold to the above-mentioned party, together with the bags, for thirty-nine dollars, as well as all chametz vessels that I have there, such as kneading troughs and flour boxes, which I sold to him for four dollars and fifty cents. Also, barley, in a small bag that I have there, I sold to him for one dollar and fifty cents, together with the bag. I received a deposit from him of ten dollars; the balance I charge him as a loan. The time for payment to be no later than ten days from the date mentioned below. I rented to the said buyer, the above-mentioned cellar and the above-mentioned room, from now until the end of ten days, from the day mentioned below, for the amount of four dollars. I received a deposit of three dollars. The balance I charged as a loan, to be paid to me, no later than ten days from the date mentioned below. By means of the real estate rented to him, that is, the cellar and the room mentioned above, I conferred ownership to him of all the goods mentioned above. I hereby declare, truthfully, that I leased to him the cellar and the room mentioned above, and I conferred

ownership to him of all goods mentioned above, by any and all means of acquisition that may be effective, whichever it may be; that the acquisition be binding, according to the laws of our holy Torah, and according to the civil law, without any claim or counterclaim. He has the right to do with all the above-mentioned, as he sees fit, to sell it or to give it as a gift, or to rent it, without any interference. He also has the right to move all the above-mentioned into his house; and even if he leaves them where they are at present, he assumes the responsibility for everything as of now, and I assume no responsibility whatsoever, not even the responsibility for accidental loss. I have given the buyer the right of access, to go through my courtyard and my house, to the above-mentioned cellar and room, that are leased to him. Also, if he wishes, during the term of the lease, to sell some of the goods to someone else, to all those who come with his consent, likewise have the right of access. I also surrendered to him the keys to the above-mentioned cellar and room. This was executed in the most expedient manner, according to the law of our holy Torah, and in accordance to the law of the land.

Ungvar 14th of Nisan 5634/1874

Reuvein ben Reb Shimon Israelovitz.

Siman 115

¹ If *erev Pesach* occurs on Shabbos, we make the search for *chametz* on the eve of the thirteenth of *Nisan*, that is, on Thursday night. After concluding the search, you nullify the *chametz* by saying *Kol chamira* etc., as in other years, and on Friday, you burn it, at the same time that

you burn it every *erev Pesach*, but you do not say *Kol chamira*. On Shabbos, after the meal, you nullify it and say *Kol Chamira* etc.

- 2 The firstborn fast on Thursday; and if it is difficult for a firstborn to fast, until after the search for the *chametz*, he may have a small snack before making the search, or else, he may appoint someone as his agent to make the search (and eat a full meal).
- 3 For this Shabbos, you should not cook dishes made with flour and grits, because they may stick to the pots, and it is forbidden to clean them on Shabbos. Therefore, you should cook only dishes that will not stick (to the pot). After the meal, you should shake the tablecloth well, and hide it away, together with the vessels used for *chametz*, in a room, where you do not usually go on *Pesach*. If any bread is left over, you should give it to a non-Jew; but you should be careful not to violate the law against removing things from one domain to another (see Chapter 82, par. 9 above). The house should be swept, either by a non-Jew, or with a sweeper that may be used on Shabbos.
- 4 On Shabbos morning, the *Shacharis* service should be said at an early hour, so that there should be enough time to eat a meal with *chametz*, while it is still permissible to do so. It is proper to divide the meal into two parts, that is (after eating one course) recite *Birkas Hamazon*. Make a short pause by discussing Torah thoughts or taking a walk, then wash your hands again, eat and say *Birkas Hamazon* again. Thereby, you will have fulfilled the mitzvah of eating three meals on Shabbos.
- 5 It is customary to read the *Haftarah* from *Malachi 3:4*, *Ve'arvah* etc. because it is written there, "Bring all the tithes into the storehouse etc."

That is appropriate for the day, for (according to some authorities), the time at which all tithes had to be removed from the house was on *erev Pesach* of the fourth year of the *Shemitah* cycle, and on *erev Pesach* of the seventh year of the *Shemitah* cycle. All the tithes which were separated from your grain during the three years, and which were kept in your house, had to be given to the *Levi* at the above-mentioned times.

- ⁶ On this Friday, every man should be very careful to ask whether *challah* has been separated from the *challah* loaves that were baked in honor of Shabbos, for if *challah* has not been separated, and you become aware of that on Shabbos, there is a great deal of confusion as to what should be done; because it is forbidden to separate *challah* on Shabbos, and it is also forbidden to keep the *challah* loaves because of Pesach. The *Magein Avraham* contends that all the loaves must be given to a non-Jew as an outright gift, before the time that their benefit is forbidden. Other authorities disagree and offer different solutions, but they all involve serious problems. Therefore, you must be careful about this.

Siman 116

- ¹ Vessels made from earthenware that were used for *chametz* cannot be *kashered* by immersion in boiling water, nor by heating with charcoal or blow torch. Ovens and stoves made of stone and bricks can be *kashered* by heating with charcoal (or a blow torch) (see above Chapter 110, par. 1 and 2). It is customary not to *Kasher* stoves used for heating the house during the winter. If you want to place any kind of a dish on the stove, during *Pesach*, you must first put a metal plate on the stove and then

- place the dish on it. This method may be used also with an oven made of tiles.
- ² Vessels made of wood, metal, stoneware or bone, can be *kasheret* by immersing them in boiling water. But vessels that will be damaged by boiling water, such as vessels that are glued together, even if only the handle is glued on, cannot be *kasheret* by immersion in boiling water, because we are concerned that they will not be *kasheret* properly.
- ³ Before *kashering* a vessel, you must clean it thoroughly to remove any rust, or similar residue, making it perfectly clean; but rust stains do not matter. If the vessel has dents, they should be scraped carefully (with steel wool etc.). If it is made of metal, you should place hot charcoal on the dents (or use a blow torch) to "glow" them, and then *kasher* the vessel with boiling water. If it is impossible to thoroughly clean the dents and the cracks, and if it is also impossible to "glow" them, then the vessel cannot be *kasheret*. Therefore, knives with handles must be carefully examined to determine whether they can be *kasheret*. The best way to do the mitzvah, if you can afford it, is to buy new knives for *Pesach*.
- ⁴ Vessels that are used over fire (or heat), without water, require glowing. Therefore, baking and frying pans, in which *chametz* was baked, require glowing. Initially, the vessel must be heated so intensely, that it shoots off sparks. A wooden peel cannot be *kasheret*.
- ⁵ If a vessel has a patch, and there is reason to suspect that underneath the patch, some *chametz* may have become trapped, that place must first be glowed until you are certain, that if there was a trace of *chametz*,

it was burned; and then it should be *kasheret* in boiling water. But if there is no reason to suspect that a trace of *chametz* was trapped there, then, if the patch was put on before the vessel was used for *chametz*, you may *kasher* it as is, because, just as the vessel absorbed the *chametz*, so it will expel it with the boiling water (used in the *kashering*). However, if the vessel was first used for *chametz*, and the patch was put on afterwards, then the *kashering* has no effect on the place underneath the patch, and in this case, too, before *kashering*, you must place hot charcoal on the patch, to glow that spot. If the patch was soldered with lead, silver, or similar solder, it may be *kasheret* as is, since the *chametz* that has been absorbed, was burned by soldering.

- ⁶ A mortar, which is ordinarily used for pounding sharp tasting spices together with *chametz*, requires *libun kal* — "simple glowing", that is, it should be filled with burning charcoal, until it is hot enough to burn a piece of straw placed on the outside of the vessel. But in a community, where it is customary to pound in it, only pepper and similar spices, *kashering* with boiling water is sufficient.
- ⁷ In vessels that were used to age whiskey, the taste and aroma of the whiskey is not eliminated by *kashering* with boiling water. Only if you first boil them thoroughly in water and ashes, until the aroma has disappeared completely, can they then be *kasheret* in boiling water.
- ⁸ The *kashering* of a barrel, should be done as follows: place heated stones in it, and pour boiling water on them out of the vessel, in which the water was boiled; then roll the barrel, so that the hot water will reach every part of it. The type of barrels which we use, are made of many

planks hooped together and if they contained *chametz*, such as whiskey, or if flour, *kashering* is of no avail.

⁹ When a vessel requires *kashering* with boiling water, merely scouring the surface is of no avail, it must be immersed in boiling water.

¹⁰ *Kashering* is of no avail regarding vessels that cannot be thoroughly cleaned, such as a sieve, the receptacle of a grinder, baskets used for keeping *chametz*, a grater, as well as any vessel that has a narrow opening, which is impossible to clean on the inside, (or a vessel) that has a spout.

¹¹ A cabinet, in which food is kept the entire year, and soup is sometimes spilled there from the pots, requires simple *kashering*, that is pouring boiling water on it; but it must be poured out of the vessel, in which the water was boiled. The water should not be thrown, but it should be poured in a steady stream. (As for *kashering*) tables, it is also customary to place glowing hot stones on the table, and pour boiling water on them, and then to move the stones from place to place in such a manner, that the boiling water covers the entire surface. The table must be scrubbed first, and after twenty-four hours, it should be *kasheret*, in the manner described above. Nevertheless, some people are accustomed, not to use tables and chests even after *kashering*, without covering them with a cloth or something else.

¹² Handles of vessels also require *kashering*. However, if the handle does not fit into the *kashering* pot, you should *kasher* the handle, by pouring boiling water on it.

- ¹³ Vessels used for drinking or measuring, also require *kashering*. As for glassware, it is the custom in these regions not to *kasher* them. Vessels made of metal, glazed on the inside, cannot be kasheder by immersion in boiling water; but "simple glowing" is sufficient, just as with a mortar, see par. 6.
- ¹⁴ Only water should be used for *kashering*, and nothing should be mixed with it, not even ashes or similar substances. If you *kasheder* many vessels in one *kashering* kettle, so that the water became thick and filmy like soup, you should not continue to *kasher* with it.
- ¹⁵ If you *kasher*, using a pair of tongs, to hold the vessel, you should relax your hold on the vessel, and then grip it firmly again; otherwise, the *kashering* water would not reach the spot held by the tongs. It is better to put the vessel in a net or in a basket. You should not put many vessels at one time into the kettle in which you *kasher*, so that they should not touch each other; otherwise, the place where they touch, would not be *kashedered*.
- ¹⁶ You should not *kasher* a vessel that has been used the same day, that is, unless twenty-four hours have passed, since *chametz* was cooked in it. Likewise, the kettle, in which the *kashering* is done, should not have been used that same day. You should pay attention that the water is still bubbling when you put a vessel in the kettle. If the kettle, itself, has to be *kashedered*, then, when the water is boiling, it must be full and you should throw glowing stones into it, so that the boiling water will overflow its rim. On *erev Pesach*, *kashering* must be done, only until midday.

- ¹⁷ It is customary, after *kashering*, to rinse the vessels with cold water.
- ¹⁸ If possible, the *kashering* should be done in the presence of a Torah scholar, who is well versed in the laws of *kashering*.

Siman 117

- ¹ If you find any *chametz* in food on *erev Pesach*, anytime before nightfall, it is like any other forbidden substance, which is nullified if it becomes mixed (into a permitted substance), sixty times its volume. Therefore, if you find a grain of seed in poultry or in cooked food, you should throw away the seed, and you may eat the rest, even on *Pesach*. But during *Pesach*, itself, even the smallest bit of *chametz* makes food forbidden (to eat) and to derive benefit from it. Thus, wherever you find a seed of the five species of grain, or a small particle of *chametz*, you should consult a competent *Posek*.
- ² If grain seeds are found in a water well, you should not use this water, except in case of urgent need, for example, if no other water is available. But if you find a piece of bread in the well, the water is forbidden to be used, even if no other water is available and even filtering is of no use.
- ³ It is the custom not to singe poultry with straw bearing ears of grain, for we are concerned that one of the seeds may be *chametz*. We, therefore, singe poultry with grass, or we cut the ears off of the straw. But, if inadvertently, (the poultry was singed with straw bearing ears of grain), the poultry may be used. You should take care to remove the crop from the poultry, before you singe it.

- ⁴ All kinds of legumes are forbidden; and all kinds of dried fruit are forbidden, unless it is known that they have been dried in a proper way on planks, or in a stove that has been made kosher for *Pesach* (see above 110: 1 and 2). Even dried figs and raisins, whether large or small, are forbidden to be used; orange peels are also forbidden. Nevertheless, the beverage prepared from raisins, is customarily permitted to drink. It is the custom not to put cloves or saffron into food because they are suspect of containing *chametz*. Even in our regions, where saffron is raised in gardens, it is forbidden, in order not to make an exception (to the law). There are spices, including salt, that are not suspect of containing *chametz*. However, before putting them into the food, you should examine them to see whether there are any grain seeds in them.
- ⁵ You should only eat honey, that has not been removed from the comb, or honey, that has been taken out of the comb by a Jew, to be used specifically for *Pesach*.
- ⁶ In case of great urgency, for example, when it is needed for a sick or elderly person, it is permissible to bake matzos with eggs, fruit juice, milk, wine, or similar beverage, and this is called *matzah ashirah* (rich matzah). Care should be taken, however, not to mix any water with it. However on the first two nights of *Pesach*, actual matzah must be eaten; you have not fulfilled your duty, if you eat *matzah ashirah*. If there is no urgent need, it is forbidden to bake *matzah ashirah*, even before *Pesach*, to be used on *Pesach*.
- ⁷ If you feed grain or meal to fowl, you should be careful to put it in a dry place, so that it should not become wet. But it is forbidden to feed

meal to cattle, since it becomes wet from their saliva; and when feeding them grain, you should be careful to give them a little at a time, so that no wet grain is left over. If there is any grain left over, you must clear it away immediately.

- 8 On *erev Pesach*, from the time *chametz* is forbidden, as well as during the entire week of Pesach, it is forbidden to derive any benefit, even from *chametz* belonging to a non-Jew. A Jew is, therefore, forbidden to haul or to guard *chametz*, belonging to a non-Jew. It goes without saying, that a Jew is forbidden to buy *chametz* for a non-Jew, even with the money belonging to the non-Jew.
- 9 During Pesach, it is forbidden to rent an animal to a non-Jew for the purpose of carrying *chametz* to him, or to rent him a room for the purpose of storing *chametz* in it, because it is forbidden to make profit from things, from which you are forbidden to benefit. But you are permitted to rent him an animal for the week of *Pesach* (except for Shabbos and Yom Tov), for an unspecified purpose, as when the non-Jew does not expressly state that he needs the animal to haul *chametz*. Even if you know that the non-Jew will use it to haul *chametz*, it does not matter, because, even if the non-Jew hauls nothing with the animal, he will still have to pay you the full amount of the rental fee. Consequently, you do not profit at all from (the hauling of) the *chametz*. It is also permitted to rent him a room to live in on *Pesach*, even though you know, that he will bring *chametz* there; nevertheless, you do not receive payment for letting him bring in *chametz*; rather only rent for the room, for, even if he brought in no *chametz*, you would not reduce his rent.

- ¹⁰ You are forbidden to entrust, your animal to a non-Jew even a long time before *Pesach*, if you know that he will feed it *chametz* on *Pesach*.
- ¹¹ You are permitted to say to your non-Jewish servant, even at a time, when it is forbidden to derive benefit from *chametz*, "Here is money, buy yourself some food and eat," even if you know that he will buy *chametz*. If it is urgent, you are also allowed to say, "Go and eat at the non-Jew's place, and I will pay him for it." Or you may say to another non-Jew, "Give my servant something to eat, and I will pay you for it." But you are forbidden to pay in advance for the food he will give your servant.
- ¹² If it is necessary to feed *chametz* to a baby, he should be carried to the house of a non-Jew. The non-Jew should feed him the *chametz* and the Jew should pay him afterwards, but the Jew, himself, should not feed *chametz* to the baby. But if the baby's life is threatened, of course, everything is permitted, (as I have written in Ch. 92 and in Ch. 192 below).
- ¹³ Some authorities forbid drinking the milk of a cow, belonging to a non-Jew, that is fed *chametz* on *Pesach*, while others permit it. The scrupulous should follow the stricter opinion. Certainly in a community, where it is the custom to forbid it, God forbid, that anyone should permit it.

Siman 118

- ¹ You should do your best to obtain choice wine to perform the mitzvah of drinking the Four Cups. If red wine is available, that is, of the same

quality as white wine, and its *kashrus* is as reliable as white wine, the red wine is preferred for the Four Cups, for it is said, "Look not after wine when it is red," (**Proverbs 23:31**) indicating that wine is most desirable, when it is red. In addition, because it reminds us of the blood, which flowed, when Pharaoh slaughtered innocent Jewish children. In backward and ignorant countries, where people, make slanderous accusations, Jews refrain from using red wine on Pesach.

- ² For the first dipping, which is called *karpas*, many people follow the custom of using parsley, but it is better to use celery, which tastes good when raw. Best of all is to use radishes.
- ³ For *maror* (bitter herbs), it is customary to use horseradish, which, may be grated, because it is very sharp; but you should take care that it does not lose its strength completely. It should be grated, when you return home from the synagogue. (see Ch. 98:3 that the grating should be in an unusual manner). On Shabbos, it is forbidden to grate the *maror*, but you should grate it before night, and keep it covered until nightfall. However, it is preferable to use *chazeres*, lettuce, which is easier to eat, and it is called *maror*, because when it stays in the ground for a long time, the stem becomes bitter. You can also fulfill the mitzvah with *la'anah*, (an herb called wormwood). (*Alashin* and *charchevina* [mentioned in the Mishnah], are not found in our region). All the species, with which you can fulfill the mitzvah (of eating *maror*), may be combined to make up a *kazayis*, and you may fulfill your duty with either the leaves or the stems, but not with the roots, that is not with the little roots, that branch out in all directions. But the large root, out of which the leaves grow, although it is hidden in the ground, is considered a stem. Nevertheless, it is better to use the leaves and the

stem that is out of the ground, because some authorities hold that the part that grows in the ground is called "root." The leaves are valid only if they are fresh, but the stems are valid whether they are fresh or dried out, but not when they are cooked or pickled.

- ⁴ The *charoses* must have a thick consistency to recall the mortar from which our forefathers had to make bricks. When you are ready to dip the *maror* into it, you should add a little wine or vinegar to make it soft to represent the blood, and for the additional reason that it should become fit to dip something into it. The *charoses* should be made from fruits that symbolize the Jewish people; for example: figs, for it is said, "The fig tree has produced its green figs," (*Song of Songs 2:13*); nuts, because it is said, "I went down to the garden of nuts" (*ibid. 6:11*); dates, because it is said, "I will ascend the palm tree" (*ibid. 7:9*); pomegranates, because it is said, "Like a slice of pomegranate" (*ibid. 6:7*); apples, to commemorate what is written, "Beneath the apple tree I aroused you," (*ibid. 8:5*) where the women gave birth to their children without pain; and almonds, (*shekeidim*, singular *shakeid*), because the Holy One, blessed is He, watched diligently (*shakad*) to end our bondage. You should put spices in it, that look like straw, such as cinnamon and ginger, that are not finely ground, and have straw-like strands in them, to recall the straw, the Jews used to knead into the mortar. On Shabbos, you should not pour the wine and the vinegar into the *charoses*, for it must be done in an unusual manner, by putting the *charoses* into the wine or the vinegar. The salt water, (even when Yom Tov does not occur on Shabbos) should be prepared on *erev Yom Tov*). If you do prepare it on Yom Tov, you should do it in an unusual way, by pouring the water first, and adding the salt later.

- 5 After the *Beis Hamikdash* was destroyed, the Sages ordained that there should be two cooked foods on the table, during the reciting of the *Haggadah*, one to recall the *Korban Pesach*, (Passover sacrifice), the other to recall the *Korban Chagigah* (Festival sacrifice), which were offered in the times when the *Beis Hamikdash* was standing. It is customary that one of the foods should be meat, from the shoulder section, to recall that the Holy One, blessed is He, redeemed Yisrael, with an outstretched arm. It should be roasted on fire, to recall the *Korban Pesach* (Passover sacrifice), which was roasted on fire. The second food should be an egg, because an egg, in the Aramean language is *beiah*, that is to say, the Merciful One desired (*ba'ei*) to redeem us with an outstretched arm. You may prepare the egg, either roasted or boiled, but you must do the roasting or boiling on *erev Yom Tov*, while it is still daylight. If you forgot to do it (on *erev Yom Tov*), or if that day occurred on Shabbos, you should roast or boil it at night, but then you must eat it on the first day of Yom Tov. The same goes for the second night; you should roast it or boil it (at night), and you must eat it on the second day of Yom Tov, for you are not permitted to cook on the first day of Yom Tov for the second day, and neither on a Yom Tov for a weekday. Now, since it is customary not to eat roasted meats on the two nights of the *seder*, you should, therefore, eat the shoulder meat on Yom Tov during the day. Even if you roasted it on *erev Yom Tov*, you should not throw away (the meat) afterwards, but you should put it into the food that is cooked on the second day and eat it on the second day.
- 6 You should prepare your seat [at the table] while it is still daytime, with the nicest pillows you can afford, placing them in such a way that you can recline and lean on the left side. Even a left-handed person should

recline on the left side. You should also prepare the *seder* plate while it is still day, in order that immediately on returning home from the synagogue you can begin the *seder* without delay.

- ⁷ Although during the year, it is best to be moderate in displaying fine tableware, so that we remember the destruction of the *Beis Hamikdash*, nevertheless, on the night of *Pesach*, it is good to set the table with as many beautiful things as are within your means. Even vessels not used for the meal should be placed on the table for elegant decor, to symbolize freedom.
- ⁸ The *seder* plate is arranged in this manner: You place three matzos on the *seder* plate, you cover them with a beautiful cloth, you place the shankbone on your right side, and the egg on the left; the *maror*, over which you say the berachah, you place in the center; the *charoses*, you place below the shankbone; the *karpas* below the egg, and the *maror*, that is eaten together with the matzah, you place in the center; as in the diagram:
- ⁹ The wine cups must be whole, without any defect, thoroughly rinsed, and they must hold no less than a *revi'is*.
- ¹⁰ It is our custom to wear a *kittel* (a white robe), which should also be prepared, while it is still day. A person, in mourning, God forbid, should not wear it, but he is required to recline. However, if he has observed no mourning at all before Yom Tov, as, for example, if the funeral was held on Yom Tov, then, it is customary that he should not recline. But he must recite *Hallel*, because the saying of *Hallel* is mandatory.

- ¹¹ A son, at his father's table, is required to recline, but a student, in the presence of his *Rebbe*, is not required to recline.

Siman 119

- ¹ Although on every other Shabbos and Yom Tov, you are permitted to say *kiddush* and eat a meal while it is still day, in order to add from the secular to the holy, on *Pesach*, you are not permitted to do so. The mitzvah of eating matzah must be performed only at night, as was the case with the *Pesach* sacrifice, about which it is written, "And they shall eat the meat (of the *Korban Pesach*) on this night." (**Exodus 12:8**). The mitzvah of the Four Cups may also be done only after nightfall. Since the cup of wine, over which we say *kiddush*, is one of the Four Cups, the *kiddush* should not be said until it is definitely night. (The person who conducts the *seder*) puts on the kittel and takes his seat to conduct the *seder*. It is a mitzvah to distribute almonds, nuts and similar things to the children, so that they notice the change and ask questions, and this will also stimulate them to ask also the reasons for eating matzah, *maror* and reclining. Boys and girls who have reached the age of training for mitzvos, that is, who are able to understand the holiness of Yom Tov and understand what is being told about the Exodus from Egypt, should also be given a cup of wine, from which they should drink. It is customary to fill an additional cup of wine, and it is called "The Cup of Elijah the Prophet."
- ² A servant or a member of the household should fill the cups, and each time the cups are filled, they should fill them, rather than doing it yourself. This conveys an impression of freedom. You should instruct

the members of the household to drink at least the greater part of each cup at one time, and of the fourth cup, they should drink a *revi'is* at one time. All should have in mind to fulfill the mitzvah of drinking the Four Cups (of wine), and of relating the story of the Exodus, and eating matzah and *maror*, because women, too, are required to perform these mitzvos, except that they do not recline. You recite the *kiddush*, as it is written in the *Haggadah*, and drink the wine while reclining on your left side. It is best, if possible, to follow the opinion of the authorities, and to drink the entire contents of all the Four Cups.

- ³ After that, you should wash your hands, without saying the berachah, dry them, and cut the *karpas* for yourself and for all the members of the household, giving each less than a *kazayis*. Each dips his portion in salt water and says the berachah *Borei peri ha'adamah* "Who creates the fruit of the ground." They should have in mind to exempt the *maror* which will be eaten later with this berachah, and while eating the *karpas*, they should also recline on the left side. The person who leads the Seder then takes the middle matzah and breaks it into two parts, placing the larger part near his seat for the *afikoman*. It is customary to wrap the *afikoman* in a napkin, to recall what is written, "Their leftover dough was wrapped in their clothes" (*Exodus 12:34*). Some people place it on their shoulders, to recall the Exodus. Since the *afikoman* takes the place of the *Pesach* sacrifice, it is most esteemed, and the larger portion of the matzah is set aside for it. The smaller portion, is put back on the *seder* plate. He then uncovers the matzos slightly, lifts the *seder* plate, and all declare *Ha lachma anya diachalu*, "This is the bread of affliction, which our forefathers ate etc. to *leshanah haba'ah benei chorin*, "Next year we shall be free men." Those who say, *Keha lachma anya* (*keha*

instead of *ha*), "Such as this bread of affliction," should omit the word *di* (which).

- 4 The second cup is now filled, and a child asks: *Mah nishtanah* "Why is this night different." If there is no child present, then an older son or daughter should ask, or a friend or your wife should ask. Then *Avadim hayinu* (we were slaves) etc. is said. It is proper to explain to the members of the family the contents of the *Haggadah* in the language they understand. If you do not understand Hebrew, you should use a *Haggadah* with a translation, and after completing each paragraph, you should repeat from the translation, and particularly, the declaration, *Rabban Gamliel hayah omeir* (Rabban Gamliel used to say,) because it is essential to understand the reasons for the *Pesach* sacrifice, matzah and *maror*. At *Vehi she'amedah* (this promise) etc. you should cover the matzos (so that the matzah is not slighted when it seems that we are ignoring it, by lifting only the cup of wine). All take their cups in their hands and say, *Vehi she'amedah*, to *miyadam*, (from their hands), when you again uncover the matzos. When you say *Matzah zo* (this matzah) etc., you should take the half matzah from the *seder* plate, and show it to the family and say, *Matzah zo* (this matzah etc.). When saying *Maror zeh* (this *maror*), you should lift the *maror*. However, when saying *Pesach shehayu avoseinu ochelim* (the *Pesach* offering which our fathers ate etc.), you should not raise the shankbone, which is a reminder of the *Pesach* offering, for it might appear as if you had set it apart for a *Pesach* offering, (which can only be done in the *Beis Hamikdash*). When saying, *Lefichach* (Therefore), you should cover the matzos, and each person takes his cup in his hand and raises it, holding it until concluding with *Ga'al Yisrael*, (Who redeemed Israel). Everyone then

says the berachah, *Borei peri hagafen*, over their cup of wine, and drink the cup, while reclining on the left side.

- 5 After that, everyone should wash their hands, and say the berachah, *Al netilas yadayim*, and *Hamotzi* over the matzos. Since on Yom Tov, we must say *Hamotzi* over two whole loaves of bread, and the mitzvah of matzah requires that we eat the broken one, because matzah is called "poor man's bread," and a poor man generally eats broken pieces of bread, therefore, when saying *Hamotzi*, you should take the two whole matzos in your hands and the broken one between them, and recite *Hamotzi*. You then put down the bottom matzah, holding only the top, and the broken middle matzah, and say the berachah, *Al achilat matzah*. You then break off a piece the size of a *kazayis*, from the top matzah and from the broken middle matzah. You distribute the same quantity to every member of the family. Then you eat both pieces simultaneously, while reclining on the left side. If it is difficult for you to eat both pieces of matzah at the same time, you should first eat the *kazayis* piece over which you said *Hamotzi*, and then eat the *kazayis* piece from the broken matzah. But you should not pause between eating the two pieces, and eat both pieces while reclining. It is the custom in our region, at the *seder*, not to dip the matzah in salt; neither the matzah, over which *Hamotzi* is said, nor the one over which *Al achilas matzah* is said.

- 6 If someone is unable to chew the matzah, he is permitted to soak it in water to soften it, provided it is not completely mashed. An elderly or sick person, who cannot eat matzah, when soaked in water, may soak it in wine, or in any other beverage. When you soak the matzah, with which you want to fulfill the mitzvah (of eating matzah), you must be

careful not to soak it for twenty-four hours, for it would then be considered as if it were cooked and you could not fulfill the mitzvah with it. You must also be careful, in other respects, that the matzah should not lose its status as bread. See Chapter 48:5 above.

- ⁷ You then take a *kazayis* of *maror*, and distribute portions of the same quantity to each member of the family. You dip it in the *charoses*, and shake off the *charoses*, so that the *maror* should not lose its taste, and say the berachah, *Al achilas maror*, and eat it *without* reclining. You then take a *kazayis* from the bottom matzah and a *kazayis maror*. It is also proper to dip (this *maror*) in *charoses* and shake it off. You then place the *maror* between (two pieces of) matzah and say, *Kein asa Hillel* (This is the way Hillel did it) etc. and eat it while reclining. The size of a *kazayis*, as we have written in the general rules, is as much as half an egg. However, some authorities hold, that it is a little less than one-third of an egg. Since the mitzvah of eating *maror* is in our days a rabbinical requirement, therefore, a person, who finds it difficult to eat *maror*, may rely on this (more lenient) opinion, and eat a little less than one third of an egg, and say the berachah over it. A person who is sick and cannot eat *maror* at all, should, nevertheless, chew a little of any of the species, with which the mitzvah of *maror* may be fulfilled, or any bitter tasting herb, until he feels a bitter taste in his mouth; just as a token, without saying a berachah.
- ⁸ After that the meal begins. It is proper to eat the entire meal while reclining. It is customary to eat eggs. It is wise to use good judgment, and not overeat, so that you will be able to eat the *afikoman*, as required, (with appetite), and not on a full stomach. Roast meat should not be eaten, on the two *seder* nights, not even roast poultry. Even if it

was boiled and then pot roasted, it should not be eaten. Some have the custom not to eat any food dipped in liquid, on the *seder* nights, except the two required dipped foods, so that it should be prominently recognized that these two are mitzvos. After completing the meal, the *afikoman* is eaten to remind us of the *Pesach* sacrifice, which was eaten at the end of the meal so that you should be completely satiated. It is proper to eat two *kazeisim* (of matzah for the *afikoman*), one to remind us of the *Pesach* sacrifice, and the other to recall the matzah that was eaten with the *korban Pesach*. At any rate, you should not eat less than a *kazayis*, and you should eat the *afikoman*, while reclining. After eating the *afikoman*, it is forbidden to eat anything. The third cup is then filled for *Birkas Hamazon*. You must make sure that it is clean, not containing leftover wine, that is to say, nothing is left from the wine, in which matzah may have been soaked during the meal. If it is not clean, it requires washing and rinsing (See Chapter 45:4 above). It is a mitzvah to make an effort to recite *Birkas Hamazon* with *zimun* (three males), but you should not go from house to house to look for people required for *zimun*, because each person is required to say *Birkas Hamazon* in the place where he has eaten. It is customary for the master of the house to lead the *zimun* as it is said: "A man of a good eye shall bless," (*Proverbs* 22:9) (see Ch. 45:5) and he is called, "A man of good eye," (i.e. a generous person) because he said: "All who are hungry—let them come and eat" etc. After *Birkas Hamazon*, the berachah is said over the third cup, and you should drink it while reclining. It is forbidden to drink between this cup and the fourth cup.

⁹ After *Birkas Hamazon*, the fourth cup is filled. It is the custom to open the door, to remind us that tonight is a night of Divine vigil, and we are not afraid of anything. In the merit of our faith in Hashem, our

righteous *Mashiach* will come, and the Holy One, blessed is He, will pour out his anger on the nations. Therefore, we recite *Shefoch chamasecha* (Pour out Your anger) etc. After that, we say, *Lo lanu* (Not for us) and continue reciting the *Hallel*. When we reach *Hodu* (Give thanks), if there are three people present, even if they are his wife and children, who have reached the age of training for mitzvos, the leader should say *Hodu*, and the other two people respond, as it is done in the synagogue. You are required to drink a full revi's from the fourth cup, after which you say the after-berachah. You then recite the *Haggadah* to the end. After the fourth cup, it is forbidden to drink any beverage, except water. If you are not too sleepy, you should say *Shir hashirim* after the *Hagadah*. It is customary not to say the bedtime *Shema*, except for the section of *Shema* and the berachah *Hamapil*, to indicate that it is a night of divine vigil when Hashem protects us from all evil, and we need no other protection.

¹⁰ A person, who does not drink wine all year, because it causes him discomfort, nevertheless should make a special effort to drink the Four Cups, as our Rabbis, of blessed memory, relate about Rabbi Yehudah bar Rabbi Ilai, who used to drink the Four Cups of wine on *Pesach*, and then he would have to wrap his temples until *Shavuos* (because of the headache the wine gave him). However, such a person may dilute the wine with water, or drink raisin wine, (see Chapter 50:6 above), or he may drink mead, if these are the "beverage of the country"

¹¹ If the *afikoman* was lost, and you still have matzah left of those that were made specifically for the mitzvah, you should eat a *kazayis* of that matzah, otherwise, you should eat a *kazayis* of any other matzah.

¹² If you forgot to eat the *afikoman*; and reminded yourself before saying *Birkas Hamazon*, although you already had washed your hands at the end of the meal or said, "Come, let us say the blessings," you may eat the *afikoman*, and do not have to say *Hamotzi*. And even though you had not intended to eat anymore, this does not constitute a diversion of the mind, since it is your duty to eat the *afikoman*, and are sitting at Hashem's table, (and must fulfill His will; thus you were not completely distracted). Nevertheless, you should wash your hands, without saying *Al netilas yadayim*. But if you did not remind yourself, until after saying *Birkas Hamazon*, before saying *Borei peri hagafen* over the third cup, then you should wash your hands again, without saying, *Al netilas yadayim*, and recite the berachah of *Hamotzi*, eat a *kazayis* of the *afikoman*, say *Birkas Hamazon*; then say the berachah over the third cup, and drink it. But if you only reminded yourself after saying *Borei peri hagafen* over the third cup, you should drink the cup. If on other occasions you are accustomed to recite *Birkas Hamazon*, without a cup of wine, you should wash your hands, eat the *afikoman*, and say *Birkas Hamazon* without a cup of wine. However, if you are scrupulous, and always says *Birkas Hamazon*, over a cup of wine, and now cannot do it, because you would be adding to the four cups, (which is forbidden), then you should not eat the *afikoman*, but rely on the matzah, which you ate before.

Siman 120

¹ On the second night of Pesach, we begin counting the *Omer*. You should stand during the counting. The mitzvah requires that the *Omer* be counted, as soon as possible after nightfall, after (three medium-size

star) stars begin to appear. If you did not count at the beginning of the evening, you may count the entire night. In the synagogue, on the eve of Shabbos and Yom Tov, we count after the *Kiddush* is said, in order to give precedence to the (proclamation of the) holiness of the day. At the conclusion of Shabbos and Yom Tov, we count before the *Havdalah* is said, in order to delay the end of the day. If the last day of Yom Tov occurs on Shabbos night, when the *Kiddush* and the *Havdalah* are said over one [the same] cup of wine, we also count before, in order to postpone the *Havdalah*.

- 2 If you forgot to count during the night, you should count during the daytime, but without a berachah. On subsequent nights, you may count with a berachah. If you neglected to count an entire day, you should count on all subsequent nights, without saying the berachah. If you are not sure whether or not you counted that night, even though you did not count on the following day, nevertheless, you may count the remaining days with a berachah.
- 3 If someone asks you, during twilight or later, "What is tonight's count?" You should tell him, "Yesterday was such-and-such," for if you would tell him today's count, you are not permitted to say the berachah, when you count the *Omer* later that night.
- 4 Before saying the berachah, you should know what the berachah is for; that is, you should know the exact number of days of the *Omer*. However, if you did not know it, and began the berachah with the intention of counting the number you will hear from your neighbor, you have also fulfilled your obligation. Similarly if you say the berachah with the intention of counting four days, but after completing the

berachah, you realize that you should have counted five days, you should count five [days], and need not repeat the berachah. Similarly, if you made an error in counting, for example you should have said "six days," but you said "five days," if you realize it immediately, you should count the correct number, and you need not repeat the berachah; but if you made a short pause, you must repeat the berachah.

- 5 When the first night of the Yom Tov occurs on Shabbos, *ma'aravis* are omitted, and, on the second night of Yom Tov, we say the *ma'aravis* of the first night. On Pesach, however, even if the first night occurs on Shabbos, nevertheless, on the second night we say the *ma'aravis* pertaining to that night, because it deals with the harvesting of the *Omer* which took place on that night.
- 6 During [the first] thirty-three days of the *Sefirah* period (the counting of the *Omer*), the disciples of Rabbi Akiva perished. Therefore, it is the custom during these days to observe a partial state of mourning: Marriages should not be performed and you should not take a haircut (or shave). There are various customs regarding (the day on which to begin) to count these thirty-three days. Some communities have the custom of counting them beginning with the first day of the *Omer*, and, therefore, they forbid [weddings and haircuts] until *Lag ba'omer* (the 33rd day of the *Omer*). But when *Rosh Chodesh Iyar* occurs on Shabbos, which has two levels of *kedushah* (sanctity), the *kedushah* of Shabbos and the *kedushah* of *Rosh Chodesh*, they permit marriages and haircuts on *erev Shabbos*. On *Lag ba'omer* and from that day on, the restrictions are permitted, because on *Lag ba'omer* [Rabbi Akiva's disciples] ceased to die. We, therefore, rejoice somewhat, and we do not say *Tachanun* on that day. Although on that very day some of them

died (mourning need not be observed for a full day), for the *Halachah* states, a part of a day is considered as a full day; therefore, you should not take a haircut, nor should weddings be held; until after dawn (of *Lag ba'omer*), but not in the evening. But if *Lag ba'omer* occurs on Sunday, you may take a haircut on the preceding *erev Shabbos*, in honor of *Shabbos*.

- ⁷ In other communities, they permit (weddings and haircuts) until *Rosh Chodesh Iyar*, inclusive, which adds up to sixteen days. This leaves thirty-three days, during which these things are forbidden, [that is] until *Shavuos*, (but they permit haircuts on *erev Shavuos*). Nevertheless, on *Lag ba'omer* they permit (weddings and haircuts); (and if *Lag ba'omer* occurs on Sunday, they permit them on *erev Shabbos*, as I have written above.) In still other communities, they permit (these things) until *Rosh Chodesh Iyar*, exclusive of that day, and on the first day of *Rosh Chodesh*, the restrictions begin to apply. On the first of the three days of *Hagbalah* [the three days preceding *Shavuos*,] which is the thirty-third day (of the period the restrictions are in effect), they apply the rule, "A part of day is considered as a full day," and they, therefore, permit marriages and haircuts during these three days, as well as on *Lag ba'omer*, (as I have written above). It is essential that the entire community follow the same custom, and not that some follow one custom and others follow a different custom.

- ⁸ The *Sandak*, (the person who holds the infant during the *bris* circumcision), the *mohel*, and the father of the infant, are permitted to take a haircut (and shave) on the day before the *bris*, towards evening, before going to the synagogue.

- ⁹ Engagement parties, even with a meal, are permitted during all the *Sefirah* days; but dancing is forbidden.

- ¹⁰ It is the custom that no work is performed, by either men or women during the *Sefirah* days, from sunset, until after the counting of the *Omer*. There is an allusion for this (in the Torah), because it is said, "Seven weeks" (*Leviticus 23:15*). [The word *shabbasos*, meaning weeks,] is derived from *shevos*, denoting rest, indicating that during the time we count the *Omer*, that is from sunset on, you should rest [refrain] from doing any work, until after you have counted the *Omer*.

- ¹¹ On the first night of *Shavuos*, the *Maariv* service is delayed, until the stars come out, for, if we would hold the service before this time, and usher in the Yom Tov, a bit of time will be lacking from the forty-nine days of the *Sefirah*, and the Torah says, "They shall be seven *complete* weeks" (*Leviticus 23:15*).

Siman 121

- ¹ It is a positive commandment, ordained by the Prophets, to fast on those days on which tragic events occurred to our forefathers. The purpose of the fast is to stir our hearts to reflect on the ways of repentance, and to serve as a reminder of our own evil deeds, and the deeds of our forefathers, which were as reprehensible as ours, and caused all these troubles for them as well as for us. By remembering these events we will improve our ways, as it has been said, "They will then confess their sins and the sins of their fathers" (*Leviticus 26:4*). Therefore, it is everyone's duty to take it to heart on those days to

examine his past actions and to repent; for fasting is not the main thing, as it was said about the people of Nineveh, "And God saw their deeds" (**Jonah 3:10**), and our Rabbis, of blessed memory, have said, "It does not say, 'He saw their sackcloth and their fast,' but 'God saw their deeds, that they had turned away from their evil ways.'" Fasting is only a preparation for repentance. Therefore those who while fasting, spend the time taking walks, and doing trivial things, take hold of the least important aspect of the fast, while ignoring the essence [of the fast.]

- ² These are the fast days: **the third day of *Tishrei***, when Gedaliah, the son of Achikam, was killed. After the *Beis Hamikdash* was destroyed, Nebuchadnezzar left him in *Eretz Yisrael*, and appointed him governor over Yisrael. Because he [Gedaliah] was assassinated, all Jews were exiled and thousands of them were killed; thus, the last ember of Jewish hope died.
- ³ **The tenth day of *Teiveis*** (is a fast day), because the king of Babylonia, the wicked Nebuchadnezzar, approached Jerusalem, and laid seige to it and crushed it; and this ultimately led to the destruction of the *Beis Hamikdash*.
- ⁴ **The seventeenth day of *Tammuz*** (is a fast day) because five tragic events occurred on that day: 1) the Tablets [of the Covenant] were broken by Moses, when he came down from Mount Sinai, as it is written in the Torah, and this occurred on the seventeenth day of *Tammuz*. 2) The continual daily sacrifices were abolished. 3) (The Romans) broke through the wall of Jerusalem during the destruction of the second *Beis Hamikdash*. Although, during the destruction of the first *Beis Hamikdash*, the wall was breached on the ninth of *Tammuz*, as

it is written, "In the fourth month, on the ninth of the month, the famine was growing worse in the city, etc. then a breach was made in the city," (**Jeremiah 52:6**), but at the destruction of the second *Beis Hamikdash*, the breach was made on the seventeenth day of *Tammuz*, and the destruction of the second *Beis Hamikdash* affects us more deeply. (Furthermore, it is stated in the Jerusalem Talmud, that even at the destruction of the first *Beis Hamikdash*, the breach was made on the seventeenth, but that because of all the troubles, they made an error in the date). 4) The wicked Apostomos burned a Torah scroll. 5) An idol was placed in the *Beis Hamikdash* by some wicked people among the Jews, and this caused the destruction of the *Beis Hamikdash* and our exile.

⁵ **The ninth day of Av** (is a fast day), because on that day the Almighty decreed that our forefathers in the wilderness, would not enter *Eretz Yisrael*, for then the spies had returned (from exploring Canaan), and Yisrael cried in vain, and it was established as a day of weeping for future generations. On that day, the first *Beis Hamikdash*, as well as the second were destroyed, the city of Betar was captured, which was a large city, in which an immense number of Jews lived. On that day, Turnus Rufus plowed the site of the *Beis Hamikdash*, and the surrounding area, and, thereby, the verse was fulfilled, "Zion shall be plowed into a field" (**Jeremiah 26:18**). (There is another public fast day, the fast of Esther, see Chapter 141:2 below.)

⁶ If any of these fast days occurs on Shabbos, it is postponed until after Shabbos. When the tenth of *Tevet* occurs on *erev Shabbos*, we fast that entire day.

- ⁷ Should any of these four fast days occur during the bridegroom's seven days of wedding feast, although these days (of the wedding feast) are considered to him as a Yom Tov, nevertheless, he must fast. Since his Yom Tov is only a personal celebration, the public mourning and fasting overrides it, and also, because it is written, "... if I fail to elevate Jerusalem above my foremost joy" (**Psalms 137:6**).
- ⁸ There is a difference between the first three fast days and *Tisha beAv* (the ninth day of Av). On the first three fast days, you are permitted to have food during the preceding night until the break of dawn, if you did not have your regular sleep. If, however, you did have your regular sleep, you are forbidden to eat or drink afterwards, unless you planned to do so before going to sleep. If you usually drink something when getting up from sleep, you need not formulate your plan to have a drink (when getting up). But on *Tishah beAv* you must begin the fast on the day before, while it is still day. On the first three fast days, you are permitted to wash, to apply cream, to wear leather shoes, and have marital relations, but on *Tishah beAv* all these are forbidden. A pious person, who is in good health, should observe these restrictions on the other fast days, just as on *Tishah beAv*, except for the wearing of leather shoes, because people might ridicule him. Concerning marital relations, if it is the night of the immersion in the *mikveh*, he should fulfill his marital obligation on the first three fast days.
- ⁹ There is still another lenient feature regarding the first three fasts: pregnant and nursing women, are exempt from fasting, if it causes them discomfort. Also, a sick person, even if he is not critically ill, should not fast. Nevertheless, even a person who is permitted to eat,

should not enjoy an elaborate meal, but should eat only as much as he needs to preserve his health. Children, too, although they do not have to fast, nevertheless, if they understand the significance of mourning, it is proper to train them, and give them only bread and water, so that they will be part of the communal mourning.

¹⁰ Rinsing your mouth in the morning is forbidden on all public fast days. The saliva should be spit out, if possible. But if you cannot spit it out, you are permitted to swallow it, even on Yom Kippur, since you do not do it for enjoyment. Tasting food, even when spitting it out, is forbidden on a public fast day. But on a fast day, which you undertake voluntarily, you are permitted to taste food and then spit it out. Similarly, rinsing your mouth is permitted on a private fast day.

¹¹ It is a mitzvah, for every Jewish community, when they are beset with trouble, God forbid, to fast and pray to Hashem, blessed is His Name, (for rescue) from their troubles. But if the time is not appropriate for fasting, for instance, if people are fleeing, they are not permitted to fast, lest their strength will be sapped. However they should resolve to fast a certain number of fast days, when they are saved. This will be counted as if they were now fasting, as we find concerning Daniel, about whom it is written, "He said to me, 'Do not be afraid, Daniel; for from the day you resolved to understand and to fast before your God, your words were heard'" (**Daniel 10:12**).

Siman 122

¹ Since the Seventeenth of *Tammuz*, marks the beginning of the anguish of the destruction of the *Beis Hamikdash*, it is customary to observe a

partial mourning, from that day until after *Tishah beAv*. It is proper for every God-fearing person to recite *Tikun Chatzos* (the special midnight order), daily, in the afternoon. No weddings are performed, even for a person who has not yet fulfilled the mitzvah of *Piryah Verivyah* ("Be fertile and have many children.") But engagement parties, even with a meal, are permitted until *Rosh Chodesh Av*. Although it is permissible to make engagements after *Rosh Chodesh*, nevertheless, it is forbidden to serve a meal (at the engagement party), but it is permitted to serve desserts and other delicacies. A Jew, who makes his living as a professional musician, is permitted to play in the house of a non-Jew, until *Rosh Chodesh Av*, but from *Rosh Chodesh* until after *Tishah beAv*, he is forbidden to play. On the seventeenth day of *Tammuz*, itself, as well as on the tenth of *Teiveis*, he is also forbidden to play. Some people have the custom not to eat meat, nor to drink wine from the Seventeenth of *Tammuz* until after *Tishah beAv*, except on Shabbos or at a meal that is considered a mitzvah.

² It is customary not to say the berachah, *Shehecheyanu* during these days. Therefore, you should not buy or put on a new garment, since that would make it necessary for you to say the berachah, *Shehecheyanu*. But at the occasion of a *Pidyon haben*, (redemption of the firstborn), *Shehecheyanu* must be said, so as not to postpone the fulfillment of the mitzvah. Concerning a new fruit, we are lenient and say *Shehecheyanu* on Shabbos or even on a weekday, if this fruit will not be available after *Tishah beAv*. Teachers should not strike students, and parents should not strike their children during these days.

³ It is the custom not to have the hair cut during these days, neither the hair of the head, nor of the beard nor of any part of the body. Adults

- are forbidden to give their children a haircut.
- 4 It seems to me that it should be permissible to trim the mustache, until the week in which *Tishah beAv* occurs, if it interferes with your eating, but during the week in which *Tishah beAv* occurs, it should be forbidden.
- 5 Cutting the nails is forbidden only during the week of *Tishah beAv*, but for the purpose of immersion in the *mikveh*, a woman is permitted to cut her nails during that week. Also, a *mohel* is permitted to trim his nails for the requirements of *periah* (removal of the thin membrane).
- 6 On the three *Shabbosos* between the seventeenth of *Tammuz* and *Tishah beAv*, we read the "Three *haftaros* of retribution," which are: *Divrei Yirmiyahu* (The words of Jeremiah) (Jeremiah 1:1), *Shim'u devar Hashem*, (Hear the word of Hashem) (Jeremiah 2:4), *Chazon Yeshayahu*, (The vision of Isaiah) (Isaiah 1:1). Their initials form the acronym *DeShaCh*. If, by mistake, the reader recited on the first Shabbos the *haftarah* of the weekly portion, on the second Shabbos, he should read the *haftarah* of both *Divrei Yirmiyahu* and *Shim'u*, because they are close to each other. If *Rosh Chodesh Av* occurs on Shabbos, he reads the *haftarah Hashamayim Kis'i* (The heaven is My throne) (Isaiah 66), but in some communities, the *haftarah Shim'u* is read.
- 7 When the month of *Av* arrives, we should restrict such activities that create happiness. You should not build a building meant for enjoyment or strictly for relaxation. If you made a contract with a non-Jew, to have your house painted, and you can persuade him for a small compensation, to wait until after *Tishah beAv*, that would be the right

thing to do, but if he cannot be persuaded, you may have the work done. If a Jew has a lawsuit against a non-Jew, he should postpone it, because it is an unlucky period. If possible, he should postpone it until after the end of the month, or at least until after *Tishah beAv*. We do not sanctify the new moon until after *Tishah beAv*.

- ⁸ It is the accepted custom in all Yisrael not to eat meat or drink wine during the nine days, from *Rosh Chodesh* until after *Tishah beAv*. It is even forbidden to eat food that was cooked with meat or that contains animal fat; even poultry is forbidden. However, a person, who is sensitive to dairy food, is permitted to eat poultry, and for a sick person, all restrictions are lifted. Nevertheless, if it is not too difficult for him, he should abstain from eating (any kind of meat) from the seventh of *Av* on. Also, some women, who have given birth, abstain from meat and wine, from the seventh of *Av* on, for on that day, the heathens entered the *Beis Hamikdash* (See Chapter 124:2 below). At a meal that is considered a mitzvah, such as a *bris* (circumcision), a *pidyon haben* (redemption of the first-born son), or the conclusion of a *Talmud* tractate, it is permitted to eat meat and drink wine. Aside from your parents, brothers and children, and those involved with the mitzvah, you may also invite ten other friends, but only such friends [who, if the meal would have been held] at any other time, would also have joined you. All these mitzvah meals are permitted even on *erev Tishah beAv* before noon, but not later than that. The festive meal, that is usually made on the night before the *bris*, is not considered a mitzvah meal (see 163:8 above). It is forbidden to have meat and wine [at such meals]; rather you should serve dairy food instead. Regarding the cup of wine for *Havdalah* on Shabbos night, if there is a child who is able to drink

the greater part of the cup, it should be given to him, otherwise, the person reciting the *Havdalah* may drink it.

- ⁹ You should not wash any laundry during the nine days; not even a shirt or a garment that you will not wear until after the fast day. It is forbidden even to have it washed by a non-Jewish washerwoman. A Jewish woman is permitted to wash the clothes of a non-Jew; nevertheless, during the week in which *Tishah beAv* occurs, she should be diligent [not to do this work]. During these nine days, it is also forbidden to put on laundered clothing, or to spread linen, even if they were washed before. However in honor of Shabbos, you may put on clean linen garments (undershirts and socks) and spread a fresh tablecloth on the table, and change washcloths and towels, just as you do on other *Shabbosos*. But it is forbidden to spread clean sheets. A woman who is required to put on clean white undergarments when she begins to count the seven clean days, is permitted to wash her undergarments, and to put them on. Also diapers, which are dirtied constantly, may be washed.

- ¹⁰ During these nine days, you should not have new garments, or new shoes made or socks knitted, even by a non-Jewish craftsman. However if you need them urgently, such as for a wedding that will be held immediately after *Tishah beAv*, you are permitted to use a non-Jewish craftsman, but not a Jew. Before *Rosh Chodesh Av*, you are permitted, in any case, to arrange that clothes or shoes be made, even by a Jewish craftsman, who may make them, even after (*Rosh Chodesh Av*).

- ¹¹ Women who have the custom not to arrange the threads for weaving, during these nine days because this (the warp), is called in Hebrew

shesi, and since the destruction of the *Even hashesiyah* (foundation stone) which was in the *Beis Hamikdash*, they imposed this stringency on themselves, (mindful of the similarity of *shesi* and *shesiyah*); it is forbidden to let them (arrange the threads).

- ¹² You should not take a bath during these nine days, even in cold water. However for medical reasons, as, for example, when a woman has given birth, or a pregnant woman, close to childbirth, for whom bathing is beneficial, or a weak person, whose physician ordered him to bathe, these are permitted to bathe, even in warm water. A woman, who was menstrually unclean, may bathe and immerse herself in the *mikveh* as usual. If she has to immerse herself on the night after *Tishah beAv*, and it will be impossible for her to take the required bath (on *Tishah beAv*), she is permitted to bathe on *erev Tishah beAv*. Similarly, when she puts on clean undergarments, [to begin counting her seven clean days], she is permitted to bathe a little in her accustomed manner because she is not doing it for pleasure.

- ¹³ If *Rosh Chodesh Av* occurs on *erev Shabbos*, and you are accustomed to bathe in warm water every *erev Shabbos*, you are permitted to bathe, even in warm water. But on *erev Shabbos Chazon*, it is forbidden to bathe in warm water, even if you usually do so. Only the face, hands and feet (may be washed with warm water). Similarly, if you are accustomed to wash your head every *erev Shabbos*, you are permitted to do so this *erev Shabbos*, but not with soap or a solution of lye. If you are accustomed to immerse yourself in the *mikveh* every *erev Shabbos*, you are permitted to immerse yourself in cold water; but if you omit it occasionally, you are forbidden to do so.

- ¹⁴ A mourner, whose thirtieth day of mourning occurs on the eighteenth day of *Tammuz* or after that, is permitted to take a haircut, until the day before *Rosh Chodesh Av*. But from *Rosh Chodesh* on, even in such a case, he is forbidden to bathe or to take a haircut.
- ¹⁵ At a *bris* that occurs during the nine days, it is customary for the *mohel*, the *sandak*, and the parents of the infant to wear Shabbos clothing, but the man who brings in the child (*gefatter*) is forbidden to do so. However, the woman who brings in the child customarily wears Shabbos clothes, since this is the only part of the entire mitzvah she can fulfill. They are permitted to have their haircut before *Shabbos Chazon*, but after that, it is forbidden.
- ¹⁶ We wrote in paragraph 9 that on *Shabbos Chazon*, you may put on clean linen garments, that is, undershirts and socks, which (you change) only because of perspiration. But regarding other Shabbos clothing, it depends on the local custom, whether or not you may change to Shabbos clothing. At the synagogue, we change the *paroches* [covering of the Torah ark], also the table coverings and the mantles, on *Shabbos Chazon*; but not on the Shabbos which occurs on *Tishah beAv*.
- ¹⁷ It is customary on *Shabbos Chazon* to call the rabbi, who knows the special mournful chant, for the reading of the *maftir*; thus, he should not be called up (as usual), for the third *aliyah*.

Siman 123

¹ When a *bris* or a *pidyon haben* occur on *erev Tishah beAv*, the festive meal should be held before noon.

- 2 You should not go for a walk on *erev Tishah beAv*; and in the afternoon, it is the custom to study only the subjects you are permitted to study on *Tishah beAv*.
- 3 Concerning the final meal before the fast, there are many laws. The correct custom is to eat a regular meal before the *Minchah* service. After that, you pray *Minchah*, omitting *Tachanun*, because *Tishah beAv* is called a *Moed* as it is written, "He has proclaimed a *Moed* for me" (**Lamentations 1:15**). Towards evening, you should sit on the floor but it is not necessary to take off your shoes. Three people should not sit down (to eat) together, so that they will not be required (to recite *Birkas Hamazon*) with *zimun*. You should eat only bread and a cold hard-boiled egg. You should dip a small piece of bread in ashes and eat it. You should be careful to finish the meal while it is still day. (Whether you are permitted to eat after this, see 131:12 below).
- 4 If a person fasts throughout the year on Mondays and Thursdays, and *erev Tishah beAv* occurs on either of these days, he should have his vow annulled. If someone observes *Yahrtzeit* on *erev Tishah beAv*, he should resolve on the first *Yahrtzeit*, to fast only until noon has passed, then he should pray *Minchah gedolah* (early *Minchah*), that is, half-an-hour past noon, eat a meal, and afterwards towards evening, he should eat the final meal.
- 5 During twilight, you are forbidden to do all that is forbidden on *Tishah beAv*. You must, therefore, take off your shoes before twilight.

Siman 124

- ¹ In the evening, upon entering the synagogue, you should remove your shoes (as we have written at the conclusion of the previous chapter). It is customary to remove the covering of the Torah Ark, because it is written, "He has carried out His word" (**Lamentations 2:17**) (for explanation, see 124:3 below) and to have only one light in front of the *Chazzan*. We pray *Maariv* in a low and tearful voice, like mourners. We do not say *Nacheim* (comfort) until the *Shemoneh Esrei* of *Minchah* of the next day. After the *Shemoneh Esrei*, the *Chazzan* says the whole *Kaddish* including *tiskabbeil*, and everyone sits on the floor. Then a few lights are lit, sufficient for the congregation to say *Eichah* (Lamentations) and *Kinnos*. *Eichah* and *kinnos* are also recited in a low, tearful voice. When saying *Eichah*, a short pause should be made between one verse and the other, and a slightly longer pause between one chapter and the other. At the beginning of each chapter of *Eichah*, the *Chazzan* raises his voice a little more. The last verse of each chapter should be said in a loud voice, and when he reaches the verse *Hashiveinu* etc. (Bring us back), the congregation recites it aloud. The *Chazzan* then concludes the reading, and the congregation repeats *Hashiveinu* etc. aloud, and the *Chazzan* does the same. After that, *Ve'atah kadosh* (You are the Holy One) is recited by the congregation and the complete *Kaddish* without *tiskabbeil* is said by the *Chazan*, since it says in *Eichah*, "He shuts out My prayer" (**Lamentations 3:8**). The next morning at *Shacharis*, *tiskabbeil* is again omitted in the *Kaddish*. It is not said until *Minchah*. A person who prays by himself, because he can find no *minyan* (quorum of ten males thirteen years and older), should also recite *Eichah* and *Kinnos*.

- ² You should express grief in the manner of your sleeping. For example, if you are accustomed to sleep on two pillows, you should sleep only on one. Some people have the custom to sleep on the floor during the night of *Tishah beAv*, and to put a stone underneath their head as a reminder of what was said, "And he took some of the stones of the place etc.," (*Genesis 28:11*). Our Sages comment that Jacob foresaw the destruction of the *Beis Hamikdash* and said, "How frightful" etc. (verse 17). It all depends on the person's attitude.
- ³ In the morning, we do not put on the *tefillin*, because *tefillin* are called an "ornament." Neither do we put on the large *tallis*, because it is written, "*Bitza imraso*" (*Lamentations 2:17*), and the *Targum* translates, "He tore his purple cloak apart." But you should put on your *tallis katan* (small *tallis*) without saying a berachah. You should go to the synagogue a bit earlier than usual. No light should be lit for the prayers. Again, prayers should be said in a low and tearful voice. We do say *Mizmor Lesodah* (a Psalm of thanksgiving). In the repetition of the *Shemoneh esrei* the *Chazzan* says *Aneinu* (Answer us) between *Ga'al Yisrael* (the Redeemer of Israel) and *Refa'einu* (Heal us), as on every other public fast day. He does not say the *Birkas kohanim* (priestly blessing). After the *Shemoneh esrei*, he says half-*kaddish*. We do not say *Tachanun* or *Keil erech apayim* (O' God, slow to anger), because *Tishah beAv* is called a *moed*. A *Seifer Torah* is taken out and the section *Ki solid banim* etc. is read (When you will have children) etc. (*Deuteronomy 4:25*), is read for three persons. It is proper for the one called up, to say quietly, *Baruch dayan ha'emes* (Blessed is the true Judge) before saying the berachah. After the reading of the Torah, half-*kaddish* is said, and the *haftarah* is read of the chapter, *Asof asifeim*, [I

will destroy them completely] (*Jeremiah 8:13*) in the tone of *Eichah*. The *Seifer Torah* is then replaced in the Ark. Everyone is seated on the floor to say *Kinnos*. The saying of *kinnos* should be drawn out, until close to noon. Then *Ashrei* (Fortunate are those) is said omitting *Lamenatzei'ach*, (For the conductor), and we say *Uva letziyon go'eil* [A redeemer shall come to Zion] etc., but we omit the verse *Va'ani zos berisi* [And as for Me, this is My covenant], for it would appear, as if He established a covenant for the *Kinnos*, and, besides, it would be inappropriate to say *Va'ani zos berisi* etc., *Lo yamushu mipicha* etc. (My words shall not depart from your mouth), since no one is studying Torah, as Torah study is forbidden (on *Tishah beAv*). But at a mourner's house, during the entire year, except on *Tishah beAv*, the verse should be said, for, although the mourner is not studying Torah, those that come to console him are not exempt [from Torah study]. Then, *Ve'atah kadosh* is said (And You are the Holy One) etc., followed by the complete *kaddish*, omitting *tiskabbeil*, then *Aleinu* (It is our duty) is said, and the mourner's *kaddish*. We do not say *Shir hayichud* (Song of God's Unity), nor *Shir shel yom* (Song of the day), nor *Pittum haketores* (The incense mixture). It is proper for everyone to read *Eichah* afterwards

- ⁴ If there is a mourner in the town, he should go to the synagogue on the night (of *Tishah beAv*) and also during the day, (and stay) until the conclusion of the *Kinnos*. He is permitted to receive an *aliyah* and to read the *haftarah*, because we all are mourners (on *Tishah beAv*).
- ⁵ The words of the Torah gladden the heart, as it is said, "The precepts of Hashem are upright, gladdening the heart" (*Psalms 19:9*). Therefore, it is forbidden to study Torah on *Tishah beAv*, except for subjects that

sadden the heart, such as the chapters of the book of Jeremiah, regarding the ominous events he prophesied, omitting the verses of consolation. Also the verses foretelling the punishment to be meted out to the nations of the world that are written there, should be omitted. It is also permitted to study the Book of Job, as well as *Midrash Eichah*. [The following Talmudic selections may also be studied:] the Talmud, chapter *Eilu megalchin*, (Moed Katan, 3rd chapter), which deals with the laws of a mourner, and a person who was excommunicated, and the *Aggadic* portion of the chapter *Hanizakin* (*Maseches Gittin* 55b), and in the Jerusalem Talmud, the last part of the *Maseches Ta'anis*, which discusses the destruction of the *Beis Hamikdash*. But even the chapters you are permitted to study, you are forbidden to study in depth, to find an answer to a difficult question or a homiletic interpretation, for that would gladden the heart. Any subject you, yourself, are permitted to study, you are permitted to teach to children. You are permitted to read the entire order of daily prayers, even the *Mishnah* of *Eizehu mekoman* (What is the location [of the offerings?]). But you should not say *Ma'amados*, even if you are accustomed to saying it every day.

- ⁶ Even if pregnant and nursing women suffer very much, they are required to complete the fast, unless, God forbid, this might endanger their health. However, a sick person, even if his condition is not critical, should be lenient, and should not complete the fast, but fast only for a few hours. This is especially true if he is weak by nature. A woman, from the seventh until the thirtieth day after giving birth, is governed by the same *halachah* that applies to a sick person, whose condition is not critical, even though she is not really sick. However, if she feels that she is in perfect health and the fast will not harm her, she should complete the fast. Those who must eat on *Tishah beAv* should not enjoy

an elaborate meal, but should eat no more than they need to preserve their health.

- ⁷ You are forbidden to wash yourself, whether in hot or cold water. Even dipping your fingers in water is forbidden. But only washing for pleasure is forbidden, however, when it is not for pleasure, it is permitted. You may, therefore, wash your hands in the morning. But you should be careful to wash only your fingers, for this constitutes the mitzvah of washing in the morning, to remove the evil spirit, that rests on the fingers. After you dry your hands a little, while they are still slightly damp, you may pass them over your eyes. If your eyes are sticky and you usually wash them in the morning, you may wash them now also, as usual, and you need not be concerned about it. Similarly, if your hands are soiled with mud or other dirt, you may wash the dirty spots. After going to the bathroom, you may wash your hands lightly in the usual manner. Also, for the *Minchah* service, you should wash your fingers.
- ⁸ Women who need to rinse the foods used in cooking, are permitted to do so, because their purpose is not to wash their hands. If you are on your way to perform a mitzvah, and the only way you can get there is by crossing a stream, you may cross it on your way there and on returning, and you need not be concerned about it. However, if you are going for business, you may cross it on your way going, but on your return trip it is forbidden. If you return from the road and your feet feel weak, you may bathe them in water.
- ⁹ Although only bathing for pleasure is forbidden, nevertheless, a woman whose time for *tevilah* (immersion) occurs on the night of *Tishah beAv*

should not do the *tevilah*, since marital relations are forbidden (on *Tishah beAv*). (Regarding the putting on of white undergarments, see chapter 159 below).

- ¹⁰ Applying cream, too, is forbidden only, if it is done for pleasure. But a person who has pimples or needs it for any other medical treatment, may apply cream or ointment.
- ¹¹ Wearing shoes is forbidden only, if they are made of leather. Shoes made of cloth or similar material, which do not have leather soles, may be worn. People who have to walk among non-Jews, as a rule wear leather shoes, in order not to be ridiculed, but they should put some earth in their shoes. Nevertheless, a pious person should observe the law stringently. Storekeepers are surely forbidden to wear leather shoes. Our Sages, of blessed memory, ruled that since it is very exhausting, a person who has to go a long distance on foot is permitted to wear leather shoes. But when he approaches a city, he must take them off. But a person riding in a vehicle is forbidden to wear leather shoes.
- ¹² It is forbidden to have marital relations. One should be strict about this, and not even touch his wife.
- ¹³ You are forbidden to greet your neighbor on *Tishah beAv*, even to say "good morning," or any similar greeting. If an unlearned person or a non-Jew says hello to you, you may answer in a low voice, for otherwise, they would be angry with you. It is also forbidden to send a gift to your neighbor, because this is a form of greeting.
- ¹⁴ You should not stroll in public places, in order to avoid laughter and frivolity. Some authorities forbid smoking the entire day, while others

permit it in the afternoon, in the privacy of the home.

- 15 It is our custom, that any work requiring time, even work for which no skill is required, is forbidden the night (of *Tishah beAv*), and in the daytime, until noon. But work that does not take long to do, like lighting candles or tying a knot, is permitted. In the afternoon, all work is permitted. It is also the custom to forbid doing business before noon, but to permit in the afternoon. However, a God-fearing man should be stringent in his observance the entire day, and not do any work, nor do any business, so that his mind should not be distracted from mourning. It is permitted, however, to instruct a non-Jew to do any kind of work for you. Any work, that if not done, would entail a loss, you are permitted to do yourself. Milking the cows preferably should be done by a non-Jew, but when that is impossible, you are permitted to do it yourself.

- 16 It is the custom not to sit on a bench (or chair), either at night, or in the day until the afternoon; but to sit only on the floor. In the afternoon, it is permitted. However, the other things that are forbidden, are forbidden until the stars appear.

- 17 It is customary not to start preparing the meal before noon, but (if the meal is) for the purpose of a mitzvah, it is permitted.

- 18 If there is to be a *bris*, the *bris* should be performed after the saying of the *Kinnos* has ended. The father and the mother (of the infant), the *sandak* and the *mohel*, may put on their Shabbos clothes in honor of the *bris*. After the *bris*, they should take them off. Candles should be lit in honor of the *bris*, and the cup of wine is given to a child to drink.

- ¹⁹ At the *Minchah* service, we put on the *tallis* and the *tefillin*, saying the berachah over them. The *Shir shel yom* (Song of the day) is said, as well as the other things that were omitted in the *Shacharis* service. Then *Ashrei* and half- *kaddish* are said. We read the Torah and the *maftir*, as on any other public fast day. Then the *seifer* Torah is replaced in the Ark and the *Chazzan* says half- *kaddish*, after which the *Shemoneh esreih* is said. We insert *Nacheim* (Console, O God) in the berachah *Velirushalayim* (And to Jerusalem). If you forgot to say it there, you should say it after *Aneinu* (Answer us), but you should not conclude the prayer, with *Baruch menacheim* [Blessed ... Consoler] etc., but with *Ki atah shomei'a* (For You hear the prayers) etc. But if you did not realize it until after you said *Baruch atah Hashem* [Blessed are You, Hashem], you conclude the berachah *Shomei'a tefillah* [Who hears prayer] and continue praying according to the regular order, and you do not have to repeat [the *Shemoneh esrei*]. The *Chazzan*, in the repetition of the *Shemoneh esrei*, recites the *Birkas kohanim* (Priestly Blessing). After the *Shemoneh esrei*, he says the whole *kaddish* with *tiskabbeil*. We then take off the *tefillin* and pray *Maariv*. If the moon is shining, we recite *Kiddush levanah* (Sanctification of the moon). See 97:11 above, where it is stated that you must taste some food first.
- ²⁰ We are taught in a *Beraisa*, "On the seventh day of Av, the heathens entered the *Beis Hamikdash*. They ate and drank and wreaked havoc in it on the seventh and eighth days, and on the ninth, towards evening, they set fire to the *Beis Hamikdash*, and it continued to burn throughout the tenth day until sunset. The reason the fast was not set for the tenth day, although the greater part of the *Beis Hamikdash* was burned on that day, is because the beginning of a punishment is felt

more severly. In the Jerusalem Talmud it is stated, "Rabbi Avin fasted on the ninth and on the tenth," (*Maseches Taanis* 4:6). Rabbi Levi fasted on the ninth and on the night of the tenth. Because he did not have the strength to fast the entire tenth day, he fasted during the night only. But as for us, since our strength has waned, we fast only on the ninth, but we impose a stringency on ourselves, in that we do not eat meat, nor do we drink wine, during the night of the tenth day, nor on the tenth day until noon, unless it is at a meal that is considered a mitzvah. Also, the berachah *Shehecheyanu* should not be said; neither should you take a bath, or a haircut, or wash clothes, until noon of the tenth day. A person who imposes upon himself to observe all the above-mentioned restrictions for the entire tenth day of *Av*, is to be praised. If the tenth of *Av* occurs on *erev Shabbos*, you may bathe, take a haircut and wash immediately in the morning, in honor of the Shabbos.

²¹ A woman who has given birth, although she fasts after seven days [after giving birth], is permitted, on the night of the tenth, to eat meat and drink wine.

²² It is proper not to have marital relations on the night of the tenth, unless it is on the night of her *tevilah* (immersion), or if he is going on a trip, or returned from a trip.

Siman 125

¹ If *Tishah beAv* occurs on Sunday, or if it occurs on Shabbos and is deferred to Sunday, you may eat meat and drink wine on Shabbos. Even at the third meal, after *Minchah*, you may eat everything but you should not have this meal in the company of friends. If a *bris* is to be

held, the meal should be served before *Minchah*. But you are permitted to eat the third meal with your family, and you may say *Birkas Hamazon* with *zimun*. You must finish the meal, while it is still daytime, because at twilight you are forbidden to eat, drink or wash. However, you should not take off your shoes until after *Barechu* is said. The Chazzan takes off his shoes before saying *Vehu Rachum* [He, the Merciful One], so that he should not get confused; but before [taking off his shoes] he should say: *Baruch hamavdil bein kodesh lechol* [Blessed is He Who separates between the holy and the secular], without mentioning Hashem's Name and Kingship [*Hashem Elokeinu melech haolam*].

- ² If Friday night is the night of *Tishah beAv*, it is forbidden to have marital relations, unless it is the night of her *tevilah* [immersion].
- ³ We say *Av harachamim* [Father of compassion], and we say memorial prayers in *Shacharis*, but in *Minchah*, we do not say *Tzidkasecha tzedek* [Your righteousness is everlasting].
- ⁴ If *Tishah beAv* occurs on Shabbos, you should be stringent and study only those subjects that you are allowed to study on *Tishah beAv*; therefore, we do not say *Pirkei Avos*. Reading the *sidrah* of the week twice and the *Targum* once, is permitted, before noon. If *erev Tishah beAv* occurs on Shabbos, it is forbidden to study in the afternoon, as on any other *erev Tishah beAv*.
- ⁵ Before *Maariv*, we do not say *Lamenatzei'ach bineginos*, neither do we say *Vahi no'am* before *Ve'atah Kadosh*, for this was composed for the setting up of the *Mishkan* [Tabernacle] and now it is destroyed. Neither

do we say *Veyitein lecha* (May Hashem grant you), nor do parents bless their children.

- ⁶ At dark, when you see the candlelight, you should say the berachah *Borei me'orei ha'eish* [Who creates the lights of fire], and in the *Shemoneh esrei* we say: *Ata chonantanu* [You have favored us.] We do not say *Havdalah* over the cup of wine until the conclusion of *Tishah beAv*. But you should not say the berachah over the spices and over the light, even if you failed to say (the berachah over the light) on Shabbos night. You should caution your family not to do any work before they say *Hamavdil bein kodesh lechol* [Who separates between the holy and the secular] without mentioning Hashem's Name and Kingship. If you forget to say *Ata chonantanu*, you need not repeat [the *Shemoneh esrei*], but you should finish the *Shemoneh esrei*, (as stated in Chapter 96, above), because you will say *Havdalah* over wine at the end of *Tishah beAv*. You should not taste any food before *Havdalah*, and if you find it necessary to do some work, you should first say: *Hamavdil bein kodesh* etc., without mentioning Hashem's Name and Kingship.
- ⁷ When *Tishah beAv* occurs on Shabbos, and it is deferred to Sunday, it is forbidden to eat meat or drink wine on the night after the fast as it is on any other *Tishah beAv*, because of the mourning observed on that day. On the following morning, everything is permitted.
- ⁸ If a *bris* is to be held on a deferred *Tishah beAv*, it is permitted for the main participants, i.e. the father and mother of the infant, the *mohel* and the *sandak* to pray the *Minchah gedolah*, that is one half hour past midday. They may then recite the *Havdalah* over wine and eat and wash, but they should not have the festive meal until the night.

Similarly, when a *pidyon haben* is held, that has not been postponed, the father and the *kohen* should not complete the fast.

Siman 126

- ¹ After the *Beis Hamikdash* was destroyed, our Sages, of blessed memory, ordained that on every joyous occasion, there should be a remembrance of the destruction of the *Beis Hamikdash*, as it is written: "If I forget you, Jerusalem, if I fail to elevate Jerusalem above my foremost joy" (*Psalms 137:5*). They decreed that no Jew should build a house for himself that is lime-plastered and decorated like a royal palace. Neither should he lime plaster his entire house, but he may plaster the house, with clay and then lime plaster, it (lit. whitewash it), and he should leave a space of one square *amah* opposite the entrance unplastered, as a reminder of the destruction [of the *Beis Hamikdash*.] We do not know of any good reason why people do not observe this custom nowadays.
- ² They also ordained that if you are setting a table, and are having guests for a meal, even for a meal that is considered a mitzvah, you should not serve all the dishes that are conventionally served at a meal. They also ordained that a woman should not wear all her jewelry at one occasion, and that a bridegroom before the *chuppah* [wedding ceremony], should have ashes put on his head on the place where the *tefillin* are worn, and the veil, with which the bride is covered, should not contain any silver or gold threads. It is also customary, that after the *tenaim* [engagement agreement] has been read to break a plate, as a reminder of the destruction of the *Beis Hamikdash*, but a damaged plate is used (for that

purpose). Under the *chuppah* the bridegroom breaks a glass, and for this purpose, a whole glass may be used.

- ³ They also decreed, that we should not listen to musical instruments nor even to the singing of songs. During meals, you should sing only the traditional *zemirots* [songs of praise], like those we sing on Shabbos; but it is forbidden to sing other songs.

- ⁴ Take heed not to attend animal shows presented by non-Jews or their dances or any of their social functions. When you hear them giving voice to their happiness, you should sigh and agonize over the destruction of Jerusalem, and pray for it unto the Holy One blessed is He. Even animal shows presented by Jews, are forbidden because it is a "Gathering of scorners." All kinds of rejoicing are forbidden, except making a groom and a bride happy which may be done both by singing and with musical instruments. But even at a wedding, you should not overdo the merry making. It is forbidden for anybody to laugh exuberantly in this world, even when rejoicing in the performance of a mitzvah, for it is said: "*Then* our mouth will be filled with laughter" (*Psalms 126:2*). [When Hashem will return the captivity to Zion].

Siman 127

- ¹ Just as it is a mitzvah for the community to fast and to pray in times of trouble, so it is a mitzvah for every individual, if, God forbid, any trouble befalls him, for example, a member of his family is sick, or he lost his way, or he is confined in prison on false charges, to fast and to pray to God, and to plead for mercy from Him, may His Name be blessed, to deliver him. Suffering is one of the ways that leads to

repentance. A person should not say, his troubles just happened by chance, for it is said: (*Leviticus 26:23,24*). "If you treat My (acts) as chance, then I will treat you with the fury of chance"; which means, when I bring distress on you to cause you to repent and you will say this happened by chance, then I will add to your (suffering) the fury of the same "chance." Man must know that because of his sins, God brought on him all this trouble. He should, therefore, examine his deeds and return to God, and He will have mercy on him.

- ² If you wish to fast, you must make a commitment to do so on the preceding day, during the *Shemoneh esrei* of *Minchah*. In the berachah *Shema koleinu* [Hear our voices], you should mentally accept upon yourself, to fast and before saying *Yiheyu leratzon*, you should say, Master of the universe, I come before You to accept a fast etc. (as it is written in the *siddur* [prayer book].) Even though you eat and drink, afterwards until daybreak, it does not matter. If you want to fast several days in succession, although you will eat and drink during the intervening nights, one acceptance [commitment] is sufficient for all. But if you accept upon yourself [to fast] several days that are not in succession, like Monday, Thursday, and Monday, you should make a separate commitment, for each day you fast, in the *Minchah* preceding it.
- ³ If you are accustomed to fast during the *Aseres yemei teshuvah*, [the Ten Days of Penitence] or on the first day of *Selichos* or on *erev Rosh Hashanah*, you do not have to make a formal commitment because they are accepted on the basis of the prevailing custom. Similarly, fasting because of a disturbing dream, does not require prior acceptance; neither do the fasts on Monday, Thursday and Monday following

Pesach and *Sukkos*. If you answer *Amein* after the *Mi shebeirach* [a blessing for those who fast on these days] and you intended to fast, this is sufficient, and no other form of acceptance is needed. Nevertheless, if you change your mind, and do not wish to fast, you may [eat], since you did not expressly commit yourself and did not verbally declare that you intend to fast.

- 4 Even if you did not commit yourself verbally, to fast; doing so, only in your mind, resolving to fast the following day, and even [if you made this resolution] not during *Minchah*, but either before or after *Mincha*, while it was still daytime, it is considered an acceptance, and you are required to fast.

- 5 When you fast, you should not indulge in enjoyment, nor act frivolously. You should not go around happy and cheerful, but rather with anxiety and sorrow, as it is said: "Why should a living man bemoan? A man, because of his sins!" (**Lamentations 3:39**).

- 6 On a private fast day, you are allowed to rinse your mouth with water, in the morning.

- 7 If you committed yourself to fast without being specific, you must complete the fast until the stars come out, even on *erev Shabbos*.

- 8 If someone fasts and publicizes the fact, bragging about it, he will be punished for it. But if people urge him to eat, he may let them know that he is fasting.

- 9 If you observe a fast, even if it is a private fast, whether it is a voluntary fast, or a fast because of a disturbing dream, you should say in the

Shemoneh esrei of *Minchah*, in the berachah *Shema koleinu* [Hear our voice], the prayer *Aneinu* [Answer us], the same as on any public fast day. (And although you are only one individual, you should say it in the plural, and not deviate from the formula, that was established by the Sages). Before saying *Yiheyu leratzon*, you should say *Ribbon ha'olamim* [Master of the universe] etc.

- ¹⁰ If you vowed to fast one day or ten days, but you did not specify the particular day or days, on which you were going to fast, but you stated it in indefinite terms, even if you committed yourself in the *Minchah* prayer to fast the following day, if an urgent need arises for you to eat something, for example, if you are invited to a meal, that is considered a mitzvah, even though you are not a party to the festive meal; or an important person urges you to join him in a meal, and it is difficult for you to refuse him, or if you do not feel well [enough to fast], then you may "owe" the fast [and repay it later] and you may eat on that day, even if you already began to fast, and instead of fasting that day, you should fast another day. This is permissible only if the fast, you had accepted on yourself, was meant to fulfill a vow, however, if you had made no vow, but (specifically) committed yourself during *Minchah* to fast the following day, then, even if it causes you great distress, you are not permitted to "owe" your fast and repay it another day.

- ¹¹ If at the time you made the vow, you specified certain days, and you also accepted it on yourself during *Minchah*, you may no longer "owe" your fast (to be paid later.).

- ¹² If you undertook to fast, and are experiencing grave discomfort because of it, you may redeem it with money, according to your means, and you

should give the money to the poor. But for a fast in fulfillment of a vow, redemption is of no avail. On a fast day, decreed by the community, redemption is also of no avail, unless the community made such a stipulation.

- ¹³ If you made a vow to fast on Monday, Thursday and Monday, you may change it to fasting on Thursday, Monday and Thursday, but not to any other days (of the week), for it is presumed, that you had these days in mind, because they are the days when the court is in session.
- ¹⁴ If you fast on Monday, Thursday, and Monday following *Pesach* and *Sukkos*, as well as on the *Aseres yemei teshuvah*, [the Ten Days of Penitence], and you did not commit yourself to fast during *Minchah*, but your fasting is motivated by the custom, even if you had in mind to fast, when responding *Amein* to the *Mi shebeirach*, as long as you did not resolve to fast during *Minchah*, then, if there is a *bris* [circumcision] or a *pidyon haben* [redemption of first born male] or any other meal celebrating a mitzvah, you are fulfilling a mitzvah by eating, and you need not absolve your vows, for whoever fasts on these days is following the rules imposed by custom, and this custom of fasting was not intended in regard to a meal in celebration of a mitzvah.
- ¹⁵ In cases, where you are permitted to eat at a meal celebrating a mitzvah, the fast is, thereby, ended altogether, and you may eat afterwards, even in your own house; but before the festive meal, it is forbidden to eat. Only the father of the infant on the day of the *bris* and the *sandak* may eat even before the meal, since to them it is like a Yom Tov.

- ¹⁶ However, if you ate on a fast day in violation of the law, whether inadvertently or intentionally, you must complete the fast, even after having eaten. Afterwards, you must fast on Monday, Thursday and Monday, as an atonement for eating on the fast day. It is certainly true that you must fulfil your vow at a later time if you had to fast because of a vow you had made.
- ¹⁷ If you fast because of personal trouble, and the trouble passed, or if you fast for a sick person, and that person recovered or died, you must complete all the fast days that you committed yourself to observe. If someone accepted upon himself to fast or to do some other mitzvah until his son becomes Bar Mitzvah, and the son died before that time, he must, nevertheless, fulfill his vow until the time his son would have become Bar Mitzvah. However, if you find out that before you committed yourself to fast, the cause for fasting had already passed and your commitment, thus, was made in error, then you are not required to complete it.
- ¹⁸ Fasting is beneficial when accompanied with repentance for nullifying the portents of a bad dream, just as fire consumes the refuse of flax; but only if [you fast] on the day [you had the dream]. However, you are not required to fast, for (the Amora) Samuel said: "Dreams speak falsehood," (Maseches Berachos 55b). You are, however, required to repent and to devote the entire day to the study of Torah and in prayer. Concerning fasting on Shabbos for a worrisome dream, see *Orach Chaim*, chapter 288.

Siman 128

- ¹ [The days] from *Rosh Chodesh Elul* until after *Yom Kippur*, are days of Divine favor [and acceptance.] Even though throughout the entire year the Holy One, blessed is He, accepts the repentance of those who return to Him wholeheartedly, nevertheless, these days are unexcelled and most suitable for repentance, because they are days of mercy and favor. On *Rosh Chodesh Elul*, Moshe went up Mount Sinai to receive the Second Tablets; he remained there for forty days, and came down on the tenth day of *Tishrei* when the atonement was completed. From then on these days have been designated as days of Divine favor [and acceptance,] and the tenth day of *Tishrei* as *Yom Kippur* [Day of Atonement]. In most communities it is the custom to fast on the day before *Rosh Chodesh Elul* and to recite the prayers of *Yom Kippur Katan* [minor Yom Kippur], in order to be spiritually prepared for repentance. If *Rosh Chodesh* occurs on Shabbos, *Yom Kippur Katan* is held on the preceding Thursday. The Ari (Rabbi Yitzchak Luria), of blessed memory, wrote, "If he did not lie in ambush but Hashem made it happen, then I will provide ..." (**Exodus 21:13**) The initials of the words [*ina le'yado vesamti lecha*] form the acronym *Elul*, to indicate that this month is a favorable time for repentance to be accepted for the sins committed during the entire year. It also alludes to the fact that sins done inadvertently also require repentance during this month. The interpreters of allusions also commented: It is written (**Deuteronomy 30:6**) "And Hashem your God will circumcise your heart and the heart of your children;" the initials of the words [*es levavecho ve'es levav*] form the acronym *Elul*. Also, the initials of *Ani ledodi vedodi li*, ["I am my Beloved's and my Beloved is mine,"] [**Song of Songs 6:3**] form the acronym *Elul*. Also, the initials of *Ish lerei'eihu umatanos la'evyonim* ["One to another and gifts to the poor"] (**Esther 9:22**) form the

acronym *Elul*. These acronyms are an allusion to three things: Repentance, Prayer and Charity which must be practiced zealously during this month. "Hashem will circumcise etc." alludes to repentance, "I am my Beloved's etc." alludes to prayer, for prayer is the song of love. "One to another and gifts to the poor," alludes to charity.

- 2 It is customary to blow the *shofar* during this month. Beginning the second day of *Rosh Chodesh*, we blow the *shofar* each day after the *Shacharis* prayer, *tekiah*, *shevarim*, *teruah*, *tekiah*, except on *erev Rosh Hashanah*, when the blowing is discontinued, in order to make a distinction between the voluntary blowing of the *shofar* and the blowing *shofar* in fulfillment of the mitzvah. The reason for blowing the *shofar* during this month is to arouse the people to repent; for the *shofar* sound has the quality to stir [the emotions] and to inspire fear, as Scripture says, (*Amos 3:6*) "If a *shofar* is sounded in a city will the people not tremble?" It is also the custom in our regions, beginning with the second day of *Rosh Chodesh Elul* until *Shemini Atzeres*, to recite Psalm [27] *LeDovid Hashem ori ve'yish'i* ["Of David, Hashem is my light and my salvation"] [each day] [after] the morning and evening prayers, This is based on the *Midrash*: "Hashem is my light" —on *Rosh Hashanah*; "and my salvation" —on *Yom Kippur*; "for He will hide me in His shelter" —alludes to *Sukkos*. It also is customary for the congregation to recite Psalms, each locality according to its custom. Beginning with the month of *Elul* until *Yom Kippur*, when you write a letter to your friend you should mention, either at the beginning or at the end that you pray for him and bless him to be worthy during the forthcoming Days of Judgment to be inscribed and sealed in the Book of Good Life.

- ³ Pious men are accustomed to examine their *tefillin* and *mezuzos* during this month; and wherever any defect may be found in other mitzvoths, to repair it.

- ⁴ Beginning with the Shabbos following *Tishah beAv* and after that, for the next seven *Shabbosos* we read the *haftoras "sheva denechamasa"* [seven *haftoras* of consolation]. If the first day of *Rosh Chodesh Elul* occurs on Shabbos, the *haftorah*, *Aniyah so'arah*, is set aside ["O you afflicted, floundering in the storm,"] (*Isaiah 54:11*) and we read instead, "*Hashamayim kis'i*," [The heaven is My throne] (*Isaiah 66:1*), because this *haftorah* also contains consolation for Jerusalem. On the Shabbos of *Parshas Ki Seitzei*, when the *haftorah Roni akarab* [Sing, O barren woman] (*Isaiah 54:1*) is read, we conclude the *haftorah* with *Aniyah so'arah*, which is next to it. If, by mistake, on *Shabbos Rosh Chodesh Elul*, you said *Aniyah so'arah*, and you became aware of it before saying the concluding berachos, you should also say *Hashamayim kis'i*, and then say the concluding berachah. If you only became aware [of your error] after saying the concluding berachos, then you should recite, *Hashamayim kis'i* without the berachos. If *Rosh Chodesh Elul* occurs on Sunday, the *haftorah*, *Machar Chodesh* is set aside, [Tomorrow is *Rosh Chodesh*] (*I Samuel 20:18*), because it contains no consolation for Jerusalem, and the *haftorah Aniyah so'arah* is read.

- ⁵ Beginning with the Sunday before *Rosh Hashanah* and thereafter we rise early for *Selichos*, [special prayers for forgiveness]. If *Rosh Hashanah* occurs on Monday or Tuesday, we begin [to say *Selichos*] from the Sunday of the preceding week. When you get up early in the morning [before daylight] you must wash your hands and say the berachah *Al*

netilas yadayim, [regarding washing the hands] and the berachah of the Torah. After the *Selichos* [if it is daylight], you should wash your hands again without saying a berachah.

- 6 The *Chazzan* who leads the *Selichos* prayers should put on a *tallis* with *tzitzis* before saying *Ashrei*. Since it is doubtful, whether a berachah should be said when putting on his own *tallis* at night or not, therefore, the *Chazzan* should take neither his own *tallis* nor one belonging to the congregation, but should borrow one from someone. If no *tallis* is available, he may say *Selichos* and the *Shelosh esrei midos* ["The thirteen attributes"] without wearing a *tallis*. It is customary in some communities that the *Chazzan* who leads the *Selichos* prayers should also officiate at the *Shacharis* and *Minchah* services, as well as at the *Maariv* service of the preceding night. He takes precedence over a mourner, a mohel, and a person observing *yahrzeit*. It is proper to stand while saying the *Selichos*, but a person who finds it difficult to stand should at least stand while saying *keil melech yosheiv* ["God, King Who is enthroned"] etc. and the *Shelosh esrei midos* ["Thirteen attributes of mercy"]. For the laws regarding the recitation of the *Viduy* (the confession of sins, the *Al cheit*), see Chapter 131:9 below.

- 7 [The congregation] should be discriminating to choose as *Chazzan* to lead the services of *Selichos* and the *Yomim Noraim* [*Rosh Hashanah* and *Yom Kippur*] a man who is highly respectable, a Torah scholar, known for his good deeds. He should be no less than thirty years old, for by then moderation has calmed his youthful hot-bloodedness, and his heart is subdued. He should also be married and have children, so that he will pour out his heart and pray for mercy from the bottom of his heart. [The congregation] should also be discriminating in selecting as

the *tokei'a* —the person who blows the *shofar* on *Rosh Hashanah*, —and as the person who prompts him, men who are Torah scholars and God-fearing. However, any Jew is eligible to officiate at any religious function, provided he is acceptable to the congregation. But if you see that your appointment will cause quarreling you should withdraw, even though an unworthy person will be chosen.

- ⁸ During the twelve months of mourning for a father or mother, a person should not officiate as *Chazzan* on *Rosh Hashanah* and *Yom Kippur*, neither should he blow the *shofar* on *Rosh Hashanah*, unless there is no one else as qualified as he is. If he is in the first thirty days [of mourning] for other relatives, then, if he regularly officiated in previous years as *Chazzan* or as *tokei'a*, he is permitted to do so [now] because *Rosh Hashanah* and *Yom Kippur* cancel the thirty day mourning period, but if he is not the regular *Chazzan*, and there is someone else as qualified as he is, we are stringent [and do not permit him to officiate]. But during the period when we say *Selichos*, even on *erev Rosh Hashanah*, any mourner may act as *Chazzan*, but not during the *shivah* [the first seven days of mourning].

- ⁹ A person who says *Selichos* privately is not permitted to recite the "Thirteen Attributes of mercy" as a prayer or as a plea, but as if he were reading them from the Torah, with the appropriate cantillation chant. Wherever there is mention made of the "Thirteen Attributes," such as, "And remember for us this day the covenant of the thirteen [attributes]," and similar passages, he should omit them. Also the supplications that are written in the Aramaic language, such as, *Machei umasei* [He strikes and He heals] etc., and *Maran di vishemeya* [Master in heaven] etc. should only be said with a *minyan*.

- ¹⁰ A mourner [during the *shiva*] is forbidden to leave his house to go to the synagogue in order to say *Selichos*, except on *erev Rosh Hashanah*, when many *Selichos* are said.
- ¹¹ The *Chazzan* who will officiate on the "Days of Awe", as well as the *tokei'a*, should abstain three days before *Rosh Hashanah* from anything that may cause *tum'ah* —(impurity). They should study the meaning of the prayers and the special liturgical poems and the laws concerning the blessing of the *shofar* to the best of their ability. They should also study books on devoutness and ethics that arouse man's heart to fear God and the splendor of His grandeur when He rises to judge the world. If the congregation is unable to find a *tokei'a* who is a Torah scholar, they should at least see to it that the prompter is a Torah scholar, well versed in the laws of the blowing of the *shofar*, so that if an error is made in the sounds of the *shofar*, he should know what to do; and he should also know how to examine the *shofar* to determine if it is fit to be used.
- ¹² Many people are accustomed to fast during the Ten Days of Penitence, but since this period includes four days on which fasting is not permitted, namely, the two days of *Rosh Hashanah*, Shabbos, and *erev Yom Kippur*, they make up for them by fasting four of the *Selichos* days before *Rosh Hashanah*, that is, the first day of *Selichos*, *erev Rosh Hashanah* and two other intervening days, preferably Monday and Thursday. If a meal that is considered a mitzvah occurs [on one of these days] they are permitted to eat at the meal and compensate by fasting on another day. If they know beforehand that they are invited to a meal celebrating a mitzvah, they should fast the day before [the meal], to make up for it.

¹³ It is customary to go to the cemetery *erev Rosh Hashanah* after the *Shacharis* prayers and bow prayerfully at the graves of *tzaddikim* [righteous men]. Charity should be given to the poor, and many fervent supplications offered to arouse the saintly *tzaddikim*, in their eternal resting place to intercede for us on the Day of Judgement. An additional reason for going to the cemetery is that the place where *tzaddikim* are buried is sacred and pure, and prayers are more readily accepted when they are offered on sacred ground, and the Holy One, blessed is He, will show us kindness for the sake of the *tzaddikim*. But it should not be your intention to appeal to the dead who rest there, for that would be tantamount to "Inquiring of the dead," (Deuteronomy 18:11), which is forbidden, but you should ask of Hashem, blessed is His name, to have mercy on you for the sake of the *tzaddikim* who rest in the dust. When you arrive at the cemetery, if you have not seen graves within the past thirty days, you must say the berachah: *Asher yatzar eschem badin* [Who has formed you in judgement etc.] (see Chapter 60:11. above) When you approach the grave, you should say, "May it be Your will, that the repose of [so-and-so] who is buried here, be in peace, and may his merit aid me." When placing your hand on the grave, the left hand only should be placed, —not the right hand. You should recite the verse, "Hashem will always guide you, and satisfy your soul with splendor, and make your bones strong, you will be like a watered garden and like a spring of water whose water will not fail." (Isaiah 58:11) "May you lie in peace, and may you sleep in peace until *Menachem* (the Comforter, *Moshiach*) comes, announcing peace." (When placing your hand [on the grave] you should have in mind the verse, "Hashem will always guide you," which contains fifteen words the same as the number of joints in the hands.) You should not visit the

same grave twice on the same day. Reading the inscription on a headstone, if it is protruding, causes forgetfulness. A remedy for that is to say the prayer *Ahavah rabbah* (With abundant love) up to *uleyachedcha be'ahavah* [and to proclaim Your Oneness with love].

¹⁴ On *erev Rosh Hashanah* it is the universal custom to fast until after *Minchah*, at which time you may eat something so that you do not welcome the Yom Tov in a state of affliction. The entire day should be spent learning Torah, performing mitzvos and in repentance, especially of sins committed against your fellow man. You should not wait until *erev Yom Kippur*, but, promptly, without delay, you should ask forgiveness of your friends, [neighbors, and family.]

¹⁵ You should bathe and have your hair cut on *erev Rosh Hashanah* in honor of Yom Tov. You should have your haircut before midday. You should immerse yourself in the *mikvah*. We wear our Shabbos clothes on *Rosh Hashanah*, to indicate that we trust in the kindness of Hashem, blessed is His Name, to bring forth our judgement as a shining light.

¹⁶ It is customary to do *hataras nedarim* [to annul certain vows] on *erev Rosh Hashanah*. (An allusion [for this can be found in the words] *Lo yacheil devaro kechol*, [He must not break his word (**Numbers 30:3**)]; the last letters of which form the acronym *Elul*.) A person who does not understand what he is reciting in Hebrew, should say it in the language he understands.

Siman 129

- ¹ In all the *kaddish* prayers recited from *Rosh Hashanah* through *Yom Kippur*, you should repeat the word *le'eila* [He is higher]; thus you should say *le'eila le'eila*, [He is exceedingly higher], (without adding the *vav*, *ule'eila*). Since the *kaddish* must contain twenty-eight words [from *yehei shemei rabba* until *be'alema*] and the entire year you say *le'eila min kol birchasa* [He is beyond any blessing], you say now *le'eila le'eila mikol birchasa*.
- ² Some people have the custom when praying on *Rosh Hashanah* and *Yom Kippur* [to pray] every *Shemoneh esrei* with their bodies bent and their heads bowed. However, since you must bow at the berachah, *Magein Avraham* [Shield of Abraham] and *Modim* [we give thanks], at the beginning and at the end, therefore, before reaching these *berachos* it is necessary to straighten up in order to bow as required by our Sages of blessed memory. It is also forbidden to bow at the beginning and at the end of any berachah that was not instituted by our Sages of blessed memory. It is best [therefore] to pray while standing erect, but with a humble heart and with tears. The practice of praying in a loud voice should be abolished, because you should pray quietly as you do the entire year. Some authorities permit to raise the voice slightly, but not too much. You should be careful to pronounce your prayers correctly; not to change even one vowel. You should try to obtain a *Siddur* or *Machzor* that is carefully edited, from which to pray.
- ³ All through the year you say in the *Shemoneh Esrei*, *hakeil hakadosh* [the Almighty, the Holy One], and *melech oheiv tzedakah umishpat* [King Lover of righteousness and justice] except from *Rosh Hashanah* until after *Yom Kippur*, when you must say instead *Hamelech hakadosh* (the

King, the Holy One) and *Hamelech hamishpat* (the King of Justice), because on these days the Holy One blessed is He manifests His dominion by judging the world. If, by mistake, you said *Hakeil hakadosh*, or if you are in doubt whether you said *Hakeil hakadosh* or *Hamelech hakadosh*; if you become aware of the error within the time needed to utter a short greeting, [*Shalom Alecha Rebbe*] you should say *Hamelech hakadosh* and you need not start again from the beginning. The same law applies to *Hamelech hamishpat*. But, if you only became aware of it after the time needed for a short greeting, then, at *Hamelech hakadosh* you must repeat *Shemoneh Esrei* from the beginning, (even if in doubt), because the first three *berachos* are considered as one (as is written in Chapter 19:2). Even the *Chazzan* during the repetition of the *Shemoneh Esrei*, must repeat from the beginning [if he did not say *Hamelech hakadosh*], and the *kedusha* must be said again. But at *Hamelech hamishpat*, even an individual need not repeat, even that berachah, since he mentioned the word *melech* "King" in that berachah. During the entire year, if you said, by mistake, *Hamelech hakadosh* or *Hamelech hamishpat*, you need not repeat the *Shemoneh Esrei*.

- ⁴ In the *Maariv* service on Friday night, in the abridged form of the seven berachos, in *Magein avos* (Shield of our forefathers etc.) you also say, instead of *Hakeil hakadosh* the words *Hamelech hakadosh*. If the *Chazzan* made an error and said *Hakeil hakadosh*, then, if he becomes aware of it immediately, within the time span needed for a short greeting, he should say *Hamelech hakadosh* etc.; but if he becomes aware of it later he need not repeat the berachah.

- ⁵ If you forgot to say *Zochreinu* [Remember us], or *Mi chamocha* [Who is like You], or *Uchsov* [And inscribe], or *Beseifer chayim* [In the book of

life] and you do not become aware of it until you said *Baruch ata Hashem*, [Blessed are You, Hashem], since you mentioned *Hashem*, you should conclude the berachah, and continue the *Shemoneh Esrei*, and you need not repeat it. Similarly, if you forgot to say [the entire section beginning with] *Uvechein tein pachdecha* [And so, grant that Your awe] and you concluded the berachah, *Hamelech hakadosh*, even if you only said *Baruch ata Hashem*, you should conclude *Hamelech hakadosh*, and then say *Ata vechartanu* [You have chosen us] etc.

- ⁶ At the conclusion of the *Shemoneh esrei*, some are accustomed to say *Oseh ha shalom* [He Who makes *the* peace], while others do not change, and say [the usual text], *Hamevareich es amo Yisrael ba shalom*, [Who blesses His people Israel with peace]. But in the *kaddish*, we say *Ose ha shalom bimeromav* [He Who makes *the* peace in His high heavens.]
- ⁷ If *Rosh Hashanah* occurs on Shabbos, in some communities they say *Lechu neranenah* [Come, let us sing], the same as on any other Shabbos; in other communities they begin with *Mizmor leDovid* [A psalm of David]; still in other communities they begin with *Mizmor shir leyom haShabbos* [A Psalm, a song for the Shabbos day]. Every community should follow its custom.
- ⁸ After the *Maariv* service on the first night of *Rosh Hashanah*, it is customary for people to wish each other *Leshanah tovah tikaseiv veseichaseim* [May you be inscribed and sealed for a good year], and to a woman [you use the feminine form] *tikaseivi veseichaseimi*. But you do not extend these wishes in the daytime, because the writing has been finished before midday. On the second night, some have the custom of

saying [*Leshanah tovah*] because sometimes we are judged on the second day.

- ⁹ At the evening meal it is customary to prepare symbolic dishes [as auspicious omens] for a good year: you dip the piece of *challah* of *Hamotzi* in honey, and after eating a *kazayis* of *challah* you should say: *Yehi ratzon shetechadeish aleinu shanah tovah umesukah* [May it be Your will to renew for us a good and sweet year]. After this you should dip a piece of apple in honey, say the berachah, *Borei peri ha'eitz*, and eat it. Then you say again *Yehi ratzon etc.* It is customary to eat the head of an animal and say *Yehi ratzon shenih'yeh lerosh* [May it be Your will] that we will be heads (leaders). You should try to obtain the head of a sheep, which will also serve as a remembrance of the ram of Isaac. You should also eat vegetables the names of which, in the language of your country, allude to good things, such as in our country, carrots (*mehren*) [*mehren* means to increase] and you should say *Yehi ratzon sheyirbu zechuyoseinu* [May it be Your will that our merits increase.] Some people have the custom to eat an elaborate fish course, symbolizing the blessing of fertility like the fish. The fish should not be cooked in vinegar because we must not eat sour or bitter foods on *Rosh Hashanah*. You should eat choice meats and all kinds of sweets. It is also customary not to eat nuts and almonds, because the numerical value of אגוז *egoz* (nut) is 17, the same as חטא *cheit*, which means sin. Also, nuts increase phlegm and mucus which interferes with praying. It is proper to study Torah during the meal. Some have the custom of studying the *Mishnah*, *Maseches Rosh Hashanah*.

- ¹⁰ It is proper to abstain from marital relations during the two nights of *Rosh Hashanah* even if [the first night] occurs on Shabbos. But if it is

the night of her immersion in the *mikvah*, you should not withhold her conjugal rights, and you should immerse yourself in the *mikvah*, in the morning.

- ¹¹ On *Rosh Hashanah*, when you say *Avinu malkeinu chatanu lefanecha* [Our Father, our King, we have sinned before You] you should not beat your breast as on weekdays and on *Yom Kippur*, because we do not say *vidui* —confession, on *Rosh Hashanah*, which is a Yom Tov. You should have this interpretation in mind [when saying *Avinu malkeinu*]: Our Father, our King, we have sinned before You, meaning, our forefathers sinned before You, because they worshiped idols, but as for us, we have no King but You. Therefore, our Father, our King, deal [kindly] with us for Your Name's sake.

- ¹² When the *Seifer Torah* is removed from the Ark, it is customary to recite the Thirteen Attributes. You should begin with *Vaya'avor* [and He passed by], and say *Vaya'avor Hashem al panav vayikra* [Hashem passed by before him and He proclaimed] Hashem, Hashem, etc. On Shabbos, in some communities they say neither the Thirteen Attributes nor *Ribbono shel olam* [Master of the Universe].

- ¹³ The lengths of the various *shofar* tones, initially must be as follows: the *Teruah* consists of nine short sounds. The *Shevarim* should be blown as three consecutive sounds, each to be as long as three short *Teruah* sounds, so that the *Shevarim* is also equal to nine sounds. You should be very careful not to draw out the *Shevarim* until each [of the three] *Shevarim* sounds equals nine *Teruah* sounds, for in that case, even ex post facto, after it is already done, you have not fulfilled your duty. The *Tekios* are simple blasts. In the order of *Tekiah*, *Shevarim*, *Teruah*,

Tekiah, each *Tekiah* should be as long as the *Shevarim* and the *Teruah*, combined, which is as long as eighteen sounds. In the order of *Tekiah*, *Shevarim*, *Tekiah*, the sound of each *Tekiah* should be as long as the *Shevarim*, which is as long as nine sounds; this is also true for the order of *Tekiah*, *Teruah*, *Tekiah*. In the sounding of the *shofar* before the *Musaf* service the *Shevarim* and the *Teruah* should be blown in one breath. Therefore, the prompter should call them at the same time, *Shevarim-Teruah*. In the blowing of the *shofar* during the repetition of the *Shemoneh Esrei*, they should be sounded in two breaths. Nevertheless, there should be no pause between them, but they should be sounded in immediate succession, and the prompter should also call them at the same time.

¹⁴ When the one blowing the *shofar* recites the *berachos*, the congregation should not respond *Baruch hu uvaruch shemo* [Blessed is He and blessed is His Name] (see chapter 6:8, above), but they should listen attentively to the *berachos* and after each berachah they should respond *Amein*, with concentration. It is forbidden to make any interruption from that point until after all the *Tekios* that are blown during the repetition of the *Shemoneh Eesrei*. Therefore, the *Shammos* should not announce: "Silence please during the services!" even if he usually does so at other times.

¹⁵ People have the custom to recite *Yehi ratzon* [May it be the will] etc., between the three sets of *shofar* tones, as it is printed in the *Machzor*. You should be very careful not to articulate the names of the angels mentioned there. In many communities the *Yehi ratzon* is omitted entirely, and this is preferable. The main [reason for blowing the *shofar*] is to stir the people to wholehearted repentance. The *Rambam*, of

blessed memory wrote, (Laws of Repentance 3:4) and these are his words: "Although the blowing of the *shofar* on *Rosh Hashanah*, is ordained by Scriptural verse, it has an underlying message, as if the *shofar* were telling us, 'Wake up from your sleep, you slumberers, and you who are soundly asleep, awake from your deep sleep, scrutinize your deeds and repent, and remember your Creator. You, who are oblivious of the truth in your futile pursuit of transitory values, and engrossed all your years in the pursuit of vain and hollow things that are useless and will not save you, — look at the state of your souls, and improve your ways and your deeds. Let each of you abandon his evil ways and his thoughts which are not good.'"

¹⁶ During the repetition of the *Shemoneh Esrei* when the *Chazzan* recites [the prayer] *Va'anachnu kore'im* [But we bow], it is customary for the congregation to say it along with him, and the people also bow and prostrate themselves, but they do not fall on their faces, except on *Yom Kippur*, during the *Avodah* [the service of the *Kohein gadol*.] The *Chazzan* also bows, but since he is forbidden to move from his place during the *Shemoneh Esrei*; therefore, he stands slightly removed from the *amud* [*Chazzan's* desk] so that he can fall to his knees without moving from his place, and those who stand near him help him stand up so that he will not have to move his feet. The *Tekios* during the repetition of the *Shemoneh Esrei* should not be blown by the *Chazzan* unless he is sure that he will not be confused [in his prayers] as a result of it.

¹⁷ Regarding the *Tekios* in the repetition of the *Shemoneh Esrei*, there are different customs regarding the number of sounds to be blown. Each community should maintain its custom. Regarding the *Tekios* at the

conclusion of the prayers, there are also different customs. After the conclusion of all the *Tekios*, according to the local custom, the *shofar* should be hidden, and it should not be blown any more. Even a person wishing to officiate as *tokei'a* on the second day of *Rosh Hashanah* may not blow it on the first day in order to practice.

¹⁸ If a *bris* is to be held in the synagogue it should be performed after the reading of the *haftarah*, before the blowing of the *shofar*. An allusion [to this sequence can be found in the *Selichos* prayer] "Remember the covenant with Abraham (this refers to *bris milah*) and the binding of Isaac" (this alludes to the *shofar*). On Shabbos the *bris* is performed after *Ashrei*. If the *bris* must be performed at the house of the infant's mother, it should be held after leaving the synagogue.

¹⁹ If you already fulfilled your obligation of blowing the *shofar*, and you must blow it for other people, you may also say the *berachos*. Nevertheless, it is best, that the person who has to fulfill his obligation [by virtue of listening to you blowing the *shofar*], should say the *berachos* himself. If you blow *shofar* for women, then, if you already fulfilled your obligation, you should not say the *berachos*, but the women should say the *berachos*, because, according to the law, women are exempt from blowing the *shofar*, since it is a positive precept dependent on a particular time. Other authorities say that a person who has already fulfilled his duty should not blow the *shofar* at all for women. If you wish to blow the *shofar* for women you should do it before hearing the *Tekios* at the synagogue; and you should say the *berachos* on the *Tekios* with the intention of fulfilling your obligation thereby, but you should not do it during the first three hours of the day, for at that time you may not blow the *shofar* privately. You should

either blow the *shofar* for the women at the time it is blown in the synagogue or after that; but you should have in mind [when you are in the synagogue] not to fulfill your duty with these *Tekios* but only with the *Tekios* which you will sound for the women, and [on these *Tekios*] you should say the *berachos*. Although you will go to the synagogue afterwards to pray *Musaf*, and hear the *Tekios* sounded during the *Shemoneh Esrei*, the interruption does not require you to repeat the *berachos*, since all the *Tekios* constitute one mitzvah. If a woman feels weak and needs to eat before the *Tekios*, she is permitted to eat.

²⁰ When leaving the synagogue, we should walk unhurried and relaxed, happy and cheerful, confident that God has heard our prayers and the sounds of the *shofar* with compassion. You should eat and drink [in generous measure] enjoying the bountiful gifts of God. You should, nevertheless, take care not to overeat and the fear of God should be upon you. It is proper to study Torah at the table. After saying *Birkas Hamazon* you should not go to sleep, but rather go to the synagogue and recite Psalms with the congregation until the *Minchah* service. Only a person who has a headache may sleep a little before going to the synagogue.

²¹ After the *Minchah* service you should go to a river [or stream] (to recall the merit of the *Akeidah*, [the binding of Yitzchak] for the *Midrash* relates that when our Father Avraham went to the *Akeidah* with his son Yitzchak, Satan transformed himself into a river to deter him. But our Father Avraham, peace be upon him, walked into the river until [the water reached] his neck and said, "Deliver me, O God, for the waters have reached until my soul." (*Psalm 69:2*) There is another reason [for this custom]; for on this day we proclaim the kingship of the Holy

One, blessed is He, over us, and it was the custom to anoint kings near a river bank as a sign that their kingdom may endure without end.) It is preferable that [this river] should be outside the city limits and it should contain fish (as a reminder that we are compared to living fish who are caught in a net. We too, are caught in the net of death and judgment, and as a result [we will be inclined] to think more of repenting. Another reason is to symbolize that the evil eye shall have no power over us, just as [it has no power] over fish, and that we may be fruitful and multiply as the fish. Others say the reason is that fish have no eyelids, and their eyes are always open, the purpose is thus to arouse the compassion of the All-Seeing Eye above us.) But if there is no river that contains fish you may go to any river, or to a well, and you should recite the verses, *Mi keil kamocha* [Who, Almighty, is like you] etc. as it is written in the prayer books in the text of *Tashlich*. You should then shake the ends of your clothes, symbolizing your resolve to cast away your sins, and to examine and scrutinize your ways, from now on; so that your "clothes" will be white and innocent of all sin. If the first day of *Rosh Hashanah* is on Shabbos you go [to the stream for *Tashlich*] on the second day.

- ²² After returning to the synagogue, if it is not yet time for *Maariv* you should avoid the company of friends in order not to engage, Heaven forbid, in idle talk. But you should study Torah or recite Psalms or study books on ethics, because this is a holy day unto our Master.
- ²³ The two days of *Rosh Hashanah* are considered as one long day, and as one [extended period of] holiness (see Chapter 99:2 above). Therefore, the authorities differ whether in the *Kiddush* of the second night, or when lighting candles, or when blowing the *shofar* on the second day,

you should say the berachah *Shehecheyanu* or not. For some authorities say, since both days are one [extended period of] holiness and you already said *Shehecheyanu* on the first day, you need not say it again on the second day. Therefore, it is the custom, when you recite the *Kiddush* on the second night, that a new fruit is placed on the table, in order that the *Shehecheyanu* in the *Kiddush* should also apply to the fruit; You might also put on a new garment. If you have neither [a new fruit nor a new suit], it does not matter; you should still say *Shehecheyanu* in the *Kiddush*, for the *Halachah* is decided according to the authorities who say that we must say *Shehecheyanu* on the second night. A woman, too, when lighting the candles on the second night, (if she follows the custom of saying *Shehecheyanu*,) should nevertheless, put on a new garment if possible, or place a new fruit [on the table], so that the *Shehecheyanu* should apply also to these. But if she has neither of these it does not matter; she should still say *Shehecheyanu*. Also the person who blows the *shofar* on the second day should, if possible, put on a new garment. However, if the first day occurs on Shabbos there is no need for this, for he has not yet said *Shehecheyanu* on the *shofar*.

Siman 130

- ¹ The Ten Days of Repentance, as characterized by their name, are designated for repentance. During this time everyone is obligated to repent wholeheartedly before God, blessed is His Name, before the coming of the great and awesome day, of *Yom Kippur*, as it is said, "Before God you will be cleansed" (*Leviticus 16:30*). It is also said, "Seek God when He may be found", (*Isaiah 55:6*) and our Rabbis of blessed memory said, that this refers to the ten days between *Rosh*

Hashanah and *Yom Kippur*. Therefore, during these days you must examine your conduct and repent of your bad deeds. Sins about which you are in doubt require greater repentance than transgressions of which you are certain, for a person is more regretful when he knows that he committed a sin, than when he is uncertain of it. Therefore, the guilt offering brought in case of doubtful sin must be of greater value than a regular sin offering. During these days You should study more Torah, perform more mitzvoths, give more charity, and spend less time on your business. It was written by Rabbi Moshe Cordovero, of blessed memory, that you should consider these days as if they were *Chol Hamoed*, by performing only necessary work. Above all, you must set right the wrongs you committed against your fellow man, for which there is no atonement unless you compensate him for any stolen articles or withheld funds in your possession, and patch things up and placate him so that he will forgive you.

- ² It is proper to observe stringencies during these days that you do not observe the rest of the year, for we also ask of God, blessed is His Name, that He deal with us with exceptional kindness. For example, if during the rest of the year, you eat bread from a non-Jewish bakery, during these days you should eat only bread baked by a Jew; and you should observe similar stringencies.
- ³ When reciting *Birkas Hamazon*, there are some who have the custom of saying *Harachaman hu yechadeish* [the Compassionate One, may He renew] etc. as we do on *Rosh Hashanah*.
- ⁴ It is customary not to get married during these days.

- 5 On Shabbos *Shuvah* [the Shabbos during the Ten Days of Repentance] an eminent person should be called up for *maftir*.
- 6 Some people have the custom not to sanctify the moon before the conclusion of *Yom Kippur*, for then everybody is joyful, whereas before *Yom Kippur* they are apprehensive about the outcome of their judgment. Others maintain that, on the contrary, it is better to sanctify the moon before *Yom Kippur* in order to add to our merits with this mitzvah. It all depends on the prevailing custom. In a region where *esrogim*, *lulavim* and *hadassim* are for sale, it is the custom of pious men to purchase them ahead of time, so that during these days this precious mitzvah may be added to their merits.

Siman 131

- 1 It is customary to perform the *kapparos* ritual *erev Yom Kippur*, early in the morning, for then God's compassion is at its height. Men take roosters and women take hens, and a pregnant woman takes a rooster and a hen. The rooster is taken in case she is carrying a male; and if the child is a girl, one hen suffices for the mother and the child. Even for other people, one *kapparah* is sufficient for two persons. You should select white chickens, for it is said, "Though your sins will be like scarlet they will become white as snow." (*Isaiah 1:18*). But when buying, you should not express preference for white fowl and pay a higher price for it, for this resembles the customs of the Amorites [superstition]. But if you happen to find a white one among the fowl you bought, you should choose [the white one.] You take the *kapparah* in your right hand, and recite the verses *Benei Adam* [children of man]

etc., move it around your head, and say: *Zeh chalifasi* [This is instead of me] etc. three times. If you move it around someone else's head, you say *Zeh chalifasecha* [This is instead of you]. You should first move it around your own head and then do it for others. It is preferable that the *shechitah* is done also early in the morning, immediately after the *kapparos* ritual. You should not think that this *kapparah* ritual is an actual atonement, but you should consider that what is done to the fowl should be rightfully done to you, because of your sins. You should agonize over your sins, and the Holy One blessed is He, in His compassion, will accept your repentance. It is customary to throw the intestines, the liver and the kidneys of the *kapparos*, on the roof or into the courtyard, where the birds can take them, for it is appropriate to take pity on living creatures on that day, so that Heaven will take pity on us. Another reason is that birds usually steal the seeds they eat [we, therefore, throw away their digestive organs] so that we should be mindful to keep away from theft. If you cannot obtain chickens for *kapparos*, you can take a goose or some other living thing that is not ritually acceptable as a sacrifice on the altar in the *Beis Hamikdash*. Some authorities say that even fish [may be used], but not pigeons or young doves, because these were acceptable as altar sacrifices, and it would appear as if you were bringing sacrifices outside the *Beis Hamikdash* [which is forbidden]. Some people follow the custom of giving the *kapparos* chickens to the poor, but it is better to redeem the *kapparos* with money, and give the money to the poor.

² We do not say *Mizmor lesodah* [a Psalm of thanksgiving], nor *Tachanun*, nor *Lamenatzei'ach* on *erev Yom Kippur*. Neither do we recite *Avinu malkeinu* [our Father, our King]. Only when *Yom Kippur* occurs

on Shabbos, do we say *Avinu malkeinu* on *erev Yom Kippur* in the *Shacharis* service.

- ³ It is a mitzvah to have elaborate meals and to eat and drink [abundantly]. The person who eats and drinks on *erev Yom Kippur* in order to fulfill this mitzvah, it is regarded to him, as if he fasted on that day also. It is a mitzvah to eat fish at the first meal.
- ⁴ Sins committed against your fellow man are not atoned for on *Yom Kippur* unless you placate him, as it is said, "You will be cleansed of all your sins before God." This means, only sins against God are atoned for on *Yom Kippur*, but sins committed against your neighbor are not atoned for on *Yom Kippur*, unless you placate your neighbor. Everyone must, therefore, be very careful, if he has in his possession illegally acquired property, to return it and placate [the rightful owner]. If you are holding property of which you are not certain whether or not it legally belongs to you, you should let your neighbor know that you wish to appear with him, immediately after *Yom Kippur*, before a *Beis Din* Rabbinical court to be judged according to the holy Torah; and you should firmly resolve to abide by the verdict pronounced by the *Beis Din*. If you sinned against your neighbor, even if only with words, you must appease him. It is your duty to go personally to appease him. However, if it is difficult for you to do so, or if you understand that he will be reconciled more easily through an intermediary, you should appease him through an intermediary. The person whose forgiveness is asked should forgive wholeheartedly and should not be ruthless, for this is not a Jewish characteristic, but a trait of Esau of whom it is said, "And he kept his anger forever" (*Amos 1:11*). It is also said of the Gibeonites, because they did not forgive and would not be appeased,

"The Gibeonites were not of the Children of Israel." (**II Samuel 21:2**)

The characteristic of the Children of Israel is to be slow to anger and easy to be appeased. And when the sinner asks for forgiveness you should grant forgiveness wholeheartedly and willingly. Even if he tormented you a great deal you should not take revenge nor bear a grudge. On the contrary, if the offender does not take the initiative to come to you asking for forgiveness, you should present yourself to the offender in order that [the offender] should ask your forgiveness. If a person does not banish hatred [from his heart] on *Yom Kippur*, his prayers will not be heard, God forbid; but if you are tolerant and forgiving, all your sins will be forgiven.

- ⁵ If the wronged person has died, the offender should gather ten men at his grave, and say, "I have sinned against the God of Israel and against this man" and they respond, "You are forgiven, you are forgiven, you are forgiven." He should walk barefoot, and spell out in detail the nature of the offense, unless it is humiliating to the dead. If the grave is more than three *parsa* away from the residence of the offender, he does not have to go there in person, but may send a representative. The representative should gather ten men to go to the grave, and say, "I, the agent of so-and-so publicly declare that so-and-so has sent me to ask forgiveness for his sin," etc. If he insulted a dead person he does not have to go to his grave, but he should ask for his forgiveness at the place where he insulted him. But if he had defamed his character, he must accept upon himself to repent, for transgressing the prohibition of the early sages, against slandering the dead.

- ⁶ It is a mitzvah for every man to immerse in a mikvah on *erev Yom Kippur*, to purify himself from nocturnal emission, and also as an

element of repentance, just as a convert is required to immerse in a *mikvah*. Therefore, even boys and girls should immerse themselves in a *Mikvah*. You should be certain that there is no *chitzitzah* on your body [a particle intervening between the body and the water] (see Chapter 161 below). The most appropriate time for the immersion is after midday. A woman after intercourse is likely to discharge semen within three days. She is then considered as one who has had a nocturnal emission, and the immersion is pointless in this case. The practical thing for her to do, is before immersing, to wash herself well with warm water; she will then experience no further discharge. However, if she had intercourse soon after her monthly immersion in the *mikvah*, or immediately before her menstrual period, when she is likely to become pregnant, then she is forbidden to destroy the semen of conception, and she should, therefore, not wash herself in warm water. Nevertheless, she should immerse in cold water. A mourner, may the Merciful One protect us, even during the first seven days of mourning, may wash and immerse himself about one or two hours before nightfall, even before the *Minchah* service, but all the other laws of mourning, such as sitting on the floor, and not wearing [leather] shoes, must be observed until nighttime.

- ⁷ It is the custom that every head of the household prepares a candle for his house, as a reminder that on *Yom Kippur* Moshe came down from Mount Sinai with the Second Tablets, of the Torah, and the Torah is called "light"; and he prepares another candle for the soul of his deceased father and mother, to make atonement for them. It is customary that one candle is lit in the house to burn until the close of *Yom Kippur*, and *Havdalah* is said over it, (see Chapter 133:28 below) and one candle is lit in the synagogue. These candles should not be

made out of wax taken from houses of idol worship. Some people become upset if their candle is extinguished on *Yom Kippur*, although in reality there is no reason to worry about this, still it is best to avoid it. It is best therefore to give the candle to the *shamash* (sexton), who will put it wherever he wishes, so that no one will know which is his candle. You should take the candle to the synagogue, when you go there for the *Minchah* service to be put in its proper place, and to be lit before twilight, because later, when people come to the synagogue for the *Maariv* service they are pressed for time.

- ⁸ When you go to the synagogue for the *Minchah* service it is the custom to put on Shabbos clothes. In the *Minchah* service, at the conclusion of the *Shemoneh Esrei*, the *Vidui* [confessional] is said,. Before *Elokai netzor*, [My God, guard my tongue] you say the verse, *Yih'yu leratzon*, [May... they be acceptable] etc., and then you say, *Elokeinu v'Elokei avoseinu*, [Our God and the God of our forefathers] *tavo lefanecha* [may our prayer come before You], until *vecholayim ra'im* [or serious illness]; then you say *Eloka netzor* etc. and you repeat the verse *Yih'yu leratzon*. If, while you are saying the *Vidui* the *Chazzan* is repeating the *Shemoneh Esrei*, since you already said the verse *Yih'yu leratzon*, you may respond *Amein*, and say the *Kedusha* and *Modim*, (see Chapter 18:14 above).

- ⁹ You must say the *Vidui* while standing in a bowed position, as when you say *Modim*, and when mentioning each sin you should beat your heart as if to say, "You (the heart) caused me to sin. The order of the *Vidui*, set down in the *Siddur*, should be said by all alike. If you are aware of an individual sin not enumerated in the *Vidui*, since the *Vidui* is recited in an undertone, you should specify that sin, and confess it

with a grieving heart, and profuse tears. If that sin is one that is mentioned in the *Vidui*, then, when you come to it, you should burst out in bitter self-reproach. Sins you confessed on the previous *Yom Kippur* may be confessed again, although you know that you did not commit them again, and you are to be praised for doing so, as it is said, "And my sin is always before me." (**Psalms 51:15**)

- ¹⁰ After the *Minchah* prayer, *Avinu Malkeinu* is not recited, regardless if *Yom Kippur* occurs on a weekday or on Shabbos.
- ¹¹ After the *Minchah* service it is customary to receive [symbolic] lashes. Although these lashes are not real lashes, nevertheless, it will inspire the recipient to repent of his sins. A strap of calf's leather should be used, even though it is less than a *tefach* wide. The one receiving the lashes should bend down and kneel with his face towards the North and his back towards the South. It is customary to recite confessions while receiving the lashes. The one who administers the lashes says *Vehu rechum* (He, the Merciful One) three times, which amounts to thirty-nine words, analogous to the thirty-nine lashes.
- ¹² Towards evening you eat the closing meal, and it is customary to dip the piece of *challah* for *Hamotzi* in honey, just as you do on *Rosh Hashanah*. You should eat only food that is easy to digest, such as fowl. It is the custom not to eat fish at the meal. You should not eat or drink anything that raises the body temperature, such as foods seasoned with spices and saffron. You should be very careful to add from the secular to the sacred, that is, you should end the meal while it is still day, a little before twilight. The zealous finish their meal early, about an hour before sunset. If you ended your meal while it is still the middle of the

day, and you intend to eat or drink after that, you must stipulate before *Birkas Hamazon* and say explicitly, or at least have in mind that you do not yet accept the fast on yourself.

¹³ It is the custom in these regions not to store food to warm on *erev Yom Kippur*, to be used at the conclusion of *Yom Kippur*, as it is done on *erev Shabbos* for Shabbos, because it is equivalent to preparing food on *Yom Kippur* for the weekday; and it also gives the impression of gluttony.

¹⁴ It is written, (Issiah 58:13), "The holy [day] of Hashem should be honored" and the Sages explain that this refers to *Yom Kippur* for on that day there is no eating or drinking. It is a mitzvah to honor this day with clean clothes and with candlelight. Therefore, in the synagogue we spread beautiful covers and light many candles, which are called "honor", as it is said, "Honor Hashem, *ba'urim*," (Isaiah 58:13) and the *Targum* translated it, "Honor Hashem with lights." Before twilight, the tables should be covered with cloths, and candles should be lit in the house, as on *erev Shabbos*. A candle should be lit in the bedroom to prevent the occurrence of marital relations. Over the candles, the berachah *Lehadlik neir shel Yom haKippurim* is said [to kindle the light of *Yom Kippur*]. If *Yom Kippur* occurs on Shabbos, the berachah, *Lehadlik Neir shel Shabbos and Yom Kippur* is said. (Concerning the berachah of *Shehecheyanu* see Chapter 103:4 above)

¹⁵ It is the custom to put on a *kittel* (white robe) which is a garment of the dead. The wearing of such a garment causes the heart of man to be subdued and broken. A mourner may also wear a *kittel*. Since it is a garment that is worn only at prayer, you should not wear it in the bathroom. Women, too, should wear clean, white clothes in honor of

the day; but they should not wear jewelry, because of the awe of judgement.

- ¹⁶ It is customary for the father and mother to bless their sons and daughters before going to the synagogue, because the holiness of the day has already begun, and the Gates of Compassion are already open. They implore in this blessing that the children should be sealed for good life, and that their hearts be steadfast in the fear of God, and they should plead, with tearful eyes, that their prayers be accepted. The children will also be inspired and resolve to walk in the ways of the righteous and follow the path of the just. Some people visit their relatives who are Torah scholars and righteous men to receive blessings from them, and ask them to pray for them on the holy and awesome day. You should do this early, while it is still the middle of the day, for towards evening everyone should be ready to receive the holy day in a quiet and serene frame of mind. The text for blessing the children is: *Yesimecha* [May God make you] etc., *Yevarechecha* [May God bless you] etc., and everyone may add to this prayer according to his eloquence of speech. It is proper to say also the following prayer: May it be the will of our Father in heaven to place in your heart love and fear of Him, and may the fear of God be upon your face all the days of your life, so that you will not sin. May your desire be for Torah and mitzvos. May your eyes look straightforward, may your mouth speak wisdom, and your heart meditate with reverence. May your hands be engaged in the performance of mitzvos; may your feet hasten to do the will of your Father in heaven. May He grant you righteous sons and daughters occupying themselves with Torah and mitzvos all their days. May your wellspring be blessed, [May you be blessed with many children]. May He grant that your livelihood, come with honesty, ease, and abundance,

from His generous hand, and not from the gifts of men; a livelihood that will free you to serve God. May you be inscribed and sealed for a good and long life among all the righteous of Israel. Amein.

- ¹⁷ It is customary to put on the *tallis*. You should be careful to put it on while it is still day, and to say the berachah over it. But if you waited [to put it on] until twilight you should not say the berachah.

Siman 132

- ¹ It is the custom in our regions before saying *Kol nidrei* that the most eminent man of the congregation takes out a *Seifer Torah* [from the Ark] and walks around the *bimah* with it and the people embrace and kiss the *Seifer Torah*, and beg for pardon and forgiveness for having offended the Torah. They resolve, from now on to live according to its laws. They recite the verse *Or zaru'a* [Light is sown for the righteous] etc. a number of times (Psalms 97:11). Then he places himself, with the *Seifer Torah*, to the right of the *Chazzan*, and another prominent member of the congregation stands on the *Chazzan's* left, also carrying a *Seifer Torah*, and the three say together: *Biyishivah shel malah* [By the authority of the Court on High] etc. The *Chazzan* then recites *Kol nidrei* three times, in the familiar melody. All the congregants should say it quietly along with the *Chazzan*. It is proper to begin *Kol nidrei* while it is still day, and to draw it out until night. After the *Chazzan* said *Barechu* and the congregation responded *Baruch* etc. the Torah scrolls are returned to the Ark, [and the two men who carried them] return to their seats. On Shabbos they may return to their seats when the congregation recites *Mizmor shir leyom haShabbos* [a Psalm, a song for the Shabbos day].

- ² When the *Chazzan* says the berachah *Shehecheyanu* he should have in mind to exempt the congregation. Nevertheless, each worshipper should have in mind not to be exempted by the *Chazzans's* berachah, but he should say the berachah quietly by himself, and say it quickly, concluding it before the *Chazzan*, so that he can respond *Amein*. The women who said the berachah *Shehecheyanu* when lighting candles, or a man who lit the candles and said *Shehecheyanu*, should not say it with the *Chazzan*.
- ³ On *Yom Kippur*, both in the evening and during the day, you should say, *Baruch sheim kevod malchuso le'olam va'ed*, [Blessed [is His] Name, Whose glorious kingdom is forever and ever], in a loud voice.
- ⁴ Some people stand on their feet during the entire evening service and the entire day of *Yom Kippur*. If they feel faint they may lean against something. The reason for standing is to emulate the angels; therefore, women should not stand. A person who has stood up once with the intention to do so for the rest of his life, and afterwards wishes to retract, needs an annulment [of his personal obligation].
- ⁵ Some people have the custom to stay in the synagogue reciting songs of praise all night. When they feel the need to sleep they should move away from the Ark. The *Chazzanim* should not stay awake for it will cause them to lose their voice. Before going to sleep you should say the first four Psalms, for they are particularly beneficial in preventing nocturnal emission, may the Merciful One save us. For [these four Psalms] contain a total of three hundred and six words. By adding four, [to the number of the] Psalms, you arrive at a total of three hundred

and ten, which is the numerical equivalence of קרי, *keri*, [nocturnal emission]. [The numerical value] of the first and last letters of the four Psalms amounts to one hundred and twenty-six, plus the four of the four Psalms, plus one, the general binding factor which unites the word, together makes a total of one hundred and thirty-one, the numerical equivalence of סמאל, [malevolent angel] and you should have in mind to shake off his evil influence. It is best not to cover yourself with pillows and blankets that make you feel hot; but at any rate you should not cover your legs.

Siman 133

- ¹ On *Yom Kippur* it is forbidden to eat, to drink, to wash, to anoint, to wear shoes, and to have marital relations. It is forbidden to do any work or to carry, just as on Shabbos. Since it is necessary to add from the secular to the sacred, all of the above are forbidden [on *erev Yom Kippur*] while it is still day, beginning a short time before twilight; and at the end of *Yom Kippur*, until a short time after the stars appear.
- ² Some authorities permit touching food or drink when it is necessary to feed the children, while others forbid it. If possible, you should be careful [not to touch any food].
- ³ For the prohibition of washing, see chapter 124, paragraphs 7, 8 and 9. On *Yom Kippur* only washing for pleasure is forbidden (see also chapter 159). You should be very careful not to wash more than actually necessary. Since you spend the entire day in the synagogue engaged in

prayer and hymns, you have probably kept your hands clean, and should not wash them for the *Ne'ilah*, *Minchah* and *Maariv* services.

- 4 The *kohanim* who go up to bless the people, for *Birkas Kohanim* must wash their hands up to their wrists. If they did not wash their entire hands in the morning, but only their fingers, even though they said the berachah *Al netilas yadayim*, nevertheless, since this washing is not valid for *Birkas Kohanim*, they must wash their hands this time up to the wrists, and repeat the berachah *Al netilas yadayim*. It is best that they should wash their hands in the morning up to the wrists, so they will not need to repeat the berachah.
- 5 A sick person, even one whose condition is not critical, may wash in the usual manner. A bride, within thirty days of her wedding day, may wash her face so that she should not look unattractive to her husband.
- 6 If someone has a nocturnal emission, God forbid, on *Yom Kippur*, if it is still moist, he should wipe it off with a cloth. If it has dried, he should wash only the soiled areas, for *Halachah* considers it as excrement. It should not be washed with a garment, so that he should not squeeze the garment by mistake. He is forbidden to immerse in a *mikvah*, even though he regularly immerses himself on the other days of the year. He should reveal his anguish to a Torah scholar and tell him what happened to him on this holy and awe-inspiring day, and he will instruct him what to do in order to be forgiven and live long.
- 7 Anointing is forbidden, even if only to remove dirt. Even to anoint only part of the body is forbidden. But a sick person, even if his condition is not critical, may anoint himself in the usual manner. In our regions,

where people in normal health do not usually anoint themselves on weekdays, a person who has pimples is forbidden to anoint himself, because it is obvious he is doing it as a cure.

- 8 Some authorities forbid wearing even shoes made of wood that are not covered with leather; but shoes made of reed grass, or straw or cloth are permitted. You should be stringent and not wear shoes even when walking through mud and clay or in the rain. Even if you have to walk among non-Jews it is forbidden to wear shoes. But if it is very painful for you to walk through mud and clay, or in the rain without shoes, you may wear shoes without heels, and if they have heels, you should change them around, putting the left shoe on the right foot and the right shoe on the left foot, if there is a difference between them. Before the entrance of the synagogue you should take them off and put them away. You should be careful not to touch them with your hands either when putting them on or removing them, so that you will not have to wash your hands.
- 9 You are permitted to stand on a pillow or a pad, even if they are made of leather, but during the *Shemoneh Esrei* it is forbidden to stand on anything. But a person who feels chilled may stand on some grass.
- 10 A person who is sick, even if his condition is not critical, or one who has an injured foot, or a woman within thirty days after childbirth, is permitted to wear shoes.
- 11 It is forbidden to touch your wife even during the daytime; and you should consider her, as though she is menstrually unclean during the entire day of *Yom Kippur*.

- ¹² Pregnant and nursing women should fast the entire day, the same as other people. A nursing woman should not fast if her child is critically ill, and will not nurse from anyone else but her; for if she would fast, the child's life would be threatened.
- ¹³ It is an established fact, that if you do not give a pregnant woman the food she craves, she and the child will be in danger. Therefore if she smelled food and it stimulated a craving for it, this procedure should be followed: If she says "I must eat," even though her facial color has not changed, or if it did visibly change, even if she does not say anything, you should whisper in her ear that today is *Yom Kippur*, because sometimes that will calm her. But if this does not calm her, she should be fed in the following manner: At first give her just a taste, by dipping your finger in the soup, etc., and putting it into her mouth, because sometimes even one drop will calm her. But if that does not help, you should give her a little less than the *halachic* quantity, (see paragraph 15 below). If her mind still is not calmed, you should give her as much as she needs. The same applies to any person who caught a smell of food and his face turned [ashen]. Such a person is considered critically ill, (see chapter 33:4 above) and should be treated as I wrote [above]. But as long as his color has not changed you should not give him any food, even if he says "I must eat."
- ¹⁴ A woman who has given birth or a person who is critically ill, with regard to eating, drinking and the desecration of *Yom Kippur*, are governed by the same *Halochos* that apply in the case of desecration of Shabbos. (see chapters 92 and 93 above) However, with regard to eating and drinking, even if several doctors say that the patient is not required

[to take food,] and even if they say that eating and drinking will be harmful to him, but the patient says that he does require food, and even if he says that his life is not yet in danger, but if he does not eat, his sickness will get worse, and his life will be threatened, you should obey his wishes and give him food; for in regard to food and drink he is the best judge of his own condition, [as it is written, (**Proverbs 14:10**)] "The heart knows its own bitterness."

- 15 When you give food to a pregnant woman or to a woman who has given birth or to a sick person, you should place the food before them, and say to them, "If you feel that you may be in danger unless you eat as much as you need, then you may eat normally, until you are satisfied. However if it is possible for you to eat only the halachic quantity at one time, then do as follows: Eat at one time a quantity the size of two-thirds of an egg. (The quantity of food, for which a person is punished by *kareis* [premature death] [if he eats it] on *Yom Kippur* is the size of a large date which is a little less than a medium-size egg with the shell.) Then take a short pause, and eat the same quantity again. The pause between eatings should be sufficiently long so that from the end of one meal to the beginning of the next should be at least as long as the time needed for *achilas peras*. In this manner you may eat even many times, provided the interval between two meals is at least as long as *achilas peras* if you can wait that long, [and the small quantity] is sufficient for you. (Two meals that are separated by a lesser pause, are combined, and considered one meal.) With regard to drinking, you may drink at one time a little less than a mouthful, pause a bit and drink again. These pauses should be at least as long as the time needed for *achilas peras*, or in any case at least [as long as it takes] to drink a *reve'is*. Before Yom

Kippur you should measure the lengths of these intervals by timing them with a [stop] watch, so that you will know them exactly."

¹⁶ If someone is overcome by a voracious, ravenous hunger, and he is famished to the point of being sick, his symptoms being weakening eyesight and impaired vision, you may give him food until he regains his clear eyesight.

¹⁷ All those who are given food because their health is in danger, if no permitted food is available, may be fed forbidden food. (see Shulchan Aruch 618:9) If they are given forbidden food, it seems that they should be fed less than a *kazayis* at a time if that is sufficient for them.

¹⁸ If your mind is at ease you should say a berachah before and after eating, but you should not recite *kiddush*. In *Birkas Hamazon* you should say *Ya'aleh veyavo*, and if it occurs on Shabbos you should say *Retzeih*. But if you forgot to say it, you need not repeat *Birkas Hamazon*, because it is not a mitzvah to eat bread on this day.

¹⁹ Even if boys and girls less than nine years old want to fast for a while, they should not be permitted to do so, because it may, God forbid, endanger their health. But when they are nine years old and in good health, they should be trained to fast a little, and they should not eat until a few hours past their regular mealtime. Concerning wearing shoes, washing and anointing, children should be trained [to abstain] even before they are nine years old.

²⁰ It is a good practice to smell spices several times [during the day] and to say the berachah over them, in order to fulfill the required number of one hundred berachos a day. However, as long as your mind has not

been diverted [from inhaling the fragrance], you are forbidden to repeat the berachah, for that would be a berachah in vain. It is necessary, therefore, to let a long time pass between inhalations in order that you be distracted. It is best to smell different spices each time, even if they are of the same species, and surely this is true if you have three different species such as fragrant woods, fragrant herbs, and spices, [each of which has a different berachah]. If you concentrate on all the *berachos* said by the *Chazzan*, and by those who are called to the Torah, and the two readings of the *Haftarah*, you will be missing only three *berachos* of the one hundred, and you will reach that number with the *berachos* you say over the spices.

- ²¹ *Yizkor*, the memorial service for the departed is recited on *Yom Kippur*, because remembering the departed saddens and humbles a man's heart, and for the additional reason, that the dead, too, need atonement, as expounded in *Sifri*: "Forgive Your people Yisrael," (**Deuteronomy 21:8**) refers to the living, "whom You have redeemed," refers to the dead, this teaches us that the dead need atonement. We pledge to give charity on their behalf, (see chapter 67:3 and when doing so you should say "without making a vow"). A support for this practice is found at the end of the portion of *Tetzaveh* (**Exodus 30:10**) where it is written, "He shall make atonement once each year," and this is followed by the verse (verse 12) "Each shall give an atonement offering to God." The charity is credited to the departed, because God, Who tests the hearts, knows that if this man were alive, he, too, would have given charity. The living can pray to make the judgment of the dead less severe, just as David did when he prayed for [his son] Absalom (*Maseches Sotah* 10b); and the righteous dead appeal to God on behalf of their offspring. Also on the last day of *Pesach*, on the second day of *Shavuos*, and on *Shemini*

Atzeres, Yizkor is said, because on these days we read *Kol habechor* [Every male first-born], (**Deuteronomy 15:19**), where it is written, "Each person according to the gift of his hand" (16:17). Because of that, people pledge money for charity. Since pledges are made to charity, it became the accepted custom to make these pledges on behalf of the departed souls, that God may remember them for good, and that He may also remember us along with them for good, through their merits. It is customary for those whose father and mother are living to leave the synagogue during the *Yizkor* service. It is also the custom, during the first year after the death of one's father or mother to leave the synagogue [during *Yizkor*].

- 22 If there is to be a *bris*, it should be performed before *Ashrei*. The berachah over the circumcision should be said without a cup of wine. In our regions it is customary to say the berachah over the cup of wine, and give a taste of it to the circumcised infant, in addition to what is given to him when saying *Bedama'yich cha'yi* [In your blood, live] (**Ezekiel 16:6**). But another child should not be given any of the wine, (for [the laws of *Yom Kippur*] are more stringent than those of *Tishah beAv*.) [A mohel] who is accustomed to use wine when doing the *metzitzah* [sucking blood from the wound] should not spray the wine with his mouth but with his hand, and then suck the blood with his mouth in the usual manner.

- 23 It is customary to spread grass on the floor of the synagogue. The reason for this is, that you bow down and prostrate yourself during the *Avodah*, as a reminder of the service in the *Beis Hamikdash*, and in a place where the ground is covered with stone it is forbidden to bow down. Even in a place that is not tiled [with stone], it involves some

prohibition. Therefore, grass is spread to form a separation between [you and] the ground. But if there is no grass, you should make the separation with your *tallis* or use something else.

- ²⁴ The time for beginning the *Ne'ilah* service is when the sun is over the tree-tops, so that you will conclude it when the stars begin to appear. Sometimes, the *Ne'ilah* service is drawn out into the night, but even so, you may say *Chosmeinu* [seal us], because the heavenly judgment is not concluded until Yisrael concludes the order of prayers below. If the stars have already come out the verse *Hayom yifneh* [The day is drawing to a close] etc. should not be said, because you would be speaking an untruth. You should say, instead, *Hayom panah* [the day has ended], *hashemesh bo ufanah* [the sun has set]. The *Chazzan* says *Birkas Kohanim* and *Sim shalom*, even though it is already night.
- ²⁵ We should abolish the custom of having a non-Jew light candles for the purpose of saying the special poetic prayers in *Ne'ilah*, but he should distribute the burning candles throughout the synagogue, because the prohibition involved in this is only a derivation of a Rabbinical injunction.
- ²⁶ After the conclusion of *Ne'ilah*, even if it is Shabbos, and *Ne'ilah* ended while it is still daytime, nevertheless, we say *Avinu Malkeinu*. We then say "Shema Yisrael" one time, *Baruch sheim kevod malchuso le'olam va'ed*, [Blessed is His name, whose glorious kingdom is forever and ever] is said three times; *Hashem hu haElokim* [Hashem is God] is said seven times, to honor the departure of the Divine Presence as it ascends to the spiritual heights upward of above the seven heavens. The *Chazzan* then sings the whole kaddish with a joyous melody. After that, one *Tekiah* is

sounded on the *shofar*, as a sign that the *Shechinah* has risen on high, as was done at the Giving of the Torah. For when the *Shechinah* ascended, it is said, "When the ram's horn is blown" etc. (*Exodus 19:13*), and it is also said, "God ascended amidst *Teruah* sounds." It is also a reminder of the blowing of the *shofar* on the *Yom Kippur* of the Jubilee Year. It is permitted to blow the *shofar* even though the stars have not yet appeared and it is still twilight, even on Shabbos. But when it is yet daytime, the *shofar* should not be blown. After the *Tekiah* everyone says three times, *Leshanah haba'ah birushalayim* [Next year [may we be] in Jerusalem].

²⁷ After the stars have come out the *Maariv* service is said. A respected person should be chosen as *Chazzan*, and the prayers should be said slowly and intently. Those who pray in a hurry should be scolded. In the *Shemoneh Esrei* you should say *Ata chonantanu* [You have favored us]. If *Yom Kippur* occurred on Shabbos you should say *Veyiten lecha* [May God give you], but you do not say *Vahi no'am* [May the pleasantness] and *Ve'ata kadosh* [You are the Holy One]. After the prayers, *Kiddush levanah* [Sanctification of the moon] is said, and people exchange good wishes with one another, with happiness and a glad heart, as on a Yom Tov.

²⁸ In the *Havdalah* of *Yom Kippur* night, you must say the berachah only over a candle that was lit before *Yom Kippur*, and not over a light that is produced now by means of a match or something similar, nor over a light that has been lit from such a light. The best way is to light a candle from the flame of the candle you lit in your house the day before, and to say the berachah over both of them. If you have no burning candle in your house you should bring a burning candle from

the synagogue, light another candle from it and say a berachah over both of them. In extreme circumstances, you may say the berachah over a candle that was lit from a candle of a non-Jew, or from a flame that was produced by means of a match, or something similar. You should not begin the *Havdalah* with *Hinei keil yeshuasi* [Behold the Almighty is my deliverance], [rather you should begin] and say the berachah over a cup of wine, over the candle, and then say *Hamavdil*. You should not say a berachah over spices. If it is Shabbos night you should say the berachah over spices, and then you also begin with *Hinei keil yeshuasi*, as on any other Shabbos night.

- ²⁹ We eat and drink and we rejoice at the conclusion of *Yom Kippur*, as it is said in the *Midrash*, "At the conclusion of *Yom Kippur* a heavenly voice goes forth and says: 'Go, eat your bread with gladness, and drink your wine with a cheerful heart, for God has already accepted your deeds with favor.'"
- ³⁰ People who are meticulous in observing the mitzvos begin to build the *sukkah*, immediately after the end of *Yom Kippur*, fulfilling the verse, "They go from strength to strength" (*Psalms 84:8*).

³¹ On the day after *Yom Kippur* it is customary to rise early to go to the synagogue. On the days between *Yom Kippur* and *Sukkos*, we do not fast even the fast of a *Yahrtzeit*. We do not say *Tachanun* [on these days], because they are days of rejoicing during which the Altar was dedicated in the days of King Solomon, and also because we are occupied with the mitzvah of building the *sukkah*, and preparing the *esrog*, and the other species in honor of the Master of masters, the sanctifier of Yisrael and the seasons.

Siman 134

- ¹ It is a mitzvah to build the *sukkah* immediately, on the day after *Yom Kippur*, even if it is *erev Shabbos*, because when a mitzvah presents itself you should not put it off. You should select a clean location to build it. It is a mitzvah for everyone to be personally involved in building the *sukkah* and laying the *sechach* (covering). Even though he is a distinguished person, it is considered an honor to be personally involved in the mitzvah. It would have been appropriate to say the berachah *Shehecheyanu* when building the *sukkah*, but we rely on the *Shehecheyanu* that is said in the *Kiddush*. You should endeavor to decorate the *sukkah* and to adorn it with beautiful things and elegant spreads, according to your means.
- ² Concerning the walls of the *sukkah*, there are many different *halachos*, and not everyone is familiar with them. Therefore, you must make the walls full-length (complete) and strong, so that the wind cannot shake them or blow out the candles. If you do not have enough [lumber] for [four] walls, it is better to make three complete walls than four

incomplete ones. If you can afford it, it is a mitzvah to build a *sukkah* with a roof, that can open and close on hinges, so that you can close it when it rains; and when the rain is over, you can open it again. This way, the *sechach* is kept dry, and you can fulfill the mitzvah of *sukkah* properly.

- ³ With regard to *sechach*, there are also many *halachos*. It is our custom to cover the *sukkah* with branches of trees or with reeds. Since they grow in the earth, and are detached from the soil, and do not absorb ritual impurity, and are not tied together, you have no reason at all to hesitate [using them].
- ⁴ Initially, you should be stringent, and avoid placing anything that absorbs ritual impurity to serve as a supporting beam for the *sechach*, such as ladders which have [in their side pieces] holes in which the rungs are inserted, and certainly other utensils, such as a spade or a rake. Even placing them on top of the *sechach* to reinforce it, should be avoided. However, if they are in place already, or you have nothing else [to serve the purpose], all these are permitted for we have an established rule that it is permitted to support the *sechach* with something that absorbs ritual impurity.
- ⁵ You must put enough *sechach* on the *sukkah* to provide more shade than sun, for if there is more sun than shade, the *sukkah* is invalid, according to Torah law. Care must be taken, therefore, to put on enough *sechach*; that, even if it dries out, there will still be more shade than sun. You must also be careful not to leave an open space of three *tefachim* in any one place. Initially, it is necessary to leave a slight space between the branches of the *sukkah*, so that the stars can be seen. Nevertheless, if the

sechach is so thick that the stars cannot be seen, the *sukkah* is still valid. But if the *sechach* is so thick, that even a heavy rain cannot come through, then it is almost like a house, and the *sukkah* is invalid.

- 6 When *sukkos* are solidly constructed, sometimes boards jut out along the top of the walls, and on these boards, the beams are placed on which the *sechach* rests. If this board is less than four *amos* wide, the *sukkah* does not become invalid, because of invalid *sechah*, for there is a halachic tradition from Mount Sinai, that when a board projects less than four *amos*, we say that it is a curved wall, which means that the protruding board is considered part of the wall, and we regard the wall as if it is bent at the top. But you may not sit or sleep underneath that board, for *Halachah* does not recognize that area as part of the *sukkah*, even if the board is only four *tefachim* wide; but the rest of the *sukkah* is valid. But if protruding from the *sukkah* wall, there are boards that are four *amos* or more wide, then they are called invalid *sechach* which invalidates the entire *sukkah*. Nevertheless, if the boards protrude into the *sukkah* only on one side, as is the style in some of the built [permanent] *sukkos*, where a small shelf is installed on one side (to put the dishes there when it starts to rain), then it does not matter; since it is only on one side, there are still three valid walls on which there is valid *sechach*; and a *sukkah* made of three walls is also valid, provided it has the minimum size required for a *sukkah*, which is no less than seven *tefachim* by seven *tefachim* square. But you must not sit underneath the shelf.

- 7 If you build a *sukkah* underneath the branches of a tree it is invalid. Even if the branches alone would have allowed more sun than shade, and consequently, by placing the *sechach* on the *sukkah*, you, in fact,

made it into a *sukkah* [by providing the required shade], it is, nevertheless, invalid. Even if you cut off the branches of the tree afterwards, the *sukkah* still remains invalid, for it is written, "Make [*ta'aseh*] the festival of *Sukkos* for yourself" (**Deuteronomy 16:13**), and it is expounded, "A *sukkah* must be made, and not come into being by itself." (see chapter 9:6 above) Therefore, after cutting the branches of the tree, you must pick up each branch of the *sechach* and a new act of placing it down must be performed, for the purpose of fulfilling the mitzvah of *sukkah*. It is also forbidden to lay down the *sechach* before making the walls for it is required that with the laying of the *sechach* the *sukkah* should become valid for use.

- 8 Similarly when you build a *sukkah* with a roof that can be opened [and closed], you must open the roof before you put down the *sechach*, and if afterwards you close the roof and open it again, it does not matter, for it is the same as if you spread a sheet over it and then remove it. Nevertheless, you should be stringent, and have the roof open at the onset of the Yom Tov. You must also take care with these *sukkos* that the roof is wide open, straight in line with the wall of the *sukkah*. For if it is not perfectly straight, but inclines slightly over the *sechach*, even if the area covered is not large enough to make the *sukkah* invalid, nevertheless, you should be careful not to sit under the area over which the roof protrudes, for you would then be sitting underneath the roof. (see paragraph 6 above) Although a *sukkah* is exempt from a *mezuzah* during the Yom Tov, nevertheless, the permanently built *sukkos*, that are used all year and are required to have a *mezuzah*, are not exempt during *Sukkos*, and it is not necessary after *Sukkos* to affix the *mezuzah* again.

- 9 You may fulfill your obligation with a borrowed *sukkah*, but not with a *sukkah* that was stolen. It is forbidden, therefore, to build a *sukkah* in a public domain. In extreme situations when there is no other *sukkah* available under any circumstance you may sit in it and say the berachah in it.
- 10 You should be careful not to cut the *sechach* for your *sukkah* yourself, but you should buy it from someone else. In extreme situations, you may cut it yourself, but you should get permission from the owner of the land.
- 11 You are permitted to build a *sukkah* during *Chol Hamo'ed*.
- 12 The wood of the *sukkah*, either of the walls or of the *sechach*, is forbidden to be used [for any purpose] until after *Simchas Torah*, because they were set aside for the performance of a mitzvah. Even to take a splinter from it to use as a toothpick is forbidden. Even if [a piece of wood] fell down you are forbidden to use it; and it is of no avail [if you had made] a stipulation [before Yom Tov] [to use such wood.] If *Simchas Torah* occurs on Friday, the wood is forbidden also on Shabbos. The *sukkah* decorations are also forbidden to be used, even if they fell down. Since it is forbidden to derive any benefit from them, consequently, on Shabbos and Yom Tov it is forbidden to handle them because they are *muktze*. Nevertheless, if an *esrog* is hanging in the *sukkah* as a decoration, you are permitted to inhale its fragrance, for it was not set aside in regard to its fragrance. With regard to decorations hanging from the *sechach*, it is generally accepted that even if you made a stipulation [to use them on Yom Tov], it is of no avail. However,

regarding decorations hanging on the walls, this stipulation is effective. Tapestries that are hung in the *sukkah* as decorations, it is the accepted practice to remove them so that they should not get ruined by an impending rain, even if you had made no express stipulation; for we assume that initially you had that in mind when you hung them. Nevertheless, it is best to express prior stipulation, that is, before twilight on the eve of *Sukkos*, you should stand [in the *sukkah*] and say, "I hereby stipulate that I am permitted to eat, and to use the decorations of this *sukkah* whenever I wish." You must be careful about those *sukkah* decorations that you intend to remove during Yom Tov, not to tie them with a knot, but only with a loop, (see chapter 80:45, 46 above).

- ¹³ Even after *Sukkos*, when you dismantle the *sukkah*, you should not step on the boards, and you should not use them in a degrading manner, because they are articles that were used for a mitzvah, the same as *tzitzis*. (see chapter 9:19)

- ¹⁴ It is forbidden to carve out the verse "You must live in *sukkos*" etc. or any other verse on a pumpkin or similar fruit as a *sukkah* decoration, because it will subsequently be degraded, and besides, it is forbidden to write a verse needlessly.

- ¹⁵ On *erev Sukkos*, after midday you should not eat bread, so that you will eat your meal in the *sukkah* with good appetite. You should give generous amounts of charity on *erev sukkos*.

- ¹ It is written "For seven days *teishvu in sukkos*," (Leviticus 23:42), which means "you must dwell" in *sukkos*. The Torah teaches that you should make the *sukkah* your home for seven days. Just as you live in your home all year, so now [on *Sukkos*] the *sukkah* should be your principal residence. There you should bring your fine china and elegant tablecloths. You should eat, drink, study, spend your leisure, and sleep in the *sukkah*. Even conversation with friends should be held in the *sukkah*, and if you pray alone you should also pray in the *sukkah*. It is written, "This is so that future generations will know that I caused the Israelites to live in *sukkos* when I brought them out of Egypt," (Leviticus 23:43). Therefore, you should keep in mind when you live in the *sukkah*, that the Holy One, blessed is He, commanded us to live in the *sukkah* as a memorial of the Exodus from Egypt. Regarding the *sukkos* of which the verse says "That I caused [the Israelites] to live in *sukkos*, there is disagreement among *Taanaim*. Rabbi Eliezer says that it refers to the Clouds of Glory with which the Holy One, blessed is He, surrounded our forefathers, to shield them from the heat and the sun. Rabbi Akiva, says that it means actual *sukkos* that they built for themselves when they camped [in the desert] as a protection from the sun. Although we departed from Egypt in the month of *Nisan*, He did not command us to build the *sukkah* during that season, because it is the beginning of the summer, when people usually build booths for the shade, and it would not be recognized as being built in order to fulfill the mitzvah of the Creator, blessed is His Name. He, therefore, commanded us to make it in the seventh month, which is the rainy season, when people usually move out of their booths to live in their homes; but we move out of our houses to live in the *sukkah*; which makes it clear to all that we are fulfilling the King's command.

- ² You should maintain the *sukkah* with dignity so that *mitzvos* should not be treated with disrespect. Therefore, you should not bring into it vessels that are unbecoming to a *sukkah*, such as pots, pitchers used for drawing water, vessels in which you keep flour, kneading troughs, kettles, frying pans, mortars, or similar utensils. After the meal, the dishes should be cleared away from the *sukkah*, but drinking glasses may remain in the *sukkah*. People usually do not bring earthen candlesticks into the *sukkah* because they are repulsive. You should not do undignified work in the *sukkah* like washing pots and dishes. But you are allowed to rinse a wine cup. Of course, it is forbidden to urinate there, even in a vessel, even if one usually does so in his house. But marital relations are permitted in the *sukkah*, for the underlying principle of the mitzvah is for husband and wife to be together. If you bring offensive vessels into the *sukkah* it does not become invalid, but while they are there you should not say the berachah *Leishev basukkah*, until they have been removed.
- ³ Eating in the *sukkah* on the first night of *Sukkos*, is an obligation. It is required that you eat in the *sukkah* not less than a *kazayis* of bread; and even if you suffer discomfort you are obligated to eat it in the *sukkah*. If it rains, (see paragraph 9 below) and it seems that it will stop in an hour or two, you should wait and then say the *Kiddush* and eat in the *sukkah*, in the appropriate way. But if it appears that the rain is not stopping, or you waited and it did not stop, then you should say the *Kiddush* in the *sukkah* and say *Shehecheyanu*, and have in mind when saying *Shehecheyanu* that this berachah also applies to the *sukkah*, but you should not say *Leishev basukkah*. You then wash your hands and say *Hamotzi* and eat a *kazayis* of bread in the *sukkah* without interruption;

and then go into your house to complete the meal. You should bear in mind when washing your hands and when saying *Hamotzi* that you also intend to eat in the house. (See chapter 42:19, 21 below) If it stops raining before you said *Birkas Hamazon*, you should go back to the *sukkah*, say the berachah *Leishev basukkah*, eat slightly more than a *kebeitzah* of bread, and say *Birkas Hamazon*. If it stops raining after you said *Birkas Hamazon*, you should also return to the *sukkah*, wash your hands again, eat more than a *kebeitzah* of bread, saying the berachah *Leishev basukkah*, and then say *Birkas Hamazon*. If after the rain has stopped, water is still dripping from the *sechach* in your own *sukkah*, and there is a *sukkah* in your neighborhood that was closed with a roof, and after the rain they opened it, you should go there and eat your meal in good spirits.

- ⁴ On the second night of *Sukkos* it is also mandatory to eat in the *sukkah*, even if you suffer discomfort. It is governed by the same *halachos* that apply to the first night, as we have written, except for one difference, that if it appears that the rain is not going to stop, or if you waited and it did not stop, you should recite the *Kiddush* in the house and eat your meal there, and before saying *Birkas Hamazon*, you should go to the *sukkah* and eat at least a *kazayis* of bread without saying *Leishev basukkah*. You then return to the house and say *Birkas Hamazon*.

- ⁵ In the evening, on returning from the synagogue you should enter the *sukkah* and immediately say the *Kiddush*, but you should not say *Kiddush* unless you are sure that it is night. When you say *Leishev basukkah* you should be mindful to exempt with this berachah, the meal you are eating now, your sleeping [in the *sukkah*], and other necessities you will do in the *sukkah*, until you say *Kiddush* again the

next morning. When saying *Shehecheyanu* you should be mindful that this berachah applies to the Yom Tov as well as to the *sukkah*. Therefore, on the first night you should say first *Leishev basukkah*, and then *Shehecheyanu*, so that the *Shehecheyanu* applies to the *sukkah* as well; but on the second night you should first say *Shehecheyanu* and then *Leishev basukkah*.

- 6 When several heads of families eat in one *sukkah* and there are also women, and other members of the family who must listen attentively to the *Kiddush* in order to fulfill their obligation; and, if all the men recite the *Kiddush* at the same time since two voices cannot be heard simultaneously, [their voices would become unintelligible,] and the family members would not hear the *Kiddush* clearly. It is best, therefore, that they should say the *Kiddush* one at a time. If they do recite the *Kiddush* simultaneously, [for example] in a situation when there is no one who has to fulfill his obligation by listening to the *Kiddush*; then if one of them finished saying the berachah *Borei peri hagafen*, or one of the other berachos, before the others, then the one who finishes early should not respond *Amein* to the berachah of the other, because saying *Amein* constitutes an interruption between the *Borei peri hagafen* [he just now said] and the drinking of the wine. Some people are accustomed to wait for the others to finish the *Kiddush* and to respond *Amein*. This is not according to *Halachah*; but they should all say it together.
- 7 On the other nights and days of *Sukkos*, you are not obligated to eat in the *sukkah*; but if you want to eat a regular meal or to sleep, you must do so in the *sukkah*. What is meant by a "regular meal?" If you eat more than a *kebeitzah* of bread, even if you do not schedule it as a "meal,"

and even if it is pastry, [similar to a blintz or a strudel it must be eaten in the sukkah]. Similarly, any dish made of [one of] the five species of grain, if it is more than a *kebeitzah* and you scheduled it as a "meal," you must eat it in the *sukkah* and say the berachah *Leishev basukkah*. But even if you eat a large quantity of fruit and you scheduled it as a meal, you are allowed to eat the fruit outside the *sukkah*. Also wine or other beverages, or meat and cheese may be eaten and drunk outside the *sukkah*, provided you do not schedule it as a meal. But if you want to drink wine or other beverages as a scheduled "meal," or you want to eat meat or cheese as a scheduled "meal," you must have it in the *sukkah*, but without saying the berachah *Leishev basukkah*. It is best to eat some bread first, so that you can say the berachah. All this is as required by *Halachah*, but those who are more meticulous and do not even drink water outside the *sukkah* are considered praiseworthy.

⁸ Sleeping, or even taking a nap, according to *Halachah*, must be in the *sukkah*. And this is the practice of those who are scrupulous in observing the mitzvos; they, indeed, do not even take a nap outside the *sukkah*. But nowadays, many people are lenient with regard to sleeping [in the *sukkah*]. The later authorities, of blessed memory, wrote a number of reasons to justify this leniency to an extent. However, every God-fearing person, should be stringent and build a *sukkah* in which he and his wife can dwell in the same manner they live the entire year, if possible. At minimum, [the *sukkah*] should be suitable for him to sleep in, for if it does not meet these standards it is not valid, even post factum [even after it was already built].

⁹ If it rains, you are exempt from [staying in] the *sukkah*. How heavy a rain must it be for you to be exempt? If it rains so much, that in your

judgment, if that much rain would drip into your cooked food, it would be spoiled, even if the food is not actually in the *sukkah*, or if you estimate, that if it would rain that much into the room where you are sitting, you would move into another room, then you may leave the *sukkah* and go into the house. If you started to eat in the *sukkah*, and then it began to rain, so that you went into the house and started to eat there; or because of the rain you began initially to eat in the house, and then it stopped raining, you may finish your meal in the house, and you are not obligated to leave while the meal is in progress, to go from your house into the *sukkah*. When it is so cold that the food in the *sukkah* jells, you are exempt from sitting in the *sukkah*, and you may eat in the house.

- ¹⁰ As for sleeping in the *sukkah*, even a slight rain causes discomfort when you sleep, and you may leave [the *sukkah* when it rains]. If you left the *sukkah* to sleep in the house, and then it stopped raining; or if you initially went to sleep in the house because of the rain and then the rain stopped, you do not have to bother to go to the *sukkah* during the night, but you may sleep in the house until morning.
- ¹¹ Anyone who is exempt from staying in the *sukkah* and does not leave is called a simpleton, and will receive no reward for it. And he is not permitted to say the berachah [*Leishev basukkah*], because it would be a berachah said in vain. When you leave the *sukkah* because of rain, you should not complain [in anger] as you leave, but go out feeling humbled, like a servant who poured a cup [of wine] for his master, and the master poured a pitcher [of water] into his face.

- ¹² It is the custom to say the berachah *Leishev basukkah* only when you eat a regular meal. And it is the custom to say the *Hamotzi* first, and then *Leishev basukkah*, before you begin to eat. Everything that you eat in the *sukkah* the entire day, and whatever you do while staying there, even if you sleep there, is exempt with the berachah you said before eating the regular meal, [and it exempts everything] until you eat your next regular meal. If you did not leave the *sukkah* to go to business or to the synagogue between meals, since you once said the berachah, you need not repeat it at the next meal. Even if during the entire week of *Sukkos*, you would dwell in the *sukkah* eating, studying, praying and sleeping there, you would need to say the berachah only one time, because your thoughts were never diverted from the *sukkah*. Even if you left the *sukkah* temporarily, with the intention of returning immediately, it is not considered a diversion, and you need not say the berachah at the following meal. However, if you went out to do business, or to go to the synagogue, or for similar reasons; even if you went into your house to study, or to do something which is time consuming, it also constitutes a distraction, and you must say the berachah at the next meal.
- ¹³ If you leave the *sukkah* even in the middle of your meal, to go to a friend's *sukkah*, and you eat a quantity of food which must be eaten in the *sukkah*, you must say *Leishev basukkah* there too.
- ¹⁴ If you forgot to say *Leishev basukkah*, and you become aware of it in the middle of the meal, or even after you finished the meal, you must still say the berachah, because by staying in the *sukkah* after the meal you are also fulfilling the mitzvah.

- 15 Women are exempt from the mitzvah of *sukkah*, nevertheless, they are permitted to say the berachah. Children also, are exempt, Nevertheless, if a boy is five years and over, his father must train him to eat in the *sukkah*. Even if the father is not at home, he should not be permitted to eat outside the *sukkah*.
- 16 A sick person and his attendants are exempt from the mitzvah of *sukkah*. However, if the patient is not critically ill, the attendants are exempt only when he needs them. If he is critically ill, they are exempt even when he does not need them so urgently.
- 17 [If staying in the *sukkah*] causes you discomfort, that is if you are troubled by the cold weather or the wind, or by a bad odor or similar annoyances, you are exempt from the mitzvah of *sukkah* on all nights other [than the first night], and on all the days of *Sukkos*. Similarly, if the light in the *sukkah* went out on Shabbos, and it is a great bother for you to go to a friend's *sukkah*, then you may go to your house, if the candles are burning there. This only applies if initially you made your *sukkah* properly, and it was only an accident that caused you to be uncomfortable while sitting or sleeping there. But if initially you made the *sukkah* in a place where there is an offensive odor, or similar [irritation], or in a place where you are afraid to sleep, then you cannot fulfill your obligation even when you eat there in the daytime. If the wind threatens to blow out the candles [on Shabbos], as it passes through the walls, you are permitted to spread a sheet or a garment on the wall.

- 18 People traveling in the daytime are exempt from eating in the *sukkah* during the day, because they have no time to look for a *sukkah*, since they must move along. But if they are able to sit in a *sukkah* without too much trouble, they are obligated to do so. At night, when they are at the lodging where they intend to stay overnight, they must make an effort to [find] a *sukkah* in which to dwell. Even if they are in a place where there is no *sukkah*, if they can make one at a small cost, they must endeavor to have a *sukkah* for sleeping. If they are also traveling at night they are governed by the same *Halachos* that apply in the daytime. People who travel to villages on *Chol Hamoed* to collect debts, and cannot make a *sukkah* there, must assume the inconvenience of returning home every night in order to fulfill the mitzvah of *sukkah*.
- 19 People traveling for the sake of doing a mitzvah, and would find it bothersome to find a *sukkah*, or if it is not convenient for them to sleep in the *sukkah*, and if they would sleep there they would be tired the next morning, and would be hampered in the performance of the mitzvah, are exempt from the mitzvah of *sukkah*; otherwise, they are obligated to fulfill it.
- 20 If watchmen who guard gardens, orchards, grain and other produce, find it possible to watch everything from one location, they should make a *sukkah* there, in which to stay.
- 21 Men who make wine in non-Jewish areas are exempt of the mitzvah of *sukkah*, whether by day or by night, because they must watch continuously that a non-Jew should not touch the wine. But if the

situation is such that no watching is needed, then they are required to stay in the *sukkah*.

- ²² People who stay in a store, even if they live out of town, and the store is in town, and during the year they eat most of their daily meals there, nevertheless, on *Sukkos* they are required to eat in the *sukkah*.

Siman 136

- ¹ It is a time-honored custom in Yisrael that when you buy an *esrog* and a *lulav*, and you are not an expert in these *Halachos*, you should show it to an halachic authority to determine if they are valid, because there are many different *Halachos* regarding them. You should do your best to buy a fresh *lulav*, because a dry *lulav* may be used only in extreme circumstances. Some authorities say, that [a *lulav*] that is no longer green is considered dry. The required length of a *lulav* is that its main stem besides the upper leaves should measure four *tefachim*. In extreme circumstances, a length of $13\frac{1}{3}$ *egudlin* is sufficient.
- ² The *hadas* (myrtle twig) must have leaves growing in groups of three, that is, each set of leaf buds should produce three leaves on the same horizontal level, none should be higher or lower than the others. Also it is essential that the leaves cover the twig, that is, that the tip of each leaf should overlap the stem of the leaf above it. Among the *hadassim* that are imported from distant places you rarely find valid ones, and you must, therefore, examine them. A God-fearing person should do his best to buy *hadassim* that are fresh, green and have leaves "in a threesome," and are beautiful. You must make sure that those grown locally have not been grafted, and have not been grown in a pot that

has no hole [in the bottom]. Similarly, we must be concerned regarding the *lulavim* that grow in our region. If *hadassim* with "threesome" leaves are unavailable you may take those without "threesome" leaves, but you should not say the berachah.

- ³ The required length of a *hadas* is three *tefachim*. In extreme circumstances ten *egudlin* is sufficient. The entire *hadas*, from bottom to top, should have leaves growing in "threesomes." In extreme circumstances, however, if at the bottom there are a few leaves not in "threesomes," but on top the majority are "threesomes," it is also valid. You should be careful that the leaves of the *hadas* should not fall off; for even if some of the leaves fall off, there are many differing *Halachos*, and you must consult an *halachic* authority.
- ⁴ You should make sure that the top [of the *hadas*] is not broken off, that is, the top of the wooden stem. If you have only *hadassim* with broken-off tops, you should consult an *halachic* authority. But the small side-branches that grow between the leaf-buds must be broken off so that they should not form a separation between the leaf-buds.
- ⁵ The *aravah* (willow) is well-known, it has lengthy leaves that have smooth edges, and it has a red stem. Even when the stem is still green, the *aravah* is valid, because if it stays on the tree it turns red. Most of this species grow near a brook, therefore, they are called *arvei nachal* [willows of the brook] (*Leviticus 23:40*). But even if they grow elsewhere they are valid, but if it is possible, you should try to get those that grow near a brook. The required size of the *aravah* is the same as that of the *hadas*.

- 6 An *aravah* that is dried up, or if most of its leaves have fallen off, or if its stem is broken off, is invalid. Some authorities say, that if the leaves are partially torn from the stem and are hanging limp it is also invalid. You should be extremely careful also with regard to the *aravah*, because sometimes when you insert it in its place among the *lulav* [and the *hadas*], or because of the waving, the leaves fall off and then it becomes invalid.
- 7 Care should be taken that a Jew should not personally cut off any of the four species from a tree for his own use, even if the owner of the land gives him permission; but a non-Jew or another Jew should cut them off and then he should buy it from him.
- 8 You should take three *hadas* branches and two *aravah* branches, (no more than that), and bind them together with the *lulav*, so that they become one bundle. You should make sure that they are all [bound together] in the direction they grow, that is, with the cut edges downward. For, if only one branch is upside down, it is invalid, even ex post facto, [after it is already done]. You should bind the *hadas* on the right of the stem of the *lulav* and the *aravah* on its left side, that is, when you take the *lulav*, with its stem facing you, the *hadas* should be opposite your right and the *aravah* opposite your left. On the bottom they should all be even, so that when you take the *lulav* you should hold all the species [in your hand]. Nevertheless, you should see to it that the *hadas* should be slightly higher than the *aravah*. And you should make sure that the stem of the *lulav* protrudes at least a *tefach* above the *hadas*. You should tie all of them together with a complete knot, that is, two knots one on top of the other. Besides binding these

[three] species together you should also fasten three more bands on the *lulav*. However, at least only one *tefach* at the top of the *lulav* should remain without a band, in order to make a rustling sound when you shake it. If there is a string tied around the *hadassim*, you must remove it before binding it with the *lulav*, so that nothing intervenes between [the *hadassim* and the *lulav*]. If the *lulav*-bundle becomes undone on Yom Tov, it is forbidden to tie it on Yom Tov with a knot, but you may make a loop, or as the custom is, to wind the strip around the *lulav* and insert the end of the strip into the ring you made.

- ⁹ An *aravah* that was cut off the tree either on the first day of Yom Tov or on the second day is forbidden to be handled on that day, because it is absolutely *muktzeh*. If it was cut on the first day, it may be used on the second day. But if the first day occurs on Shabbos, and it was cut then, it is also forbidden on the second day. If an *esrog* was brought in, from outside the Shabbos boundary, or if any of the other species were brought in, you may handle them and fulfill the mitzvah with them. But if the city has no *eiruv*, you may not move them outside the house where they are found; and all must go to this house to fulfill the mitzvah with them.

- ¹⁰ Should you not have been able to obtain choice specimens of all four species, you should rather fulfill the mitzvah with a set belonging to a friend, [who has obtained choice specimen,] (see following chapter, par. 8). Nevertheless, it is a mitzvah for you to obtain for yourself the best four species you can afford, in order to wave with them when you say *Halleil* and also for the *Hakafos*.

- ¹ You should take the *lulav*, together with the bundle, the stem [spine] of the *lulav* facing you—in your right hand, and the *esrog* in your left hand. As in all mitzvos, you must say the berachah on the *lulav* before performing the mitzvah. You must also hold the *esrog* in the manner it grows, that is, that the stem from where it was cut off the tree should point downward and the *pitam* [knob on top] upward. Therefore, when you pick up the *esrog* before saying the berachah, you should hold it upside down, with the stem facing upward and the *pitam* downward, in order not to fulfill the mitzvah before saying the berachah. Then, while standing, you should say the berachah *Al netilas lulav* [Concerning the taking of the *lulav*]. (Because the *lulav* is taller than any of the other species, it is considered more important, and the entire bundle is called by that name.) On the first day of *Sukkos* you should also say *Shehecheyanu*. If the first day of *Sukkos* occurs on Shabbos, when we do not take the *lulav*, then you say *Shehecheyanu* on the second day. After the berachah you turn the *esrog* around, and holding it close to the *lulav*, so that there is no separation between them, you wave [the species] towards the four points of the earth, in this sequence: East, South, West, North, up and down. When waving during *Halleil* and during the *Hoshanos*, you should also be careful to hold the *esrog* close to the *lulav*, so that there is no separation between them. If you did it in the opposite manner, and took the *esrog* with the right hand and the *lulav* with the left hand you should take them again, without saying the berachah.
- ² A left-handed person should take the *lulav* with *his* "right" hand, which is everyone else's left hand, and the *esrog* with his [so-called] "left" hand. If he did it in the opposite manner he should take them again

without saying a berachah. A person who is ambidextrous is considered as any [right-handed] person.

- ³ It is proper to take off the *tefillin* before taking the *lulav* in hand, or at least remove the strap from your hand, so that nothing intervenes between [your hand and the *esrog*.] It is also proper to remove the rings from your fingers.

- ⁴ The order of the waving in *Halleil* is as follows: There are six words in *Hodu* [Give thanks] besides the Name *Hashem*; and at each word you should wave in a different direction; but when saying *Hashem*, you should not wave. At *Hodu* you wave towards the East (straight ahead), at *ki* towards the South (right), at *tov* towards the West (back), at *ki* towards the North (left), at *le'olam*,—upward; at *chasdo*, —downward. The *Chazzan* waves only at *Hodu* and at *Yomar na Yisrael*. The congregation waves each time they say *Hodu*. At *Ana*, both the *Chazzan* and the congregation wave only when saying *Ana Hashem hoshiah na*, [Please Hashem, save now!] But since this verse has only three words besides *Hashem*, you should wave at each word in two directions. In the *Hodu* at the conclusion of *Halleil* both the *Chazzan* and the congregation wave again. When waving downward you should lower only your hands, while the *lulav* and the other species should remain [in an upright position] the same way they grow. People who have the custom to turn the *lulav* downwards should not change their custom. It is not necessary to turn your face in the direction in which you are waving; you should only point the top of the *lulav*, [in that direction]. You do not have to wave the *lulav* forcefully, just shaking it slightly to rustle the leaves is sufficient.

- 5 It is forbidden to eat before fulfilling the mitzvah of *lulav*. If you are traveling and anticipate to arrive at a place where there is an *esrog* and a *lulav*; or people who live in small villages, [and must wait until] an *esrog* and *lulav* is sent to them, must wait until midday, but no later, because it is forbidden to fast longer than that on Yom Tov and *Chol Hamoed*. If you feel faint and cannot wait until noon, you may have something to eat before; but if you do not feel faint you should be stringent and abstain from tasting any food.
- 6 You are permitted to replace the *lulav* in water on Yom Tov, and add water to the vessel [in which it is placed], but you may not change the water. However, on *Chol Hamoed* it is a mitzvah to change the water for the purpose of keeping the *lulav* fresh and beautiful. It is customary to buy fresh *aravos* on each day of *Chol Hamoed*, for the *lulav*; for thereby you enhance the beauty of the mitzvah.
- 7 It is forbidden to inhale the fragrance of the *hadassim* during the seven days of *Sukkos*, even on Shabbos. But you may inhale the aroma of the *esrog* on Shabbos, and you should say the berachah *Hanosein rei'ach tov bapeiros*, [Who places a good aroma into fruit]. But on the other days of *Sukkos*, you should not smell it, even when you are not taking it to fulfill the mitzvah, because it is *halachically* doubtful whether you should say a berachah on it. It is forbidden to handle the *lulav* on Shabbos, even if you need the *lulav* itself or the space it occupies, because it is *muktze*. However, since you are permitted to smell the *esrog*, it is not *muktze*, and you may handle it. And you are permitted to put it back in the cotton where it was kept before Yom Tov, because it already absorbed the fragrance. However you should not place it in

new cotton or in a garment, because you are creating fragrance in the garment, [which is forbidden on Shabbos].

- ⁸ On the first day of *Sukkos*, you cannot fulfill the mitzvah with a *lulav* and other species that were borrowed, but they must actually belong to you, for it is written, "And take for yourself on the first day." (*Leviticus 23:40*) And [our Rabbis] expound "For yourself" means "from that which is yours," which excludes a borrowed [*lulav* or other species] Those living outside *Eretz Yisrael* who observe Yom Tov two days, because of a doubt [about the date], even on the second day should not say a berachah [over a borrowed *lulav*]. If someone gives you his *lulav* as a gift, on condition that you return it, it is considered [*halachically* as] a gift and you may fulfill the mitzvah with it. Even if he gives it to you unconditionally for the purpose of fulfilling the mitzvah, it is considered as if he had expressly stipulated that he is giving it to you as a gift on condition that you return it. If the husband is not at home and the wife wants to give the *lulav* to someone to fulfill the mitzvah, the validity depends on the judgment of the husband's disposition, whether or not he would mind.
- ⁹ If people joined to buy an *esrog* and the other species [in partnership], we presume that they bought it with the understanding, that when it is time to perform the mitzvah, each partner would transfer his share to the other. Therefore, it is customary for the congregation to buy an *esrog*, and the entire congregation fulfills the mitzvah with it, and whoever can afford it must contribute to the "*esrog* fund." Still, it is better to fulfill the mitzvah with an *esrog* belonging to an individual, if all his species are superbly beautiful, because an individual's transfer of ownership is more effective.

- ¹⁰ On the first day of *Sukkos* minor children should not be permitted to take the *lulav* and *esrog* before the adults have fulfilled the mitzvah, for a minor can acquire an object but cannot transfer ownership, according to Torah law.
- ¹¹ On all the days of *Sukkos*, after the *Musaf* service, it is customary to carry a *Seifer Torah* to the *bimah*. The Ark remains open until the conclusion of the *Hoshana* service, when the *Seifer Torah* is returned to the Ark. All men who possess an *esrog* and *lulav* circle the *bimah*, where the *Seifer Torah* is held, while the *Hoshanos* are recited. Each day they circle the *bimah* once. But on the seventh day [of *Sukkos*] which is *Hoshana Rabbah*, all the *Sifrei Torah* are removed from the Ark and brought to the *bimah*. The *bimah* is circled seven times, in remembrance of the *Beis Hamikdash*, where each day [of *Sukkos*] they would circle the altar once and on the seventh day, seven times. The *hakafos* (circuits) should be made, [starting] to the right. Since the *Seifer Torah* is on the *bimah*, and the entire congregation must turn towards the *Seifer Torah* on the *bimah* before beginning the *hakafah*, their right side thus faces North; therefore, the circle moves in a northerly direction. A person who owns an *esrog* and *lulav* and does not encircle the *bimah* manifests poor conduct. In some communities it is customary on *Hoshana Rabbah* and *Simchas Torah*, after they remove all the *Sifrei Torah* from the Ark, to place a burning candle in it (to indicate that Torah is light, and when the Torah is not there, another light is needed). This is not a proper custom and should be abolished, for it is forbidden to use the Holy Ark for secular purposes, even temporarily.

- ¹² On Shabbos no circuits are made because even in the *Beis Hamikdash* they did not circle the altar [on Shabbos]. Therefore, a *Seifer Torah* is not brought to the *bimah*, but the Holy Ark is left open until after the *Hoshanos* are said.
- ¹³ A person who becomes a mourner on *Sukkos*, or a mourner during the twelve months after the death of his father or mother, according to custom, should not encircle the *bimah*, but he should give his *esrog* and *lulav* to someone who does not own a *lulav*, to circle the *bimah*.

Siman 138

- ¹ The fifth (in Eretz Yisrael, the sixth) day of *Chol Hamoed* is *Hoshana Rabbah*. It is customary to stay awake the preceding night and to study Torah, according to the order printed [in the *Tikkun*], because on *Sukkos* we are judged with regard to water, upon which human life depends, and this day is the last day of *Sukkos*, and all depends upon the conclusion [of judgment.] At *Shacharis* additional candles are lit in the synagogue, as on *Yom Kippur*, and the *Chazzan* wears a *kittel*. *Lamenatzei'ach* [for the choirmaster] is said as on *Yom Tov*, and *Mizmor lesodah* [a psalm of thanksgiving] is also said, but *Nishmas* [the soul] is not said. We say *Ein kamocha* [There is none like you], and *Shema Yisrael*, as on *Yom Tov*. In the *Kedusha* of *Musaf* we say *Na'aritzecha* [We will revere].
- ² The prophets instituted the custom, that each person should take a special *aravah*, on that day besides the *aravah* in the *lulav* bundle. Whatever disqualifies the *aravah* of the *lulav* [bundle] also disqualifies

this *aravah*. Therefore, a Jew should not cut it himself for his own use. (as I have written in ch. 136:7 above); the only difference [of the special *aravah*] is that even if most of the leaves fell off, it is valid. Even if there is only one leaf left on one branch, it is valid. However, the beauty of the mitzvah is enhanced when the *aravah* has many leaves and a long branch. It is a beautiful custom to take five branches [for the special *aravah*] and tie them together with a leaf of a *lulav*.

- ³ You should not take this *aravah* together with the *lulav*, but when you begin to say *Ta'aneh emunim* [Answer the faithful] you put down the *lulav* and the *esrog* and take the *aravah*, for then we pray for water. At the conclusion of the *Hoshanos*, you wave the *aravah* and beat it on the ground five times, and it is sufficient, even if no leaves fall off in the process. After beating the *aravah*, you should not throw it on the floor, because it shows contempt of the mitzvah. It is best to put save it and cast it into the fire of [the oven] when you bake matzos (for Pesach), since it was used for one mitzvah it should be used for another mitzvah.

- ⁴ On the night of *Shemini Atzeres* you should wait [and be sure] not to say the *Kiddush* before nightfall. In the *Kiddush* you should say *Shehecheyanu*, because it is a Yom Tov in itself. You should not say *Leishev basukkah*, because in the *Shemoneh Esrei* and in the *Kiddush*, we say *Yom hashemini chag ha'atzeres hazeh* [the Eighth Day, this Festival of Assembly], and if you said *Leishev basukkah*, you would be contradicting yourself.

- ⁵ The night of *Shemini Atzeres* and the whole day, you should eat in the *sukkah*, but you should not say the berachah [*Leishev basukkah*], as we have mentioned. When you take final leave of the *sukkah* you should

say *Yehi ratzon*, [May it be favorable] etc. Regarding sleeping in the *sukkah*, some authorities take a lenient view, and this is the accepted custom; but it is proper to follow the stricter view.

- ⁶ On the eighth day near dark, you may remove the vessels from the *sukkah* into the house; but you should not arrange them in proper order while it is still day, for that is considered preparing on one Yom Tov for another.
- ⁷ The last day of Yom Tov, which is also *Shemini Atzeres*, is called *Simchas Torah*, because on this day we conclude [the reading of] the Torah, and we rejoice with it. In the evening, after *Maariv*, we make [seven] *Hakafos* [circuits] carrying the *Sifrei Torah* around the *bimah*, after which the *Sifrei Torah* are replaced in the Ark. We leave one *Seifer Torah* from which we read for three people from the portion *Vezos haberachah* [This is the blessing], (*Deuteronomy* 33). In some communities it is customary to read the portions dealing with vows. After the reading of the Torah, the *half-kaddish* is said, the *Seifer Torah* is replaced in the Ark, and *Aleinu* is said.
- ⁸ On the day of *Simchas Torah* it is the custom in many communities that the *Kohanim* bless the people in the *Shacharis* service and not in *Musaf*, since during *Musaf* the *Kohanim* may be intoxicated. We do not say *Vesei'areiv* [May our entreaties be pleasing] when the *Kohanim* bless the people at *Shacharis* prayers.
- ⁹ In the daytime, after the *Hakafos*, three *Sifrei Torah* are left out, and many people are called up to one *Seifer Torah*, to read the portion *Vezos haberachah* up to *Me'onah* (*Deut. 33:27*) repeating it many times. At the

end, all the young boys are called up. It is proper that a boy who is *bar mitzvah* should say the berachah and that the others should listen. The verse *Hamalach hagoel* is read for them [The angel who delivered me] etc. (*Genesis 48:16*). After that, the *Chasan Torah* is called up and he reads from *Me'onah* to the end [of the Torah]. In the second *Seifer Torah*, the *Chasan Bereishis* reads. Then *half-kaddish* is said. In the third *Seifer Torah*, *Maftrir* is read. (see chapter 79:1 above) It is the custom in many communities to be mindful to call up an eminent person for *Chasan Torah*. Even a person who was called up already for the reading of *Vezos haberachah*, may still be called up as *Chasan Torah* or as *Chasan Bereishis*. Where there are only two *Sifrei Torah*, *Vezos haberachah* should be read in one, and *Bereishis* in the other one, and the first *seifer* is taken again for *Maftrir*.

- ¹⁰ It is customary for the *Chasan Torah* and the *Chasan Bereishis* to make donations to charity, and to invite all their friends to a joyous meal in honor of the completion of the Torah and its beginning. As it is written in the *Midrash*, (At the beginning of *Koheles* [Ecclesiastes], "He came to Jerusalem and he stood in front of the Ark of the Covenant of Hashem" etc. "... and he made a banquet for all his servants." Rabbi Yitzchak said, "From this we can infer, that you should make a festive meal upon the completion of the Torah."

Siman 139

- ¹ During the era of the Second *Beis Hamikdash* when the Greek kingdom was in power, they imposed evil decrees against the Jewish people, designed to put an end to their religion. They did not permit them to study the Torah or to perform the mitzvos; they plundered their

property, [abducted] their daughters, entered the Temple, violating its sanctity and defiling its purity. Yisrael was in great distress because of them, for they oppressed them bitterly, until the God of our fathers took pity on them and delivered them from their dominion, and rescued them. The Hasmoneans, the sons of the *Kohein Gadol* defeated and killed them, and delivered Yisrael from their dominion. They appointed as king one of the *Kohanim*, and the Kingdom of Yisrael returned to power and [endured] for more than two hundred years, until the destruction of the Second *Beis Hamikdash*. When Yisrael triumphed over their enemies and destroyed them, —this happened on the twenty-fifth of Kislev—, they entered the *Beis Hamikdash*, and found of the pure oil in the *Beis Hamikdash* only one jar, that was stamped with the seal of the *Kohein Gadol*. This oil was sufficient to burn for only one day, but they lit the lights of the *Menorah* with it [and it lasted] for eight days, until they crushed olives and extracted pure oil. For this reason the Sages of that generation ordained that these eight days, beginning on the twenty-fifth of *Kislev*, should be days of rejoicing and praise. We kindle lights in the evening near the entrance to the house every night, during these eight nights, in order to display and reveal the miracle. These days are called *Chanukah*, which means [it is a contraction of] *chanu chaf-hei* [they rested on the twenty-fifth]. For on the twenty-fifth of *Kislev* they rested from their enemies [onslaughts]. Another reason [for the name *Chanukah*] is that during these days they dedicated the *Beis Hamikdash* [*Chanukas habayis*], that had been defiled by the oppressors. Some authorities say, therefore, that it is a mitzvah to somewhat embellish the meals on *Chanukah*. Another reason for celebrating *Chanukah* is that the construction of the *Mishkan* was completed during these days. You should tell your family the story

of the miracles that were performed for our forefathers, during these days (see Flavius Josephus). Nevertheless, a *Chanukah* feast is not considered a mitzvah, unless you sing hymns and praises to Hashem during the meal. On *Chanukah* you should give charity generously, for the days of *Chanukah* are auspicious to correct flaws of the soul through the giving of charity, especially when it is given to support poor, Torah scholars.

- ² Fasting is not permitted on *Chanukah*. However, on the day before *Chanukah* and on the day after *Chanukah*, it is permitted to deliver a eulogy and to fast.
- ³ You are permitted to work on *Chanukah*. But women follow the custom, not to do any work during the time the *Chanukah* lights are burning, and you should not [cause them] to treat this matter lightly. The reason that women are more stringent about this [than men], is that the cruelty of the evil decree was directed mainly at Jewish women. For [the Greeks] decreed that a virgin girl before her wedding must first cohabit with the general. Another reason for this is that the miracle came about through a woman. The daughter of Yochanan the *Kohein Gadol* was a very beautiful girl, and the ruthless king wanted her to lie with him. She told him that she would fulfill his request; and she served him cheese dishes, so that he would be thirsty, and drink wine; then become intoxicated, and fall asleep. That is precisely what happened. Then she cut off his head and brought it to Jerusalem. When the general saw that the king was dead, he [and his army] fled. Therefore, some people have the custom to eat dairy dishes on *Chanukah*, to commemorate the miracle achieved by means of a dairy product.

- 4 All kinds of oil are valid for the *Chanukah* lights. Nevertheless, the mitzvah done to perfection is to use olive oil, similar to the miracle in the *Beis Hamikdash*, which was achieved with olive oil. If this cannot be obtained you should select another kind of oil that gives a clear, bright flame, or wax candles, for they also produce clear light. You should not use two candles braided together, for that would be like a torch; but each candle should [burn] by itself. You should not make the candles from wax that comes from houses of idol worship, for that is repulsive. All wicks are valid for *Chanukah* lights. The mitzvah done to perfection is to use cotton. It is not necessary to take new wicks every night, but you may light the old wicks until they are used up.
- 5 If you light a *menorah* made of earthenware, after you light it one night it deteriorates and you should not light it again the following night, because it is repulsive. Therefore, you should possess a beautiful *menorah* made of metal. If you can afford it, you should buy a silver *menorah*, in order to adorn the mitzvah.
- 6 It is the widespread custom in our regions [to follow the practice] of the most scrupulously observant, whereby each member of the family kindles one light on the first night, two lights on the second, and keeps adding until on the eighth night, he kindles eight lights. You should be careful that each person places his *menorah* in a separate place, so that one can easily tell how many lights are lit [that night]. The *menorah* should not be lit in a place where candles are lit all year, in order to make it manifestly clear that these are *Chanukah* lights.

- 7 It is a mitzvah to light the *menorah* in the doorway that opens to the street, [public domain], in order to publicize the miracle; and it was done in this manner in the days of the Mishnah and the Talmud. Now, since we live among non-Jews, we light the *menorah* in the house, and if you have a window facing the street, you should light it there; if not, you should light it near the door. It is a mitzvah to place the *menorah* within a *tefach* of the left side of the door so that the *mezuzah* will be on the right and the *Chanukah* lights on the left, and in so doing you find yourself surrounded by mitzvos. It is preferable to place the *menorah* within the open space of the door.
- 8 The mitzvah requires that [the *menorah*] be placed higher than three *tefachim* above the floor and lower than ten *tefachim*. But if you placed it higher than ten *tefachim* you have fulfilled your obligation. However, if you placed it higher than twenty *amos* you have not fulfilled your obligation, because when it is placed higher than twenty *amos* it is out of the range of vision. If you live on an upper floor you may place [the *menorah*] in the window, even though it is higher than ten *tefachim* from the ground. But if the window is higher than twenty *amos* from the ground of the public domain, where it is out of visual range of the people walking in the street, then it is preferable to place the lights near the door.
- 9 The lights should be placed in an even row; one should not be higher than the other. Space should be left between the lights, so that the flames will not merge and look like a torch. Wax candles should be separated, so they will not become heated from each other and cause the wax to melt, and become spoiled. If you fill a dish with oil and put

wicks around it, and you place a [perforated] cover on it, each wick counts as a separate light. If you did not place such a cover on it, it does not even count as one light, because it resembles a torch. A lamp that has two or more branches should not be kindled by two persons, even on the first night, because there is no way to tell how many candles were lit [for that night].

- ¹⁰ The time to light [the *menorah*] is immediately after the stars appear, and you should not delay it. It is forbidden to do anything before lighting the *menorah*, even to study Torah. Except, if you have not prayed *Maariv*, you should first pray and then light the *menorah*. Before lighting the *menorah*, you should gather the entire family, in order to proclaim the event publicly. You should pour in enough oil to burn at least half an hour. If, inadvertently, you did not light them immediately, you may light them and say the *berachos*, as long as the members of your family are still awake. However, after the family is asleep it is no longer considered a public event, and you should light them without saying the *berachos*. If you will not have time to light the *menorah* at night, you may do it before that time and light the *menorah* from *pelag haMinchah*, which is one and one-fourth hour before the stars come out, (these are "time-variable" hours, measured according to the length of daylight, see chapter 69:2 above. And in the season of *Chanukah*, when the days are short, the day is only ten hours long (measured by the clock), then *pelag haMinchah*, is one hour and two and one-half minutes before the stars appear). [You may kindle the *menorah* then] provided you pour in enough oil to burn until one-half hour after the stars become visible. If the lights do not burn that long you have not fulfilled the mitzvah.

- ¹¹ According to our custom, the order of lighting the *menorah* is as follows: On the first night you kindle the light facing your right hand, on the second night you add one light to the left [of the previous night's light]; similarly, on each subsequent night you add one light to the left. The light that is added is always kindled first, and you continue lighting towards the right.
- ¹² On the first night, you recite three *berachos* before lighting the *menorah*: *Lehadlik* [To kindle the *Chanukah* light], *She'asa nisim* [Who has performed miracles], and *Shehecheyanu*. On the other nights you do not say *Shehecheyanu*. After you say the *berachos* you kindle one light, and while kindling the others, you say, *Haneiros halalu* [These lights] etc. A convert to Judaism should say, "Who has performed miracles for Yisrael," but if he said "*la'avoseinu*," [for our forefathers], he has fulfilled his obligation. An *onein* [a mourner before the burial], [should not light the *menorah*], but he should let someone else light the *menorah*, and say the *berachos*, and [the *onein*] should respond *Amein*. But if there is no one else, then he should light the *menorah* himself but without saying the *berachos*.
- ¹³ It is a *halachic* rule that the act of lighting the *menorah* creates the mitzvah, which means, that the kindling is the essence of the mitzvah, and when you light the *menorah* the lights must be in their proper place and must have the proper amount [of oil]. Accordingly if you lit them when they were lower than three *tefachim* [off the ground] or higher than twenty *amos*, and after they were already burning you placed them in their proper place, they are not valid. Similarly, if, when you lit them, they did not have the required amount of oil, and afterwards you

added [oil], it is of no avail. Similarly if you set the *menorah* in a place where the wind is blowing and the lights are bound to be extinguished, you have not fulfilled the mitzvah, and you must light them again, but you should not say a berachah. But if you put them in the proper place and they were extinguished by accident, you have fulfilled the mitzvah. Nevertheless, it is customary to kindle them again. It is the custom to be strict and not rekindle an extinguished light with another *Chanukah* light, but you should light it with the *shamash* or with some other candle.

- ¹⁴ During the time [they are burning] in fulfillment of the mitzvah, that is, one-half hour, it is forbidden to have any benefit from their light. It is the custom therefore, to place the *shamash* near them so that if you use the light, [for any personal purpose] you will be using the light of the *shamash*. You must place [the *shamash*] a little higher than the other lights, so that it is recognized that it is not one of the required number of lights.
- ¹⁵ The *menorah* is lit in the synagogue in order to herald the miracle publicly and the *berachos* are said over them. The *menorah* is placed near the southern wall, and it is kindled between *Minchah* and *Maariv*. But you cannot fulfill your obligation with the lighting of the *menorah* in the synagogue. You must light them yourself at home. A mourner should not light the *menorah* in the synagogue on the first night, because he has to say *Shehecheyanu*, and a mourner should not say *Shehecheyanu* publicly; but he may say *Shehecheyanu* in his house.
- ¹⁶ Women are obligated to kindle the *Chanukah* lights, because they were involved in the miracle of *Chanukah*, (see paragraph 3 above). A

woman may light the *menorah* on behalf of her entire family. A child who has reached the age to be trained [for mitzvos] must also light the *menorah*. If a blind person can become someone's partner by contributing towards buying the *Chanukah* lights, fulfilling his obligation through his partner's lighting that would be best. If he has a wife, she should light the *menorah* for him; but if he has no wife and lives by himself, so that he cannot become anyone's partner, he should light it with someone's assistance.

¹⁷ On *erev Shabbos* you should first kindle the *Chanukah* lights, then the Shabbos candles but it should be after *pelag haMinchah*. Before lighting them you should pray *Minchah*. You must put in enough oil to keep them burning until one-half hour after the stars come out, otherwise the *berachos* you say over them are in vain. If you light the *menorah* near the door, you must be careful to place something between it and the door, so that the wind will not blow it out when the door is opened and closed.

¹⁸ On Shabbos night you should recite *Havdalah* and then kindle the *Chanukah* lights. In the synagogue the lights are kindled before *Veyiten lecha* is said.

¹⁹ If you are away from home,—out of town; if you know that your wife lights the *menorah* at home, you should light it wherever you are without saying the *berachos*. If possible, it is best to hear the *berachos* from someone who is lighting the *menorah* there, and have in mind to fulfill your obligation with his *berachos*, respond *Amein*, and after that, kindle the *menorah*, without saying the *berachos*. But if your wife does not light the *menorah* at home; similarly, yeshivah students boarding

with a family must light the *menorah* and say the *berachos* or else, they should become partners with the head of the household by giving him several coins, and thus they will also own a share of the oil and the wick. The head of the household should add a bit more oil than is required for the partner [or partners]. They should, however, make an effort to light their own *menorah*. If you are in town but in someone else's house, when it is time to light the *menorah* you must return home and light it.

- ²⁰ The oil that is left in the *menorah* after *Chanukah*, as well as the wicks, should be burnt in a bonfire, because they were set aside for a mitzvah. It is forbidden to derive any benefit from them, unless you had made a provision beforehand that you do not set aside what will be left [after *Chanukah*].
- ²¹ During the eight days of *Chanukah* we say in the *Shemoneh Esreih Al hanisim* [For the miracles]. If you forgot to say it, and became aware of it before you said the Name of God in the berachah *Hatov shimecha* ["The Beneficent is Your Name," etc.], you should turn back and start *Al hanisim*. But if you became aware of it after you pronounced the Name of God, you should conclude the berachah and not turn back [to *Al hanisim*]. (Concerning *Birkas Hamazon* see Chapter 44:16 above.)
- ²² During the eight days of *Chanukah* we recite the complete *Halleil*, and we do not say *Tachanun*, nor *Keil erech apayim*, nor *Lamenatzei'ach* nor *Tzidkasecha tzedek*. (For the *halachah* concerning the saying of *Halleil* in a mourner's house, see Chapter 207:6 below).

²³ Each day [of *Chanukah*] we call up three men [for the reading of the Torah] from the chapter "The Offerings of the Princes" in the weekly portion of *Naso*. On the first day we begin to read for the *kohein*, from *Vayehi beyom kalos Moshe*, [On the day that Moses completed] (**Numbers 7:1**) until *Lachanukas hamizbei'ach*, [For the dedication of the altar]; for the *Levi*, *Vayehi hamakriv bayom harishon*, [The one to bring his offering on the first day] etc. until *melei'ah ketores* [Filled with incense]. For the *Yisrael*, *Par echad*, [One young bull] etc., until *Ben Aminadav*. On the second day for the *kohein* and the *Levi*, we read, *Bayom hasheini* [On the second day] etc., and for the *Yisrael*, *Bayom hashelishi*, [On the third day] etc. Similarly, on each subsequent day for the *kohein* and the *Levi* we read of the current day's offering, and for the *Yisrael*, the offering of the next day. On the eighth day, for the *kohein* and the *Levi*, we read, *Bayom hashemini* [On the eighth day] etc., and for the *Yisrael* we begin with *Bayom hatesh'i*, [On the ninth day], completing the entire parashah, and we continue in *parashas Beha'alosecha*, until *kein asa es hamenorah*, [So did he make the menorah] (**Numbers 8:4**).

²⁴ On *Shabbos Chanukah*, two *sifrei Torah* are taken out of the Ark. In the first one we read the weekly portion; and in the other we read the *Mafkir* the "day" that corresponds to the current day of *Chanukah*. We read the *Haftarah*, *Roni vesimchi* [Sing and rejoice] (**Zechariah 2:14**). If another *Shabbos* occurs on *Chanukah*, we read for *Mafkir* [on the second *Shabbos Chanukah*] from *Melachim I* (First Kings) 7:40 where the *menorohs* of Solomon [are mentioned]. If *Rosh Chodesh Teiveis* occurs on a weekday, two *sifrei Torah* are taken out of the Ark. In the first one we read the portion of *Rosh Chodesh* for three men; we then

read for the fourth person in the other *seifer Torah* the reading of the current day of *Chanukah*, because *Rosh Chodesh* is more frequent [than *Chanukah*], and it is an *halachic* rule, when a regular practice [conflicts with] an occasional practice the regular practice takes precedence. Therefore, the the *Rosh Chodesh* reading takes precedence. If, by mistake, the portion of *Chanukah* is read first; and even if the reading has not yet begun, but the one called up had already said the berachah, there is no need to interrupt, and the reading should be concluded. After that, they should read for the other *aliyos* the portion of *Rosh Chodesh*. If they read the portion of *Rosh Chodesh* in the first [*seifer Torah*], as indeed they should, but by mistake, they called up the fourth person also to the portion of *Rosh Chodesh*, even if they became aware of it immediately after he said the [concluding] berachah, then, if only one *seifer Torah* was taken out, no further reading is required. But if two *sifrei Torah* were taken out, and there is reason to fear that the [unused] *seifer Torah* will be slighted, because people will wrongly conclude that it is defective, a fifth person must be called for whom the portion of *Chanukah* is read. After this fifth *aliyah*, the *half-kaddish* is recited.

²⁵ If *Rosh Chodesh Teiveis* occurs on Shabbos, three *sifrei Torah* are taken out. In the first one, six men are called up for the reading of the *parashah* of the week. To the second *seifer Torah*, a seventh person is called for the reading of *Rosh Chodesh*, beginning from *Uveyom haShabbos* [And on the Sabbath day] (see Chapter 78:1 and Chapter 79:1 above). Then [half-kaddish] is said. In the third *seifer Torah*, *Maftir* is read, from the *nasi* of the current *Chanukah* day. For the *Haftarah* we read *Roni vesimchi*. Although the more frequent takes precedence, this rule applies only to Torah reading, where both [*Rosh Chodesh* and *Chanukah*] are read, but in the case of the *Haftarah* where only one is

read, we put aside *Rosh Chodesh* and read the *Haftarah* of *Chanukah*, to publicize the miracle.

- ²⁶ The fifteenth day of *Shevat* is "Rosh Hashanah for Trees." We do not say *Tachanun* on that day, and it is the custom to eat many different kinds of tree-grown fruit.

Siman 140

- ¹ The Shabbos before *Rosh Chodesh Adar* that is closest to the month of *Nisan*, is [called] Shabbos, *Parashas Shekalim*. If *Rosh Chodesh* occurs on Shabbos, then that Shabbos is *Parashas Shekalim*. We take out three *sifrei Torah*. We call six persons to the first *seifer Torah*, for the reading of the weekly portion. In the second *seifer Torah* we call a seventh person for the reading of *Rosh Chodesh*, beginning with *Uve'yom haShabbos*. Then *half-kaddish* is said (see Chapter 78:1 and 79:1 above). In the third *seifer Torah* we read the *Maftir* of *Parashas Shekalim*, [*Exodus 30:11–16*], and the *Haftarah* of *Parashas Shekalim* is read. If by mistake they began to read the section of *Parashas Shekalim* first, they should finish reading it, and for *Maftir* they should read the section of *Rosh Chodesh*, and the *Haftarah*, too, is that of Shabbos *Rosh Chodesh*.

- ² The Shabbos before *Purim* is [called] Shabbos, *Parashas Zachor*. The Shabbos before *Rosh Chodesh Nisan* is Shabbos, *Parashas Hachodesh*. If *Rosh Chodesh Nisan* occurs on Shabbos, then that Shabbos is *Parashas Hachodesh*, and it is governed by the same *Halachos* as apply when *Rosh Chodesh Adar* occurs on Shabbos. The Shabbos before *Parashas Hachodesh* is Shabbos, *Parashas Parah*.

- ³ Some authorities maintain that *Parashas Zachor* and *Parashas Parah* are obligated to be read, according to Scriptural law, and a minor should not be called for the *maftir* [reading of those *parshiyos*]. People living in villages who have no *minyan* are required to go to a place where there is a *minyan*. If that is impossible, they should at least read these [special portions] with the proper cantillation chant.

Siman 141

- ¹ The Month of *Adar* brings much joy to our people. If a Jew has a lawsuit against a non-Jew he should bring the case to court during this month.
- ² In the days of Mordechai and Esther, the Jews joined together on the thirteenth day of *Adar* to defend themselves and take revenge against their enemies. They had to ask for compassion from God, blessed is His Name, that He should help them. And we find that whenever the Jewish people were at war they fasted, in order to invoke Divine assistance. Moshe Rabeinu, peace be upon him, also fasted on the day he went into battle against Amalek. This being the case, we may assume, that in the days of Mordechai and Esther, they also fasted on the thirteenth day of *Adar*. Therefore, all Jews have accepted this day as a public fast day. It is called *Ta'anis Esther* [Fast of Esther]. It is meant to remind us that the Creator, blessed is His Name, sees and hears the prayers of every person in his time of trouble, when he fasts and repents with all his heart, as He answered our forefathers in those days. Nevertheless, this fast is not as obligatory as the four fast days mentioned in *Tanach* (see Chapter 121 above). Therefore, you may be

lenient when it is necessary. Thus pregnant and nursing women, or even a person who is slightly ill with an eye irritation should not fast, if fasting would be greatly discomforting to them. A woman within thirty days after giving birth, and a bridegroom during his seven days of *Sheva berachos*, do not have to fast, but they should make up for it later. But all others who are in good health should not separate themselves from the community. Even if you are traveling and fasting is difficult, nevertheless, you are required to fast.

- ³ On the fourteenth day of *Adar*, *Purim* is celebrated in unwalled cities. If *Purim* occurs on a Sunday, the fast is moved up to Thursday. If there is a *bris* [circumcision] on [Thursday], the *bris* meal should be held at night, but the *sandek* and the father of the infant are permitted to eat during the day, and they do not have to fast on Friday. But if anyone else forgets and eats on Thursday, he must fast on Friday.

- ⁴ In honor of [reading] the *Megillah* you should wear Shabbos clothes in the evening, and when returning from the synagogue, you should find the house brightly lit, the table set, and the beds made. In the evening, after the *Shemoneh Esrei*, the *Full Kaddish* with *Tiskabbel* is said, then the *Megillah* is read. After that, *Ve'ata kadosh* etc. is said. (This verse is found in **Psalm 22:4**, "For the Conductor; on the *ayeles hashachar*," which refers to Esther. It is said (verse 3), "My God, I call..." etc. which refers to the reading of the *Megillah*. Rabbi Yehoshua ben Levi said, Every man must read the *Megillah* at night and repeat it in the daytime, for it is said, "My God, I call by day, but you do not answer, and at night I am not silent." This is followed by [the verse], "You are the Holy One" etc.). After that, the *Full Kaddish*, is said, omitting *Tiskabbel*. If it is Shabbos night [we say], *Vahi no'am*, *Ve'ata kadosh*, the

Full Kaddish omitting *Tiskabbeil, Veyiten lecha*; and we say *Havdalah* over a cup of wine, [and conclude with] *Aleinu*.

- 5 It is customary to donate a coin, equal to half of the standard monetary unit currently in use in the country before *Purim*, as a reminder of the half-*shekel*, the Jews used to give in *Adar* to buy the communal offerings. It is customary to give three half-*shekels*, because in *Parashas Ki Sisa*, the word *terumah* [offering] is mentioned three times. These coins are given in the evening before the reading of the *Megillah*, and then distributed to the poor. A minor is exempt [from giving the half-*shekel*]; but if his father once contributed for him, it remains his obligation for life. According to some authorities, a thirteen year old boy must give [a half-*shekel*], while others hold that he is exempt until he reaches the age of twenty.

- 6 On *Purim*, in the *Shemoneh Esrei* of *Maariv, Shacharis*, and *Minchah*, we recite *Al hanisim* [For the miracles]. If you forgot to say it, the same *Halachah* applies as on *Chanukah*. [See Chapter 139:21]

- 7 It is an obligation upon everyone, both men and women, to hear the reading of the *Megillah* in the evening and during the day. Therefore, girls too, should go to the synagogue. If they do not go someone must read for them at home. Children too, must be trained to hear the reading of the *Megillah*. Nevertheless, you should not bring very young children to the synagogue since they disturb the congregation.

- 8 At night it is forbidden to read the *Megillah* before the stars come out, even if you suffer great discomfort because of the fast. But you may

- taste something before the reading of the *Megillah*, such as coffee, and similar beverages, to strengthen yourself from the exhaustion of the fast.
- ⁹ The mitzvah done to perfection is to hear the *Megillah* in the synagogue, where there is a large number of people, for "In the multitude of people is the splendor of the King" (**Proverbs 14:28**). You should at least make an effort to hear it read with a *minyan*. If it is impossible to have it read with a *minyan*, each individual should read it from a valid *Megillah*, and recite the *berachos* before the reading. If one of them knows how to read it and the others do not, then the one who knows it should read and the others should listen and fulfill their obligation in this manner, even though they are not a *minyan*. However, the berachah after the *Megillah* reading should be said only when there is a *minyan*. However, without mentioning God's name and Kingship [i.e., *Elokeinu melech ha'olam*], even an individual may recite the berachah.
- ¹⁰ It is a custom, accepted in all Yisrael, that the reader does not read from a rolled up *Megillah*, but he spreads it out and folds it, section over section, like a letter, because the *Megillah* is called *Igeres haPurim* [the letter of Purim]; but those who listen, do not have to spread out their *Megillos*.
- ¹¹ The person who reads the *Megillah*, whether in the daytime or at night, recites three *berachos* before the reading: *Al mikra Megillah* [... concerning the mitzvah of reading the *Megillah*], *She'asa nisim*, [Who made miracles] and *Shehecheyanu* [Who kept us alive]. After the reading, he rolls it up completely and places it in front of him. Then [everyone] says the berachah *Harav es riveinu*, [Who fights for us] etc.

If a mourner reads the *Megillah*, someone else should say the *berachos*, because of the *Shehecheyanu* [which a mourner should not say publicly]. (See 139:15)

- ¹² When *Shehecheyanu* is said in the daytime you should also have in mind [to exempt with this berachah] the mitzvos of sending *Mishloach Manos* [gifts of food], *Matanos La'evyonim* [gifts to the poor], and *Se'udas Purim* [the *Purim* feast]. The reader, too, [when saying *Shehecheyanu*], should have the congregation in mind for these mitzvos as well.
- ¹³ The reader of the *Megillah* must have in mind to fulfill the mitzvah on behalf of all the listeners. The listeners, too, must have in mind to fulfill their obligation [with his reading] and they must listen to every word. If you failed to hear even one word you have not fulfilled your obligation. The reader, therefore, must be very alert, during the noise making and the confusion, when the name of *Haman* is mentioned, to remain silent until the commotion has passed completely. Nevertheless, it is proper and fitting to have a valid [handwritten] *Megillah*, so that you can say word for word quietly, in case you do not hear one word from the reader. Also, every intelligent woman who is in the women's section is encouraged, if possible, to obtain a valid *Megillah* from which to read, for in the [women's section] it is difficult to hear [the reading]; and women are obligated [to hear the *Megillah*] the same as men. (If *kiddush levanah* [Sanctification of the Moon] has not yet been said, and it became visible during the reading of the *Megillah*, see the end of Chapter 97 above [for instructions].)
- ¹⁴ The reader must recite the names of the ten sons of *Haman*, including the word *aseres* [ten], all in one breath, to make it known that they were

all killed and hanged simultaneously. It is customary [at least] initially to recite from *chameish meios ish* [Five hundred men] all in one breath. If he has already read the names, then even if he paused while reciting the names of the ten sons of *Haman*, he has fulfilled his obligation. The custom followed in some communities, that the entire congregation says the names of the sons of *Haman*, is not correct. Rather the reader should recite them, and the congregation should listen as they do for the entire *Megillah*. When the reader says the verse, "That night the king could not sleep well" (6:1) he should raise his voice, for there the actual miracle begins; and when he says "*Ha'igeres hazos,*" [this letter] (9:26) he should [gently] shake the *Megillah*.

- ¹⁵ If you have a *Megillah* that is invalid, or a *Chumash*, you should not say the words along with the reader, because if you say the words while reading, you cannot concentrate on listening to the reader. And even if you, yourself, could concentrate [on the reader's recitation], someone else might listen to your reading and not concentrate on the reader's recitation. For the same reason, no one should assist the reader from memory. Therefore, the four "verses of redemption" [Verse 2:5, *Ish Yehudi*—There was a Jewish man, v. 8:15, *uMordechai yatzah*—Mordechai left, v. 8:16, *LaYehudim hayesa*—The Jews had light, v. 10:3, *Ki Mordechai HaYehudi*—For Mordechai the Jew,] which the congregation recites in a loud voice, must be repeated by the reader and read from the valid *Megillah*.

- ¹⁶ Someone who has already fulfilled the Mitzvah of reading the *Megillah*, may read in order to exempt someone else. If the one for whose benefit he reads knows how to say the *berachos*, then he should say the *berachos*. If [he reads it for] a woman, it is preferable that the reader says the

following berachah: *Asher kiddeshanu bemitzvosav vetzivanu lishmo'a megillah.* [Who has sanctified us with His commandments and has commanded us to hear the *Megillah*].

- ¹⁷ On Shabbos (on which *Purim* never occurs) it is permissible to handle the *Megillah*. Nevertheless, if *Purim* occurs on Sunday, you should not bring the *Megillah* to the synagogue on Shabbos even in a city which has an *eiruv*, because it is preparing on Shabbos for a weekday.
- ¹⁸ If a congregation has no reader capable of reading the *Megillah* with the proper cantillation chant, it may be read without the chant, provided the words are properly pronounced, so that the meaning is not changed. For, if instead of reading *uMordechai yosheiv* (is sitting) [it was read] *yashav* (sat) or instead of [reading] *veHaman nofeil* [Haman is falling], it was read *nafal* [fell], or the like, even post facto, the mitzvah is not fulfilled. It is permissible to insert vowels and cantillation marks in the *Megillah*, so that it should be read correctly, since it is an extreme circumstance; and this is better than having someone prompt [the reader] from of a *chumash*, whispering quietly, because the prompter, who is reading out of a *chumash*, even if he reads in an undertone, cannot concentrate on listening to the reader's recitation. The result is, that he only reads it out of a *chumash*, and has not fulfilled the mitzvah. If this happened [the prompter] must hear it again read out of a valid *Megillah*.
- ¹⁹ If a congregation does not have a *halachically* valid *Megillah*, nevertheless, if it is written on parchment according to *Halachah*, except that some words are missing in mid text, since no complete subject is missing, it may be read from, and the *berachos* may be said

over it. The reader should say the missing words from memory or someone should prompt him quietly from a *chumash*. But if they have no *Megillah* at all, or if an entire subject is missing, or if the first or last [verses] are missing, then each person should read from a *chumash* without saying the *berachos*. An individual who has only a *Megillah* that is not valid should read in it, without saying the *berachos*.

- 20 A mourner during the *shivah* should observe all the *Halachos* of mourning, and he is forbidden to attend any kind of celebration; but wearing shoes and sitting on a chair are permitted [to him on *Purim*], because these are things that everyone can see. At night, if he can gather a *minyan* in his house to read the *Megillah*, that is preferable; if not, he should pray at home and go to the synagogue to hear the *Megillah*. If *Purim* occurs on Shabbos night, he should go to the synagogue after *Shalosh Seudos* [the third meal] while it is still day. On *Purim*-day he may go to the synagogue to pray and to hear the *Megillah*.
- 21 If someone lost a close relative on the Fast of Esther and at night he is an *onein*, since the burial has not yet taken place, he should hear the *Megillah* read by someone else; and he should not eat meat nor drink wine, since at night feasting is not mandatory. In the daytime, after leaving the synagogue, the dead should be buried. Afterwards he should pray, and either read the *Megillah* himself or hear someone else read it. If he heard the reading of the *Megillah* before the burial, he has fulfilled his obligation. Nevertheless, it is proper that he read it again without saying the *berachos*. He should not put on the *tefillin* even after the burial, because it is the first day of mourning. An *onein*, on *Purim* during the daytime, is permitted to eat meat and drink wine.

- ²² In the morning [it is proper] to get up early to go to the synagogue. After the *Shemoneh Esrei*, *half-kaddish* is said. We call up three persons for the Torah-reading of *Parashas Vayavo Amalek* [And Amelek came] (Ex. 17:8), after which *half-kaddish* is said. After the *seifer Torah* is placed in the Ark, the *Megillah* is read. After the last berachah [over the *Megillah*], in the morning, we do not say *Asher heini* [Who annuls the counsel of the nations]. After concluding the berachah with *hakeil hamoshia* [the God Who brings salvation] we say *Shoshanas Yaakov* [The rose of Jacob] etc. then *Ashrei*, *Uva leTzion*, *Full-Kaddish* including *Tiskabbeil*. You should not take off the *tefillin* until after the reading of the *Megillah*, because in the *Megillah* it is written, *Vikar* [and honor] (8:16), and [our Rabbis] expound that this refers to the *tefillin*. If there is a *bris*, it is performed before the reading of the *Megillah*, because it is written *vesason* [gladness], which refers to *bris milah*.
- ²³ In a city that has been surrounded by a wall since the days of Joshua the son of Nun, the *Megillah* is read on the fifteenth of *Adar* (such cities do not exist in our regions).

Siman 142

- ¹ [On Purim] everyone is required to send no less than two gifts to one person; as it is written, "And sending gifts of food to one another" (9:22); which implies two gifts to one person. The more gifts you send to your friends the more praiseworthy you are. Nevertheless, it is much better to give generously to the poor than to have a lavish feast and to send extravagant gifts to your friends; for there is no greater and more glorious joy before the Holy One, blessed is He, than to gladden the

hearts of the poor, the orphans and the widows. Whoever gladdens the hearts of these unfortunates is compared to the Divine Presence, for it is said, (*Isaiah 57:15*) "To revive the spirit of the humble and revive the heart of the crushed."

- ² The term *Mishlo'ach manos* implies only food that is ready-to-eat without preparation [by the recipient], such as cooked meat or fish, but not if it is uncooked. Candy, fruits, wine, mead, or similar [delicacies are acceptable].
- ³ Everybody, even the poorest in Yisrael, who is a recipient of charity, is required to give at least two gifts to two poor persons, that is, one gift to each person, for it is written, *Matanos l'evyonim* "And gifts to the poor," (9:22) [*leveyonim* is a plural] which implies, two gifts to two poor people. You should not be selective when giving charity on *Purim*; whoever holds out his hand to ask for charity should be given a donation. If you are in a community where there are no poor people, you should either keep the money until you meet needy persons, or send it to them.
- ⁴ Women, too, are required to send *mishlo'ach manos* [gifts of food] and to give gifts to the poor. Women should send *mishlo'ach manos* to women and men to men. But regarding donations to the poor, women may send to men, and conversely, [men may send to women]. Some women rely that their husbands give on their behalf as well, but this is not proper; rather they should be stringent about this.
- ⁵ It is an obligation to eat, drink and to rejoice on *Purim*. Also on the night of the fourteenth you should rejoice and have a more elaborate

meal [than usual]. If *Purim* occurs on Shabbos night, although you must have a third meal on Shabbos, you should eat a little less during the day to leave some appetite for the meal of *Purim* night. Nevertheless, by having a meal at night you have not fulfilled the mitzvah [of *se'udas Purim*, the *Purim* feast]; for the mitzvah is to have the main *Purim* feast during the daytime, for it is written, "Days of feasting." You should light candles as you do on joyous occasions and Yom Tov, even when the meal is held in the daytime. Also on the night of the fifteenth you should celebrate a little. Giving gifts to the poor and sending *mishlo'ach manos* to friends must be done during the daytime. Since people are busy [preparing and delivering] *mishlo'ach manos*, part of the *Purim se'udah* may extend into the night. You should pray *Minchah* while it is still the middle of the day, and have the *se'udah* after *Minchah*. At any rate, you should have the greater part of the *se'udah* while it is still day. When *Purim* occurs on *erev Shabbos*, you should have the *se'udah* in the morning, out of respect for Shabbos. It is commendable to devote some time to Torah study, before beginning the *se'udah*. This is based [on the verse] "The Jews had light," (8:16) and [our Rabbis] expound, "light" means Torah. Some authorities, say that you should eat different kinds of seeds on *Purim*, to commemorate the seeds Daniel and his friends ate in Babylon, and also to remember the seeds that Esther ate. For the Talmud (*Maseches Megillah* 16b) states, [it is written] "He favored her and her maids with preferential treatment..." (2:9) [this means], that he gave her seeds for her food. (For the laws of *Al hanisim* in *Birkas Hamazon*, see Chapter 44:16, 17.)

⁶ Since the entire miracle of *Purim* was brought about through wine: Vashti was banished at the wine party, and Esther took her place; also the episode of Haman's downfall came about through wine; therefore,

our Rabbis of blessed memory mandated that everyone should become intoxicated with wine, and they said, "It is an obligation to become intoxicated on *Purim*, until you cannot tell the difference between 'Cursed be Haman' and 'Blessed be Mordechai.'" At least you should drink more than you usually do, to recall the great miracle, until you fall asleep; and once you are asleep, you can no longer tell the difference between "Cursed is Haman" and "Blessed is Mordechai." However, if a person is physically frail, and similarly, if you know that as a result of [drinking] you will, God forbid, ignore a mitzvah, a berachah, or a prayer, or that it would lead to lightheaded exuberance, it is better not to become drunk. All your deeds should be for the sake of Heaven.

- ⁷ A mourner, even during the week of *shivah* is required to give gifts to the poor, and to send *mishlo'ach manos* to his friends. Nevertheless, he should not send anything that generates happiness. But you should not send *mishlo'ach manos* to a mourner the entire twelve months [of mourning], [this includes] even things that do not generate joyousness. If [the mourner] is a poor person you may send him money or anything that will not produce joy. If in an area where the only residents are a mourner and one other person, he must send *mishlo'ach manos* to [the mourner] in order to fulfill the mitzvah of *mishlo'ach manos*. (For the laws of *onein* see Chapter 141:21 above).
- ⁸ You should not do any work on *Purim*. Whoever performs work on that day, will never see any blessing from that work. But it is permitted to have a non-Jew work for you. You are allowed to attend to business. You may write even a social letter, and [make an entry of] money you owe, or [write] anything that does not require much concentration. You are certainly [permitted] to write for the sake of a mitzvah or to do any

work for the purpose of a mitzvah. For the needs of *Purim*, you are permitted to do even full-scale labor.

⁹ The fifteenth day of *Adar* is called *Shushan Purim*. We do not say *Tachanun* on that day, nor *Keil erech apayim* nor *Lamenatzei'ach*. On this day it is also forbidden to deliver eulogies or to fast. It is the custom to celebrate on that day by feasting and rejoicing in moderation; but we do not say *Al hanisim*, and weddings may be performed because the *Megillah* is not read [on *Shushan Purim*.] However, [on *Purim*], when the *Megillah* is read which is the paramount time of joy, weddings should not be held, because we do not merge one joyous event with another.

¹⁰ On the fourteenth and fifteenth day of the first *Adar* (in a leap year), likewise, we do not say *Tachanun*, nor *Keil erech apayim*, nor *Lamenatzei'ach*, and it is forbidden to deliver eulogies or fast on these days, and on the fourteenth our meal should be a little more elaborate.

Siman 143

¹ You must be extremely careful to honor and revere your father and mother for Scripture compares their honor and reverence to the honor and reverence you must have for the Almighty. It is written, "Honor your father and mother;" It is also written, "Honor Hashem with your substance." With regards to your father and mother it is written, "Every man must revere his mother and his father;" and it is written, "You shall fear Adonoy your God." Just as He commanded us to honor and fear His great Name so He commanded us to honor and revere them. Three partners share in the formation of man: The Holy One, Blessed

is He, his father, and his mother. (The man contributes, the woman contributes, and the Holy One, Blessed is He, breathes a soul into him, endows him with eye sight, hearing and speech.) When man honors his father and mother, the Holy One, Blessed is He, says, "I account it to them as though I dwelt among them, and they honored Me."

- ² How are they to be revered? You must not occupy his [your father's] designated place in the council of elders and with his friends, or the designated place in which he prays, and you must not sit in his designated place at his dining table. You must not contradict his words, or even corroborate his words in his presence, even to say "Father is right." To what extent must you revere them? If you were dressed in costly clothing and presiding over the assembly and your father or mother came and tore your clothing, struck you on the head and spat in your face, you must not embarrass them, or show distress in their presence or anger towards them; but you must be silent and fear the King who is King of Kings, the Holy One, Blessed is He, Who so commanded. But you may summon them to Beis Din for the damages they inflicted on you.
- ³ How are they to be honored? You should provide them with food and drink, with clothing and shelter, escort them to their home and escort them from their home. You must provide these services cheerfully, for even if you provide them daily with choice poultry but do so with ill grace you will incur Divine punishment.
- ⁴ If your father or mother is asleep and the key to your store is under their pillow, it is forbidden to awaken them even if it means losing a large profit. However, if your father would profit by being awakened

and if not awakened will be distressed by the loss of profit, it is a mitzvah to wake him since that will make him happy Likewise, it is a mitzvah to waken him to go to the synagogue or to perform any other mitzvah because everyone is obligated to honor the Holy One, Blessed is He.

- 5 If you need a favor from the townsmen and you know they will grant your wish for your father's sake, even though you know that they would also do it for your sake, you should not say, "Do it for my sake," but rather, "Do it for me for my father's sake," in order to attribute the honor to your father.
- 6 If you did something your mother told you to do and subsequently your father asks you, "Who told you to do this?" and you sense that if you said your mother told you, your father will be angry at your mother, you must not say to him that your mother told you to do it, even though as a result, your father will be angry with you.
- 7 You must stand up in the presence of your father and your mother.
- 8 You must honor your parents even after their death. If you mention them within twelve months after their passing, whether you do so orally or in writing you should say or write, "May I be an atonement in his stead" (i.e., I take (accept) upon myself all the evil [punishment] that would be inflicted upon his soul), or may I be an atonement in her stead. After twelve months have transpired (since he would have already received any punishment due him, for [even] the judgement in *Gehinom* of the wicked of Israel does not exceed twelve months), you should say or write, "May his memory be a blessing in the life of the

"World to Come" or "May her memory be a blessing in the life of the World to Come."

- ⁹ Even if your father is wicked and a sinner you must honor and fear him. Even a bastard is obligated to honor and fear his father. Others say you need not honor your father, if he is wicked, so long as he did not repent, but you are forbidden to cause him grief. You should be stringent and follow the first opinion.
- ¹⁰ If you see your father transgress a Scriptural [Torah] Law, you must not say to him, "You transgressed a Scriptural [Torah] Law." Rather say to him, "Father, is such and such not written in the Torah," as though you are asking him a question and not as though you are admonishing him. Your father will then himself realize [his error] and thus will not be humiliated.
- ¹¹ If your father told you to transgress a Scriptural Law whether it be a positive or negative command or even a Rabbinical injunction, you must not obey him, for it is written, "Every man shall revere his mother and father and you shall preserve My Shabbos, I am Adonoy your God." Shabbos is positioned in the same verse [that instructs you to fear] your father and mother to teach: "Even though I command you to fear your father and mother, if your parent tells you to desecrate the Shabbos you must not listen to him. This is true for all the mitzvos. [For] I am Adonoy your God. Both you and your father are bound to honor Me. You must therefore not listen to him to disregard My word." Rabbinical injunctions are also the commands of Hashem, Blessed be His Name, as it is written, "You shall not turn aside," etc. If your father told you not to speak to a certain person, and not to forgive him; but

you would like to be reconciled; you should not be concerned with your father's order, as you are forbidden to hate any Jew unless you see him commit a sin. Thus your father has ordered you to transgress a law of the Torah.

- ¹² If you want to go to a certain place to study Torah because there you will accomplish more than you will here, and your father disapproves for some reason, you do not have to listen to your father, for learning Torah is greater than the precept of honoring father and mother. (Similarly, we find that when our father Yaakov, peace unto him, went away from [his father] Yitzchok, he secreted himself in the *Beis Midrash* of Eiver for 14 years and immersed himself in Torah study. Afterwards, he went to Lavan's house and stayed away twenty two years, including journey time. He was punished for the twenty two years during which he did not fulfill the mitzvah of honoring his father, and Joseph's whereabouts was concealed from Him for twenty-two years, but for the fourteen years during which he studied Torah, he was not punished.) If the son wishes to get married and the father disapproves he need not listen to him.

- ¹³ Both men and women are obligated to respect their father and mother. However, a married woman owes her devotion to her husband and is thus exempt from honoring her father and mother. But if her husband has no objection, she is obligated to honor them as much as possible.

- ¹⁴ Whoever disgraces his father or mother even by words or gesture is among those whom the Almighty has cursed. As it said, "Cursed is one who disgraces his father or mother."

- 15 If your parent has a splinter you should not remove it for you might thereby make a wound (which is a prohibition punishable by strangulation). Also, if the son is a doctor, he may not bleed them and may not perform surgery on them, even though his intent is to cure them. This is true only when someone else can do it. But if no one else is available to do it, and they are suffering, he may bleed them and operate, as is required for healing.
- 16 If senility or insanity should effect the mind of your father or mother, you should try to deal with them in accordance with their mental status until Hashem will have mercy on them. But if it is impossible for you to endure because of their severe retardation, you may leave them, and delegate others to take proper care of them.
- 17 It is forbidden to place a burdensome yoke on your children, and be exacting in demanding honor from them, so as not to cause them to sin. You should rather forgive them, and overlook things, for if a father waives his honor his honor is waived.
- 18 It is forbidden to hit your grown up son. Grown up, in this context, does not refer to age but on the nature of your son. If there is reason to believe he will attack you either verbally or physically, even if he is not yet Bar Mitzvah, you are forbidden to hit him. Instead you should admonish him with words. Anyone who hits his grown up son is to be excommunicated for he transgresses the Divine Command, "Do not place a stumbling block before the blind."
- 19 You must honor your father's wife even though she is not your mother, so long as your father is alive. You are also obligated to honor your

mother's husband during your mother's lifetime, and it is proper to honor them even after the passing of your father or mother.

20 You must honor your older brother, regardless if he is a brother from your paternal or maternal parent. You must honor your father-in-law and your mother-in-law (as we find that King David, peace be upon him, honored King Saul, who was his father-in-law and called him, "My father," as he said to him, "My father, see and observe"). You must honor your father's father but honor due your father exceeds that of your grandfather.

21 One who truly wishes to honor his father and his mother should involve himself in Torah study and good deeds, for the greatest honor to parents is when people say, "Fortunate are the father and mother who have reared such a son." If the son does not walk in the right path, his parents suffer humiliation because of him, and he embarrasses them with the utmost embarrassment. Also, the father who truly has compassion on his children will involve himself in Torah study and good deeds, and will please God and mankind, and his children will be proud of him. But he who does not walk in the right path brings disgrace on his children. Also children die because of the iniquity of their fathers as it is written, "Visiting the iniquity of fathers on children." There is no greater cruelty than causing his children to die of his sins. Nobody has more compassion on his children than the righteous man, for his merit endures for a thousand generations.

22 A convert must not curse his non-Jewish father and he must not humiliate him; in order that they not say: "We came from a holiness

[religion] that is significant to a holiness that is inferior." He should treat them with some degree of respect.

Siman 144

- ¹ You must honor and fear your *Rebbe* [teacher] more than your father, because your father [only] brought you to life in this world, but your *Rebbe* brings you to life in the World to Come.
- ² It is written, "In the presence of the elderly you shall rise and you shall respect an elder." "An elder," in this context refers to a Torah scholar as it is said, "Gather to me seventy men from the elders of Yisrael" (and there certainly the situation called for wisdom as it is written, "Whom you know to be the elders of the people and its officers.") Therefore, it is a positive command to rise before a Torah scholar who is distinguished in the knowledge of Torah, even if he is not advanced in years and is not your teacher. It is also a mitzvah to rise before an elderly person if he is at least seventy years old, even if he is an ignorant person, provided he is not a wicked person. Even to an elderly person who is not Jewish, you should talk respectfully and give him a helping hand.
- ³ When three people, (one of whom is a Rav,) are walking together, the Rav should walk in the middle. The other two should fall back slightly and walk at his side, the older one on the right and the younger one on the left.
- ⁴ It is a grave sin to humiliate *talmidei chachomim* or to hate them. Jerusalem was not destroyed until they began to humiliate *talmidei*

chachomim, as it is said, "But they mocked the messengers of God and disgraced His words, and scoffed at His prophets." That is to say they humiliated those who teach His words. This is also what the Torah says, "And if you will despise My statutes," [that is to say] "If you despise those who teach My statutes." And anyone who humiliates Torah scholars has no portion in the World to Come, and he is included among those of whom it is said: "For He has denigrated the word of Adonoy." It is forbidden to make servile use of one who studies Torah laws.

- 5 If a Torah scholar has merchandise to sell we do not permit anyone to sell such merchandise until he sells his merchandise. This is true only when there is no gentile selling such merchandise. But if a gentile is selling [such merchandise] this is not so because the Torah scholar will not profit from this, and it will needlessly cause loss to the other Jews.
- 6 To be accepted as a Torah scholar in his generation, one must be competent to discuss and debate topics of [the Written and Oral] Torah, and have proper understanding of most of the Talmud and Codes of Law, and Torah study is his main occupation. Even if he has a profession or a business with which to support himself, and provide the needs of his family, but not [necessarily] to amass wealth; and whenever he is free from his occupation he studies Torah; [if all these requirements apply to him then] according to the Law he is exempt from all forms of taxes and levies even if he is wealthy. And even the personal tax that is incumbent upon each person, the townsmen are obligated to pay for him. [However] everything is dependent on the discretion of the elected town leaders.

- ⁷ A scholar who slights the mitzvos and is not God-fearing, is to be treated like the insignificant men of the community.
- ⁸ When a *kohein* and an Israelite are equal in Torah scholarship it is a positive Scriptural mitzvah to give precedence to the *kohein*, as it is said, "You shall sanctify Him." And our Rabbis, of blessed memory, explained that it refers to all matters of sanctity; that in all matters of importance he should be sanctified. He is to be called first to the Torah reading, and to be the first speaker at all public gatherings, and to speak first and expound on the Torah. He should also speak first in the yeshivah. Also at a meal, he is first to say the *Berachah* of *Hamotzi* and to lead the *Birkas Hamazon*. He should be given the choice portion before the others who are dining, unless an Israelite is present who is greater than him in Torah [learning], in which case you should give the scholar the choice portion. But when a *kohein* divides a partnership with his friend, an Israelite, the Israelite need not give him the better share, for it is not honorable for the *kohein* to take the better share, for one who covets the better share will never see a sign of blessing. When a *kohein* is not present it is best to give preference to a Levi before an Israelite in all things mentioned here, if they are equal in Torah scholarship.
- ⁹ It is forbidden to make servile use of a *kohein*. This applies even in our time, and it is like taking unwarranted benefit of a sacred object. As it is said, "You shall sanctify him for he offers the bread of your God." And even now though we have no sacrifices, he retains his sanctity. If the *kohein* wants to forego the honors due him, he may do so for the *kehunah* is his possession and he may forego its honors, and permit an

Israelite to use him as a servant. And certainly he may give the Israelite the honor of preceding him in the aforementioned matters.

Siman 145

- ¹ Every man is obligated to get married in order to fulfill the mitzvah of propagation. This mitzvah is incumbent on a man from the beginning of his eighteenth year. At any rate, you should not pass your twentieth year without getting married. Only if you are diligently studying Torah and are afraid to marry in order not to be disrupted from learning Torah, are you permitted to delay marrying; and this is so, provided you are not overwhelmed with lustful desire.
- ² When you have begotten a son and a daughter, you have fulfilled the mitzvah of propagation, provided the son is not impotent or the daughter sterile. If you had a son and a daughter who died, and they left surviving children, you have fulfilled the mitzvah of propagation. This is true only when the surviving grandchildren are a son and a daughter and were begotten from your son and your daughter, so that even if your son begot only a daughter, and your daughter begot only a son, since they come from your son and daughter, you have fulfilled the mitzvah of propagation. But if one of your children left no surviving children even though your other child left many surviving sons and daughters, you [the grandfather] have not fulfilled the mitzvah of propagation.
- ³ Even though you have fulfilled the mitzvah of propagation, you are forbidden to remain without a wife. You should marry a woman

capable of bearing children if it is possible. But if you are aware that you are unable to have children, it is preferable that you marry a woman that is not able to bear children. Similarly, if you have many children, and you fear if you marry a woman capable of bearing children there will be bickering and quarrels between your children and your wife, you are permitted to marry a woman who is not capable of bearing children, but it is forbidden to remain unmarried because of this concern.

- ⁴ If a man takes a wife and she was with him ten years without bearing children, he should divorce her. Concerning this practice, there are many *halachic* details.
- ⁵ A woman is not commanded to fulfill the mitzvah of propagation. Nevertheless, she should not remain unmarried so as not to be subject to suspicion.
- ⁶ Every man should try to marry a worthy woman from a respectable family. The Jewish people have three traits: they are modest, compassionate, and benevolent. A person lacking these traits is not a commendable partner for marriage.
- ⁷ If a woman is suitable, even if you marry her because of her wealth, it is permitted, but only when the money is given willingly. But if you defer marriage and wait until you find a woman with the money you desire; or if you agreed to a marriage and was promised a great deal of money, and the promise was retracted, and you abandon your bride because of this, or you quarrel over this, you are referred to as "One who marries for money." You will have unworthy children, and will not be

successful. Such a marriage will not be a happy one, for money that a man takes for marrying his wife is money not properly earned. But, rather, whatever is given to you by your father-in-law or mother-in-law you should accept graciously, and then you will be successful.

- 8 A man ignorant in Torah knowledge should not marry the daughter of a *kohein* for such a marriage will not be a happy one. A scrupulous person should be particular not to marry a woman who has the same name as his mother.
- 9 It is a mitzvah to marry your sister's daughter or your brother's daughter. You should not marry any other relative, whether she is related to you or to your deceased or divorced wife, or she is related to the woman to whom you have given *chalitzah*, without consulting an *halachic* authority
- 10 You should be ever careful to honor your wife, for blessing is not found in a person's home but for the wife's sake. And so the Sages said to the men of their time, "Honor your wives so that you may be blessed with wealth."
- 11 You may not dwell with your wife even for a short time without a *kesubah*. If the *kesubah* is lost you must be very concerned and go immediately to the *Beis Din* to write another *kesubah* for her.
- 12 A *kohein* is forbidden to marry a divorcée, a harlot, a *chalalah* or one to whom *chalitzah* was given. A woman is considered a harlot in this instance even if she was forced to have illicit intercourse and is forbidden to a *kohein*. A *chalalah* is a woman born to a *kohein* who married a woman forbidden to him.

- ¹³ Any woman who was widowed or divorced must wait ninety days excluding the day of her divorce or her husband's death and excluding her wedding day before marrying another man. This is the *halachah* even if she is a woman incapable of bearing a child. Even if her first husband was overseas; or incarcerated in prison, it makes no difference. Even if she miscarried in the interim, it is to no avail. She is forbidden even to get engaged [during this waiting period,] unless her intended husband vows not to enter her house during this waiting period. But one who remarries his divorcee need not wait.
- ¹⁴ If the aforementioned woman is pregnant or is nursing an infant, she may not marry *another* man until the child is twenty four months old. Even if she gave birth after she was divorced or widowed and has not yet begun to nurse, she must wait. If a very important matter is involved, they should consult an *halachic* authority.
- ¹⁵ A woman whose two husbands died, should not marry a third one without consulting an *halachic* authority.
- ¹⁶ If a woman heard that her husband died in some other place, even if she heard this from many trustworthy men, she should not remarry without consulting an *halachic* authority.
- ¹⁷ If a man is suspected of committing adultery with a married woman, and her husband divorced her or died, she is forbidden to [marry] that suspected man, for just as she became forbidden to her husband, so too she is forbidden to the one who committed adultery with her. Even if her husband divorced her only because of improper conduct that was

rumored about her regarding that suspected man, the suspect is forbidden to marry her.

- 18 One who is suspected of having intercourse with a non-Jewess, who subsequently converted to Judaism, is forbidden to marry her.
- 19 A non-Jew who had intercourse with a Jewess, and subsequently converted to Judaism, is forbidden to marry her.
- 20 If one divorces his wife so that she can marry a particular man, even though he did not expressly make this conditional but it is evident that this is the objective of the divorce, it is forbidden for that individual to marry her.
- 21 Those women whom the Sages, of blessed memory, have forbidden one to marry, may not dwell even in the closed alley in which he dwells.
- 22 If a man heard that his wife committed adultery, even though he is not certain about it, he must consult an *halachic* authority if he is permitted to live with her.
- 23 It is not befitting for a respectable man to marry a woman who was divorced because of immodesty.
- 24 If a woman has bad character traits such as a quarrelsome disposition, or she is not modest as are respectable Jewish women, it is a mitzvah to divorce her, even if it is the first marriage.
- 25 The Sages have ordained that a man should marry off his sons and daughters when they reach maturity, for if he neglects to do so they

may be tempted into prostitution, or to have lewd thoughts. Concerning this it says, "And you shall visit your habitation and you will not sin." Also the Sages commanded the *Bnei Yisrael*, that whoever sees that his wife is not conducting herself properly, and is somewhat intimate with other men, he should admonish her and caution her, privately, gently, and in a pure way, to prevent her from stumbling, and to influence her to conduct herself properly. But he should not say to her expressly, "Do not meet in private with so and so." (You should not say this) even privately, (since presently we do not have *Mei sotah* this can lead to serious problems). If you are not strict with your wife and your children, and all the members of your household to caution them and to constantly supervise their conduct until you are confident they are perfectly free of sin and iniquity, you are considered a sinner. For it is said, "And you shall know that peace is in your tent and you shall visit your habitation and not sin."

²⁶ It is forbidden to perform the marriage ceremonies of two brothers or of two sisters in the same day, because you may not join one festive event with another. Some [authorities] say that you may not perform both ceremonies even in the same week, and they bring proof [of this from the marriage] of our father, Yaakov. For it is written, "Fulfill the week of this one."

Siman 146

¹ It is customary that the bridegroom and the bride fast on their wedding day because on that day their sins are forgiven. They should say *Aneinu* at *Minchah* as on other fast days. In our area it is customary that they fast only until after the marriage ceremony. If the ceremony is delayed

till the night, then, after the stars appear, they may eat something, provided they do not drink any intoxicating beverages.

- ² On *Rosh Chodesh*, on the day after *Shavuos*, on the fifteenth day of the month of *Av*, on the fifteenth day of the month of *Shevat*, and also on *Chanukah* and on *Shushan Purim*, they do not fast. But in the month of *Nissan*, even on *Rosh Chodesh (Nissan)* they do fast. And so too on the thirty-third day of the *Omer*, and on the days between *Rosh Chodesh Sivan* and *Shavuos*, and on the days between *Yom Kippur* and *Sukkos*, they fast.
- ³ On the days they do not fast, they must be careful not to indulge in excessive food and drink; and certainly they must be very careful to abstain from intoxicating beverages. (For some authorities say the very reason for the fast is because we are concerned they may become intoxicated and their minds would not be lucid).
- ⁴ The bridegroom and the bride must conduct themselves with utmost sanctity when they enter the *chupah*, and they should repent on that day. They should search [review] their deeds from the day of their birth until this day, and they should confess [their sins,] and seek forgiveness, pardon, and atonement from Hashem, Blessed is He. They should confess and forsake (their evil ways). Their absolute remorse should emanate from a contrite heart. They should firmly resolve from this day onward to serve Hashem honestly and sincerely, and to be holy and pure. They should then enter the *chupah* and pray that the Holy one, Blessed is He, rest His Divine Presence between them, as our Sages of blessed memory said, "A husband and wife, (if deserving), the Divine

Presence is between them." It is customary for them to say the confession at the *Minchah* prayer as is done the day before *Yom Kippur*.

Siman 147

- ¹ It is customary to have the *chupah* under the open sky as a good omen (as it is written), "So will your children be, like the stars of the heavens." Similarly it is customary to marry only in the phase of the full moon as a good omen.
- ² It is proper not to marry until the bride purifies herself. It is now the custom not to be exacting about this. However, it is best to inform the bridegroom before the *chupah*, that she is a *niddah*.
- ³ It is the custom in our areas that at the marriage of a virgin, the distinguished persons of the community spread a veil over the bride's head, and bless her, saying, "Our sister, be the mother of thousands and myriads." We refer to the *chupah* as the next sequence when a cloth is spread upon poles, under which the groom and bride enter in public, and where he consecrates her to himself. This is where the *berachos* of betrothal and marriage are recited. However, the most essential part of the *chupah* is the intimate privacy, which will be explained, God willing, in the following chapter.
- ⁴ The groomsmen [or the father] enrobe the bridegroom with a *kittel*, so that he is reminded of the day of death, and be inspired to repent. It is also customary to place ashes on the groom's head on the place where the *tefillin shel rosh* is worn. It is also customary that the parents and

prominent relatives bless the groom and the bride and pray that their union be successful.

- 5 Thereafter the groom is led under the *chupah* (canopy) (for we spread a cloth upon poles which is what we refer to as *chupah*), and we place him [under the *chupah*] facing East, while the *chazan* chants whatever chant is customary in that community. Then the bridesmaids lead the bride (to the *chupah*). The groomsmen and prominent men walk toward the bride, and as they approach her, they turn around and proceed to the *chupah*. Then the bridesmaids bring the bride [under the *chupah*], and together with her, walk around the groom seven times. The *chazan* again chants in accordance with the custom. After that, they place the bride to the right of the groom, and the one who recites the *berachos* stands to the side and faces the East.

Siman 148

- 1 The most essential part of the *chupah* is bringing the groom and the bride to a designated private room, where they eat together in privacy following the *kidushin*. You must prevent anybody from entering that room so that there may be absolute privacy. This is the real *chupah* that consummates and completes the marriage.
- 2 In the case of a virgin, this *yichud* (privacy) consummates the marriage even if it is not fit for cohabitation, if for example, she is a *niddah*, or if people are going in and out of the room. (When she is a *niddah* it is mandatory that people should be going in and out of the room for if not, they are forbidden to have privacy prior to their first cohabitation.)

- ³ In the case of a widow the marriage is consummated only when their privacy is appropriate for cohabitation, which means she must be menstrually clean, and no one is able to enter the room.

- ⁴ An acquisition may not be made on Shabbos, and therefore if the wedding took place on Friday, great care must be taken that the *yichud* consummating the marriage be made before Shabbos sets in. And then, when the *yichud* consummating the marriage was made while it was yet day, he is permitted to have the initial marital relations on Shabbos, regardless if she is a virgin or a widow. But if the *yichud* was not made while it was yet day (before Shabbos), then he is forbidden to approach her on Shabbos, for their initial marital relations. This is because cohabitation completes the acquisition, and it is forbidden to make an acquisition on Shabbos.

Siman 149

- ¹ Before saying *Birkas Hamazon*, in the company of ten adult males, the leader says *Dvai Hoser* etc. (banish sorrow etc.), and *Shehasimcha bimono* (In Whose abode is joy). *Sheachalnu mishelo* (We have eaten of His bounty) is said without the letter *vav* as a conjunction, and not *vesheachalnu mishelo*. After concluding the *Birkas Hamazon* the leader takes a second cup (of wine) over which he recites six *berachos*. After this, he says over the (first cup), which is the cup of *Birkas Hamazon*, the berachah *Borei peri Hagaffen* (Creator of the fruit of the vine). It is best not to fill the cup for the six *berachos* until the conclusion of *Birkas Hamazon*. Care should be taken that men and women should not eat [together] in one room, for if men and women eat [together] in one

room *Shehasimcha Bimono* cannot be said, because there is no joy [in the Heavens] where the evil inclination reigns.

- ² If a young man [one who was never married] married a virgin or a widow, or if a widower married a virgin, the above mentioned *berachos* are said after the first meal following the wedding, even if they did not eat it on that day, but only at night following the day of the wedding, or even on the following day (because the first meal is considered as if new guests are participating). But after this first meal, and during the entire seven days of the wedding week, only if new guests come to participate is *Birkas Hamazon* recited in this manner.

- ³ When a new guest does not come to participate, and the men dining with the groom are not members of his family, but come to celebrate as friends, *Dvai Hoser* is not said, but *nodeh leshimecha* is said as well as *shehasimcha bimono*. After concluding *Birkas Hamazon*, the leader takes a second cup, and recites the berachah *asher bara sassone vesimcha* etc. After that he again takes the cup that was used for *Birkas Hamazon*, and recites over it *Borei peri Haggafen*. For this ten men are not necessary, and even the presence of three is sufficient for saying *Birkas Hamazon* in this manner. However, if the groom eats only with family members, these things are not said.

- ⁴ When a widower marries a widow, if they ate the first meal on the day of the wedding, even if the meal lasted into the night, *Birkas Hamazon* is recited as stated in paragraph 1. But if they did not begin the meal until nightfall, if there are men dining [with them] to celebrate as friends, *Birkas Hamazon* should be recited as stated in paragraph 3.

(This is true even if there is a new guest participating.) This applies to all the meals during the first three days (after the wedding).

- 5 The term "new guest" applies to a person who has come to celebrate as a friend, and for whom they want to prepare extra food even though he does not eat (with them). Shabbos, the first day Yom Tov and the second day Yom Tov are considered as new guests. But this applies only to the meal at night and the meal in the morning, but the third meal is not considered as a new guest unless the groom expounds on a Torah topic.
- 6 If one invites the groom and the bride to dine with him, and he assigns a private room for them where they can be alone and rejoice together, it is considered as [a part of] their wedding and the seven *berachos* are recited. But if this is not the case, even the beracha *asher bara* is not recited, (nor do we say) *shehasimcha bimono*.
- 7 When the wedding guests break up into many groups [to feast], even in houses that do not face the place of the groom. Nevertheless, each group recites these (seven) *berachos*, since they are eating from the feast that was prepared for the wedding. However, the waiters, who eat after the wedding feast is over, do not recite these *berachos*.
- 8 When one remarries his divorced wife, *shehasimcha bimono* is omitted. At the first meal on the wedding day the seven *berachos* are recited. But from then on none of the *berachos* are said.
- 9 It is a mitzvah to rejoice the groom and bride, and to dance before her and say that she is beautiful and gracious, (from the expression, "She

found grace and favour before him"); and we find that Rabbi Yehuda Bar Illai used to dance before the bride.

¹⁰ It is forbidden to stare at the bride, but you are allowed to look at her jewelry, and at her uncovered hair.

¹¹ Some people have a custom that if the bride was menstrually unclean at the time of the wedding, then afterwards, on the night of her ritual immersion, they make a feast and invite guests. This is improper, and this custom should be abolished because it is a breach of modesty. But if they make a small feast for the household and they say *shehasimcha bimono*, one need not protest. But the seven *berachos* must not be said, other than in the manner described above.

¹² One who marries a virgin must rejoice with her for seven days, which are called "The seven days of feasting." (During this time) he should not do work, and should not do business in the marketplace; but should eat and drink and rejoice with her regardless if he was a bachelor or a widower. Even if she waives this right he is still forbidden to do work. He is forbidden to go alone in the street. If one marries a previously married woman, if he is a widower, all authorities agree he need not rejoice more than three days. If he was never married, some authorities rule that he must rejoice with her seven days since because of him they recite the seven *berachas*. Nevertheless, in this case the woman may waive her right to be rejoiced. If a public fast occurs during "The seven days of feasting" see chapter 121:7 and chapter 141:2.

- ¹³ One who takes a wife to himself must remain in his city a full year to rejoice with her; as it is said, "He shall not go out with the army; he shall be free for his home one year, and he shall cheer his wife." But the woman can waive this right.

Siman 150

- ¹ It is fitting that man conduct himself with great holiness, pure thoughts, and a correct attitude when having marital relationship. He should not indulge in frivolity with his wife, nor defile his mouth with indecent jests, even in private conversation with her, for the Scriptures say, "And declare to man what is his conversation." And our Rabbis, of blessed memory, said, "Even the light conversation between a man and his wife are recalled to him on the day of Judgement." He should not converse with her during the marital act, nor immediately before it, except what is necessary for marital relations. When she is angry and he is forbidden to have marital relations with her, he may speak kind words to her to appease her. The marital act should be in the most possible modest manner. He underneath and she above him, is considered an impudent manner. Both at the same level, is an act of perversion. It is said of Rabbi Eliezer, that the marital act was done with such awe and terror, that it appeared as if a demon was forcing him to do it.
- ² While engaged in the marital act, you should think about Torah subjects or other sacred subjects. Even though [during the act itself] it is forbidden to speak words of Torah, thinking about them is permitted and meritorious, for thought is not likened to speech in this case. Even

though in filthy alleys it is forbidden to even think about sacred subjects, this is because of the Divine command, "And your camp shall be holy;" but where it is forbidden because of body nakedness, concerning which it is written, *ervas davar* (unseemingly thing), our Sages of blessed memory inferred from this that speaking *davar* (words of Torah) is forbidden, but thinking about them is permitted.

- 3 The marital act is forbidden in a lighted room, even if the light is dimmed with a garment. But if you make a partition ten *tefachim* high in front of the light, it is permissible. Marital relations are also forbidden by day unless the room is darkened. At night, if the moon is shining directly on you it is forbidden. However if it is not shining [directly] on you, even though it is shining into the room, you may shut out its light with a garment [or window shade], and it is then permitted. Also, if there is a light in another room and it shines into this room, you must shut out this light with a garment.
- 4 Marital relations are forbidden in the presence of any person who is awake, even with a partition of ten *tefachim*. In the presence of a child who is unable to speak, it is permitted.
- 5 It is forbidden to look at the genitals of your wife. Anyone who does look there, is devoid of shame. He violates [the Scriptural verse], "And walk humbly (or modestly) before Adonoy," and removes the sign of shame from his face. A bashful person is not apt to sin, as it is written, "So that His fear be on your face," which refers to bashfulness, "So that you do not sin." Also, (by looking there); you stimulate evil desire within yourself. Certainly one who kisses that place violates all these

admonitions, and in addition he violates [the Scriptural verse,] "Do not make yourselves repulsive."

- ⁶ In a room in which there is a *seifer Torah*, marital relations are forbidden until it is removed to another room. If there is no other room you must make a partition in front of it that is ten *tefachim* high. The partition should be totally closed up, so that the *seifer Torah* cannot be seen. The curtain around the bed is not considered a partition since it is movable; unless it is tied at the bottom. *Tefillin*, *Chumashim*, or other sacred writings, such as the Talmud, Midrash and their commentaries, whether they are written or printed should be placed into a vessel within a vessel. This is valid only when the second vessel [or covering] is not especially made for such holy works, but if they are especially made for them, even ten such vessels are all considered as only one vessel. If you spread a cover over the chest containing these books, it is considered like a vessel within a vessel. Also a *mezuzah*, when affixed on the inside of the room, must be covered it with two covers, so it should be a vessel within a vessel. The Name (*Shaddai*, on the outer face of the *mezuzah*) must also be covered. A glass covering is of no avail for the covering must not be transparent.
- ⁷ You must not be excessive in marital relations with your wife, except at the time you are required to fulfil her conjugal rights, as it is written, "And he shall not diminish her conjugal rights." Men who are healthy, who enjoy the pleasures of life, who have profitable businesses in their home town, and are not burdened with taxes, should perform their marital duty nightly. Laborers who work in the city in which they reside, should perform their marital duty twice a week. If they are employed in another city, their marital duty is once a week. Also the

merchants who travel to the villages with their mules to buy grain to be sold in town, and those who have similar pursuits, their marital duty is once a week. Men who carry freight on camels to distant places, their marital duty is once in thirty days. The marital duty of Torah scholars is from Shabbos eve to Shabbos eve. You must perform your marital duty even when your wife is pregnant or nursing. You may not deprive her of her conjugal rights unless she consents to it willingly, and only after you have already fulfilled the Divine commandment of procreation. If you deprive her conjugal rights in order to afflict her, you violate a negative command, as it is said, "And he shall not diminish her conjugal rights."

⁸ Every husband is required to be with his wife on the night of her ritual immersion, and on the night before he sets out on a journey, unless he is going to perform a mitzvah. When a husband sees that his wife is enticing him, trying to please him, and beautifying herself in front of him, in order to attract his intention, he is obligated to be with her even if it is not the appointed time; and from such a union will come worthy children. However, if she demands it openly, she is a brazen woman, and she is considered like a harlot; and he is forbidden to keep her for a wife.

⁹ When engaging in marital relations, your intention should not be to satisfy your personal pleasure but as one fulfilling his obligation to satisfy her conjugal rights; and also to fulfill the command of your Creator, (and) to have children who engage in Torah study, and fulfill the *mitzvos* of the Jewish people. It is also proper if your intent is to improve the fetus; as our Rabbis, of blessed memory, said, "During the first trimester of pregnancy cohabitation is difficult for the woman and the child. During the middle trimester, it is difficult for the woman but

good for the child. During the last trimester, it is good both for the woman and the child, for it will cause the child at his birth to be strong and healthy." This too is a proper intention. If your purpose of being with her is to restrain yourself against sinful lust, when you are overwhelmed by desire, and have a craving for it—if this is your intention, you will also be rewarded. However, it is better that you push off your desire and overcome it; for (as the Sages said), "A man has a small organ, if he starves it, it is contented, and if he pampers it, it is hungry." But one who has no need for it, but deliberately arouses his desire in order to satisfy that desire, is following the counsel of the evil impulse.

- ¹⁰ If possible you should be careful not to have marital relations in the beginning or at the end of the night, but rather in the middle of the night. [If you were asleep before this] you may not touch the penile orifice even for the sake of cohabitation, before washing your hands properly, that is, three times alternately, as stated in Chapter 2.
- ¹¹ Marital relations are forbidden in the market places, in streets, in gardens, or in orchards. It is permitted only in dwellings so that it does not resemble prostitution.
- ¹² If, God forbid, there is [such] famine in the land that the price of grain [food] doubled, even though you have sufficient grain [food] in your house, or if, God forbid, there is some other calamity [in the country], marital relations are forbidden except on the night of her ritual immersion. Those who are childless are permitted to have marital relations on each appointed time of marital duty.

- ¹³ You should not have marital relations with your wife unless she is willing. But if she is not willing you should not have marital relations with her, and it is certainly forbidden to force her. Also, you should not have marital relations with her if you hate her, or if she hates you and tells you she does not want you, although she consents to marital relations. Also, if you have decided to divorce her, and she is unaware of it; even though you do not hate her, you are forbidden to have marital relations with her. You should also not have marital relations with your wife when she is actually asleep. You also may not have marital relations when either of you are intoxicated.
- ¹⁴ House guests are forbidden to have marital relations. But if you and your wife were given private quarters, it is permitted, provided you do not sleep on sheets that belong to the host.
- ¹⁵ According to the rules of good health, you should not have marital relations when you are satiated, and not when you are hungry, but only when your food has been digested. You should not have marital relations while standing, and not in a sitting position, not on a day you had a bath, and not on a day you let blood; not on the day you set out on a journey, or return from a journey by foot; and not on the day before nor on the day following any of the above.
- ¹⁶ You should not have marital relations on a bed where an infant lies at your feet if the baby is less than one year old. After leaving the bathroom, you should wait an hour before having marital relations. A nursing woman should not indulge in marital relations unless the baby

is asleep. After marital relations she should not nurse him before two thirds of an hour transpires, unless the baby is crying.

¹⁷ Semen is the vitality of man's body and the light of his eyes, and when issued in excess, the body weakens and life is shortened. Anyone who overindulges in marital relations, ages prematurely, his strength ebbs, his eyes dim, his breath becomes foul; the hair on his head, his eyebrows, and his eye lashes fall out. The hair of his beard and armpits, the hair on his legs, increase, his teeth fall out and many other aches besides these befall him. Great physicians said one out of a thousand dies from other diseases, the rest of the thousand (999) die from sexual indulgence. Therefore, man should avoid such indulgence.

Siman 151

- ¹ It is forbidden to discharge semen in vain. This is a graver sin than any other in the Torah. Those who masturbate and thus discharge semen in vain, not only do they commit a grave sin, but also one who does this is placed under a ban. Concerning such people it is said, "Your hands are full of blood," and it is likened to killing a person. See what *Rashi* wrote in the *Sidrah* of *Vayeishev* concerning Er and Onan, who died because of committing this sin. Occasionally, as a punishment for this sin, God forbid, one's children die when young, or grow up to be wicked, while the sinner is reduced to poverty.

- ² It is forbidden to bring on an erection (in vain), or to cause yourself to think about women. If a [lewd] thought comes spontaneously, you should divert your attention from nonsense to words of Torah, which is likened to, "A lovely hind and a graceful doe." Lewd thoughts prevail

only in a heart devoid of (Torah) wisdom. You should be extremely careful to avoid an erection. Therefore, it is forbidden to sleep on your back facing upward, or to sleep (on your stomach) facing downward, but you should sleep on your side to avoid an erection. Two bachelors should not sleep in one bed. You should not watch animals, beasts, or fowl when the male and female copulate. It is forbidden to ride on an animal without a saddle.

- ³ When urinating, it is forbidden to hold the penis even to facilitate urination. If you are married and your wife is also with you in town, and she is clean (menstrually), from the *halachic* standpoint it is permitted; for when a person has the possibility, he will usually not succumb to lustful thoughts and stimulation. But it is a matter of piety to be stringent even in this situation. When not for the purpose of urinating, even *halachically* the above mentioned things are forbidden.
- ⁴ At supper you should not eat or drink excessively nor eat any foods that tend to heat the body, such as fat meats, all milk products, cheese, eggs, and garlic. Neither should you drink a beverage that tends to heat the body, for these things cause the committing of this sin.
- ⁵ If, God forbid, you had a seminal emission at night, upon waking up from your sleep you should wash your hands and say with a contrite heart, "Master of the Universe I have done this unwittingly but it was due to sinful thoughts and sinful reflections; therefore, may it be Your will Adonoy, my God, and the God of my fathers, to erase this iniquity through your great mercy, and save me from sinful thoughts, and from similar occurrences forever and ever. *Amein*, so may it be Your will."

- ⁶ If you wish to avoid this sin, guard your mouth against obscene language, lies, talebearing, slander, and mockery. You should also guard your ears from hearing such talk. You must also be careful to fulfill your vows, not to worry too much about things, and be careful to guard yourself against lewd thoughts. Before going to sleep you should study Torah or say the first four Chapters of the Psalms, and be careful not to sleep alone in a room.
- ⁷ Means of amendment for a person who has succumbed to this sin, are recorded in the book, *Yesod Yosef*, which the author culled and gathered from holy and ancient books. Here I will cite some of them briefly: He should try to be *sandeik*, that is, to have babies circumcised on his knees (lap), and in particular to be a *sandeik* for poor families. He should increase his charity to the poor, observe Shabbos properly and honor it delightfully, and light many Shabbos candles. He should honor and love those who learn Torah. He should pray with fervor and tears. He should adopt the character of humility, and if he hears people insult him, he should be quiet and forgiving. When performing a mitzvah, he should do it energetically and with quickness until it warms him, particularly when preparing the *matzos* for Pesach. He should raise his children to study Torah, and train them to be God-fearing. He should raise an orphan in his home, and should treat him as he treats his own son. He should engage in the mitzvah of dowering poor brides. He should be called up to the reading of the Torah at least once a month, and recite the *berachos* aloud. He should look in the Torah, and read quietly along with the reader. He should try to be among the first ten to come to the Synagogue. He should arise in the middle of the night to recite *tikun chatzos* with tears. And if it is impossible for him to get up

in the middle of the night, he should recite *tikun chatzos* later in the night. He should love peace and should pursue peace.

Siman 152

- ¹ It is forbidden to be secluded with any woman whether young or old, a Jewess or a non-Jewess, whether she is a relative or not a relative, with the exception of a father who may be alone with his daughter; and a mother with her son, and a husband with his wife, even though she is menstrually unclean. (Concerning a bride who is menstrually unclean see Chapter 157, below).
- ² If your wife is [also] present, you are permitted to be alone even with another woman because your wife is a chaperon. But a Jewess may not be alone with a non-Jew, even in the presence of his wife. Even if there are many non-Jews accompanied by their wives, she may not be alone with them.
- ³ One woman may be alone with two virtuous men, but only in town, and in the daytime. But in a field, or at night even in the city, there must be [at least] three virtuous men present. With immoral men, she should never be alone, even if they are many, unless their wives are with them. One man is forbidden to be secluded with two women. Some authorities permit seclusion with three or more women, provided his vocation or trade is not specifically for women. Other authorities forbid it in any event.
- ⁴ If a woman's husband is in town, you need not be concerned about being secluded with her, because she is in fear of her husband.

- 5 In a room where the door is open to a public thoroughfare, there is no prohibition of *yichud* during the daytime and in the early evening, so long as people are passing by on the street. But if he is an intimate friend of hers, like one with whom she grew up, or if she is related to him, or if her husband warned her not to be alone with him, she may not be alone with him, even if her husband is in town, and not even in a room whose door is opened to a public thoroughfare.
- 6 If a girl is less than three years old, it is permitted to be secluded with her. Likewise, if a boy is less than nine years old a woman is permitted to be alone with him.
- 7 A man who does not have a wife should not teach children, because their mothers come to the school and at times he will be alone with a woman. [If he is married], it is not necessary that his wife be with him at the school, so long as she is in town; even if she is at home, and he teaches at the school. But a woman should not teach children even if her husband is in town, unless her husband lives with her in the house (where she teaches), because the fathers bring their children to school.
- 8 A man must diligently avoid women. It is forbidden to make gestures with your hands or with your feet, nor wink your eyes at a woman. It is forbidden to jest with her, to act with levity in her presence, or to gaze at her beauty. It is forbidden to smell perfumes designed specifically for a woman; especially when she is holding them in her hands, or when they are on her. It is forbidden to look at the colored garments of a woman with whom you are acquainted, although the garments are not upon her lest you come to think about her. If you encounter a woman

on the street, it is forbidden to walk behind her, but you should hasten your steps so that she is alongside you or behind you. You should not pass by the door of a harlot, even at a distance of four cubits. He who gazes, even at the small finger of a woman in order to enjoy its sight, commits a very grave sin. It is forbidden to listen to the voice [of a woman] singing or to gaze at a woman's hair.

- ⁹ You must refrain from showing interest in women. It is forbidden to send her regards even through her husband. Therefore, when writing a letter to your friend, it is forbidden to write, "Send regards to your wife." But it is permitted to inquire of her husband or of someone else about her welfare. It is also permitted to write to your friend, "Let me know how your wife is doing."
- ¹⁰ If you hug or kiss even one of your female relatives, even though you derive no pleasure from it, you are violating a prohibition, for you may not have any physical closeness with a near relative, with the exception of a father with his daughter, and a mother with her son, who are permitted to hug and kiss.
- ¹¹ You must not engage in any intimate activities, even with your wife in the presence of others, so that on-lookers will not be led to sinful thoughts.
- ¹² A man must not dwell in his father-in-law's house, unless he has a private bedroom.
- ¹³ The great men of Yisrael, of blessed memory, in their holy works, admonished against the evil custom prevailing in some communities, where there are no Torah scholars or God-fearing men, that the groom

and bride become intimate with hugs and kisses; and they also allow dances, in which boys and girls dance together. All virgins are assumed to be menstrually unclean, and since the prohibition of *niddah* applies to married and single woman alike, whoever touches a woman in an intimate manner deserves punishment by lashing. Besides the grave sin of touching a *niddah*, he also stirs the evil impulse within himself, and causes himself to have an erection, and to discharge semen in vain, God forbid. Certainly anyone who is able to effectively protest [against this custom] must make every endeavor to protest. At least, it is the duty of every man who has the fear of God in his heart, to control his household, and to supervise the members of his family, so that they will keep themselves distant from this extremely abominable behavior. Anyone who is able to effectively protest and does not protest, God forbid, he too will be accountable for this very iniquity. Anyone who saves others from sin has saved himself (too), and it shall be well with him.

¹⁴ With regard to the woman whom you wish to marry, it is permissible and even desirable for you to look at her to see if she pleases you, but you may not gaze upon her in a lustful manner. Concerning this it is said, "I made a covenant with my eyes, how then can I ever gaze at a maiden."

¹⁵ If you divorced the wife you married, she may not reside in the same courtyard as you do. If you are a *kohein*, or even a *Yisroeil*, but she has since married another man, and was divorced from him too; or if you divorced her because she was forbidden to you; all of these require a greater measure of separation. And subsequently, she may not reside with you in the same alley if it comes to a dead-end. But if it is an open

alley, through which there is traffic, they are permitted to live there. A divorced woman who remarried and lives with her second husband, they [she and her first husband] require an even greater measure of separation, and she may not dwell with her first husband in the same neighborhood. In all these cases of separation, the woman must move away from him. But if the courtyard belongs to her, he must move away from her.

¹⁶ A man is permitted to support his divorcee, and it is [even] a mitzvah to do so more than to another poor person, for it is said, "Do not hide from your own flesh." But he may have no personal contact with her, and should send her support through an agent.

¹⁷ Said Rav Beruna in the name of Rav, "He who sleeps in a room in which a husband and wife reside, the Scripture says concerning him, "The women of My people you cast out of their pleasant houses", (for they are ashamed to be intimate because of him). Rav Yosef said this applies even if his wife is menstrually unclean.

Siman 153

¹ A woman from whose womb there issued a drop of blood, be it ever so small, regardless of the circumstances, whether it is in her nature, as some women, to have a regular period or an irregular period; even if she experienced some sort of accident which caused blood to issue from her womb, she is a *niddah* (menstrually unclean), until she counts seven clean days, and properly performs the ritual immersion. Anyone who cohabitates with her when she is menstrually unclean, receives the

punishment of *koras*. She too receives the punishment, *koras*. For touching in an intimate manner, their punishment is flagellation.

- ² Even if she did not feel the issue of blood from her womb, but found a stain of blood on her body, or garment, or sheet, or any other place, and she is unable to attribute its presence to any source other than from her womb, she is unclean. A woman who finds a stain that is not actually red, but is not actually white either, must consult a competent Rav, for concerning this there are many divergent laws regarding the size of the stain. There are also many laws regarding to what it can be attributed and to what it cannot be attributed. There is also a distinction as to the time she found it, whether it was on her menstrually clean days or on the first days of her seven clean days.
- ³ If a woman senses that her womb has opened [i.e. she senses the beginning of mensruation], even if she examined herself immediately and found nothing, she is menstrually unclean. (It is necessary to let women know this, for many women do not know it.) But if she found a white secretion from her body without any reddish admixture, she is clean.
- ⁴ It is written, "And to a woman who is menstrually unclean, you shall not approach." Since it is written "You shall not approach," it is explained, that any kind of approach is forbidden. You should not jest (with her), and should not indulge in levity with her, or even speak words that may lead to sin. However, you may be secluded with her, for since you have had marital relations with her, and she will be permitted to you after immersion, your impulse will not be that strong, and we

- are not concerned that you might cohabit with her when it is forbidden.
- 5 You may not touch your wife (during that period) even on the small finger, and you may not hand her anything, not even a long object, nor may you receive anything from her hand. Also, throwing anything from your hand into her hand or from her hand to yours is forbidden.
 - 6 You may not eat with her at the table unless you make a noticeable change; for example, separating your plate from her plate, with something you do not usually place there at other times, or she should change her place. If you are accustomed, when she is menstrually clean, to eat together from one plate, and now when she is unclean you eat from separate plates, this change is sufficient.
 - 7 You are not allowed to drink what she leaves over in her cup. But if someone else drank from the cup after her, or it has been poured into another cup you are permitted to drink it. If she drank from it and you are unaware of it, and you want to drink from that cup, she need not tell you that she drank from it. (But if you know she drank from it but do not know that she is a *niddah*, it would seem that she has to inform you). She is permitted to drink the leftovers from your cup. Some authorities maintain that just as you are forbidden to drink the leftovers from her cup so too you are forbidden to eat from her leftover food.
 - 8 You may not sleep together in the same bed, even if the bed is not exclusively hers, and even if you are both fully clothed and do not touch one another, and even if each of you have a separate mattress. And even to lie on two separate beds, if the beds touch one another it is

forbidden. If you both lie on the ground, you should not lie facing one another unless there is a sizable distance between you and her. The same applies if you sleep in two separate beds placed parallel to one another, whereby sometimes you face one another. Even though there is space between the beds, it is forbidden unless there is a sizable space between the beds. The husband is forbidden even to sit on the bed reserved for her, even when she is not present. She is forbidden to sleep on the bed reserved for her husband. But so far as her sitting on it, you need not be stringent.

- ⁹ It is forbidden to sit together on a long bench, if it sways. If someone else sits between you, it is permitted. You may not ride together in the same wagon or on the same boat, if it is just a pleasure trip, like riding through parks, orchards or similar excursions. But if you are travelling from city to city on business, it is permitted, even though you are by yourselves; provided you are seated in a way that you will not touch one another.
- ¹⁰ You must not look at any part of her body that she usually keeps covered. But on those parts that are usually not covered, you are permitted to look even if you derive pleasure from it. You are forbidden to scent her personal perfume, and you are forbidden to hear her sing.
- ¹¹ It is proper that she wear special clothes on the days of her impurity, so that they will both always remember that she is menstrually unclean. With great *halachic* difficulty, the Sages permitted her to use cosmetics (rouge, lipstick etc.), and to dress in colorful (attractive) clothing during her days of impurity, so that she will not become repulsive to her husband.

- ¹² She may not pour a cup of wine for you in your presence, nor may she bring it and place it in front of you at the table; nor may she make your bed in your presence. But when not in your presence, all these things are permitted, even though you know that she did them. She is forbidden to pour water to wash your face and hands and feet, even if the water is cold.
- ¹³ Just as she is forbidden to pour a cup of wine for you, so are you forbidden to pour wine for her. Furthermore, even to send her a cup of wine specially for her, even if it is a cup over which a berachah has been pronounced, is forbidden.
- ¹⁴ If you are sick and there is no one but her to attend you, she is permitted to attend you but without direct contact with your body, but rather by means of some object. She may even raise you up, lay you down, and support you. But she must be very careful not to wash your face, hands, and feet, or make your bed in your presence. If the woman is sick (when she is a *niddah*), her husband is forbidden to attend her, even without touching her, except in a case of extreme emergency, when it is impossible to find someone else to attend her. If the husband is a physician, and there is no other physician as competent as himself, he may feel her pulse, since he is not doing it out of desire or love.
- ¹⁵ All the foregoing precautionary measures must also be observed during the "white days," that is, the seven days after the flow has ceased, and even thereafter if she delays her immersion. They are forbidden in all that was mentioned previously, until after she immerses herself.

¹⁶ During the time a woman is a *niddah*, during her menstruation period before the white days, it is customary for her not to enter a synagogue and not to pray. But on the Days of Awe, that is from the first day of *Selichot* when multitudes assemble at the synagogue, and she will be greatly distressed if she does not go, she is permitted to go and pray. Similarly at the marriage of her son, or daughter, or she has given birth and it is time for her to go to the synagogue, or for similar things, she is permitted to do so.

Siman 154

¹ The date of the menses is established by three consecutive times. That is, if menstruation began three consecutive times, at a similar time, then this date is her established date of the menses. There are women who establish their periodic menses at certain days of the month. For instance, if she perceived the flow three consecutive times, each time on *Rosh Chodesh* (New Moon), then her established menses is on *Rosh Chodesh*. Also if she perceived it three consecutive times on the fifth of the Jewish-Hebrew month, then the fifth day of the Jewish-Hebrew month is the established day of her menses. This way of reckoning is referred to as "Menses determined by days," for it is consistently the same day in the month. And even though the number of days between one perception and the other is not always alike, for some months consist of only twenty-nine days, while others consist of thirty days, nevertheless, since she is accustomed to perceive on a certain day of the month, this day is her established day of the menses.

- ² Most women, however, are accustomed to establish a mensal pattern of "equal intervals", which is a separation from one perception to another of an equal number of intervening days. For instance, if she perceives a flow and twenty-five days elapse, or thirty days or thirty-two days or the like, and following she again perceives a flow. If she had these perceptions on three consecutive equal intervals, this is her established date of the menses, and is referred to as the menses of "equal intervals." And after another interruption of that number of days, the following day is her established date of the menses. Since the menses cannot be established by less than three times, and an interval cannot be recognized by less than two perceptions; therefore, establishment of the menses of equal intervals requires four perceptions. For instance, if she perceived a flow today, followed by an interval of twenty-five days, and she perceived, followed again by an interval of twenty-five days, and she perceived, followed again by an interval of twenty-five days, and she perceived, she has had four perceptions, between which there were three equal intervals, and has thereby established her menses.
- ³ There are some women who do not have an established date of perception, neither of the days of the month, nor of equal intervals, but do experience various physical symptoms. For instance, it is characteristic of her to yawn before menstruation, in the manner of one who stretches his arms from weariness, or like a person who opens his mouth (yawns) from drowsiness, or like a person who burps because of the food he has eaten—all of these are included in "yawning." Similarly, if she flatuates or sneezes, or feels some pain in the region of the navel or the womb, or she has an attack of chills and fever, or the hair of her body bristles, or her head and (her) limbs grow heavy. If she

experienced any of these symptoms, on three consecutive periods, and immediately began menstruation, this symptom serves as her established date of menses. And this is referred to as "Menses regulated by physical symptoms." Yawning and sneezing only when repeated many times consecutively are regarded as symptoms by which to establish a date of menses, but if she yawns or sneezes one time, the date of menses is not established for it is a natural and normal thing. The date of menses is established by symptoms only if she perceived each of the three times through one particular symptom. But if once it occurs through one symptom and once through another symptom, it is not considered established.

- 4 Some women establish their menstrual periods by monthly, or by equal intervals, combined with yawning, sneezing, or similar physical symptoms. For instance, every fifth day of the month she yawns or sneezes, and then perceives the flow, or when twenty-five days from perception elapse, she yawns or sneezes, and then perceives the flow. This is referred to as "menses regulated by combining factors." That is, it is a combination of a regular date and a physical symptom. If this pattern occurs three (consecutive) times, then, when that regular day arrives, and she yawns or sneezes, she must be concerned about her perception. But with the arrival of that day alone, or with yawning and sneezing alone, she need not be concerned, since she has regulated her term only with the two factors combined.
- 5 A woman whose periods are regular, is at all other times presumed to be menstrually clean, and her husband may have marital relations with her, and does not have to inquire about her status. Even if she is partly asleep he may have marital relations with her, and she does not need to

examine herself, either before marital relations or afterwards. On the contrary, she should not examine herself in the presence of her husband, so that he will not be apprehensive, thinking she probably felt something, for if she did not feel something she would not have examined herself. Therefore if she examines herself in his presence, before having marital relations, there is cause for concern, that perhaps because of his apprehension he might keep away from her. And if she examines herself in his presence after having marital relations, there is cause for concern that perhaps he will be apprehensive, thinking that she probably felt something while having marital relations, and will keep away from her the next time. Therefore, she should not examine herself in her husband's presence. But if not in her husband's presence, the more a woman examines herself, the more praiseworthy she is.

- ⁶ A woman whose periods are totally irregular should examine herself before and after having marital relations. The husband, too, should wipe himself after marital relation's to ascertain whether there is a drop of blood. However, if her flow of blood is assumed to have ceased, for instance, a pregnant woman after the first three months of pregnancy, or one who nurses, or a woman who is old, these need not examine themselves.
- ⁷ There are women who do not have a regular cycle, but have, nevertheless, a certain number of days during which they do not perceive any flow. For instance, a woman who has ascertained that during the twenty-five days after her perception of a flow, she does not perceive another flow, but only after that, and then she has no definite date, because sometimes she delays one day, or two or three days. Since it has been established three times, that during these days she does not

perceive, a woman until twenty-five days elapse, is regarded during these days like a woman who has a regular menstrual cycle. But on the days that follow when she is uncertain, and cannot be presumed to be menstrually clean, she is forbidden to her husband.

Siman 155

- ¹ The Rabbis expounded (on the verse) "You shall separate the Children of Yisrael from their impurities." Rabbi Josiah said: "This verse is an admonition to the Children of Yisrael, that they must separate from their wives prior to their expected periods." How long before? Rava said, "An *onah*." An *onah* is either a day or a night. If she is accustomed to perceive the flow during the day, even though she is accustomed to perceive this flow at the end of the day, she is nevertheless forbidden to her husband from the beginning of the day. Likewise, if she is accustomed to perceive in the morning and has not yet perceived, nevertheless, she is forbidden the entire day until the night. Likewise, if her periods occur at night, even if she is accustomed to perceive the flow in the beginning of the night, or if she is accustomed to perceive the flow at the end of the night, nevertheless she is forbidden to her husband the entire night. According to many authorities, not only marital relations are forbidden at this time, but also every other type of intimacy is forbidden, and it is proper to heed this opinion.
- ² Some authorities say that this *onah* during which you must separate (from her), is the *onah* prior to the *onah* during which she expects her period. For instance, if she expects her period at night, she is also forbidden the entire day before. If she expects her period by day, she is

also forbidden the entire night before. And this is the proper course to follow. However, if you are setting out on a journey, or you have just returned from one, or if she has performed the ritual immersion on the night preceding her expected period, you should not heed the stricter opinion.

- ³ If a woman does not have regular menstrual periods, then the thirtieth day after her (last) perception is always considered her fixed period, and is termed "an average *onah*." For instance, if she perceived the flow on Monday, of the week when the *sidrah* of *Noah* is read, then the Wednesday of the week when the *sidrah* of *Toldos* is read, is considered her fixed period. In addition, she must also pay attention to the other occasional times of perception, whether based on equal intervening days, or on certain days of the month, as will be explained hereafter, God-willing. Whenever she has reason to expect her period, her husband must separate from her on the *onah* before, as has been explained.
- ⁴ Whenever a woman perceives blood, she must suspect perhaps she may perceive it again on the same date and at the same time. It goes without saying, if she presently does not have a regular menstrual period, she definitely must suspect that it might occur again at a similar time, and thus establish her date of menses. But even a woman who has a regular menstrual period, and experienced a change in regularity and perceived the flow not at her fixed period, must also be concerned with this perception, lest this indicate a change of her regular period to a different time. But if her regular period has not changed, and she has an additional perception, not at her regular period, then she does not have to be concerned (in the future) about this (extra) perception, for

since she (also) has her regular period, she does not need to be concerned about an irregular period.

- 5 Let us give an illustration of a woman who has no regular periods. If she perceived blood on the second day of *Rosh Chodesh*, of the month of *Iyar*, and again on the twenty-fifth of the same month, she must be mindful of *Rosh Chodesh* of the month of *Sivan*, for she should suspect she might establish her menses on *Rosh Chodesh*. (Also on the second day of the month of *Sivan*, she must be mindful, because it is the "average *onah* (period).") If *Rosh Chodesh* of *Sivan* came, (and the second day of *Sivan* too), and she has not yet perceived blood, she must suspect that she may establish her menses by equal intervening days. And since there was an interval of twenty-three days between perceptions, (exclusive of the day of the first perception and the second perception), she must now also count twenty-three days, and then expect another flow. That is, she has four remaining days of the month of *Iyar*, onto which she should add nineteen days from the month of *Sivan*, and expect a flow on the twentieth of the month. If the twentieth day of *Sivan* came, and she did not perceive blood, she must be mindful of the twenty-fifth day, as she may establish her menses on the twenty-fifth day of the month. (She must also be mindful on the twenty-sixth day, because it is the "average *onah* (period).") However, for the *Rosh Chodesh* of *Tammuz* she need not be concerned, for her perception on *Rosh Chodesh Iyar*, has already been eliminated as a period by her failure to perceive blood on *Rosh Chodesh* of *Sivan*. (For whatever is not established by three (consecutive) occurrences, is nullified by a one-time failure to occur, as explained hereafter.)

- ⁶ An example of a woman who has a regular menses: she has an established menses of twenty-five day intervals, and one time a change occurred, whereby she did not perceive until the twenty-eighth day. She must be mindful of the twenty-fifth day from this last perception, because this is her regular period. If the twenty-fifth day came and she has not perceived blood, she must take heed of the twenty-eighth day, because of her last perception. If she has perceived again on the twenty-eighth day, she is still forbidden (to her husband) on the twenty-fifth day after this last perception, because of her regular period. If now, too, she did not perceive blood on the twenty-fifth day, but rather on the twenty-eighth day, the twenty-eighth day is set as her fixed period while the twenty-fifth is eliminated, (for she has replaced it with another, three times,) and she is permitted [on the twenty fifth day]. If the last perceptions were not had at equal intervals, if she saw on the twenty eighth day, on the twenty ninth day, and on the thirty first day, her previous fixed period is eliminated, and now she has no established fixed period. She must, therefore, always be mindful of the equal interval from her last perception (31 days), and for the "day of the month," and for the "average period," until she establishes a new fixed period
- ⁷ This rule should guide every God-fearing person: If the woman has no regular period you should always write the date on which she perceived blood, the day of the month, and how many days elapsed between perceptions. You must always be mindful in the future of the intervening number of days between the last two periods. You must also be mindful of the day of the month, based on her last perception. You must also be mindful of the "average *onah* (period)." This is how you

should conduct yourself until she establishes a regular period. After she establishes a regular period, if a change occurs in her period, you must also be careful to take notice of the new perception, with regard to both the number of intervening days, and the day of the month. You must also be careful to remember the day of her regular period because the regular period is eliminated only after three times, as stated hereafter.

- 8 A woman who has a fixed period, even if once or twice the date of her period (arrived), or her characteristic symptoms (arrived), and she did not perceive blood, even though she is certain beyond any doubt, that she did not perceive, for instance if during the entire period she had a cloth [or tampon] packed tightly in place, still her regular period is not eliminated, and she must still be mindful of it even the third time. But if the third time also arrived and she did not perceive anything, if she is absolutely certain that she did not perceive anything on any of these three times; for instance, if at each time she had a cloth packed tightly into place throughout the date of her expected period, from then on her regular period has been eliminated, and she need not be concerned about it anymore. For every regular fixed period is eliminated after failing to happen three times, even if it was regular for many years. But a period which is not established, such as a perception that occurred only once or twice, then if this day arrived, or this particular sign arrived one time, and she did not perceive her menstrual flow, even if she did not examine herself, as long as she did not feel anything, she no longer needs to observe this period. Whatever has not been established by three consecutive occurrences is eliminated by one time, even without examination.

- ⁹ If a woman has a regular fixed period, then before the time arrives when she regularly perceives, she should insert a cloth so she will be sure (her menstrual flow has not begun), for otherwise, she must suspect that perhaps a drop of blood issued and disappeared without her being aware of it. If she failed to do so, and the time of her fixed period passed, she is forbidden to her husband until she examines herself thoroughly. If during the time of her expected period, she bathed herself, the examination will be of no avail. She must be stringent and consider herself to be in an unclean state, because it is presumed that the flux has come at its regular time. But if she does not have a regular period, but she is being mindful of an irregular period, if the time has passed and she has felt nothing even though she failed to examine herself, she is thereafter presumed to be menstrually clean. However, with regard to the average period, which is the thirtieth day, her status is like that of a regular (fixed) period, as has been stated above.
- ⁹ If a woman's flow continues two or three days, coming either in a flow or in drops, the day on which she begins to perceive is considered the principal day. Some authorities say that, nevertheless, she must always be mindful of all these days until they are eliminated.
- ⁹ Just as a woman must be mindful of the menstrual period as indicated by the monthly date of menstruation, and by the amount of intervening days, even after a single occurrence, so, too, must she be mindful of the menses indicated by physical symptoms alone, or in combination with (equal interval perceptions) after a single occurrence. And just as the menses based on monthly perceptions, and by the number of intervening days, if they are not established (three

consecutive times), are eliminated by a one-time failure to occur, so, too, the menses based on bodily symptoms alone, or in combination with one of the above, are eliminated by a one-time failure to occur. And just as the menses of monthly perceptions, and of equal interval perceptions that have been established by three occurrences, are eliminated only by three successive occurrences (to the contrary), so, too, the menses based on bodily symptoms alone, or in combination with one of the above, after being established by three occurrences, are eliminated only by three successive occurrences to the contrary. For instance, if she has established a period based only on physical symptoms, for example, if thereafter she yawned three times, and did not perceive a flow, she no longer has to be mindful when she yawns again. If it is a period based on a combination when the fixed day arrives three times, and she yawned and did not perceive any flow, then the term is eliminated. But a change of days without yawning, or a change in yawning without a change in days, do not eliminate the term established by a combination of factors, because we require that this process of its elimination be similar to the process through which it was established.

¹² A pregnant woman, after three months from the beginning of her pregnancy, and a woman while nursing a child, are presumed to have ceased their flow, and need not be concerned about their periods, even if they have an established periods. Nevertheless she must take heed of every perception just as a woman is required to be mindful of an irregular period. When the period of nursing is over, she must continue to observe her former periods. For instance, if she had an established period on the day of *Rosh Chodesh*, she must immediately continue to expect its occurrence on the first *Rosh Chodesh*. But if she had a period

of equal interval perceptions, she need not be concerned until she once again has a perception, and then she must be mindful of her customary interval between periods.

Siman 156

- ¹ If a woman has an issue of blood as a result of marital intercourse, even if it did not occur during marital intercourse, but later that night, she is permitted to have marital relations again after she purifies herself, but they should be apprehensive of a repetition even after only one such occurrence. Thus if it occurred on the night of her immersion, then the next time she immerses, he must be separated from her on the night of her immersion, for we suspect that perhaps the immersion in conjunction with the intercourse, causes her to issue blood, and perhaps she will perceive blood on the night of the following immersion, during the very act of marital intercourse. But on the night of the third immersion, they are not bound to separate themselves, because the main cause for concern was due to the immersion, and since on the night of her second immersion she did not perceive any blood there is no cause for further concern. Likewise, if a perception occurred on the night following her immersion, they must separate themselves on the night following her second immersion but not after the third immersion.
- ² However, since an unfavorable tendency has developed in this woman, therefore, even if she has regular periods, nevertheless, the next time she has marital intercourse, she must examine herself both before and after intercourse in order to ascertain whether she had a flow again as a result

of marital intercourse. She should also be careful to immediately seek medical attention; and most certainly if it happened that she perceived blood during marital intercourse, or shortly thereafter, for if this occurs three successive times she will be in a very perplexing position, and only with utmost difficulty can she be permitted to continue living with her husband.

- ³ If during marital intercourse, the woman feels that she has become menstrually unclean, she must immediately say to her husband, "I have become unclean." He should not separate himself from her immediately while his organ is rigid, for this act in itself affords pleasure, but he must support himself on his hands and feet, and not upon her. He should be filled with fear and trembling because of this sinful occurrence, and when his organ relaxes, he should separate from her. He should consult a Rav to instruct him regarding a proper penance for this sin.

Siman 157

- ¹ A woman who is preparing herself for her wedding, must first count seven (menstrually) clean days, whether she is a minor who has never perceived blood, or whether she is an aged woman whose flow has long ceased. Nevertheless, we suspect that perhaps because of her anticipation, some drops of blood issued from her and disappeared. Therefore, we regard her as an actual *niddah*. After having counted the seven clean days, she must examine herself daily until she performs the ritual immersion and also after the immersion, until the ordained consummation of the marital act.

- ² If the wedding was cancelled for some reason, and afterward they agreed to hold the wedding, even though she had already counted seven clean days the first time, nevertheless she must count them anew, because a new desire has been created in her. Even if she has examined herself daily during the interval, it is of no avail. If it was not a definite cancellation, but they were unable to agree about the amount of the dowry, or the like, and because of this the wedding was delayed until they came to terms, or if they postponed the wedding by mutual consent, from the original day to a different day, they should consult a *poseik* to determine if the first clean days are of avail. If they quarreled at the wedding, and another groom took the place of the first, it is self evident that there is no validity to the seven clean days that she counted for the first bridegroom. But even if after consenting to marry the second groom, she became reconciled with the first one, there is no validity to the first seven clean days, because her thoughts were diverted from him. She must count anew, seven clean days.
- ³ A woman should be careful not to marry before she purifies herself from her unclean menstrual status. If it is urgent and the wedding must be held when she is still unclean, or if it occurred that she became menstrually unclean after the wedding ceremony, but before the consummation of the marital act; they are forbidden to be alone together without supervision, until she has performed the rite of immersion. It is customary to place a male child with the groom, and a female child with the bride. They may not be alone even during the daytime, without the children. The children must be old enough to understand something about marital relations. The girl should not be fully mature already having desire, lest she permit herself to be seduced,

but of average maturity. Regarding this law there is no distinction between a groom who has never been married and a widower, or between a virgin and a widow; for so long as he has never had marital relations with that woman, we fear he may succumb to his passions, and therefore, they are prohibited to be alone, without supervision.

- 4 When one remarries the woman he divorced, she must count seven clean days. [This rule applies] even if he divorced her while she was pregnant, and remarried her while she is still pregnant, or he divorced her while she was nursing a child, and remarried her while she is still nursing. If he violated this rule and remarried her before [her seven clean days and immersion], they are permitted to be alone together. Since he already had marital relations with her, his impulse will not be so overpowering.
- 5 Extreme care should be taken that the groom should not lie next to the bride until the night he wishes to consummate their marriage.
- 6 One who marries a virgin should perform the ordained marital act, and even if there is an issue of hymenal blood, he should conclude the act and need have no scruples about it. However, after concluding the act, he must separate himself from her, and she is regarded as unclean. And even if no blood is perceived, we suspect perhaps a drop of blood issued from her, and was covered up by the semen. Therefore we regard her as menstrually unclean.
- 7 A virgin, who performed the rite of immersion after the first marital act, and perceived blood after the second marital act, and also after the

third and fourth times; it is questionable (*halachically*) if she is permitted to remain with her husband.

- ⁸ It is permitted to perform the marital act with a virgin on *Shabbos* even though the act causes a bruise.

Siman 158

- ¹ A woman who has given birth whether she bore a living child or a dead one, or even if it was a miscarriage, even if she perceived no blood, she is regarded as unclean with the uncleanness ascribed to birthgiving. The law prescribes that if the child was a male, the mother is unclean for seven days, (because of her) birthgiving, after which she may count seven clean days and perform the rite of immersion. If the baby is female, the mother is unclean for fourteen days (because of her) birthgiving, after which she counts seven clean days and performs the rite of immersion. There are places where the accepted custom is that woman do not perform the immersion within forty days of giving birth to a male, and within eighty days of giving birth to a female. In a community where this custom is uniformly accepted, it should not be treated lightly, for there is some reason for this. Concerning such instances it is said, "Hear my son, the instruction of your father, and do not forsake the teaching of your mother." But in our regions, there is no established custom concerning this. The custom prevailing in some communities that she should not immerse herself until six weeks after giving birth to a male, and nine weeks for a female, or similar customs, have no valid reason whatsoever, and have already been abolished in the holy communities by the *Geonim*, of blessed memory.

- ² Some authorities maintain that you must separate from your wife the night of the forty-first day after having given birth to a male, and the night of the eighty-first day after having given birth to a female; for then there is the likelihood she may perceive the flow the same as during her menses. Other authorities differ, but a scrupulous person should be strict about it. If she miscarried, and there is doubt if the fetus is male or female, you should separate from her the night of the forty-first day and the night of the eighty-first day.
- ³ If a woman suffered a miscarriage and expelled something even if it had no shape of a child, but looked like a piece of flesh or skin, or the like, she must be stringent and consider herself unclean as after the birth of a female, or she should consult a *poseik*, for sometimes it is possible to be lenient. Also, if she first miscarried a child, and thereafter dropped the afterbirth, although the child was a male, she must be observant of the uncleanliness due to birth of a female, because of the afterbirth or seek the opinion of a *poseik*.
- ⁴ If a woman is certain she has not conceived, and performed the rite of immersion, and within forty days had a miscarriage, she need not deem it a birth, for the embryo is not formed in less than forty days. But she is menstrually unclean, even if no blood was perceived, for presumably there was some blood which may have disappeared, as it is impossible for the womb to have opened without issuing blood.

Siman 159

- ¹ A woman who perceived blood during the days when she is menstrually clean, must count five days including the day on which she perceived, plus another four days. Even if she perceived it at the end of the day, after the congregation, and she herself have prayed the *maariv* service or ushered in the Shabbos; if it is still daytime, this day is counted as one of the five. On the fifth day, towards evening before twilight, she should carefully examine herself, wash at least her pubic area and put on clean white undergarments. Her other garments should also be clean. This procedure is called *hefsek tarahah*. At night, she should spread a clean white sheet on her bed. The pillows and cushions should also be clean. The next day she should begin to count the seven clean days. It makes no difference whether she noticed much blood or little, for even if she saw only one drop, or she found only a stain during her period of purity, she must always wait another five days. Also, if she continues to bleed the entire five days, but the flow ceased before twilight (of the fifth day), immediately after the flow ceases, she may proceed with the *hefsek taharah*.
- ² In case of emergency, as for instance, when she is traveling and cannot obtain water even to wash the pubic area, this does not delay (the *hefsek taharah*), but she must clean the area very well with whatever she can. If she is able to wash the area with urine, it is sufficient. If she does not have a fresh undergarment, she may put on an old one, provided it is first examined to ascertain that it is free from bloodstains.
- ³ Some authorities are of the opinion that if the congregation had recited the *Maariv* prayer, although it is still daytime, she cannot perform the *hefsek taharah* (on that day), in order to start counting from the next

day; since the congregation has already accepted it as night. Other authorities hold she is permitted to do this, even if the congregation already ushered in the *Shabbos*. It is best to be stringent about this, but if she had already done so, you need not be stringent, and she may perform the *hefsek taharah* so long as it is not yet twilight. However, if she too had prayed *Maariv*, and certainly if she had already lit candles for *Shabbos* or *Yom Tov*, although it is still daytime, she can no longer perform the *hefsek taharah* (on that day.) During the summer, when many congregations pray *Maariv* when it is still daytime, she should make her *hefsek taharah* before that time, as I have already stated. Then, when twilight draws near, she should examine herself again, for the principal time for *hefsek taharah* is as close to twilight as possible. In the event she did not examine herself that second time, you need not be concerned about it. Even if she only examined herself in the morning, when she (checked and) found herself clean, post factum, this is sufficient.

- 4 You should always instruct your household to be scrupulous that the examination of *hefsek taharah* be performed by inserting cotton cloth; which should remain there during the entire twilight. Such an examination will remove her from all possible doubt.
- 5 There is a custom in some communities, that if the time for putting on white linen is on *Shabbos* or *Yom Tov*, it is postponed until later; because not every woman knows how to observe the laws prohibiting washing and wringing. In communities where the custom is to be lenient and she washes with cold water, she may even wash her entire body. But when using warm water, she must be careful to wash only the pubic area and between her thighs; and such water must have been

warmed before *Shabbos* and before *Yom Tov*. She must also be careful not to transgress the prohibition of wringing. She should, therefore, not wash herself with a cloth, but only with her bare hands. On *Yom Kippur*, she must not wash herself at all, but merely wipe herself thoroughly, (as this is considered an emergency, like the one stated in paragraph two, since she is forbidden to wash herself) and put on a freshly cleaned garment. On *Tisha B'Av*, and in the seven days of mourning, she should also not wash herself, but merely wipe herself (thoroughly). She should also not put on a fresh garment, but an old one that was examined and found to be free of bloodstains. But after the seven days of mourning, although washing is forbidden the entire first thirty days (of mourning), nevertheless, she is permitted to wash herself lightly, for the purpose of wearing white (for the clean days), and she is allowed to put on a fresh gown.

- ⁶ Every day of the seven clean days, it is preferable that she examine herself twice daily; once in the morning and once near twilight. Post factum, even if she did not examine herself but once on the first day and once on the seventh day, you may be lenient about it. This is true only (if she examined herself) on the first and seventh days, but if she examined herself on the first and eighth days, then only the eighth day is counted and she is required to add another six days.
- ⁷ All these examinations, whether of the *hefsek taharah*, or during the seven clean days, must be made with an old white linen cloth, or with a clean, soft, white cotton cloth. She must insert it deeply, and into the crevices, to a depth that the male organ penetrates, and then see if there is any reddish spot on it. If it is impossible for her to insert it to such a depth, she should at least examine herself to the best of her ability. It is

important that at least one examination be made to the depth the male organ penetrates. (It is the duty of every husband to instruct his wife about the laws of examination, for many women are not familiar with them). Virgins who examine themselves before the wedding, should also examine themselves to the best of their ability.

- ⁸ The examinations must be made by the light of day and not by candle (artificial) light. Some stringent authorities void the purification if she had not made at least one examination on the first day and one examination on the seventh day by the light of day.
- ⁹ If she found a stain during the seven clean days, or even if she perceived a flow of blood, she may perform a *hefsek taharah* and put on the white garments on that very day, so long as it ceased before twilight; and on the following day she may start to count seven days anew.
- ¹⁰ Also a bride who perceived blood before her wedding, and if she must wait five days, the day of the wedding will be before the time of her ritual immersion, and it is difficult to postpone the wedding, she is allowed to make her *hefsek taharah* immediately, on the day the flow ceases, before twilight, and count seven clean days from the following day, in order to be able to immerse herself before the wedding. This is preferable to having the marriage ceremony take place when she is still menstrually unclean.

Siman 160

- ¹ On the seventh day [of purification,] during the daytime, before sunset, she should wash herself thoroughly with warm water, especially in

places where there are wrinkles, and her hidden parts. She should wash thoroughly and examine her whole body in a room where she can see and feel efficiently with her hands. There should not remain any interposing particle or any dirt on her body. She must also thoroughly cleanse and comb all of her hair with a comb, and disentangle them so that they will not be matted together or knotted. This whole process is called *chafifah*. She must engage in *chafifah* until nightfall, in order to perform immersion immediately after *chafifah*; for preferably the *chafifah* should take place close to the [time of] immersion, and the *chafifah* should also take place in the daytime. Therefore, the proper procedure is to start the *chafifah* while it is yet day, and prolong it till nightfall.

- ² The *chafifah* on places where there is hair, should not be done with anything that tends to entangle the hair. With regard to using soap, our custom is to be lenient because it cleanses well, and does not entangle the hair.
- ³ When there is no bath in the *mikvah*, and she must make *chafifa* at home and afterwards go to perform the immersion, she should take a comb with her, and comb her hair again at the *mikvah*.
- ⁴ In an emergency, when it is impossible for her to make the *chafifah* during the daytime, she can make it at night, but she must do it properly and not hurriedly. Also, if it is impossible for her to prolong the *chafifah* into the night, she may perform the entire *chafifah* in the daytime.

- ⁵ If her time for immersion is on Friday night, she should make the *chafifah* during the day. She must be very careful to complete the entire *chafifah* before twilight, and not, God forbid, violate the Shabbos. With regard to Shabbos candle lighting, it is best, if possible, for her to return home after the *chafifah*, or to make the *chafifah* at home, and after the *chafifah*, before twilight, she should light the candles and after that perform the immersion. If this is not possible, then her husband should light the candles instead. If this too is impossible, she should light the candles, and say the *berachah* over the candles while there is still plenty of time remaining in the day. Before lighting them she should declare that she is not assuming the [holiness of] Shabbos with the lighting; for when necessary such a stipulation is valid. But the practice of some women to say the *berachah* over the burning candles after their immersion, should be voided, for they are saying a *berachah* in vain.
- ⁶ In communities where it is customary to perform the ritual immersion after the close of *Shabbos* or *Yom Tov*, a Rav should be consulted as to how they should perform the *chafifah*.

Siman 161

- ¹ She must immerse her entire body, and all her hair at one time. She must, therefore, be extremely careful while immersing, that there be nothing on her that would interpose [between the water and her body.] For even the slightest particle, at times is considered a *chatsitsah* (an interposition), and renders her immersion invalid. Not only must the water reach the external part of her body, but even the internal parts of the body, which the water does not penetrate, must nevertheless be fit

for the penetration of water. For example, although it is not necessary that the water enter her mouth, nevertheless, if there is an intervening particle between her teeth, her immersion is invalid, as will be explained, God willing. Every woman must know this rule: All parts of her body must be clean, and fit for the water to reach them during immersion.

- ² When mucous is outside the eye, it is a *chatsitsah* (interposition) even if it is moist. Mucous inside the eye, it is not a *chatsitsah*, if it is moist but if it is dry, and has begun to turn green, it is considered a *chatsitsah*.
- ³ The dried blood on a wound is considered a *chatsitsah*, but the matter (pus etc.) that is inside the wound, is not considered a *chatsitsah*. Discharged matter is not a *chatsitsah* when wet, but when dry, it is a *chatsitsah*. Therefore, a woman who has scabs, must rub them in water until they soften. Even if it is painful to remove the crust of a wound, or if she has blisters, she must either remove them, or soften them well in water.
- ⁴ The plaster on a wound is considered a *chatsitsah*. Sometimes plasters are applied to last for three or four months, and then fall off. During this time they cannot be removed without tearing the skin, and even if the woman says she is used to them and does not mind them, nevertheless, they are considered a *chatsitsah*. A woman had a wound which opened, and gauze made of worn linen clothing was inserted into the hole (of the wound) underneath the bandage. Even if the bandage is removed and the gauze is not visible because it is deep inside, it is, nevertheless considered a *chatsitsah*. (*Teshuva Ma'ahava*)

- 5 Filth on the body that resulted from perspiration, is considered a (*chatsitsah*) when dry. When a persons hands are soiled with mud, dough or perspiration, and he rubs them together, crumb-like particles are formed, and they are considered a *chatsitsah*.
- 6 Ink, milk, honey, fig juice, berry juice, carob resin, juice of the fruit of the sycamore (which is a type of fig), are considered a *chatsitsah* when dry, but are not a *chatsitsah* when moist. All other juices, even when moist are a *chatsitsah*. Also blood, even when moist, is a *chatsitsah*.
- 7 The coloring used by women to color their faces, hands, and hair on their heads, is not considered a *chatsitsah*. Also, a woman whose occupation is dyeing clothes, or similar work, and as a result her hands are colored, and all other women engaged in this occupation, usually do not mind this, it is not considered a *chatsitsah*.
- 8 Concerning dirt under the nails, there are a number of factors involved. It is already the established custom to cut the nails of the hands and the feet before the ritual immersion. She must be careful to burn them afterward, for if her husband should step on them, or if another man should step on them it is dangerous. (When she immerses) on Shabbos or Yom Tov, and has forgotten to cut them beforehand, some authorities permit her to have them cut (on Shabbos) by a non-Jewess. If she has a swelling over the nail, and is thus unable to cut it or to clean underneath it, and the swelling is so large that the dirt underneath it is not visible, it is not a *chatsitsah*. If a woman forgot to cut her nails and performed the ritual immersion, and became aware of it before having marital relations with her husband, she must have

another immersion. If she did not become aware of it until after having marital relations with her husband, she should consult a Rav.

⁹ She should be careful to remove her earrings and rings before the ritual immersion.

¹⁰ She must clean her teeth before immersing because it is common that remnants of food are found between the teeth. If she immersed herself and then found something between them or adhering to them, her immersion is invalid. Some women are accustomed not to eat meat the day they are to go to the *mikvah*, because meat gets between the teeth more so than other foods, and it is to be feared that even after cleaning some of it may remain; this is an excellent custom. On Shabbos and Yom Tov when we do eat meat, she must be careful to clean them very well. Every woman must be careful not to eat any food between the *chafifah* and the immersion. During the entire day of her immersion, she should not knead dough, or make wax candles, so that nothing will cling to her. But on Friday if it is her custom to knead the dough herself, in honor of Shabbos, she should not refrain from doing so; however, she must be careful to wash her hands thoroughly afterward.

¹¹ A woman who has an artificial tooth, should consult a competent *poseik* concerning how to perform the immersion. A woman who has a lead filling in her dental cavities, and also a woman who is ruptured and wears a ring in her womb, should consult a competent *poseik*.

¹² Another woman should not hold her during the immersion, because the water will not penetrate to the place within her grasp. In case of emergency, the woman who must hold her should first dip her own

hands into the *mikvah*, and afterward hold her. She should not hold her tightly with a strong grip, but with a moderate grip that people usually use.

¹³ Whenever possible she should not immerse in a place where there is mud on the bottom because it might be a *chatsitsah*. In case of emergency, it is the custom to be lenient as the mud generally found in water is not very thick. But the mud found at the edge of a river which clings to the feet is considered a *chatsitsah*. Therefore, she must be careful when going to immerse herself in the river to wash her feet well from the mud that stuck to her, from the edge of the river. If she wants to set something in the river under her feet upon which to stand during the immersion, she must consult a competent *poseik*, for there are many things upon which it is forbidden to stand during immersion.

¹⁴ She should not stand erect during immersion, because certain parts of her body are concealed by this posture; nor should she bend over so much that her hidden parts will be pressed together. But she must bend slightly, until the hidden places of her lower limbs are exposed as they are when she kneads dough, when she spreads her legs slightly in order to stand firm and knead briskly. Also, the space under her breasts should appear as it appears when she nurses a baby. She does not have to separate her thighs to any great extent, nor to extend her arms from her body too much, but they should be like they are when she walks. If she bends over too much, or stands up too erect, her immersion is invalid, because folds will have been formed in her body, and the water will not penetrate there. Therefore, it is necessary to watch that the water level be higher than three *tefachim* above her navel, for in such a manner, she will be able to immerse properly. In case of emergency,

when the water level is not so high, she should slowly sit herself down in the water until it reaches her neck, and then immerse herself in a way that initially the part of her body still out of the water will not form any folds. The folds that form afterwards on her body while in the water do not matter, because the water has already penetrated there. If the water level is very low, then in an emergency, she may immerse herself in a prostrate position like a fish provided that her entire body and hair are submerged in the water at the same time.

- ¹⁵ She does not need to open her mouth to let the water in, nor should she close it too tightly. If she closed it tightly her immersion is invalid. Rather she should close her lips together in a natural way. If she put strands of her hair into her mouth when immersing, her immersion is invalid, because the water did not reach her hair.
- ¹⁶ She should not close her eyes tightly because folds will be formed under them, nor should she open them too much because folds will be formed above them, but she should keep them lightly closed.
- ¹⁷ She must remove the mucus from around the nose as well as from inside, but whatever is higher up in the nose, is not considered a *chatsitsah*. Similarly, she must remove the wax from the ears. Some authorities say that she should pass water before immersing, if she needs to. She must also check if she needs to ease herself from stool or water, so she will not need to restrain herself and render that area impenetrable to water. If she did not do so, it does not invalidate the immersion.

- ¹⁸ She should not immerse herself with dust on her feet. If she did immerse herself and the dust was that thin that the water washed it away, the immersion is valid.
- ¹⁹ Ordinary lice and fleas do not cling to the body. Therefore the water penetrates and they are not considered a *chatsitsah*. But the kind of lice that cling to the skin, and bite the skin where there is hair, and cling tightly to the skin, must be removed by means of hot water, or scraped off with the fingernail. If she is unable to remove them they do not constitute a *chatsitsah*. The small lice that cling to the hair, must be removed because they do constitute a *chatsitsah*.
- ²⁰ If a woman has elf-locks, called in Ashkenaz "moertzep," or "moer locken," and in Polish-Russian, "kaaltanis," and it is dangerous to cut them, they do not constitute a (*chatsitsah*.) Even if there are some threads entangled in them, which cannot be removed, if they are not visible from the outside, they do not constitute a *chatsitsah*.

Siman 162

- ¹ If her husband is in town, it is the duty of a woman to immerse herself at the proper time, in order not to delay the mitzvah of propogation even for one night; for Joshua was punished for causing Yisrael to delay the mitzvah of propogation for one night. A woman who delays her immersion in order to torment her husband, will be severely punished, God forbid.
- ² She is forbidden to immerse herself on the seventh (clean) day before the stars appear (nightfall). Even if she immerses close to nightfall, and

will be unable to return home before dark, it is also forbidden. Even if she was delayed and did not immerse herself on the night following the seventh day, but is immersing herself afterwards, she is also forbidden to immerse in the daytime. In such a case, too, she should be strict and not immerse even shortly before dark, and not return home until dark. She should immerse herself only at night. Brides who immerse before the *chupah*, may immerse themselves on the eighth day or thereafter, during the daytime. In case of emergency, even if the bride must immerse on the seventh day, she may also immerse during the daytime, even in the morning after sunrise. But they should not make the *chupah* until the stars appear. If the bride immerses after the *chupah*, even though it is the first immersion of her married life, she is subject to the same laws as apply to any other woman.

- ³ In case of emergency, as when she is afraid to immerse at night on account of the cold or some other fear, or if the *mikvah* is outside the city, and the gates of the city are locked at night, she is allowed to immerse on the eighth day during the daytime. But on the seventh day, she is not allowed to immerse in the daytime even in the event of an emergency. She is permitted to immerse in the daytime on the eighth day in case of an emergency, only if she makes the *chafifah* then, immediately before the immersion. But if the eighth day is Shabbos or Yom Tov, in which case she would have to make the *chafifa* a day before her immersion, and then do the immersion in the daytime, such practice is forbidden, for two concessions may not be made in one case. (The concessions being, immersion in the daytime and a long interval between *chafifa* and immersion).

- 4 She should not stand on anything during the immersion. If the water of the *mikvah* is deep, and she must stand on a step, she must consult a *poseik*.
- 5 She must not immerse in a place where people might see her, for this might cause her to immerse hastily, and thus she may not immerse properly. If she has already performed the immersion, and she is positive she immersed properly, her immersion is valid.
- 6 When she immerses herself, she must have in attendance a Jewish woman, older than twelve years and one day, to see that none of her hair remains floating on the water. If there is no woman available, her husband may stand by her to see to it that she immerses properly.
- 7 She is permitted to immerse on Friday night if it is the proper time for her immersion, and she was unable to immerse before this, and provided her husband is in town. But if her husband is out of town, or if she was able to immerse before, she is forbidden to immerse on Friday night. If it is after she had given birth, there are many intricate laws regarding if she is permitted to immerse on Friday night or not, so she should consult a *poseik*. A woman whose date of immersion was before Friday night, but she failed to immerse because her husband was out of town, and he arrived on Friday, in some communities they are strict and do not allow such an immersion on Friday night. In a community without an established custom one should not be strict about this. In communities where the custom is to be strict about Friday night immersions, she may not immerse even at the conclusion of Shabbos. A widow who got married (while menstrually unclean), is

forbidden to immerse for her first time on Friday night since he is forbidden to have initial marital relations with her on Shabbos. (However) on the conclusion of Shabbos, some authorities are lenient and permit her to immerse.

- 8 After immersing properly, while she is still standing in the water, she should recite the *berachah*: *Asher kideshanu bemitzvosav vetzivanu al hatevillah*. ("Who has sanctified us with His commandments, and has commanded us concerning immersion.") She should be strict, and before reciting the *berachah*, she should cover her lower limbs with a cloth, or at least hold her arms together on her body, to serve as a separation from her lower limbs. She should not look into the water while reciting the *berachah*. If she immerses in a place where she is able to make the water opaque by stirring it with her feet, it is best to do so before reciting the *berachah*. Some women are accustomed after reciting the *berachah* to immerse one more time, and this is a proper custom. If she does so, she must take care that the second immersion also be done properly.
- 9 After she has properly immersed in the mikvah she is permitted to enter the bath-house to warm herself, even if it is a steam bath. But according to some Poskim it is forbidden to wash again in a tub, and this is the prevailing custom. As far as pouring hot water on herself to warm her body, she may be lenient. But in a community where custom forbids this too, she may not be lenient.
- 10 A woman should be modest about her immersion, and conceal the date of her immersion. She should not go to the (*mikvah*) when people are about. [She should arrange it] so that people will not notice her.

Concerning a woman who does not act modestly, it is said, "Cursed be he who lies with any kind of animal." She should also take care when leaving the (*mikvah*) that her friend should meet her and touch her, so that she not be met first by an unclean thing such as a dog, a donkey, a pig, a horse, a *metzonah*, or similar things, or by a person, ignorant in Torah, and not God-fearing or a non-Jew. If any of these meet her (first), if she is God-fearing, she will return and immerse again. If one meets a woman leaving the (*mikvah*) after her immersion, he may expect some mishap, God forbid. To prevent this he should recite these two verses: "He pours contempt upon nobles and causes them to wander, in the wasteland, where there is no path" and, "He pours contempt upon nobles and he loosens the belt of the mighty."

¹¹ With regard to heating the water of the *mikvah*, some authorities forbid it and some authorities permit it. The prevailing custom in many communities is to permit it, but where no such custom prevails, one should not be lax about it. In a place where it is customary to permit immersion on Friday night, care must be taken that the water should not be hot, but lukewarm.

¹² With regard to immersion in rivers, according to many great *halachic* authorities, of blessed memory, the immersion in a river is valid only when it is so small that it is certain that the river did not increase due to rainwater or melted snow, because rainwater and melted snow purify only when they are gathered together and standing as a *mikvah*. But when they are flowing on the ground they do not purify. Only spring waters purify [even] when flowing on the ground. However, in an emergency, as when there is no *mikvah*, it is customary to be lenient, and to rely on the *poskim* who rule according to the *poseik* who says

even when we see that the river was increased from the rain water, nevertheless, the major increase is from its source under the ground. For in time of rain, the air is full of moisture, and the sources of the springs increase and becomes stronger. Consequently, the water in the river is always mostly from underground springs, and the rainwater is nullified within it, and therefore it purifies even though it contains water that flowed on the ground. However, in a place where there is a *mikvah*, far be it from anyone to be lenient about it. Even where there is no *mikvah*, if possible, it is best to be strict and if the river increased from rain water, she should postpone her immersion two or three days, until it resumes its normal level. It is best, if possible, not to immerse in the place where the river was widened, but rather in the place where it flows continuously; for in that case there is somewhat more ground for leniency.

¹³ With regard to a river which is formed entirely by rain and at times completely dries up, although during the rainfall some other streams empty into it, nevertheless, since occasionally it dries up completely, there are no grounds to permit immersion in it while the water is flowing on the ground, until the water gathers and remains standing.

¹⁴ The laws regarding *mikvah* are very numerous. Wherever a *mikvah* is being made, it should be constructed only under the supervision of a very renowned *poseik*, great in Torah and in fear of God. When any change occurs (in the *mikvah*), whether a minor or major (change), a competent *poseik* should be consulted immediately. Also, when it becomes necessary to draw the water in order to clean it, a *poseik* should be consulted about the proper way to do it.

Siman 163

- ¹ It is a positive mitzvah for the father to circumcise his son, or to grant the honor and appoint another Jew as his agent to circumcise him. The father should place the infant on the knees of the *sandek*, hand over the knife to the *mohel*, and stand by him during the circumcision, to indicate that the *mohel* is his agent. In the interval between the cutting of the foreskin and its laceration, the father recites the *berachah*, *Asher kideshanu bemitzvosav vetzivanu lehachniso* etc. "Who has sanctified us with His commandments and has commanded us to induct him into the covenant of our father *Avrohom*." You should make an effort to find the best and most righteous *mohel* and *sandek*. It is customary not to select as *sandek*, a man who had already been *sandek* at the circumcision of another one of his sons. If you have invited a *mohel*, it is forbidden to retract and invite another one, for it is said, "The remnant of Yisrael will do no injustice and will speak no falsehood." If you appointed a *mohel*, and in the meantime the *mohel* left the city, and the father, thinking that he would not return in time for the circumcision, appointed another (in his stead), but in the meantime the original *mohel* returned, he should perform the circumcision.
- ² It is customary that all those attending a circumcision, stand throughout the ceremony, for it is said, "And all the people stood in the covenant," excepting the *sandek*, who holds the baby while seated. After the father recites the *berachah*, *Lehachniso*, and those assembled answer *amein*, they all say, "Just as he was initiated into the covenant, so may he be initiated into the study of Torah, to the *Chupah*, and to the performance of good deeds."

- 3 It is essential that the *mohel* be versed in the laws of circumcision, and he must examine the child to see if he is healthy. The midwife (nurses etc.) should be alerted that in case she observes some weakness or illness in the child, she should notify the *mohel*.
- 4 Extreme care must be taken not to circumcise a child who is possibly ill, for danger to human life overrides all other consideration. Moreover, the circumcision can be performed at a later date, but it is impossible to ever restore one Jewish life. See *Yoreh Deiah*, Chapters 262,263 as to when to circumcise an infant who had been ill and recovered. As soon as the infant is fit for circumcision, it is forbidden to defer the mitzvah for any reason, such as to elaborate the festivities or the like. You must circumcise him immediately when he is fit, but you may not do so on Shabbos or on Yom Tov, as is stated in *Yoreh Deiah* Chapter 266.
- 5 If a woman has lost two sons from the effect of circumcision, as it appears that the circumcision had weakened their strength, you may not circumcise the third son until he gets older and stronger. Also a woman who lost a child from the effect of circumcision, and the same thing happened to her sister's son, then the other sisters, too, should not have their sons circumcised until they get older and stronger.
- 6 If a baby is born during twilight, or close to it, you must consult a competent *poseik* as to when he should be circumcised.
- 7 An infant who dies before circumcision (whether within the eight days or thereafter,) is circumcised at the grave in order to remove (the foreskin) which is a disgrace to him, so he should not be buried with his foreskin which is considered a disgrace to him. No *berachah* is

recited on this circumcision, but a name is given to him as a remembrance that mercy will be shown him from Heaven and he will be included in the resurrection of the dead, and that he may then have sufficient understanding to recognize his father and his mother. If they forgot to circumcise him, and they had already buried him with his foreskin, if they became aware of it immediately, when there is as yet no reason to suspect that the body has begun to decompose in the grave, they should open the grave and circumcise him. But if they had not become aware of it until several days after his death, his grave should not be opened (*Nodah Beyehudah Tinyana* No. 164).

- ⁸ It is customary to make a feast on the day of the circumcision; for every mitzvah which Jews accepted with joy, (like the precept of circumcision), they still perform with joy. It is written, "I am happy with your word" etc. and the Sages explain that this refers to circumcision. He who can afford to make a proper feast, but economizes, and makes it only with coffee and sweets, or the like, does not act properly. If you are invited to a circumcision feast, and you know that worthy men will be present, you are obligated to attend. It is also customary to make a feast of various fruits and drinks on the Friday night before the circumcision. This feast is also considered a mitzvah. It is also customary that the night prior to the circumcision, people assemble in the house where the baby is, and study Torah. Some refreshments are served, but this feast is not considered a mitzvah, for it is merely a custom.

Siman 164

- ¹ It is a positive mitzvah incumbent on every Jewish man to redeem his son from a *kohein*, if his son is the mother's firstborn child. This is done by giving the *kohein* five *selaim*. Our coinage must be of sufficient value, so that their sum equals five and one-third *loit* of refined silver. You may give the *kohein* even other articles of that value, but not real property or notes. Therefore you may not redeem your son with paper money. It is customary to make a feast when performing this mitzvah.
- ² If you told a particular *kohein* that you will redeem your son from him, you are forbidden to retract your word, but if you did retract and redeemed him from another *kohein*, the redemption is valid.
- ³ You cannot redeem the firstborn before he is fully thirty days old, and on the thirty-first day you should redeem him immediately, and not postpone the performance of the mitzvah. You may not redeem him on Shabbos or Yom Tov, but you may redeem him on *Chol Hamoed*. It is customary to do the redemption during the daytime. However, if the thirty-first day has passed, and you have not yet redeemed the infant, or if that day is on Shabbos or Yom Tov or on a fast day, you should redeem him immediately on the following night, and not wait until the next day, thus, further postponing the mitzvah.
- ⁴ The father brings the firstborn before the *kohein* and informs him that the infant is the firstborn to his mother, who is an Israelite (i.e. she is not the daughter of a *kohein* or Levi). He brings the money, or goods worth five *selaim*, and places it before the *kohein*, and says to the *kohein*, "This is my firstborn son," etc. and then places the infant before the *kohein*. The *kohein* asks him, "What would you rather," etc., and the

father responds, "I want to redeem my son," etc. While the father still holds the coins in his hand, before giving them to the *kohein*, he recites the *berachah*: *Asher kideshanu bemitzvosav vetzivanu al pidyon habben* "Who has sanctified us with His commandments, and has commanded us concerning redemption of the firstborn son." He also recites the *berachah*, *Shecheyanu*, and then immediately gives the coins to the *kohein*. The *kohein* takes the money, and revolves it over the child's head, and says, *Zeh tachas zeh* etc. "This (money) instead of this (child)." Afterwards he places his hand on the boy's head and blesses him, saying, *Yesimcha Elokim* etc. "May God make you etc;" *Yevarechechah Hashem Veyishmerechah*, May God bless you and keep you; *Ki orech yomim ushnos chaim* etc. "For length of days and years of life," etc. *Adonoy Yisumarchah mikol rah* etc. "God shall guard you from all evil" etc.). Thereafter the *kohein* recites a *berachah* over a cup of wine. If no wine is available, he may recite a *berachah* over some other beverage which is commonly used in the region. But if so, the redemption should take place before the hands are washed for the meal, for during the meal, it is not permitted to recite a *berachah* over any beverage (other than wine). This is not the case when there is wine, for then the redemption takes place after the *Hamotzi* has been recited over the bread.

⁵ If the father is not with his son, he may redeem his son from a *kohein* wherever he is. In such an event he says to the *kohein*, "I have a firstborn son to redeem," whereupon the *kohein* inquires: "What would you rather," etc.

⁶ The *Turei Zahav* gives a reason for the custom of having the *kohein* return all the redemption money or part of it to the father, (and [even]

this requires further deliberation). He who desires to perform the mitzvah properly, should choose a *kohein* who is poor, who is learned in Torah and is God-fearing, and both the father and the *kohein* should agree that the money is not to be returned, or else the father should give it explicitly as a gift on condition that the *kohein* return it to him.

- ⁷ The mother is not obligated to redeem her son; and if the father has died, the *Beis Din* (Jewish court) redeems him.
- ⁸ If the father violated the law, and did not redeem his son, or if the father died and the *Beis Din* failed to redeem him, he himself is obligated to redeem himself when he becomes Bar Mitzvah, at which time he recites the *berachah*, *Asher kideshanu bemitzvosav vetzivanu al pidyon bechor* "Who has sanctified us with His commandments and commanded us concerning the redemption of the firstborn." He also recites the *berachah*, *Shehecheyanu*.
- ⁹ *Kohanim* and Levites are exempt from redeeming their firstborn sons. Even if the daughter of a *kohein* or a Levite is married to an Israelite, the son is exempt from redemption. If the daughter of a *kohein* had sexual relations with a non-Jew and has become pregnant from him, or even if she had thereafter become pregnant from a legal marriage, the son must be redeemed, for his mother was disqualified from the *kehunah* (priesthood) by having cohabitation with a non-Jew. (This also applies to any illicit cohabitation through which his mother's priesthood is profaned.)
- ¹⁰ If a woman had a miscarriage and thereafter has given birth to a viable child, a Rav should be consulted (regarding his redemption).

Siman 165

- ¹ Every father is obligated to train his young children in the practice of all the *mitzvos*, both Biblical *mitzvos*, and *mitzvos* that are Rabbinically ordained. They should be trained to do each mitzvah, in accordance with his or her intelligence. It is also his obligation to prevent them from doing any forbidden act, as is said in the Scriptures, "Train a child in the way he should go," etc. If words are of no avail, you should chastise him with a rod, or the like. But you should not strike him severely as some fools do; a wise person will act intelligently. It is especially important to watch that they tell no lies, and to train them to speak the truth, and to avoid oaths. The above things are mandatory upon fathers as well as teachers.
- ² The time for training a child in the performance of positive commandments is set for each child according to his wisdom and understanding. For example, when he knows the significance of Shabbos, it is his duty to hear *kiddush* and *havdalah*, and other similar things. Training the child to keep the prohibitive commandments, whether Biblical or Rabbinical, applies to every child, who understands when he is told that something is forbidden to do or forbidden to eat. Young children should be trained to answer *Amein* in the synagogue, and to participate in other aspects of synagogue prayer. From the time a child answers *Amein* [to a berachah] he has a share in the World to Come. They must be trained to behave in the synagogue with awe and reverence. Children who run about to and fro, and disturb the prayers, should not be brought to the synagogue.

- ³ Even one who is not the father of the child is forbidden to give him forbidden food to eat, or to tell him to do something that is forbidden. According to most *poskim*, it is forbidden to give him food that is Rabbinically prohibited, or to command him to do something that is Rabbinically prohibited. If the child is somewhat ill and must eat forbidden food, he may be fed by a non-Jew with food which was forbidden only by Rabbinic Law.
- ⁴ Something which is not forbidden in and of itself, but is forbidden because of the special day, is not included in the mitzvoh of training. Therefore, it is permitted to give a child food, to eat before *kiddush* even though it is your duty, to train him to make *kiddush*, but it is forbidden to give him food [to eat] outside the *sukkah*. Only (in cases like) not eating before *kiddush*, which is similar to a negative commandment, since it is forbidden to eat before *kiddush*, is the law more lenient; but where a violation of a positive command is involved, it is forbidden to give it to him.
- ⁵ It is forbidden to tell a child even if he is under the age of nine, to carry anything out on Shabbos, even for the purpose of doing a mitzvah, like taking a Siddur (prayer book) or a Chumash (Bible) to the synagogue, or similar things.
- ⁶ If a child steals something, if it is still intact, you are obligated to return it; but if it is no longer intact, he is legally exempt from making restitution even after he becomes of age. But in order to fulfill his obligation before the judgement in Heaven, he must make restitution when he becomes of age. Similarly, if he committed other sins in his

youth [before Bar Mitzvah], it is advisable that he accept upon himself some sort of repentance when he reaches an age of understanding. Concerning this it is said, "For the soul to be without knowledge is not good."

- ⁷ You should not threaten a child that you will hit him after a while, but if you see him misbehave, either hit him at once or ignore it. A story is told about a child who ran away from school, and his father threatened to hit him. The child committed suicide. Our Rabbis, of blessed memory, said, In dealing with your impulse, your child or your wife; your left hand should repel [reject] and your right hand should bring near [accept]. You should not threaten a child with an unclean object.
- ⁸ *Halachically*, it is permitted to allow a Jewish child to be nursed by a gentile woman. Nevertheless, if it is possible to have him nurse from a Jewess, you should not let him nurse from a gentile, for it dulls the spiritual sensitivities of the heart, and causes bad temperament. Also, a Jewish woman who is nursing and must eat forbidden foods as a remedy for illness, if possible, she should not nurse the child on those days.
- ⁹ Every father is obligated to teach his son Torah, as it is said, "And you shall teach them to your children to speak of them." Just as it is a mitzvah to teach your son, so too it is a mitzvah to teach your son's son, as it is said, "And you shall make them known to your sons and to your son's son.
- ¹⁰ As soon as the child begins to talk, you should teach him (the verse), "The Torah that Moses has commanded us is a heritage for the

community of Jacob," and, also the verse of *Shema Yisrael* etc. (However you must be very careful that the child is clean when you are teaching him.) Likewise you should teach him other verses little by little, until he is strong enough to attend school, at which time you should engage a teacher for him. You should be careful to choose a teacher who is God-fearing, in order that he accustom the child from his youth to be God-fearing. When the child has advanced to the study of the Scriptures, it is customary to begin teaching him the *Sidrah* of *Vayikra*, which is the *Sidrah* containing the laws of sacrificial offerings, for our Sages of blessed memory said, Let those who are pure (the children) come and engage in the study of purity.

¹¹ The teacher must teach the children the entire day and part of the evening, in order to train them to study Torah by day and by night. He must not interrupt the childrens' learning except on *erev* Shabbos and on *erev* Yom Tov at the end of the day. The children are not to be interrupted from their learning even for the purpose of building the Beis HaMikdosh

¹² A teacher who leaves the children to themselves and goes out, or does some other work with them, or who teaches carelessly, is included in, "Cursed be he who does the work of God with a slack hand." Therefore, you should appoint as a teacher, only a person who is God-fearing, fluent in his reading as well as exacting. A teacher should not stay awake at night more than necessary, so that he will not be lazy while teaching during the day. He should also not fast or eat and drink too sparingly. Nor should he eat and drink excessively, for all these things prevent him from teaching efficiently. Any teacher who deviates from these rules, forfeits his rights and should be dismissed.

- ¹³ A teacher should not strike his pupils as one strikes an enemy, [or with] malice and cruelty, nor with a whip or a stick, but with a light strap.
- ¹⁴ You should not teach the children anything new on Shabbos, i. e. something they have never learned before, because it is too burdensome to do on Shabbos. But something they once read, should be reviewed with them on Shabbos.
- ¹⁵ If a minor finds something, and certainly if someone gave him something as a gift, it is forbidden to rob him of it.
- ¹⁶ You may not give a Jewish child to a non-Jew to instruct him in reading and writing or to teach him a trade, and needless to say, that it is forbidden to give him to a Jewish heretic, which is much worse (than giving him to a non-Jew), for there is concern the child may follow in his footsteps.

Siman 166

- ¹ It is written, "You must not practice superstition nor attribute significance to [auspicious] times." What constitutes superstition? He who says, "Since the bread fell from my mouth;" or "The cane fell from my hand;" or "My son called me from behind;" "A raven croaked at me;" "A deer crossed my path;" "A snake passed on my right;" "A fox passed on my left, therefore, I will not go on this journey because I will not be successful." Similarly, those who on hearing the chirping of a bird, say: "May it mean this and not that;" "(Now I know) it is good to do this, or it is bad to do this;" Similarly, when asked to repay a loan, he says: "Please leave me alone for now it is morning, and I do not want

to start the day by making a payment;" or "It is the close of the Shabbos;" or "It is the New Moon." Similarly those who say, "We must slaughter this rooster because he crowed in the evening;" or "This hen (should be slaughtered) because she crowed like a rooster." Everything similar to these things, are forbidden. Anyone who practices any of these things, violates a negative command. Some *poskim* say that if you do not state the reason why you ordered the slaughter of the hen or the rooster, but simply say, "Slaughter this hen" or "This rooster," it is permissible to slaughter them, and such is the prevailing custom.

- ² Although no superstition may be practiced through a house, a child, and a woman, they may be regarded as omens. For example, if someone built a house, or had a child born to him, or taken a wife, and afterwards he was successful on three occasions, or was unsuccessful, he may regard this as an omen for the future, and say: "This house brings me good luck" etc. It is also permitted to inquire of a child about the verse he studied (that day), and rely on it to do a certain thing, for it is regarded somewhat like a prophecy. Some *Poskim* say it is permitted to designate a sign for the future (and to act accordingly): as Eliezer the servant of Abraham, or Yonason the son of Saul; while other *Poskim* forbid it. However, he who walks in integrity; "And trusts in God, kindness surrounds him."
- ³ What is meant by "auspicious times?" One who believes in astrology and thus says, "This day is good and this day is bad;" or this day is a good day to do this work; or this year or this month is bad for such and such a thing. Regarding our custom to hold marriages only on the days when the moon progresses to its fullness, this is not considered superstition or auspicious, for this is done only as a favorable sign, as

the coronation of Kings which were held at springs to symbolize the permanency of his rule. Similarly, it is a good sign to make a wedding on a day when the moon (progresses) to its fullness. Nevertheless it is not proper to postpone a wedding on this account, and needless to say, you should certainly not make the wedding when the bride is menstrually unclean, on the account of this custom. It is also customary to begin to study on the New Moon. The custom of not starting anything on Monday or Wednesday, is permissible according to some authorities.

- ⁴ Our Rabbis, of blessed memory, also said, "What is meant by *meonein*? It refers to one who deceives the eyes. [a magician] In other words, it is as though he holds peoples eyes and closes them, for he deceives them. It seems to them as though he is performing wondrous, supernatural feats, while in reality he is doing nothing, but with slight of hand and cunning, he deceives them. The entertainers who perform these things at weddings, are violating a negative command. He who engages them, is guilty of transgressing (the negative command), "Before the blind you shall not place a stumbling block." Therefore whoever is able to prevent this, is obligated to prevent it. And it is certainly forbidden to view these things but if a non-Jew performs these things, it is permitted to view it.
- ⁵ It is forbidden to consult sorcerers unless there is danger to human life, or if someone fell ill due to witchcraft, or some mishap or evil spirit, then he is permitted to be cured by a non-Jewish sorcerer.

- ¹ It is forbidden to benefit from idols, from its vestments, ornaments and sacrifices. If any of these things are mingled with even one thousand legitimate items, it is forbidden to derive benefit from the entire lot. What are considered its vestments? The vessels that the priest uses for sacrificial purposes, such as pans and goblets, also the house (church) that is used exclusively for its worship, the base upon which the idol stands, also, the musical instruments that are used to play music before it. What are considered its ornaments? The candles that are lit before it, the garments that are used to clothe it, or those used to spread before it for beauty, and the trees that they are accustomed to plant in front of the idols to beautify them. These are its ornaments and it is forbidden to benefit from them, and it is therefore forbidden to sit in the shade of these trees. What are its sacrifices? The various kinds of food that are placed before it.
- ² The idols of a non-Jew, its vestments and ornaments, can be annulled. Thus, if the heathen actually defaces them so that they can no longer be used as idols, or as vestments or ornaments to idols, it is permitted to benefit from them. But for idols of a Jewish heretic, the law of annulment does not apply.
- ³ It is permitted to benefit from candles that were lit (in front of an idol), and thereafter extinguished by a heathen, to be used for his own benefit, and were subsequently sold to a Jew. Since the heathen extinguished them to use for his own purpose, this act constitutes their annulment. Nevertheless, such candles should not be used for the performance of a *mitzvah*. Similarly, everything that was used for an idol, although it has been annulled, and is permitted for common use,

is forbidden to be used for a *mitzvah* because they are abominable to the Almighty.

- 4 Regarding the clothing that the priests wear when they enter the house of idol worship, some *Poskim* maintain that they are ornaments of the priests and not ornaments of the idols, and therefore do not require annulment; while other *Poskim* require their annulment.
- 5 A cross to which they bow down, is a forbidden object unless it is annulled, but a cross that is hung around the neck, as a momento is a permitted object [from which profit may be derived].
- 6 It is forbidden to make anything that is needed for idols; even windows for the house of idol worship. It is forbidden to sell books that are exclusive to idol worship, [or books of Biblical Scriptures, that were copied with alterations designed to make them heretical and to strengthen their beliefs.] Similarly, selling them something that they need for their worship is forbidden, if they cannot purchase them elsewhere. Some *Poskim* forbid this even when they are able to purchase the same thing elsewhere, and a righteous person, should be strict regarding this.
- 7 It is forbidden to gaze at an idol or at its ornaments, as it is said, "Do not turn to idols." You must keep a distance of four *amohs* from a house of idolatry, and certainly from the idol itself so as not to pass by them. It is forbidden to listen to their musical instruments, or to smell their incense. If you hear their musical instruments, you should plug your ears, and if the aroma of their incense comes to you, have in mind not to derive pleasure from it.

- 8 If you see houses of idolatry in a settled state you should say: "God will uproot the house of the haughty." (If you see them) in a state of destruction, you should say: "Almighty of vengeance, God, Almighty of vengeance, reveal Yourself."
- 9 If a splinter has lodged in your foot, or if your coins were scattered, in front of an idol, you must not bend down to remove the splinter, or to gather the coins, because it would appear as though you are bowing to the idol. Even if there is no one to witness it, it is nevertheless forbidden. You should rather sit down, or turn your back, or your side to the idol and then take whatever you need.
- 10 There is an authority who says that it is forbidden to lend money for the purpose of building a house of idolatry, or for their ornaments or for their staff. And you most certainly are forbidden to sell them ornaments. He who refrains from doing these things will prosper. You should not bind books dealing with idolatry; except for their law books and literature. [Even] if you fear this will incur their hatred, nevertheless, whatever you can do to evade doing so, you must evade it.
- 11 In a place where Gentiles assemble, and say that there they are forgiven their iniquities, it is forbidden to do business with them there.
- 12 It is forbidden to mention the name of an idol, whether for some purpose, like saying to your friend: "Wait for me near such and such idol," or without a purpose, as it is said, "And the name of other gods you shall not mention." It is forbidden to cause a Gentile to mention the name of an idol, as it is said, "It shall not be heard by your mouth," that is, it should not be heard because of you. However, if a Gentile is

obligated to you to take an oath (as in a law suit), some Poskim are lenient and permit him to swear [by his idol.] The names of their holidays, which are named after people, may be mentioned without reservation; this is provided you do not refer to them in the same way the Gentiles do, in a manner indicative of respect.

¹³ All kinds of mockery are forbidden, except mockery of idols which is permitted.

¹⁴ It is forbidden to give a gift to a Gentile that is not your acquaintance, as it is written, "You shall not show them grace;" and this is explained, "You shall not give them a free gift." But, if he is an acquaintance, it is not considered a free gift, for in time he will return this favor, or he has already compensated for it, and it is like a sale (and not a gift).

¹⁵ It is forbidden to praise them, even as much as to say, "How handsome that Gentile is," and certainly you are not to speak in praise of his deeds, or to cherish any of his utterances, for this is also included [in the negative command] "You shall not show them grace," that is, do not ascribe any grace to them. But if your intention by praising him, is to give thanks to the Holy One, Blessed be He, for having created such a handsome being, it is permissible.

¹⁶ It is permitted to help their poor, visit their sick, bury their dead, eulogize them, and console their mourners, for the purpose of maintaining peaceful relations with them.

¹⁷ A Jew should not be alone with a Gentile, because they are suspect to commit homicide.

- ¹⁸ A non-Jewess must not be allowed to nurse a Jewish child in her own house, even in the presence of others. But in the house of a Jew, she is permitted to nurse him when others are present, [or at least if they are] going in and out, provided that they do not leave him alone with her at night.
- ¹⁹ A Jewess should not act as midwife for a non-Jewess, unless she is known to be a [professional] midwife, for then it is permitted (so as not to incur hatred). This too is permitted only if she is compensated and only on a weekday. A Jewess should not nurse a non-Jewish child, even if she is compensated. If she is engorged with milk and it is causing her discomfort; she is permitted to nurse him.
- ²⁰ It is forbidden to teach a trade to a Gentile.

Siman 168

- ¹ It is written: "You shall not make with Me gods of silver." Our Rabbis, of blessed memory, received by tradition that this verse is a command not to draw pictures of objects of the heavens above or the spheres below. You shall not make anything resembling My "attendants" that minister before Me. Therefore, it is forbidden to draw a picture of the "four faces" on the Chariot, the images of the *Seraphim*, *Ophanim*, and the ministering angels. It is also forbidden to draw pictures of the sun, the moon, and the stars. Even if they are not in relief, it is forbidden to make them, even when made for a non-Jew. However, it is permissible to keep them in your house, if they are not in relief. You must not tell a non-Jew to make them, because telling a non-Jew (to do a prohibited

act) is forbidden in regard to all prohibited acts, as it is pertaining to acts prohibited on Shabbos.

- ² It is also forbidden to sculpture the image of a person. It is prohibited to sculpture even the face of a person, and it is even forbidden to keep it in your house, unless you disfigure it to some extent. However, only a full face is forbidden, that is, when it has two eyes and a complete nose, but if it is only half a face, a profile, like some artists who form one side of the (picture) face, it is not forbidden.
- ³ If a ring has a seal on it, consisting of a person's image, and the image was made in relief, you are forbidden to keep it; but it is permissible to seal with it because then the signature becomes depressed. If the image on the ring is depressed, you may keep the ring, but you are forbidden to seal with it, because it comes out in relief.
- ⁴ It is forbidden to gaze at the image of a person, for it is called a *pessel* (idol), and this is in violation of the Scripture, "Do not turn to idols." However, with regard to the images on coins, since everyone is accustomed to them, it is permitted. A very pious person is even careful about this.
- ⁵ It is forbidden to make a house modeled after the sanctuary of the Bais HaMikdosh, having the same length, height, and width, or a vestibule modeled after the *ulam* in the Bais HaMikdosh or a court modeled after the *azarah* in the Bais HaMikdosh or a table modeled after the Table that was in the Bais HaMikdosh, nor a candelabra modeled after the *menorah* that was in the Bais HaMikdosh. But you may make one with five stems, or of six or eight (stems), but not of seven stems, even

if it is made of metals other than gold, and even without cups, knobs, and flowers, and even if it is not eighteen *tefachim* high, because all these things were not essential even in the Bais HaMikdosh *Menorah*.

- ⁶ Some are accustomed to make a seven-branched candelabra by shaping six in a circle and one in the middle. But many *Poskim* forbid this, and the stricter opinion should be followed when there is doubt regarding a Scriptural prohibition.

- ⁷ Anyone who prepares anointment oil with the same formula and weight as prescribed in the Torah, is liable to the penalty of excisement. If he did it unknowingly, he is liable for a sin-offering, providing he had prepared it with the intention to anoint himself with it. Anyone who prepares incense with the eleven ingredients prescribed in the Torah, and in the same proportion, even if he prepared only one-half, or one-third of that quantity, is liable to the penalty of *karess* (excisement). If he prepared it for the purpose of making a study of it, he is guiltless.

Siman 169

- ¹ It is written in the Torah, "You shall not imprint marks upon yourself." What is meant by "imprint marks"? A mark which is absorbed and sunken into the skin, so that it can never be erased. He who makes an incision in his skin and fills the incision with stirium, or ink, or other dyes that leave a mark; likewise, if he first dyes (the skin), and then makes an incision on the dyed area, is guilty of transgressing a negative command. Nevertheless, it is permitted to put ashes and other things on a wound for medical purposes, even if a mark will remain; for (in

such cases) the wound will also leave a mark, and it will be apparent that you did not do it for the purpose of tattooing.

- ² It is written; "You shall not cut into your flesh for the dead." It is also written: "You shall not cut yourselves nor make any baldness between your eyes for the dead." *Gedidah* and *seritah* [the Hebrew terms used in the Scriptural text respectively] are one and the same, and are forbidden whether in the presence of the dead, or not in the presence of the dead. Even to strike your hand onto your flesh so that blood comes out is forbidden. And to do this even for any other kind of grief is also forbidden.
- ³ "Baldness" refers to plucking out hair of the head in mourning for the dead. Even the plucking out of a single hair is forbidden. Women, are included in the prohibition of making baldness, and certainly in the prohibition of cutting.

Siman 170

- ¹ There are two "corners" of the head, located at the base of the (sides of) the head, at the juncture of the temple and the cheek, on both right and left sides near the ears. Even shaving [cutting these corners] with a scissors close to the skin as with a razor, so that nothing remains of the hair close to the skin, is forbidden according to some *Poskim*. Therefore, if it is necessary to shave them for medical reasons, you should be careful not to shave close to the skin. The area of the corners that are forbidden to shave includes the hair from the top of the forehead to below the ear, at the point where the bottom jaw widens and spreads outward.

- ² The Torah forbids shaving the corners of the beard, only when done with a razor. The beard has five "corners" and there are many opinions as to what they are. Therefore, a God-fearing Jew, should not use a razor on any part of the beard, even on his upper lip or under the chin. There is no difference between a razor and a sharp stone which cuts the hair, such as pigment or pumice stone, which are also forbidden. Those who remove their beard by means of a cream prepared from lime and avirem, should be careful not to scrape off the cream with a knife, which might cut the hair; but they should scrape it with a strip of wood or something similar.

Siman 171

- ¹ A man is forbidden to wear even one garment worn by women, even though he can be recognized as a male by his other garments. Likewise a woman is forbidden to wear even one garment worn by men. Not only are feminine garments forbidden to men, but also every ornament and all toiletries and cosmetics that are used exclusively by women, of that region, are forbidden to a man for purposes of adornment or enhancement. Likewise, everything used exclusively by men, is forbidden for use by a woman.
- ² A man is forbidden to remove the hair from his armpits and the genital area, even with a pair of scissors when it is cut close to the skin, if it appears that it was done with a razor, for this is the custom of women. It is forbidden to rub the hairs of the armpits or of the genital area with the hands, so that they should fall out, but it is permitted when done

with a garment. One who has scabs in his armpits, or in the genital area, and the hair causes him discomfort, is allowed to remove them.

- ³ A man is forbidden to pick even one white hair from among the black ones, for this is the way women beautify themselves, and is forbidden because of the enjoinder that "A man shall not wear (a woman's garment)." It is also forbidden to dye even one white hair to make it black. A man is also forbidden to look into a mirror. However, if you look into it for medical purposes, or when you are cutting your own hair, or wish to remove stains from your face, or remove feathers from your head, it is permitted (to use a mirror). In a region where it is customary for men, to look into mirrors, it is permissible for any reason.

Siman 172

- ¹ It is written: "And bread, and roasted grain and fresh grain you shall not eat until this very day" etc. This means that it is forbidden to eat of any of the five species [of grain] [wheat, barley, oats, spelt, rye] from the new grain crop until after the offering of the *omer*, which was offered on the sixteenth day of *Nissan*. In a time when there is no *omer* [as in our times], it is forbidden to eat the new crop the entire day. In countries outside *Eretz Yisroel*, where two days of *Yom Tov* are celebrated, because of the doubt (of the actual day of *Yom Tov*), it is also forbidden the entire seventeenth day until the beginning of the night of the eighteenth day. Grain which had been sown and taken root before the sixteenth day of *Nissan*, is made valid for use by (bringing) the *omer*, and it may be eaten immediately after it is harvested.

However, if it did not take root before the sixteenth of *Nissan*, it is forbidden until next year's *omer* is brought.

- ² According to most of the greatest *Poskim*, the above prohibition, even outside *Eretz Yisroel*, is a Scriptural prohibition. Therefore we must pay careful attention to grain crops that are sometimes sown after *Pesach* or so close to *Pesach* that it has not taken root before the sixteenth of *Nissan*, such as barley and oats, and in some places also wheat, for they are forbidden until after the seventeenth of *Nissan* of the next year. (If it had taken root on the sixteenth day of *Nissan*, it is permitted at the beginning of the seventeenth night of *Nissan* of the next year in any event.) Also the beer made from this grain, is forbidden until after the next *Pesach*. Also the lees are forbidden. If dough was leavened with it, even if the dough was made from the old grain crops, the entire dough is forbidden due to the yeast. Concerning crops about which there is a doubt whether it is old or new, you should consult a *Poseik*.
- ³ Some *Poskim* maintain that the prohibition of eating the new crops applies only to grain that grew in the field of a Jew. Even if the field belongs to a non-Jew, but it has been leased by a Jew, the law of new crops applies to this grain. However, if the grain grew in the field of a non-Jew, the prohibition of new crops does not apply. Many people rely on this in difficult circumstances. Nevertheless, if the grain grew in the field of a Jew, it is not permitted at all. Most *Poskim* disagree, and maintain that even grain that grew in the field of a non-Jew is subject to the prohibition of new crops; and a blessing will come upon one who is strict about it.

- ¹ It is forbidden to derive benefit from the fruit of a fruit tree, whether of a Jew or of a non-Jew, even if they grow in a flower pot without a hole on the bottom, until after three years from its planting. It is also forbidden to derive benefit from their pits and skins. These three years are not reckoned from day (of planting) to day. Rather if you planted a tree before the sixteenth day of the month of *Av*, since there are still forty-four days to *Rosh Hashanah*, they are counted as one year, because it takes fourteen days for it to take root, and thereafter, the thirty remaining days of the year are counted as a full year. We then count two more years from the month of *Tishrei* (from *Rosh Hashana*). But if the tree was planted after the sixteenth of *Av*, that part of the year is not counted at all, and you must count three years from *Tishrei*.
- ² The fruit of the fourth year's growth are called *neta revai* (growth of the fourth year) and must be redeemed. How does one redeem them? You pick them after they are fully ripe, and take a silver coin or produce that is permitted to eat, to the value of a *perutah*, and say: "With this I redeem these fruits of the fourth year." You then take the coin or the produce, destroy it and throw it into a river. You do not recite a berachah on the redemption of *neta revai* that grew outside of *Eretz Yisroel*.
- ³ Whether you have planted a seed, or a branch or transplanted a tree you must consider the fruit as *orlah*. However, if you graft a branch upon a tree, or if you are *mavrich*, which means making a hole in the ground, and bending one of the branches of the tree, and inserting the middle of the branch in the ground, leaving the end protrude above the

ground; even if it was (later) cut off from the trunk of the tree; in lands outside *Eretz Yisroel*, the laws of *orlah* do not apply.

- ⁴ If a tree was cut down, and one *tefach* of stump remains above the ground, then whatever grew out of that stump is not subject to the laws of *orlah*. But if the stump is less than a *tefach* high, whatever grows out is subject to the law of *orlah*, and we count its years from the time the tree was cut down. If a tree was uprooted and some of its roots remained attached to the ground, even if they are as thin as a needle used for stretching the garment after weaving, it is a fact that it can sustain itself without additional earth, and its fruit is not subject to the law of *orlah*, even if you added much more dirt.

Siman 174

- ¹ The prohibition against the grafting of diverse tree species is implied in the verse: "You shall not sow your field with diverse seeds." Therefore it is forbidden to graft a branch of one kind of tree upon another, such as the branch of an apple tree upon a citron tree, or a branch of citron upon an apple tree. Even between similar species, like a branch of a [cultivated] apple tree upon a wild apple tree, since they are two varieties of apples, they are forbidden to be grafted with one another. A Jew is forbidden to allow a non-Jew to graft two diverse kinds of trees for him.
- ² It is forbidden to maintain a tree upon which another kind has been grafted, but it is permitted to eat its fruit. It is permitted to take a branch of a grafted tree and plant it elsewhere.

- ³ Sowing a vineyard with two kinds of seeds, or sowing a field with two kinds of seeds, is not prohibited outside of *Eretz Yisroel* unless you have sown two kinds of grain or two kinds of vegetables together with the seeds of the vineyard.

Siman 175

- ¹ It is forbidden to breed a male and female of two diverse kinds of animals, beasts or fowl. Even to merely cause cross-breeding is forbidden.
- ² It is forbidden to do work with two diverse kinds of animals, such as ploughing with them or let them pull a wagon. Even to drive them merely by sound, such as yelling at them is forbidden, if they are harnessed together. Therefore if the cart of a non-Jew is being drawn by diverse kinds of animals, and the cargo of a Jew is on the cart, that Jew is forbidden to walk alongside the cart, for it is likely that he will yell at them, to make them go faster, which is forbidden as it constitutes driving diverse kinds of animals.
- ³ If a cart is being drawn by diverse kinds of animals, it is forbidden to sit on it even if you do not drive them.
- ⁴ If a wagon is being drawn by one kind of animal, you may not tie another kind of animal to the side of the cart or behind it.
- ⁵ It is forbidden to tie two diverse kinds of animals together even if only to prevent them from running away. You must be careful about this

with regard to fowl, not to tie them together, as some people are in error concerning this.

- ⁶ A mule is bred by a horse and a donkey, and it has two species. One is bred by a stallion and a she-donkey and the other by a mare and a donkey. These mules are considered diverse kinds of beasts. Therefore, if you wish to hitch two mules together, first examine the features of their ears, tails, and voices. If these are similar, it indicates that their mothers are of the same kind and it is permitted to hitch them together. Some *Poskim* maintain that even a single mule is considered a mixture since it was bred from two species, and it is forbidden to do work with it or to ride on it.

Siman 176

- ¹ [A garment made of] wool of ewes or rams, mixed with linen is forbidden, for it is *kelayim* (*shaatnez*). Whether a woolen garment was sewn to a linen garment even with silk or hemp thread, or whether a woolen garment was sewn with linen thread or vice versa, whether linen thread was tied with woolen thread or braided together, all of these are forbidden for they are *shaatnez*. Sewing one stitch and tying it, or sewing two stitches even without tying them is enough of a connection to make it *shaatnez*. Therefore, it is forbidden to join a woolen garment with a linen garment even with a needle [pin] without thread.
- ² Sheepskins from which clothing is made, may be sewn with linen threads, and we are not concerned with the woolen hairs although they are joined with linen thread, because these woolen hairs are not considered threads and are of no use and are considered non-existent.

- ³ To join wool and linen (flax) with something between them, for example, to take a piece of leather and sew or fasten a piece of wool on one side and a piece of linen on the other side, is forbidden by Scriptural law, according to the *Rambam*; but some *Poskim* permit it. Therefore, according to the latter opinion, skins sewed together with linen threads may be used as a lining for a woolen garment. (And though it is possible that the hemp thread, with which the skins are sewn to line the woolen garment, will penetrate among the flax threads with which the skin were sewn, we are not concerned about it). And this is the prevailing custom. Nevertheless, one who is spiritually sensitive, should be strict and heed the opinion of the *Rambam*.
- ⁴ Even if ten mats [lie] one on top of the other, and the bottom one is *shaatnez*, it is forbidden to sit on the top one.
- ⁵ If a large garment contains *shaatnez* at one end, it is forbidden to cover yourself even with the other end, even if the *shaatnez* part is resting on the ground.
- ⁶ If you sew a garment of *shaatnez* for a gentile, you may sew it in the regular manner, even though the garment rests upon your knees, provided you do not have intention to derive pleasure from its resting on you. Also clothing dealers, who carry [coats] on their shoulders to sell them, are permitted (to carry them) provided they do not intend to use them for protection from the cold or the rain. Nevertheless, God-fearing people carry them on a stick.
- ⁷ Handkerchiefs, and bath towels, tablecloths and similar things, also the cover of the lectern in the synagogue on which the Torah is read, are

subject to the law of *shaatnez*. It is also forbidden to have curtains containing *shaatnez*, but the curtain covering the Holy Ark may be made of *shaatnez*.

- ⁸ It is permitted to ride in covered wagons, (coaches) which are upholstered on the inside, with woolen cloth containing *shaatnez*, providing you are careful not to lean on the sides that contain *shaatnez*. You must be especially careful not to sit on cushions containing *shaatnez*. Some *Poskim* even permit to sit on such cushions, since they are made in such a way that they do not bend over the sides of the person.

Siman 177

- ¹ If a Jew's, clean [kosher] animal gives birth to a firstborn, it is a mitzvah (for the owner) to sanctify it and say "This is holy;" for it is said, "You shall sanctify it to Adonoy, your God." If he did not sanctify it, it is holy on its own accord from the womb, and it must be given to the *kohein* regardless if it is perfect, or if it received a defect after its birth, or even if it was born with a defect. However, it should not be given to the *kohein* when it is very young, because this does not do honor to the *kohein*. The owner should raise it until it is somewhat grown up, that is thirty days for a small animal (sheep or goat), and fifty days for a large animal (cow). If a *kohein* cannot be found, the owner must care for it until a *kohein* comes along.
- ² If, within this time the *kohein* said to the owner: "Give it to me and I will raise it," if it does not have a defect, he is not permitted to give it to him, because this would appear as if the *kohein* is doing the Yisroel

(owner) a favor (that he is tending it for him) in consideration of his giving the animal to him. And this is forbidden, for it is tantamount to robbing the other *kohanim*. However, if the animal was blemished during this time, and the *kohein* said to the owner, "Give it to me so that I may eat it," it is permitted to give it to him since he may slaughter it immediately.

- ³ At present if the *kohein* does not want to accept the animal, because it is too bothersome to raise it until it is blemished, he is not allowed to refuse it because it looks as though he is showing contempt for the priestly gifts. Nevertheless, the Yisroel is forbidden to give it to the *kohein* in order to vex him or to take revenge on him. If he does so with this intention, the *kohein* need not accept it. Similarly, if the Yisroel was negligent in that he was able to sell the animal to a Gentile before it gave birth and he did not sell it, the *kohein* need not accept that firstborn; rather the owner himself must raise it until it becomes blemished, and then give it to the *kohein*.

- ⁴ In our times, the firstborn must be kept until it is blemished, and upon receiving the blemish, it must be shown to three Torah scholars one of whom must be an expert, to know if it is a permanent blemish, and, if it is, they permit its use. Afterwards it is slaughtered and if found to be kosher, it may be eaten even by a Yisroel ([and certainly by a *kohein*]). However, it should not be sold in the meat market, or weighed out by the pound and no part of it may be given to the dogs, and you may not sell, or give, any part of it to a Gentile.

- ⁵ When a firstborn sustains a blemish, and there are men in the area who are competent to rule that it is permitted, it should be shown to them

immediately. Once it has been permitted, it should not be kept a long time. If it was permitted during its first year, it may be kept until it is a year old. If it was permitted near the end of its first year, or after its first year, it should not be kept for longer than thirty days. If the owner transgressed and kept it longer, it is not disqualified because of this.

- ⁶ The *kohein* must raise the firstborn until it sustains a blemish. He may sell it to a Yisroel whether it has a blemish or whether it does not have a blemish, providing the Yisroel treats it in a manner befitting the holiness of a firstborn, and is also not buying it for commercial purposes.
- ⁷ It is not permitted to be *margil* the firstborn. This means it must not be skinned in one piece, from its feet upward, for it would appear disgraceful to skin the sacred [animal], with the intention of making bellows of it (the skin).
- ⁸ If the firstborn is slaughtered and found to be a *treifa*, it is forbidden to benefit from its hide and its meat, and it must be buried. Similarly, if it dies a natural death it must be buried. It is customary to wrap it in a sheet, and bury it deep in the ground of the cemetery.
- ⁹ It is forbidden to fleece or to do work with the first born regardless if it is blemished or not. Even if some wool came off by itself, no benefit may ever be derived from that wool. However, the wool that is on its body, when slaughtered after receiving a blemish, is permitted for the slaughtering permits the wool for use just as it permits the use of the meat and the hide.

- ¹⁰ The firstborn is not permitted to be eaten unless it sustains a blemish. It is forbidden to close it up in a vault so that it should die of its own, for this would be destroying a sacred thing.
- ¹¹ It is forbidden to make a blemish in a firstborn, or even to cause a blemish indirectly; for example, to put dough on its ear, in order for a dog to grab it and bite off its ear with it; or to cause a blemish in some similar way. It is forbidden to tell a Gentile to make a blemish in a firstborn, but it is permitted to give it to a Gentile to raise it or watch it.
- ¹² If an animal is purchased from a Gentile, and it is not known if it has given birth before or not, and now it has given birth while in the possession of the Jew, its status as a firstborn is doubtful, and even if the Gentile innocently volunteers the information that it had previously given birth, it is of no avail. Even the characteristic signs in the cracks of its horns are of no avail. And even if she was being milked, it is of no avail, unless we see her nursing a calf. If she is being milked, and the Gentile innocently volunteers, (not for the purpose of promoting the sale,) and states that she has previously given birth, these two things together are proof with regards to cows, but not with regards to goats.
- ¹³ *Kohanim* and Levites are also subject to the laws regarding the firstborn of clean animals, except that the *kohein* sets it aside, and keeps it for himself and maintains it in the state of holiness that is due a firstborn.
- ¹⁴ If a Gentile and a Jew are partners in an animal, or a Jew agrees to raise an animal of a Gentile, and share equally in the offspring, they are exempt from the laws of the firstborn for it is said: "Whatever opens

the womb among the Children of Yisrael," meaning, all of it must belong to a Jew. If a Gentile agrees to raise an animal of a Jew, and share equally in the offspring, according to many *Poskim* it is of no avail, but the Jew must sell the mother to the Gentile.

¹⁵ It is a mitzvah to sell to a Gentile the clean animal (before it gives birth), or to form a partnership with him before it gives birth, in order to exempt it from the laws of the firstborn. And although (by doing this), it circumvents the holiness of the firstborn, it is, nevertheless, preferable so that no violations will be committed with regard to its wool and its use for work. Transferring the title (of the calf) to the Gentile when the calf is yet unborn is of no avail, since it is something that has not come into existence; but the title of the mother must be transferred as well. The transfer of the title should be done in this manner: the owner should come to terms with the Gentile regarding the price of the cow, and also rent him the place that the cow now occupies; the Gentile should give him a *perutah*, and the Jew should say to him, "With this *perutah* you shall acquire the place that the cow now occupies, and this place will acquire the title of the cow for you. It can also be done in this manner: after they come to terms about the price of the cow, the Gentile should give him a *perutah*, and then lead the cow into his own premises, or into an alleyway, whereby he acquires title both by *meshicha* (actual transfer) and with money. Even if he returns the cow afterwards to the premises of the Jew it does not matter.

Siman 178

¹ If a Jew has a female-donkey that gives birth to a firstborn male, it is a mitzvah to redeem it. With what do you redeem it? With the young of

sheep or goats whether male or female, whether large or small, whether perfect or blemished; provided it is not a *treifa*, it is not slaughtered, and is not a *ben pekuah*. This lamb must then be given to the *kohein*. From when are you obliged to redeem it? At anytime from the day it was born until it dies. However, it is a mitzvah to redeem it immediately, in order not to delay the performance of the mitzvah. After it has been redeemed it remains in the owner's possession, and is no longer considered sacred. Also the lamb in the possession of the *kohein* is not considered sacred.

- ² Immediately, upon setting aside the lamb to be exchanged for the firstborn donkey, the firstborn donkey is considered a secular item even before the lamb is given to the *kohein*. Therefore, as soon as the lamb is set aside, this *berachah* is recited: *Asher kidishanu bemitzvosav vetzivanu al pidyon petter chamor* "Who has sanctified us with His commandments, and has commanded us concerning redemption of the firstborn donkey."
- ³ Before it is redeemed, it is forbidden to have any benefit from it, even if it was already given to the *kohein*. Even the *kohein* is forbidden to use it until it is redeemed and has taken the lamb for himself. If it died before it was redeemed, it must be buried
- ⁴ If the owner chooses not to redeem it, he strikes it with a hatchet on the back of its head, until it dies, and then buries it, as it is forbidden for use. The mitzvah of redemption takes preference over the mitzvah of breaking its neck.

- 5 *Kohanim* and Levites are exempt from the mitzvah of redeeming the firstborn of their donkeys. The daughter of a *kohain* or Levi are also exempt, but their husbands are obligated to redeem the firstborn of their donkeys. Partnerships with a *kohain* or a Levite, and also partnership with a Gentile, are exempt from the mitzvah; but it is forbidden to form a partnership with them, or to sell it to them in order to nullify its sacredness, since this may be achieved through redemption or by breaking its neck.

Siman 179

- ¹ It is a mitzvah to lend money to Jews who are in need, as it is said, "If you lend money to My people, to the poor amongst you," etc. Although it is written "if", our Sages of blessed memory, received the tradition that this "if" is not an option, but an obligation. The *Mechilta* states that the verse, "If you lend money to my people," denotes an obligation. Why do you say it is an obligation? Perhaps it is really optional (since it states "if")? Because we can infer from the verse, "And you shall surely lend him," that it is obligatory and not optional. The word "if" written here means, when you lend money, you should lend it to *My* people, and not to heathens. And to whom of *My* people? To him that is with you. From this they inferred that your poor relatives take precedence over other poor people, and the poor of your city take precedence over the poor of other cities. The *mitzvah* of lending money to a poor person is greater than giving charity to a poor beggar, for the latter has already been reduced to begging, while the former has not yet reached this stage. The Torah is provoked with one who refuses to lend money to the poor, as it is said, "And your eye be evil against your

"needy brother" etc. Concerning the one who lends to the needy in time of his distress, the Scripture says, "Then you shall call and God will answer."

- 2 Even if a rich man needs to borrow money, it is a *mitzvah* to lend it to him, and to cheer him with kind words, and to give him proper advice.
- 3 It is forbidden to lend money without witnesses, not even to a Torah scholar, unless you are lending against a security. To lend money with legal documentation is the best course to take.
- 4 It is forbidden to demand payment from the borrower, when you know that he is unable to pay. It is forbidden even to appear before him, for he may be ashamed to see the lender, at a time when he is unable to repay the loan. Concerning this it is said, "You shall not be unto him like a creditor."
- 5 Just as the lender is forbidden to demand payment from the borrower, so, too, is the borrower forbidden to withhold his friend's money, and tell him, "Go away and return later," when he actually has the money; as it is said, "Do not tell your friend, "Go away and return later."
- 6 A borrower is forbidden to take the loan, and spend it unnecessarily, and possibly lose it, and thus the lender will be unable to collect it. This applies even if the lender is very wealthy. One who does this is called a wicked person, as it is said, "The wicked borrow and do not repay." The Sages have commanded: "Your friend's property should be as dear to you as your own." If the lender recognizes that the borrower has this character, that he has no consideration for other people's property, it is better not to lend him, than to lend him and be compelled to press him

later, thereby violating on each occasion the precept, "You shall not be to him like a creditor."

- 7 If you lend money on a security, you must refrain from using the security, for this is like taking interest. If you lend a poor man money on [the security of] a shovel, or on an axe, or a similar thing, which can be rented out at a good fee, and is only slightly depreciated by use, you may rent it out without obtaining the owner's permission, and deduct the proceeds from the debt, as it may be assumed that the borrower would agree to it. Some *Poskim* say you may rent out these articles only to others, but not to yourself, lest you be suspected of using them free of charge merely because of the loan.
- 8 If the lender wants to take a security from the borrower, after the loan had been made, he should not do so by himself, but rather through *Beis Din*.
- 9 You should avoid becoming a guarantor, or a trustee whenever possible.
- 10 If you hold a note of indebtedness against your friend, and the document is worn out, and its script is fading you should go to a *Beis Din* and have it certified.
- 11 It is forbidden to keep a paid note in your possession, for it is said, "Do not let unrighteousness dwell in your tents."
- 12 Just as you must be careful to guard a deposited article, you must be careful to guard the security even more so; because you are like a paid watchman of the article. And just as a trustee is not permitted to give the article to another person to watch, as will be explained in chapter

188, so is the lender not permitted to deposit the security with someone else, or to give it as a security without the consent of the owner.

- ¹³ If you lend money to your friend on a security on condition that if he does not repay the loan at a certain date, he will forfeit the security, then you must be sure to tell the borrower when the loan is made, "If you do not redeem the security by such and such a date, it shall become mine retroactive to the present time."
- ¹⁴ If you know you owe your friend money, and your friend says to you: "I am certain you owe me nothing," you need not pay him, because he has apparently forgiven the debt.
- ¹⁵ When a borrower chooses to repay the lender via a messenger, as soon as he gives the money to the messenger, the messenger acquires the money for the lender. Thereafter, if the borrower has regrets, and wishes to take back the money from the messenger, and repay the loan later, he is forbidden to do so; because this is borrowing without the owner's knowledge. The messenger is equally forbidden to return the money to the borrower.

Siman 180

- ¹ Most *Poskim* [*halachic* authorities] agree that the cancellation of debts on the *shemitah* year, is effective even in our time, and even in lands outside *Eretz Yisroel*. The general public is lenient about this, and have been censured on this account by the great Torah scholars of Yisrael, of blessed memory. A few of them have tried to justify this [lax] custom by

relying on a few [authorities] who are lenient about this. However, a person who wishes to observe *mitzvos* meticulously is certainly obligated to follow the opinion of the majority of *poskim* of blessed memory. Particularly so, when the problem can be solved by means of the *prosbul*, (see paragraph 15) without any monetary loss. The last Sabbatical Year was in 5635, and will occur, God willing, in the year 5642.

- ² The Sabbatical Year (*shemitah*) cancels every type of loan, whether it is an oral loan, or on a note, or even on a property mortgage. If you gave your friend money, as a business partnership, (described in Chapter 66), whereby half of it is a loan and the other half is a deposit, the half that is considered a loan is cancelled, but the half that is a deposit is not cancelled.
- ³ If you lend someone on the security of a pledge [collateral], it is not cancelled (on *shemitah*); but if you lent him on the security of real estate, there are various halachic opinions regarding the cancellation of the debt.
- ⁴ If a guarantor paid the lender, and before the borrower had paid the guarantor, the Sabbatical Year intervened, *shemitah* cancels this debt.
- ⁵ If someone is obliged to another, [to take] an oath concerning a monetary claim, and if he were to admit his liability, the *shemitah* would cancel his debt, then *shemitah* cancels the oath as well.
- ⁶ If a man owes someone money and denies it, (and as a result) the claim was presented to *Beis Din* and he was charged, once the *Beis Din*

recorded the verdict, and gave it to the lender, the *shemitah* does not cancel this debt.

- 7 If you lend money to someone on condition that *shemitah* will not cancel the debt, even so, *shemitah* cancels it. However, if a condition was made that the *borrower* shall not cancel this debt, even if this is during the *shemitah* year, it does not cancel it. Also, if the note was written with reference as a deposit, *shemitah* does not cancel this debt.
- 8 If you lend money to someone for a certain number of years, and the debt is due after the *shemitah* year, the debt is not cancelled, because you were unable to demand payment earlier.
- 9 If you present your notes of indebtedness to *Beis Din* and say to them: "Collect my debts for me," they are not cancelled in the *shemitah* year.
- 10 If you sell something to someone on credit, the money is considered a loan and *shemitah* cancels it. However, a storekeeper who sells to people on credit, and it is not his custom to demand payment until a certain amount accumulates, these debts are not cancelled. If, however, he charged them as a loan, that is, he totalled all the items, and entered the sum total in his ledger, then it is considered a loan, and *shemitah* cancels it.
- 11 The wages of a laborer are not cancelled, but if they were converted into a loan, they are cancelled by *shemitah*.
- 12 Claims acquired from a non-Jew are treated as claims of a non-Jew. Therefore, if you purchase a note of indebtedness from a non-Jew, against a Jew, *shemitah* does not cancel it, for the non-Jew was able to

collect with his note under all circumstances. Also, if one has become a guarantor to a non-Jew, on behalf of a Jew, and the Jew failed to pay his debt, so that the Jewish guarantor had to pay the non-Jew, and thus took the note that the non-Jew held against the borrower, *shemitah* does not cancel this note. However, if there is no note, but the guarantor sues the borrower orally, because he had to pay the non-Jew for him; then the borrower is exempt from payment.

¹³ *Shemitah* cancels monetary loans only at the end of the *shemitah* year. Therefore, if you lend someone money during the *shemitah* year, you may collect the debt during the entire year, but at sunset the eve of *Rosh Hashana*, the debt is cancelled.

¹⁴ If a borrower comes to pay his debt to the lender after the *shemitah* had passed, the lender should say to him: "I have cancelled your debt, and you are released from my claims." If the borrower says: "Even so, I want you to accept the money," the lender is permitted to accept it. However, the borrower should not say, "I am paying this on the account of my debt;" rather, he should say to him: "The money is mine, and I am giving it to you as a gift." The lender is [even] permitted to make an effort to persuade the borrower to say "I am giving you the money as a gift." However, if he is unable to [persuade him] he may not accept the money from him.

¹⁵ If there is a *prosbol*, *shemitah* does not cancel the debt. What is a *prosbol* and how is it obtained? The lender goes before three men, learned in Torah, who constitute a *Beis Din*. He says to them: "To you judges, I hand over all the claims I have against so and so, etc. so that I am able to collect these debts whenever I desire." They then write for him a

prosbol which reads: "We were sitting together, as three [judges], and so-and-so the lender came and said in our presence, "I hand over etc." All three judges sign at the bottom of the document, either as judges or as witnesses. This can also be done at the end of the year, that is, on the eve of Rosh Hashana before sunset. Some *Poskim* say it is not necessary to write the *prosbol*, but it is sufficient if he declares this before the *Beis Din*. Even if there is no *Beis Din* in your town, you can declare: "I hand over my notes to the *Beis Din* which is in such and such a place.

- ¹⁶ The *prosbol* is of no avail unless the borrower possesses some real estate, be it ever so small; even if he has only a flower pot with a hole in the bottom, it is sufficient. Even if the borrower has none, but the guarantor has some real estate, or someone who is indebted to the borrower has some, this too is sufficient. If none of these people possess any real estate, and the lender possesses some real estate, be it ever so small, he may transfer it to the borrower, even through a third party, and even in the borrower's absence, and this is sufficient to validate the *prosbol*.

Siman 181

- ¹ When there is a controversy between two persons, it is best for them to agree to an acceptable compromise, with each side yielding somewhat, in order to avoid the humiliation of a lawsuit. They should make every effort to do so.
- ² If it is impossible for them to reach an acceptable compromise, and they are forced to go to court, they should go before a Jewish *Beis Din*. It is forbidden to bring a suit before secular judges, and in their courts;

even if their decision would be in accordance with the Torah law. Even if both litigants are willing to bring the case before them, it is forbidden to do so. Even if they had made a binding agreement, or they had a written agreement to that effect, it is of no avail. Whoever brings a case before them is a wicked person, and it is considered as if he had insulted, blasphemed, and rebelled against the Torah of *Moshe Rabbeinu*, peace be on him. Even in a case where a man is permitted to take the law into his own hands, as will be explained, God willing, in paragraph 9, it is forbidden to do so through non-Jews. Even if he does not bring the case before a secular tribunal, but uses non-Jews to force his opponent to go with him to a Jewish court, he deserves to be flogged.

- 3 When the defendant is a difficult person, and you live in a society governed by non-Jews; you should first summon him to appear in *Beis Din*. If he refuses to go, you may obtain the consent of *Beis Din*, and save your property in the secular courts.
- 4 If you are sued on a monetary claim, that you really owe, it is forbidden to seek ways of evasion, in order to force the creditor to compromise, and forgo the remainder of the debt. If you transgressed and did so, you are not discharged of your obligation before the judgement of Heaven, until you pay the claimant what is rightfully his.
- 5 A litigant is forbidden to present his case to the judge in the absence of his opponent. Therefore, one litigant should not present himself to the judge before the other, lest he be suspected of coming early in order to present his case in the absence of his opponent.

- ⁶ Just as the judge who accepts a bribe, even to acquit the innocent, transgresses a negative precept, so does he who offers the bribe transgress the negative precept, "You shall not put a stumbling block before the blind."
- ⁷ It is forbidden to enter a false plea. Even if you know you have a just claim, and if you tell the truth, the judgement will be against you, nevertheless, you may not enter a false plea. This is stated in the Talmud: "Our Rabbis have taught, from where do we know that one who has lent his friend one hundred *shekalim*, should not say I will claim two hundred, so that when he admits to owing one hundred, he will be obliged to take an oath, and then I will force him to take an oath with regard to some other matter? We learn it from the verse: "Keep far away from anything false." From where do we know that if one has a claim against another for one hundred *shekalim*, but demands two hundred *shekalim*, that the borrower should not say, I will deny the whole claim in *Beis Din*, and will admit (to one hundred) out of *Beis Din*, in order not to be obliged to take an oath, and to prevent him from making me take an oath as regards some other matter? We learn it from the verse: "Keep far away from anything false." From where do we know that if three people have a claim of one hundred *shekalim* against one person, that one of them must not be the plaintiff and the other appear as witnesses, in order to obtain the one hundred *shekalim*, and divide it among themselves? We learn from the verse: "Keep far away from anything false."
- ⁸ Occasionally, the litigants choose men [arbitrators] to effect a compromise between them, either jointly with the *Beis Din*, or without

Beis Din. This is a proper procedure, because each [arbitrator] promotes the cause of the one who has chosen him, and thus a just settlement will be reached. But the arbitration must be conducted in a just manner, [and not] Heaven forbid pervert the process of compromise. For just as we are commanded not to pervert judgement, so, too, we are commanded not to pervert the process of compromise.

- ⁹ A man may [sometimes] take the law into his own hands. If you see an article of yours in the possession of someone who had robbed it, you may take it away from him. If the latter tries to stop you, you may even strike him until he releases it, if you are unable to get it by other means. You may do so even if it is an article that will not depreciate if you wait until you summon him to *Beis Din*. If there are witnesses who [will] see you seize the article from this other's possession, you may not seize it by forceful means, unless you will be able to verify later that you took what is yours. For if you are unable to prove your ownership, your seizure is of no avail since there are witnesses that you took it by force. However, if there are no witnesses, whereby the seizure will be effective, you may seize it forcefully even though you will be unable to verify your ownership.

- ¹⁰ When the people of a city appoint a *Beis Din* for the community, they must ascertain that each one of the judges possesses the following seven qualities: wisdom in Torah, humility, fear of God, abhorrence of money —even their own, love of truth, loved by their fellow men, and a reputation for good deeds. Whoever appoints a judge who is unfit for the position, transgresses a negative precept, as it is said, "You shall not respect persons in judgement." This means, you shall not favor anyone and say, "So-and-so is wealthy, or is my relative, I will appoint him as a

judge." It is forbidden to rise before a judge who was appointed through the influence of money, or to show him any other honor. With reference to such a person, our Rabbis, of blessed memory, applied the verse: "Gods of silver and gods of gold you shall not make for yourselves."

- ¹¹ In communities where there are no scholars who are qualified to be judges, they should appoint the best and wisest among themselves according to the understanding of the townsmen, and they should judge even though they are not qualified to be judges. We permit this so that people will not go to the secular courts. Since they were accepted by their townsmen, no one can disqualify them. All their activities should be for the glory of Heaven.

- ¹² If you are able to bear witness for your neighbor and are qualified to testify, and your neighbor would benefit from your testimony, and asks you to testify on his behalf in the presence of *Beis Din*, you are obliged to testify, whether there is another witness besides you or you are the only one. If you withhold such testimony, you will have to answer to the Heavenly Court. It is forbidden to testify about anything you do not know (firsthand), and not even if the man who told you is someone you are certain that tells no lies. Even if the litigant says to you, "Come and stand next to the one witness that I have, not to testify, but just to intimidate my debtor, so he will think that I have two witnesses, and he will consequently admit (his obligation to me)," you must not listen to him, as it is said, "Keep far away from anything false."

- ¹³ The law that states that the testimony of one witness is valid, is only when money matters are involved; for then, the testimony of even one

witness is sufficient to require the administration of an oath. Similarly, with regard to a sinful act, if the prohibition was not yet violated, the singular witness may testify in order to prevent him from sinning. However, if the sinful act had already been committed one witness should not testify to it; since one witness is not believed, he will only be spreading an evil report about another person.

¹⁴ If you accept a reward for your testimony, your testimony is null and void. This is true only after you had already witnessed the facts, for then it is your duty to testify free of charge. However, (if you are asked) to witness a certain transaction in order to subsequently testify, you are permitted to take compensation. It is permitted to take compensation only to the extent that you were inconvenienced and no more. Also, if it is an inconvenience for you to go to *Beis Din*, you are entitled to compensation for your inconvenience, but only to the extent that it is proper for this inconvenience, and no more.

¹⁵ Any testimony from which you derive benefit, or in which you have a personal interest, even if remote, disqualifies you as a witness.

¹⁶ It is written, "And that which is not good, he did among his people." This is homiletically interpreted to refer to a person who comes with power of attorney, and argues about a quarrel that is not his. This applies only when both litigants are in town, but the borrower is a strong man, and a good pleader, and the lender fears the confrontation with him, and thus gives power of attorney to someone else. This is the case of someone arguing about a quarrel that is not his. However, if the defendant is in another city, and the plaintiff cannot trouble himself (to go personally), and gives someone the power of attorney, then the latter

is doing a meritorious deed in rescuing the wronged person from the hand of the one exploiting him. Some *Poskim* maintain that if you accept a power of attorney in order to receive a fee, and not because you are a quarrelsome person, it is permitted.

¹⁷ You should distance yourself from taking an oath, even if it is a truthful one. You should make every effort to refrain from it.

¹⁸ If your opponent is obliged to you for an oath, and you realize that he is prepared to swear falsely, Heaven forbid, you should reach the best possible compromise with him, and not permit him to swear falsely, for it is said, "an oath to Adonoy shall be between them." And this is expounded to teach, that [the punishment of] the oath rests on both of them.

¹⁹ If a Jew knows of evidence that favors a Gentile who has a lawsuit with a Jew in the secular courts, and his testimony will cause his fellow Jew to be liable for a larger amount than he would have been liable to according to Jewish law, he is forbidden to testify for him; but if not, he is permitted to testify for him. If initially the Gentile arranged for the Jew to testify for him, since the Name of God will be desecrated if he does not testify (as he had agreed to), he should testify under all circumstances.

²⁰ So long as you remember the facts, you may testify at any time and you need not fear that because it happened long ago, you do not remember clearly. Even if you only remember the testimony from the record you made. If for example when they gave you [a document etc.] you wrote the information in your book, in order to have a record of it, and you

had forgotten the facts and only remember them from your records, even in such an event you may testify. This is true only if upon reading the records, your memory is refreshed. Also, if your memory is refreshed by someone else who reminded you, you may testify; even if the one who reminded you is the second witness. However, if the litigant himself reminded you and refreshed your memory, you may not testify. The litigant, however, may present the facts to someone else, and that person may in turn remind you, for then your memory will have been refreshed by a third party.

- ²¹ A witness who is related to one of the litigants, or to one of the judges; or witnesses who are related to one another, even if the relationship is on their wives side, may sometimes be disqualified to testify. Even if they are related only to the guarantor, and not to the borrower, they are also disqualified from testifying on behalf of the borrower. The Torah has disqualified the testimony of relatives, not because of the love they have for one another, for they are disqualified to testify whether it is in his favor or against him; but rather, it is a Divine decree. Even Moses and Aaron were not qualified to testify for one another. Therefore, any witness who is related to any one of the above mentioned individuals, or was once related, but the relationship no longer exists—should the judges be unaware of the situation, the witness must inform them, and they will tell him if in accordance with Torah law, the relationship is significant enough to disqualify him, or not.
- ²² If there are two witnesses and one of them knows that the other is a sinful man, and is not qualified to testify according to the law of the Torah, and the judges are unaware of his wickedness, it is forbidden to testify with him, even though the testimony is true, for it is said: "Do

not join your hand with a wicked man to be a corrupt witness. It is a Divine decree that the entire testimony be invalidated even if there are many witnesses, should one of them be disqualified to testify. Who is considered sinful enough to be disqualified as a witness by decree of the Torah? Whoever transgresses in a matter which has been accepted by the Jewish people as a sin, and which is a Divine prohibition, that he violated intentionally and has not (been known to have) repented. However, if it is possible to assume that he did it unintentionally, or in ignorance, not being aware of the prohibition, he is not disqualified to bear testimony.

Siman 182

- ¹ It is forbidden to rob or to steal even an article of trivial value from a Jew or from a non-Jew. It is recorded in *Tanna Devei Eliyahu*: It happened that a man told me [Eliyah] that he had wronged a non-Jew in measuring dates that he sold to him. Thereafter, he bought oil with all that money and the jug broke and the oil spilled. I said, "Blessed is the Omnipotent that shows no favoritism." The Torah says, "Do not cheat your fellow, nor rob him," and robbery of a non-Jew also constitutes robbery.
- ² Taking a thing of such trivial value, that no one would mind, like taking a splinter from a bundle [of wood], in order to use it as a toothpick, is permitted. However, it is an act of piousness to refrain from this as well.

- ³ Even stealing with the intention of returning it, but just for the sake of annoying someone, or to tease someone, is also forbidden.
- ⁴ It is forbidden to cheat your fellow even in the slightest degree, as it is said, "Do not cheat your neighbor." What is cheating? If your neighbor's money comes into your possession with his consent; for example, if he lent you money, or you owe him wages (or rent), and you do not wish to pay him, or you put him off by saying, "Go," "and return [later]." Since the verse states: your [*Jewish*] neighbor, it is not forbidden to do so with a non-Jew. This is true only if this will not cause the Name of God to be desecrated; for example if you borrowed from a non-Jew and he died, it is permitted to deny the loan to his son, because he does not know for sure that you are lying. However, if the non-Jew knows you are lying, it is forbidden because of the desecration of God's Name. And even if the son is not sure, it is only permitted to deny a loan, or any other such debt you owed him. If you have in your possession an article you received from a non-Jew which is intact, you are forbidden to deny it, for this constitutes actual robbery. Moreover, even if you buy something from a non-Jew, you are forbidden to fool him in counting out the money, as it is said, "And he shall reckon with his buyer," which refers to a non-Jew. For he is only conveying the article to you in consideration of the sum agreed upon, and if you fool him in the payment, it is tantamount to stealing the article, and not merely denying a debt. Even deception not involving any loss of money is forbidden in business dealing, as was explained in Chapter 63. Nevertheless, if the non-Jew makes a mistake, it is permitted to benefit from it, provided there will be no desecration of God's Name, [for

example] in such a case where he remains unaware of his mistake. It is best to say to him, "I am relying on your estimate or your bill."

- 5 If you covet the house or the vessels of your neighbor, or anything which your neighbor has no intention of selling, and you ask his friends to influence him, or if you, yourself, pressure him until he agrees to sell it to you, you have violated the injunction, "You shall not covet." From the moment you were tempted, and began to think, how will you acquire this item, you have violated the command, "You shall not desire"; for desire is only in the heart, and desire leads one to covet. If you ultimately buy that which you had desired, you will have transgressed two negative commands. That is why it is said, "You shall not covet" and "You shall not desire."
- 6 The robber is enjoined by a positive command, to return the stolen article if it is in its original state, and has not been altered. As it is said, "He shall return *that* which he robbed." The same law applies to a thief. This obligation cannot be fulfilled merely with the return of money to the owner, even when he had already given up hope of getting it back. However, if the stolen article was lost or altered in such a way that it cannot be restored to its original state, or it was sunk into a building, and will cause him a great loss to tear down the building, the obligation may be fulfilled by paying a sum of money equivalent to its worth at the time of the robbery. If the victim of the robbery is in another town, the robber is not required to send the money to him, but he should notify him to come and get it. If the victim died, the robber must pay the restitution to his heirs.

- ⁷ He who robs the public—such as a shopkeeper who gives a short measure, or weighs with a short weight, or the like, or a public official who is lenient towards his relatives, and exacting towards others, or one who took usury from the public, will find it difficult to repent adequately. Therefore, he should establish a community service, so that his victims, too, might benefit from them. Nevertheless, if the identity of his victims are known to him, he is obligated to make restitution, and he does not fulfill this obligation merely by contributing to a public service.
- ⁸ It is forbidden to buy from a thief, or a robber, any article that was stolen or robbed. There is no difference if he is a Jew or a non-Jew, for the non-Jew is also commanded not to steal or rob even from another non-Jew; and this is one of the seven precepts which they have been commanded. It is a serious sin to buy from a thief or a robber, for in doing so you are abetting evildoers. With reference to this it is said, "He who is a partner with a thief, hates his own soul," and he causes the thief to commit other acts of stealing; for if he will find no buyer he will not steal. Although it is possible for the thief to take the stolen article to a place where he is not known, this course is not always available to him. If the buyer's intention is for the owner's benefit, in order to restore it to him, upon payment of the money he advanced, it is permissible; provided it is impossible for the owner himself to recover it. It is also forbidden to accept for safekeeping, anything which appears to be stolen.
- ⁹ It is forbidden to derive the slightest benefit from property that was stolen or robbed while it is in the possession of the thief or robber. Even

a trivial benefit that its owner would not mind, such as exchanging the money for an equal amount of another denomination is forbidden in the case of money that was stolen or robbed. It is also forbidden to enter a stolen house to [protect yourself] from the hot sun or from the rain, or to pass through a stolen field.

- ¹⁰ It is forbidden to derive benefit from the possessions of one who is a known thief or robber, who has no other occupation, and whose entire property is presumed to have been acquired by theft or robbery, and a poor man is forbidden to accept charity from him.
- ¹¹ Similarly, it is forbidden to buy something from someone who wishes to sell an article that apparently had been stolen as when fruit watchmen sell fruit in a secluded spot, or when a salesman conceals the merchandise he is trying to sell, or when he says to the buyer, "Hide it." It is forbidden to buy something from a woman when there is reason to suspect that she is selling it without her husband's consent, or to buy women's jewelry or clothing from a man, when there is reason to suspect that he is selling them without his wife's consent.
- ¹² If you inadvertently exchanged coats at a wedding hall or another public place, you are not allowed to use these items that came into your possession, and are not yours. When the rightful owner appears you must return it to him, even if yours had been lost there. Also, in case a commercial launderer gave you someone else's garment, you are forbidden to wear it, but must return it to its rightful owner; even though yours was lost. However, if the article was with you so long that it is impossible the owner did not inquire after his things during this

time, then you are permitted to wear it, for you may assume that the launderer satisfied the owner, and paid him for this garment.

¹³ It is forbidden to use anything belonging to your fellow without his knowledge. Even if you are certain that when the owner finds out he will be happy and elated that you used it, because of his good feelings towards you; nevertheless it is forbidden. Therefore, if you enter the orchard or garden belonging to your neighbor, it is forbidden to pluck fruit without the owner's knowledge, even though the owner of the orchard and the owner of the garden is truly a dear, cherished friend, and will certainly be happy and elated when finding out that you enjoyed his fruit. Nevertheless, since at the present time he knows nothing of this, you are enjoying it unlawfully. It is necessary to warn the public regarding this; for they break this rule for lack of knowledge.

¹⁴ However, it is permitted for a member of your household to give a slice of bread to a poor man, or to the owner's friend's son without his knowledge, for this is customary among people, and is not considered as something done without the owner's knowledge since this is customary, and the owner is aware of this custom. For this reason it is permitted to accept charity from women, if it is a small contribution, even without her husband's knowledge, since this is the general custom, and husbands are aware of this custom. Also, with regard to an orchard, if you are generally accustomed to eat of its fruit with the owner's knowledge, you are permitted to do so (even without his knowledge). And so it is in all similar cases.

¹⁵ If you find fruit on the road underneath a tree, that overhangs the road, if it is the type of fruit that usually falls from the tree, and becomes

spoiled after falling, or even if it does not become spoiled, but most people who pass by are non-Jews, or if it is the type of fruit that animals are accustomed to eat, and animals do pass by, [it may be assumed that] the owner has already abandoned his ownership, and you are permitted to take them. However, if it is fruit that does not become spoiled by the fall, and if most of the people passing by are Jews, it is forbidden to take them because it is considered robbery. If the fruit belongs to minor orphans, it is forbidden to take it in any case, because minors cannot waive their rights of ownership.

- ¹⁶ The law of existing government must be recognized as the law (in civil matters).

Siman 183

- ¹ It is forbidden to damage someone's property even with the intention of making reparation, just as it is forbidden to steal or to rob with the intention of making restitution. It is even forbidden to cause damage to your neighbor, either by deed or by word. For example, if Reuven sold merchandise to a non-Jew, and Shimon came along and told the non-Jew that it is not worth so much money, although it is really true, it is forbidden to do so. He who indirectly causes damage to his neighbor, although he is exempt in the court of Beis Din, he is liable in the (Heavenly Court) until he placates his neighbor.
- ² Even if you sustain a loss, you are forbidden to remove the cause of your damage if by doing so you will cause damage to your neighbor, for it is forbidden to salvage your property by causing damage to another even indirectly. However, before the damage is done to you, it is

permitted to forestall it so that it doesn't occur, even though by doing so, it will cause a loss to your neighbor. For example, if a stream of water is threatening to flood your field, before the water reaches your field, you are permitted to construct a dam in its path, even though this will cause it to flood your neighbor's field. But if the water had already entered your field, you are forbidden to divert it to your neighbor's field. For since the damage has already occurred, you are not permitted to divert it from your field, and direct it to your neighbor's field.

- ³ Also, if an army arrived in town, and the townspeople are obliged to provide them with room and board, it is forbidden to offer a bribe to the commanding officer for an exemption; because this will cause a loss to other Jews. Also, in all cases of taxes, it is forbidden to influence the officer to exempt you, if by doing so, you make the burden heavier for others. One who does such a thing is called an *informer*.
- ⁴ It is forbidden to surrender a Jew or his property into the hands of non-Jews. [It is also forbidden] whether by deed or by word to inform on [a Jew] or to divulge his hiding place. Whoever acts as an informer has no share in the World to Come. Even if the person is an evildoer and a sinner, it is forbidden to surrender him or his property; even if he troubles you, and constantly provokes you with words. However, if someone informed on you, and you cannot save yourself unless you inform on your informer, you are permitted to do so.
- ⁵ It is forbidden to enter the ploughed field of your neighbor because you will spoil it by trampling upon it.

- 6 It is forbidden to stand at your neighbor's field, to gaze at it at the time the crops are standing (ready for harvest), so as not to harm them with an "evil eye." It is certainly forbidden to gaze at someone in a way that might damage him personally, [as a result] of an "evil eye." Even with regard to his business and occupation where there is no cause to fear an "evil eye", if he works in his own house or property, it is forbidden to watch him without his knowledge, for he may not want others to know of his business and occupation. It is good manners, when seeing someone engaged at his work, to bless him and say to him, "May you be successful at your task."
- 7 Even on your own premises it is forbidden to engage in an activity that may cause damage to your neighbor. Thus, you must avoid placing in your yard, near your neighbor's wall, anything that generates heat or releases warm gasses or vapors, and damages the wall, such as manure and similar things, unless you keep them at a distance of three *tefachim*. You must also keep a distance not to spill water near your neighbor's wall. Therefore, the (outlet of) the roof's drain pipe must be kept a distance of three *tefachim* from your neighbor's wall. You most certainly may not spill a pot of urine close to your neighbor's wall. With regard to urinating close to your neighbor's wall, if the wall is of stone, or of wood, without plaster, a distance of one *tefach* is sufficient. If the wall is of bare rock, you need not distance yourself at all, and may urinate on the wall itself. If the wall is brick, or of wood covered with plaster, you must keep a distance of three *tefachim*.

Siman 184

- ¹ It is forbidden to strike your fellow Jew, and if you do strike him you are transgressing a Divine negative command, as it is said, "If the wicked man deserves to be beaten etc., he should be given forty stripes, he shall not exceed, lest he exceed." If the Torah is concerned not to strike a wicked person more than prescribed for his evil, all the more so does this apply to the striking of the righteous. Whoever raises his hand against another to strike him, even if he does not actually strike him, is called a *rasha* (wicked person) as it is said, "And he said to the *rasha*: 'Why will you strike your neighbor?'" It is not said, "Why have you struck," but "Why will you strike;" although he did not actually strike him, he is called a *rasha*. Whoever strikes his fellow Jew has been excommunicated by the early Sages. He can not be counted as one of a quorum of ten required for the performance of sacred rituals, until *Beis Din* releases him from excommunication, upon his acceptance to abide by their decisions. However, if someone strikes you or a fellow Jew, and you are unable to save yourself or your fellow Jew from the attacker unless you strike him, you are permitted to strike him.
- ² Even if your servant disobeys you, you are forbidden to strike him. However, you are permitted to strike your young children, or [even] an orphan whom you are raising in your home, in order to admonish them and guide them on the proper way, as this is for their ultimate benefit.
- ³ You must be careful not to throw pieces of broken glass and the like in any place where they may cause harm to anyone.
- ⁴ If your neighbor suffers from a headache, which may be aggravated by the noise of hammering, you are forbidden to pound grits even in your

own house, or anything similar to them, should the sound of their pounding carry to your neighbor's house and cause him harm.

- 5 There are many more things that are forbidden because they cause harm to your neighbors, or to the public. The general principle is that it is forbidden to do anything, even on your own premises, and especially on a public domain, that may cause damage to your neighbor or to passers by in a public domain, unless it is generally accepted that whoever wishes to do this activity may do so. For in such case, it is as if all the townspeople sanctioned this activity, so that each of them has the privilege to do so whenever he needs to; he, or his children (etc.).
- 6 If you frighten someone, such as by suddenly screaming behind him, or by appearing suddenly before him in the dark, or anything similar, you will be answerable to the Heavenly court.
- 7 If you injure your neighbor, although you paid the injured person all that you owe him for his injury; also a thief or a robber, although he had returned the article, or made restitution for it, nevertheless, there cannot be atonement until you seek forgiveness from the injured, or from the victim for the pain you caused them. They, for their part, should forgive and not be harsh in refusing.
- 8 If you see that your neighbor is in trouble, and you are able to save him, or to hire others to save him, you are obliged to trouble yourself or to hire others to save him. If he has the money to pay, you may ask him to repay the money you spent to save him. If he does not have the money, nevertheless, you may not shirk your duty because of this, and you must save him at your own expense. If you refuse to do so, you are

guilty of transgressing the negative command, "Do not stand idly by when the blood of your neighbor [is in danger]." Likewise, if you hear wicked people devising a plot against your fellow Jew, or setting a trap for him, and you did not reveal it to him, or if you were able to appease them with money on his behalf, and thereby cause them to discard their plot, and you did not appease them, and other matters similar to this, you are guilty of transgressing the negative command, "Do not stand idly by when the blood of your neighbor" is in danger. He who saves one Jewish life is considered as if he had saved the whole world.

⁹ A person who is involved in counterfeiting (money) and it is feared he will jeopardize others, is considered as one who is endangering the lives of others. He must be warned to give up this activity. If he does not heed the warning, it is permitted to denounce him to the government, and to declare that no one else is engaged in this practice aside from him. Also, if a person is falsely accused because of him [the counterfeiter], he may tell them, "I am not involved in this, but so and so is the only one involved".

¹⁰ It had been the custom for the seven elders of the city to set fines in cases of injuries, insults, and the like. (However,) they must not do anything independently of the *Beis Din*, since in regard to these matters, there are many diverse laws, and they may not impose a fine greater than what the *halachah* imposes. They should also not treat the dignity of the people lightly.

¹¹ When a woman has severe complications in childbirth, so long as the fetus is unborn, it may be destroyed, either with medicine or with instruments; for as long as it is unborn it is not considered a living soul;

and in order to save the [life of the] mother, it is permitted to destroy it; for it is like someone attempting to take the life of another. However, as soon as its head protrudes, it must not be touched, for one life is not to be sacrificed to save another, and this is the way of nature.

Siman 185

- ¹ If you borrow or rent an animal or other articles from your neighbor, you are not permitted to lend them or rent them to another party without the consent of the owner. Even in the case of sacred books, the lending of which is a meritorious act, we do not assume that the owner would want to have a mitzvah done with his property, for it is possible he does not want his property in the possession of someone who may not be trustworthy in his eyes. However, if you borrow a book, you may allow someone else to study from it in your house, provided he studies from it alone and not two [of you] together. If it is known that the owner is accustomed to trust this other party in such matters, the borrower is permitted to lend it to him, and the renter is permitted to rent it to him.
- ² It is a mitzvah to pay the wages of a hired workman on time, and if you delay such payment, you are transgressing a negative commandment, as it is said, "On the same day you shall give him his wages, and the sun shall not go down on it." It is also a mitzvah to pay for the hire of an animal or a utensil at the proper time, and if you delay such payment, you are transgressing a negative command, as it is said "You shall not oppress a hired worker who is poor and needy etc., in the same day you must give his wage." What is the proper time? If he finished his work

during the day, he should be paid before the end of that day. If the day has passed and you still did not pay him, you are transgressing the mitzvah of "In the same day you should give him his wage, and the sun shall not go down on it." If he finished his work during the evening, he should be paid during that night. If the night passed and you had not paid him, you are transgressing the negative command, "The wages of your worker shall not abide with you (all the night) until the morning." Similarly, a workman who is hired by the week, or month, or year, if he has finished his work during the day, he should be paid during that day; if he finished during the night, he should be paid during that night and not later.

- ³ Also, if you gave your garment to a tailor to repair, for a set price, and the tailor returns it to you during the day, you must pay him during that day. And if he returned it to you at night, you must pay him during that night. However, so long as the garment remains with the tailor, although the garment is finished, and the work has been completed, you are not in violation of the law, even if it is in the tailor's possession for many days, and even if the tailor has notified you to bring the money and take the garment nevertheless, you are not in violation of the law.
- ⁴ You have not transgressed the law of: "The wages of your worker shall not abide with you" [or the law of] "That the sun shall not go down on it," unless the worker demands his wages, and you have the money to pay him. But if the worker did not demand his wages, or he demanded his wages but you do not have the money, you are not in violation of the law. Nevertheless, a scrupulous person will borrow money to pay his worker in the proper time, for he is poor and sets his heart upon his

wage. If your system is not to pay the workers until after a certain sum is due, even if they demand a small sum, which they have undoubtedly already earned, nevertheless, (if you refuse to give it to them), you are not guilty of transgressing the law, since it is known that this is your system of payment, and on such condition they hired themselves out to you.

- 5 If a hired workman was working for you, and spoiled the article on which he had worked, even if it was caused by his negligence, in a manner in which he is legally bound to make reparation, it is a mitzvah for you to waive your legal rights, and release him from liability, as it is said: "That you may walk in the way of good men." If the worker is a poor man, and has no food, it is a mitzvah to give him his wages, as it is said, "And keep the paths of the righteous." and the path of the righteous is to keep the way of Hashem, to practice charity and justice, to an even greater degree than is required by law.
- 6 Just as the employer is admonished not to rob the worker of his wages, and not to delay payment, so is the worker admonished not to cheat his employer by wasting time at work. He must work with all his strength [ability,] as our father, Jacob, peace unto him, said, "That I served your father with all my strength." Therefore, a worker is not permitted to work all night, and hire himself out during the day because he has been weakened by the night work. Similarly, it is not permitted to work your animal at night and hire it out for work during the day. A worker is not permitted to starve or afflict himself, for this weakens his physical strength, and he will not be able to do the work for his employer properly. This law applies also to a teacher. (see Chapter 165:12)

Siman 186

- ¹ Anyone who prevents an animal from eating while working is liable to be punished by flogging as it is said, "You shall not muzzle the ox when it is threshing." It is immaterial whether it is an ox, or any other animal or beast, whether unclean or clean, whether it is threshing or any other work concerned with produce of the ground. The Torah mentions the ox and threshing only because it speaks of the usual circumstance. Even if it is muzzled by voice, that is, it is shouted at, and is thus prevented from eating, it is punishable by flogging.
- ² A Jew who threshes (grain) even with an animal belonging to a non-Jew, and even if the grain belongs to a non-Jew, transgresses the commandment "You shall not muzzle."
- ³ If the animal is unable to eat because it is thirsty, you must give it to drink.
- ⁴ If an animal is working with something which would be harmful to its intestines, you are permitted to muzzle it; for the Torah is concerned with the benefit of the animal, and in such case it would not be to its benefit.

Siman 187

- ¹ If you see an article that was lost by a Jew, it is your duty to care for it, and return it to its owner, as it is said, "You shall surely return them." Similarly, any of your neighbor's property, that you are able to save

from destruction, you are obliged to do so, for this is included in the mitzvah of returning a lost article.

- ² Although according to *halachah*, in a place where the majority of the people are non-Jewish, even if the Jew identifies it you are not obliged to return it to him, because we assume he already had despaired of its recovery, nevertheless, it is good and proper to do more than the *halachah* requires, and return it to the Jew who identifies it; and we force him to do this. If the finder is a poor man, and the owner of the article is wealthy, the finder is not obligated to do more than the *halachah* requires. In a place where you are required by civil law to return a lost article, you must return it in all circumstances.
- ³ If you find an article regardless if it has an identification mark or not, if upon finding it, it was apparent that it had been placed there, such as a garment or an ax, that was left at the side of a fence; and even if it is doubtful whether they were purposely placed there, or lost there, it is forbidden to touch them.
- ⁴ If an old, respected man finds a lost article, that it is so shabby that even if it were his own, he would not carry it home, because it would be disgraceful to him, he is not obligated to bother with it. He should, nevertheless, do more than the *halachah* requires, and bother with it, even though it is beneath his dignity.
- ⁵ If you find an article and you do not know who lost it, whether it has a mark of identification, or does not have a mark of identification, these matters involve many divergent laws, and you should consult a Rav as to what you should do.

Siman 188

- ¹ If you deposit money with your neighbor, since most of us are involved in business, and we always need money, it is assumed that you agree that the depositary may use that money if he needs it. Therefore, the depositary is permitted to use the money, and the money is considered by him as a loan, unless you indicate to him that you do not wish it to be used. For instance, if you put the money in a sealed package, or tied it up with a special knot, the depositary is not permitted to use it.
- ² If someone deposits an article with you, you are forbidden to use that article for your own needs even though the article will not spoil in the least by such use. Nevertheless, you would be borrowing it without the owner's knowledge, and he who borrows without the owner's knowledge is considered a robber. If you know definitely that your depositer would not object to your using it, you are permitted to use it. Some *Poskim* prohibit this too, because with regard to a deposit, it is forbidden to use even something whose use people generally do not object to, because it is considered a fraudulent use of a deposit even in such circumstances. You should follow the stricter opinion.
- ³ It is your duty to safeguard the deposit in the most effective manner, in accordance with the accepted manner of safeguarding such articles. Even though you are not so particular to guard your own property so carefully, nevertheless with property entrusted to you, you must take special care.

- 4 You are not permitted to entrust the deposit with other people, even though they are more fit and trustworthy than yourself, unless the depositor is also accustomed to entrust these kinds of things with them.
- 5 When you return the deposit, you should not return it to any member of the depositor's household without his consent. This is also true when you return any article that was lent to you, or when you pay a debt. However, you may return it to his wife, as it may be assumed that she manages the household, and her husband entrusts everything with her.

Siman 189

- 1 If you meet your neighbor on the road and his animal is lying underneath its load, whether its burden was a proper load for it, or it was burdened with a load that was too heavy for it, it is a mitzvah to assist him to unload the burden, as it is said, "You shall surely help him." After you have helped unload the burden, you should not leave your neighbor in distress, and go on your way, but you should help him reload it, as it is said, "You shall surely help him lift it up again." If you leave your neighbor, and did not help him in unloading and loading, you have neglected to perform an affirmative command, and have transgressed a negative command, as it is said, "You shall not see the donkey of your neighbor [or his ox fallen down by the way and conceal yourself.]"
- 2 If after you helped to unload and reload, the animal fell down again, you must help unload and reload again, even a hundred times, as it is said, "You shall surely help" (and) "You shall surely help him lift it up."

Therefore, you must go with him a distance of a *parsah*, as he might need your help again, unless the owner of the load tells you, "I no longer need your help."

- 3 The unloading must be done gratis, but you are not obliged to reload unless he is willing to compensate you and he must also compensate you for accompanying him.
- 4 If the animal belongs to a non-Jew, and the non-Jew was driving the animal, whether the load belongs to a Jew, or it belongs to a non-Jew, you are only obliged to help unload because of the suffering of the animal, and you may receive compensation for it. But you are not at all obliged to help him reload, unless it would cause animosity. If the non-Jew is not present, and a Jew drives the animal, you must also help him reload, because of the distress to the Jew. If the animal belongs to a Jew and the load belongs to a non-Jew, you are obliged to help unload and reload because of the distress of the Jew.
- 5 It is written, "If you see the donkey of your enemy lying under its burden," etc. This "enemy" does not refer to a non-Jew. (They are not included in the command regarding loading and unloading, unless the animal suffers), but it refers to a Jew. And how can one Jew hate another Jew since the Torah states, "You shall not hate your brother in your heart"? The Sages said: "For instance: if you actually saw him transgress a law, and warned him against it, and he did not desist, it is a mitzvah to hate him until he repents, and abandons his wickedness. Even though he has not yet repented, if you find him in distress on the account of his load, it is a mitzvah to help him unload and reload, and not leave him without help, for he may stay there out of concern for his

money and may endanger his life." The Torah is concerned regarding Jewish lives, whether they are wicked or righteous, so long as they cleave to Hashem, and believe in the principal tenets of our religion, as it is said, "Say to them: as I live says *Hashem Elokim*, I do not desire the death of the wicked, but that the wicked turn from his way and live."

- ⁶ If a group was traveling together, and it happened to one of them that the legs of his donkey became lame, the other members of the group are not permitted to depart with their donkeys and leave him alone on the road. However, if his donkey fell down, and is unable to continue the journey, they are permitted to leave him, and need not tarry for his sake longer than is reasonable. Also, a group traveling in vehicles, if one of them broke down, and requires a short time to repair, the rest of the group are not permitted to depart from him, unless they would be detained beyond a reasonable amount of time.

Siman 190

- ¹ It is an affirmative mitzvah to make a fence around the rooftop of your house, as it is said, "And you shall make a fence for your roof." The height of the fence must not be less than ten *tefachim* [high], and it should be so strong that if a man leans against it, it will not fall. The roofs of our houses, which we do not use, are exempt from this law. Indeed, not only rooftops require a fence, but any place where there is danger that a person could meet a fatal accident must have a fence and/or other protection. Anyone who leaves it without a fence violates an affirmative precept and transgresses a negative precept, as it is said, "You shall not bring blood upon your house." For instance, if there is a hole (well) in your property, you are obligated to make a fence around

it, [that is at least] ten *tefachim* high, or you must cover it so that no one will fall in to it.

- ² Similarly, it is a mitzvah to remove any obstacle that represents a possible danger to life. You must also take care to protect yourself from it, as it is said, "Preserve yourself, and preserve your soul (life) diligently." If you neglect and do not remove potentially dangerous objects, you will have violated the affirmative mitzvah, and transgressed the negative command, "You shall not bring blood upon your house." This is applicable if you allow a broken ladder to remain in your house or property, or if you keep a vicious dog.

- ³ Just as you must guard your body, and not allow it to deteriorate, to be damaged or to be injured, as it is said, "Preserve (guard) yourself, and preserve your soul (life) diligently;" so, too, you must guard your property against destruction, ruin, or damage. Anyone who breaks a vessel, tears a garment, or destroys food or drink, or pollutes them, or throws away money, or spoils anything that is fit for man's enjoyment, violates a negative precept, as it is said, "You shall not destroy its trees" etc.

Siman 191

- ¹ The Torah forbids us to inflict suffering on any living creature. On the contrary, it is an obligation to remove the suffering of any creature, even if it is ownerless, and even if it belongs to a non-Jew. However, if they are troublesome to mankind, or if they are needed for medical purposes, or for any other purpose, it is permitted even to kill them, and we disregard their pain; for the Torah permits us to slaughter them.

Therefore, it is permitted to pluck feathers from living geese [to use as a quill], if you have no other feather [with which to write]. However, people abstain from doing so because of cruelty.

- ² When horses pull a wagon and come to a rough road, or to a steep hill, and cannot draw it further without help, it is a mitzvah to help, even if they belong to a non-Jew, because of the suffering of the animals, lest the non-Jew strike them harshly to force them to pull more than they are able.
- ³ It is forbidden to tie the legs of an animal, beast, or fowl, in a manner that causes them pain.
- ⁴ It is forbidden to set a bird on eggs of a different species, for this is cruelty to animals.
- ⁵ It is forbidden to castrate a person, or an animal, beast, or fowl, whether unclean or clean, whether in *Eretz Yisroel* or outside of *Eretz Yisroel*. Anyone who castrates is punishable by flogging. Even to cause sterility through medical means to man or to any other male creature, is forbidden.
- ⁶ It is forbidden to tell a non-Jew to castrate our animals. According to some *Poskim*, it is forbidden even to sell an animal to a non-Jew, or to give it to him on condition to share the profits, if it is known that he will castrate it. Because a non-Jew is also included in the prohibition against castrating, thus in doing so, the Jew transgresses the precept, not to place a stumbling block before the blind. However, if the non-Jewish buyer will not castrate it himself, but will give it to another non-Jew,

for castration, all *Poskim* permit the transaction, for it is an indirect stumbling block and is permitted.

Siman 192

- ¹ Said *Rav Yitzchok* the son of *Rav Yehudah*, "One should always plead for mercy that he should not get sick, for if one falls sick, he is told, 'Demonstrate your merit and you will be acquitted.'" Said *Mar Ukva*, "From which verse in the Torah is this inferred?" From the verse, "Lest any man fall from (*mimenu*) there." From within himself (*mimenu*) he must produce evidence; which means, since he has fallen, he must produce from within himself and from his deeds, evidence of his merit." It is also stated in the Talmud, "If a person has a headache he should view it as if he were put in chains. If he becomes ill and is confined to bed, he should view it as if he were placed onto a scaffold, (a place where capital cases are tried) for trial. Anyone who is placed onto the scaffold for trial, if he has great advocates, may be saved. But if he has none, he cannot be saved. These are the advocates of man: repentance and good deeds. Even if nine hundred and ninety-nine accuse him, and only one advocate defends him, he is saved, as it is said, "If there be for him an angel, an advocate, [even] one among a thousand, to vouch for man's uprightness, then he is gracious unto him, and says, 'Redeem him from going down to the pit.'"
- ² Rabbi Pinchas, the son of Chama, expounded, "Anyone who has a sick person in his house, should go to a Sage and ask him to plead for mercy on his behalf, as it is said, "The wrath of a king is like messengers of death. But a wise man will pacify it." It is customary to give charity to

the poor on a sick person's behalf, for repentance, prayer, and charity, avert the evil decree. It is also customary to bless the sick person in the synagogue, and if he is critically ill, we bless him even on Shabbos and Yom Tov. At times the name of the sick person is changed, for a change of name may also nullify the decree.

- ³ The Torah permits a doctor to heal the sick, as it is said "And he shall [pay] to have him healed properly." Therefore, a sick person should not rely on a miracle, but is obliged to follow the accepted procedure and call a physician to heal him. Many of the world's pious men have been cured by physicians. A person who refrains from calling in a physician (for himself) commits two wrongs: For one, it is forbidden to rely on a miracle in a life-threatening situation. This behavior causes one's sins to be remembered at a time of illness. Secondly, it is arrogant and presumptuous to rely on your righteousness that you will be healed in some miraculous manner. You should call the most competent physician but with all that, your heart should be turned to Heaven, and pray for mercy from the Faithful Healer, blessed is His Name trusting in Him alone.
- ⁴ It is a mitzvah for the competent physician to heal and is included in the mitzvah of saving a life. If he refrains from doing so, he is guilty of shedding blood, even if the patient has another physician, because not through every physician does a person merit to be cured, and it is perhaps Heavenly ordained that he shall be cured through him. However, one should not practice medicine unless he is an expert and there is no one more competent than him. For otherwise, he is guilty of bloodshed.

- ⁵ A person who is not critically ill, and can possibly be cured by permissible medication, is forbidden to take anything that is prohibited; although he must wait until he can obtain it, we do not permit him to take anything that is prohibited. If he specifically requires a prohibited article, if he must eat it in the way it is usually eaten, he is forbidden to eat it; even if it is only prohibited by Rabbinical ordinance, since his life is not in danger. However [if it can be eaten] in a manner by which he will not derive the usual pleasure, for instance, if a bitter substance is mixed with it, it is permitted. It is permitted to make a plaster of it or something similar, even if it is something the enjoyment of which is forbidden by the Torah, with the exception of *kilayei hakerem* and meat cooked with milk, which is forbidden to use even in a manner that it is not usual. These laws apply so long as no danger to life is involved. Regarding the laws of *berachos* upon eating and drinking medication, refer to Chapter 50:5 and Chapter 61:4. (Regarding the law when a child must eat *chametz* on *Pesach*, see the end of Chapter 117.)
- ⁶ Some *Poskim* say that all things, the enjoyment of which is Rabbinically prohibited, are permitted to be used for a cure, even for one who is not critically ill, and even in the manner by which they are regularly enjoyed, provided he does not eat or drink the forbidden article.
- ⁷ A person who is critically ill may use any forbidden article for his cure, for nothing can stand in the way of saving a life except idolatry, incest, and murder; for which one must give up his life and not transgress. Thus man may not cure himself by transgressing these sins.

- 8 A physician is permitted to let blood, and feel the pulse, or other parts of a woman even if she is married, and he may feel her vulnerable area, as is customary with physicians, since he does not do so in a sensual and immoral manner, but is merely practicing his profession. However, if his own wife is menstrually unclean, he should be stringent (and refrain from any of the above), if she is not critically ill and there is another doctor available who is as competent as he is. (See Chapter 153:14 where it is explained, whether a woman who is menstrually unclean is permitted to attend her husband when he is sick, or if he may attend her if she is sick, and see Chapter 143:15 if a son is permitted to let blood from his father, and similar laws.)

- 9 In case of abdominal illness, a man may not attend a woman, lest he will be overcome by desire, since he is healthy [and capable.] But a woman may attend a man since he is sick [and incapable.]

- 10 If you possess medication and your neighbor is ill and needs them, you are forbidden to raise their price unreasonably.

Siman 193

- 1 When a person is ill it is a mitzvah for everyone to visit him, for we find that the Holy One, Blessed is He, visits the sick, as our Sages of blessed memory, explained the verse, "And God appeared unto him [Abraham] in the plains of *Mamre*," teaching us that He came to visit Abraham when he was sick. Relatives and friends who are accustomed to visit him often, should go to visit him as soon as they hear of his illness. But casual acquaintances, who are not accustomed to visit him

often, should not visit him immediately, so as not to deter his chances of recovery by labeling him a sick person. They should therefore not visit Him until after three days. If, however, one becomes suddenly ill, even casual acquaintances should visit at once. Even a great man should visit a less important person, and even many times a day. The more often one visits, the more praiseworthy it is, providing it is not bothersome for the sick person. You should not visit your sick enemy, nor should you comfort him in his mourning, lest he think that you are rejoicing at his calamity. However, you may attend his funeral, for there is no concern that people will say that you are rejoicing at his downfall, since this is the end of every mortal. (In chapter 207:2 we learn that a sick person need not rise even before the *Nasi*, but if he wishes to stand we do not tell him to remain seated.)

- ² When the patient lies on the ground, the visitor may not sit upon a chair which is more elevated than he is, because the Divine Presence is above the head of the sick, as it is said, "*Hashem* will support him on the bed of his illness." But when the patient lies in bed, the visitor may sit on a chair or a bench.
- ³ The essence of the *mitzvah* to visit the sick, is to determine the needs of the patient to see what has to be done for him, and to make him comfortable with his friends. You must also bear in mind to pray for mercy on his behalf. If you visited him and did not pray for his recovery, you have not fulfilled the *mitzvah*. Therefore, you should not visit the sick during the first three hours of the day, because during this time every sick person has some relief from his illness, and as a result, you will not be concerned to pray for mercy on his behalf. Nor should you visit him during the three final hours of the day, for then the illness

becomes more severe, and you might despair of his recovery and will not pray for mercy on his behalf.

- 4 When you pray for mercy on his behalf, if you are praying in his presence, you may pray in any language you wish, for you are, so to speak, praying before the Divine Presence, Who is at the bedside of the sick. If, however, you are not praying in his presence, for then the ministering angels are needed to uplift your prayer, and since they are not bound [to regard] all languages, you should pray in the Holy Tongue, and include him among all the sick of Yisrael. For by including him with the others, your prayer will be more readily heard because of the collective merit of the many sick ones. You should say to the sick man, "May the Almighty have mercy on you, among all the sick of Yisrael." On Shabbos you should say, "This is Shabbos, we are forbidden to wail, healing is soon to come, His mercy is great, rest in peace."
- 5 The visitors must speak to him with wisdom and intelligence. They should tell him that words do not determine life, nor do words determine death. They should tell him to give thought to his affairs and state whether he has loaned to others or deposited anything with others, or others with him. You should explain to him that imparting this information is no reason to fear death
- 6 He should not bequeath [all] his property to strangers, not even to charity, and leave his natural heirs with nothing. Whoever does so should realize that the spirit of the Sages is not content with him. This applies even if the heirs do not conduct themselves properly. However, if he also leaves the heirs, enough to provide sufficiently for them, he is

permitted to leave the rest to others. A pious man should not sign as a witness, and should not give counsel in making a will in which the natural heirs are disinherited; even when the son who is being disinherited does not act properly, and the inheritance is left to his brother who is a Torah scholar, who acts properly; because it is possible that the worthless son will have good and decent children. Even to give less to one child and more to the other, is forbidden, according to one *Poseik*, and it is proper to heed his opinion. See the end of Chapter 26.

- ⁷ If the sick man has young children, or if he has both young and grown-up children, or if his wife is pregnant, he should appoint a guardian to act on behalf of the minor children, until they come of age.
- ⁸ If the sick person wants to make a *Kinyan* in order to confirm his will, it may be done even on Shabbos. Also, if he wants to send for his relatives, it is permitted to hire a non-Jew on Shabbos, and to send him to bring them.
- ⁹ If a close relative of the patient dies, he should not be told about it, lest he become distressed. Even if he becomes aware of it, he should not be told to tear [his garment], lest it causes him greater anxiety. One should not cry or lament in his presence, whether the deceased was his relative, or even someone who was not a member of his family, lest he will fear that he too is dying. Those who comfort mourners in his presence must be silenced.
- ¹⁰ A person who has stomach problems should not be visited, because he may be embarrassed. A person who has an eye ailment, or one who has a headache, and also one who is critical, and to whom conversation is

difficult, should not be visited personally. Rather you should enter an outer room and inquire there if he needs anything. You should be concerned of his pain and pray for mercy on his behalf.

- ¹¹ If you have two *mitzvos* to perform, to visit the sick and to comfort a mourner, if you are able to do both, you should first visit the sick, so that you will pray for mercy on his behalf. If you cannot do both, comforting a mourner takes precedence, as this is an act of loving kindness toward both the living and the dead.
- ¹² A non-Jew may be visited during his illness, for the sake of maintaining harmonious relationships.
- ¹³ It is taught in the *Sifrei*, Rabbi Nossan says, "The verse, 'and that person is guilty, they shall confess,' teaches that all dying persons must confess." It is said in the *Mishnah*, "Everyone who confesses has a share in the World to Come, for so we find with Achar, to whom Joshua said, 'My son, please give glory to *Adonoy*, God of Yisrael, and confess to Him. Tell me what you have done, do not hide anything from me.' Achar answered Joshua, and he said, 'Indeed I have sinned against *Adonoy*, God of Yisrael, and this is what I have done.' How do we know his confession atoned for him? As it is said, 'Joshua said, 'Why have you afflicted us? *Adonoy* will afflict you *this day*.'' *This day* you will be afflicted, but you will not be afflicted in the World to Come.' Therefore if the visitors notice that the patient is near death, they should tactfully turn the conversation and say to him, "Make confession but don't be disturbed about it, for many have confessed and have recovered, and are alive, and many who did not confess have died. As a reward for your confession, you will be granted life, and all

who confess have a share in the World to Come." If he cannot confess by word of mouth, he should confess with his heart. If he is able to speak only a few words, he should be told to say, "May my death be an atonement for all my sins." He should also be told to ask the forgiveness of all he had wronged, whether in money matters or with words. None of these words should be said to him in the presence of the unlearned, or in the presence of women or children, for it may cause them to weep and thereby break the heart of the sick man.

¹⁴ A brief form of confession [is as follows]: I avow unto You *Adonoy*, my God, and the God of my fathers, that my recovery as well as my death are in Your hands. May it be Your will to heal me with a complete recovery; and if I am to die, may my death be an atonement for all my sins, iniquities and transgressions which I have sinned, perpetrated and transgressed before you. Grant me a share in *Gan Eiden*, and cause me to merit [the life of] the World to Come, which is reserved for the righteous. If he [the sick one] wants to make a lengthy confession, like the confession of Yom Kippur, he may do so. The forms of confession are found in the worthy *seifer*, *Maavar Yaabok*. The *seifer*, *Chochmas Adom*, has copied the confession form of the *Ramban* (Nachmanides), of blessed memory.

Siman 194

¹ A person who is very near death is considered as a living being in every respect. It is, therefore, forbidden to touch him, for anyone who touches him is considered like one who sheds blood. To what can this be compared? To a dripping [flickering] candle, which becomes extinguished as soon as someone touches it. Even if he is critical over a

long period, and he and his family are in great agony, it is, nevertheless, forbidden to hasten his death in any way. [It is forbidden] for example to remove a feathered pillow from under him, because some people say that feathers of certain birds defer death, or for example to place the keys to the synagogue under his head; all these things are forbidden. However, if there is something which prevents the departure of the soul, such as a pounding noise or something similar, it is permitted to remove it since this is not a direct act, but merely the removal of the deterrent [to his death], without touching the dying person.

- 2 Although it is forbidden to touch a dying person, nevertheless, if a fire breaks out, he should not be left in the house, rather he should be taken out of the house. His removal takes precedence over the rescue of sacred books.
- 3 Those who are attending the dying person, should see to it that no limb of his projects from his bed, as it is said concerning Jacob, "And he gathered up his feet to the bed." Therefore, they should place chairs at [the side of] the bed, so that he cannot extend a hand or foot outside it. Nevertheless, if this was not done, and his hand or foot was extended, it is forbidden to touch him in order to put it back.
- 4 From the moment that his death is imminent, no one is permitted to leave him, so that his soul does not depart when he is alone, because the soul is shocked as it departs from the body. It is a mitzvah to stand by a person, as the soul is departing from him, as it is said, "Shall he then live forever, shall he never see the grave? For he sees that wise men die, etc." It is proper to gather ten adult males to be present at the departure of the soul. They must not God forbid engage in idle talk, rather they

should engage in Torah subjects, and in the recitation of Psalms and other supplication, as arranged in the *seifer*, *Maavar Yabbok*. It is customary to light candles in the presence of a dying person.

- 5 After the departure of the soul, a light feather is placed at his nostrils. If it does not move, it is certain that he is dead. The windows should then be opened, and the mourners should recite the prayer, *Tzidduk Ha Din*, (The righteousness of Divine judgement.) When they say the *berachah*, *Baruch Dayan ha-emes* [Blessed is the true Judge], they should include in it, the Divine Name, (*Adonoy Elokeinu*) and the mention of His kingdom, (*Melech haolam*). [The complete *berachah* is thus: *Baruch atah Adonoy, Elokeinu, Melech haolam, Dayan ha-emes*.] They then tear their garments, according to the laws stated in the next chapter.
- 6 All those attending the deceased when the soul departs, must tear their garments. To what is this [death] compared? To the burning of a *Seifer* Torah, for there is no one in Yisrael who is [totally] void of Torah knowledge and the performance of mitzvos. Even at the death of a child who studied Scriptures, or at the death of a woman, the garments must be torn. Even if the deceased had at times committed a sin to satisfy his lustful desire, the garments must be torn at his death. However if the person committed a sin regularly, even though he did so only to satisfy his lustful desire, he is considered among those who have departed from the ways of the community, and the garments are not torn at his death. Regarding the tearing of the garments at the death of one for whom you are not a mourner, and you are tearing your garment only because you are present at the time of the soul's departure, it is sufficient if you make a slight tear, even at the side or at the hem.

- ⁷ The eyes of the deceased must be closed. If there are sons, it should be done by his son, as it is said, "Joseph shall place his hand upon your eyes." If there is a firstborn son, he should do it.
- ⁸ When lifting the deceased from his bed to lay him on the floor, care must be taken to keep him covered, for all the customs of modesty that apply to the living, apply also to the dead
- ⁹ It is customary to pour out all the water from the vessels in the vicinity of the deceased, which is three houses (including the one in which the deceased lies.) This is done even for an infant who died within thirty days of its birth. If death occurs on Shabbos the water need not be poured out. (*Birkei Yoseif* writes, that one should be stringent and pour out the water even on Shabbos.)
- ¹⁰ The person who guards the deceased, even if he is not a mourner, is exempt from *Kerias Shema* and *Shemoneh Esrei*, and from all other mitzvos of the Torah, for he who is engaged in the performance of a mitzvah is exempt from performing another mitzvah. If there are two watchmen, [they should alternate] one of them should guard, while the other says *Krias Shema* and *Shemoneh Esrei*.
- ¹¹ It is forbidden to eat [a meal] in the room where the deceased lies, unless there is a partition. It is even forbidden to have a snack, even to eat fruit or drink water is forbidden. It is necessary to instruct the guards about this. It is also forbidden to recite a berachah there.
- ¹² It is forbidden to move the deceased on Shabbos, even for the sake of [vacating the place for] *kohanim*, or for the sake of performing some

mitzvah. It may be done however by a non-Jews, if the relatives consent to it.

Siman 195

- ¹ When a person suffers the loss [the death] of one for whom he is obligated to mourn, he must tear his garments because of it. He must tear his garments while standing, as it is said, "And the king arose and tore his garments." If he tore his garments while sitting, he has not fulfilled his obligation, and he must again tear his garments while standing. Initially he should tear them before the deceased is covered in the grave, when his sorrow is still intense.
- ² For the dead for whom one must observe laws of mourning, the tear in the garment must be made near the front of the neck. It must be made from the top, downward, and not in the width of the garment. The tear must be made in the very cloth of the garment, and not at the seam.
- ³ There are differences between tearing garments upon the death of a father or mother, and the tearing of garments upon the death of other relatives. For all deceased relatives, tearing a *tefach* of the outer garment is sufficient, and tearing it more than that is a transgression of, "You shall not destroy." For a father or a mother, all the garments must be torn that are over against his heart, (see above Chapter 10:3 that the area of the heart is that which is opposite the bicep of the arm) except the undershirt which is not torn. Similarly, a garment that is worn only on occasions, over other garments, and at times one goes out without it, such as an overcoat, such a garment also does not need to be torn. If

the mourner did not tear all the garments that he was required to tear, he has not fulfilled his obligation. Because of modesty, a woman should first tear her inner-garment in private, and turn the tear to the side, and then tear her outer garment, so as not to expose herself. (Even though she is covered by her undershirt, nevertheless, it would be immodest to do otherwise.)

- ⁴ Upon the death of other relatives, it is the custom to tear the right side of the garments, and upon the death of a father or a mother, [it is the custom] to tear the left side of the garments, because the mourner must expose his heart, which is on the left side of his body. [However] if it was done otherwise, it does not invalidate the fulfillment of his duty.
- ⁵ When tearing garments for all other deceased, it may be done by hand or with an instrument, but for a father or mother, it must be done by hand. It is customary for a member of the Burial Society to make a slight cut [in the garment] with a knife, and then the mourner takes hold of the place of the cut, and tears the garment. He must take care to tear the garment lengthwise and not in the width.
- ⁶ For all other relatives, if the mourner changes his garments during the *shivah* period, he need not tear the garments, that he is now going to wear; but for his father or mother, if he changes garments during the weekdays of the *shivah* period, he must tear the garments into which he has changed. However, in honor of Shabbos, he should change garments, and not wear garments that are torn. If he has no other garments in which to change, he should turn the torn part backwards to conceal it. Changing garments for Shabbos in this instance, means

putting on other weekday clothes, but he is forbidden to wear his usual Shabbos garments.

- ⁷ According to *halachah*, garments that were torn for relatives, may be stitched together loosely after the *shivah*, and completely sewn after the thirty day period. For his father or mother, the mourner may stitch them together after thirty days, but he may never sew them completely. Even to cut out the torn part of the garment, and replace it by sewing in another piece of cloth, is forbidden. The prevailing custom is that within the thirty day period, even for other relatives, it is forbidden even to stitch them together loosely. Even to join the torn edges together with pins is forbidden within the thirty day period. A woman who is in mourning for her father or mother, may stitch them together immediately for modesty. All torn garments, which are forbidden to be sewn, are forbidden to be sewn even if the garments are sold; and therefore, the seller must inform the buyer. It is forbidden to sell such garments to a non-Jew.
- ⁸ For all relatives who pass away, if one did not hear of their death until after thirty days, he need not tear his garments. [However] for a father or mother, the mourner must always tear the garments that he is wearing at the time he hears of their death. Nevertheless, if he changes his garments afterwards, he need not tear them.
- ⁹ The intervention of a Yom Tov, cancels the thirty day mourning period even in regard to tearing the garments. Therefore if Yom Tov intervenes during the thirty days of mourning for other relatives, the mourner may completely sew up the torn garment after the *minchah* prayer on the eve

of Yom Tov. If he is in mourning for a father or mother, he may stitch together the torn garment.

- ¹⁰ If a person tore his garments for the loss of a relative, and another relative died during the *shiva* period, he should leave a space of three finger breadths away from the first tear, and tear another *tefach*; or he should extend the original tear by a *tefach*. But if the second death occurred after the *shivah*, so long as he is wearing the torn garment, he need only extend the tear a bit and this is sufficient. However if the first death was that of some relative, and the second is that of his father or mother, then even after the [first] *shivah*, he must leave a space of three fingers breadths from the tear, and make a new tear as prescribed by the *halachah*, because the death of a father or mother is not considered merely as an additional sorrow. The same law applies when his father died first, and then his mother, or vice versa.

- ¹¹ If a person hears at one time about the death of his father and his mother, or of the death of two other relatives, he should tear his garments one time for both of them. But if he hears of the death of his father or mother together with the death of another relative, he should first tear his garments for his father or mother, and leave a space of three finger breadths, and make a new tear for the other relative.

- ¹² When a sick person has lost a relative, if his mind is clear [and he realizes his loss] but he is unable to tear his garments because of the seriousness of his illness, he is exempt from tearing his garments after [his recovery], unless he recovered within the *shiva* period, which is still considered a time of intense grief. If, however, he was unable to tear his garments because his mind was not clear, then when he regains his

clarity of mind and realizes his loss which is then "*his*" time of intense grief, he must tear his garments if it is within the thirty days of mourning [for relatives]; but for the death of a parent, there is no time limit.

¹³ If a child [a minor] lost a relative, even if the child has not yet reached the age of *chinuch*, his garments should be slightly torn for him, to manifest sorrow and mourning. But if he has already reached the age of *chinuch*, it is a mitzvah for him to tear his garments like an adult.

¹⁴ When death occurs on *Chol Hamoed*, it is the custom in these areas, to tear the garments only for father or mother, whether it is the day of burial or the day when he heard even delayed news of their death. However, if his father or mother died on Yom Tov, since the tearing of the garments had been postponed, he should not tear them on *Chol Hamoed*, [but wait] until after Yom Tov when the period of mourning begins. But for all other relatives, the garments are not torn on *Chol Hamoed*, until after the Yom Tov. However, if he heard on *Chol Hamoed*, *current news* of their death, which will become *delayed news* if he waits till after Yom Tov, in such an instance, he should tear his garments on *Chol Hamoed*.

Siman 196

¹ When a person suffers the loss [death] of a relative for whom he is obligated to observe the ritual mourning, he is considered an *onein* until after the burial. An *onein* must avoid [all kinds of] levity, lest his conduct lead people to say that the deceased was a worthless person, and therefore he is not bothered about his burial, and his mourning,

and is not concerned about his death. This is a tremendous disgrace to the deceased, and such a person is included among those "Who ridicule the poor." Rather he should manifest to all that he is distressed and concerned about the deceased and his burial. He should not eat in the room where the deceased lies, but in another room. If there is no other room, he should eat in his neighbor's house. If he has no neighbor, he should put up a partition in front of the deceased, that is at least ten *tefachem* high, and the open space below [the partition] should be less than three *tefachim*. It should be strong enough to resist the wind. If he has no material with which to make a partition, he should turn his face aside and eat. Under all circumstances, and even if he happens to be in another city, he should not have an elaborate meal, but only a simple snack, and he must not eat meat or drink wine.

- 2 An *onein* is exempt from all mitzvos of the Torah, even if it is not necessary for him to be occupied with the arrangements for the deceased, as he has others to do so in his behalf. Even if he wants to be stringent [and perform mitzvos] he is not permitted to do so, out of respect to the deceased. He should not say the *berachah* of *Hamotzei* on bread nor recite *Birkas Hamazon* after eating. Even if others eat and recite *berachos*, he should not respond *Amein* [to their *berachos*]. He cannot be included in a quorum of three for *Birkas Hamazon*, or in quorum of ten (a *minyan*) for prayers. However, prohibitory mitzvos, even those enacted by the Sages, are forbidden even to an *onein*. Therefore if he wants to eat bread, he must wash his hands, but he must not say the *berachah*, *Al Netilas Yadayim*, just as he must not say the *Hamotzi*. Regarding the washing of hands upon arising in the morning, he should wash his three times as customary but without saying the *berachah*.

- 3 If the *onein* had eaten before the burial, and after the burial, the food was not yet digested, he should say *Birkas Hamazon*. Similarly, if he had gone to the toilet before the burial, he should say the *berachah*, *Asher Yatzar*, at anytime during the whole day.
- 4 If the *onein* is in another city, and there are relatives in the city where the dead lies, and they too are obligated to observe the rules of mourning, then the one who is in the other city, is not considered an *onein*. However if there are no relatives where the dead lies, he assumes all the laws of an *onein*.
- 5 In a place where there is a Burial Society, after the relatives have made arrangements for the burial with the burial society and have come to terms with them, they have nothing further to do since the members of the Burial Society will do everything. Then the relatives are not subject to the laws of *onein*, and they are permitted to eat meat and to drink wine. They are certainly permitted, even obligated, to recite *Kerias Shema* and *Shemoneh Esrei*, and to observe all the *mitzvos*. Nevertheless, it is customary for the *oneinin* not to pray until after the burial, because they too follow and accompany the deceased to the cemetery. If he [the *onein*] wishes to be stringent and pray immediately after handing over the deceased to the Burial Society, he may be stringent [and do so].
- 6 So long as the deceased is not buried, the *onein* does not remove his shoes, and is permitted to leave the house to make arrangements for the burial. However, he is forbidden to sit or sleep on a chair or bed. He is certainly forbidden to have marital relations. He is forbidden to bathe, to anoint himself, to participate in joyous events, to greet people, to

have his hair cut, and to study Torah. He is forbidden to work, or even allow others to do work for him, even where a loss is involved. Where the loss would be substantial, he should consult a *Poseik*.

- ⁷ If a person is an *onein*, when it is time to recite *Krias Shema* and *Shemoneh Esrei*, and by the time the burial is finished, a fourth of the day will have passed, (which is the time limit for saying *Krias Shema*), he may say *Kerias Shema* and its *berachos* without *Tefillin* until the third of the day. If a third of the day had passed before the burial he may still say *Kerias Shema*, [but] without its *berachos*. [However] the prayer of *Shemoneh Esrei* may be said until midday; and the *Musaph* service of *Rosh Chodesh* may be said even later, for it may be said the entire day. Of the morning *berachos* he should say only three: "Who did not make me a gentile," "Who did not make me a slave," "Who not make me a woman." He should also say the *berachos* over the Torah as they may be said the entire day. The other *berachos* should not be said after their time has passed, since at the proper time, which is the morning, he was exempt. If the deceased was buried before a third of the day, and his house is far away from the cemetery, so that by the time he reaches his house, a third of the day will have passed, it is best that he should enter a house near the cemetery, to say *Kerias Shema* and *Shemoneh Esrei*, at the proper time, or he may do so even in the open in a clean place. As soon as they begin to throw earth on the body, he may recite the *Kerias Shema* and *Shemoneh Esrei* even though the period of mourning has not yet begun.

- ⁸ If the death occurred, and he became an *onein* after the time for the *Shacharis* prayers, or after the time for the *Mincha* or *Maariv* prayers, and he had not prayed before he became an *onein*, and he remained an

onein until after the time of prayer had passed, nevertheless, he need not make up for them by reciting the *Shemoneh Esrei* twice in the next prayer.

- 9 If death occurs on Shabbos, since it is forbidden to bury him on that day, the mourner is not restricted by the laws of *onein*, and is permitted to eat meat and to drink wine, He must fulfil all the mitzvos, except that of having marital relations which is forbidden to him. He is also forbidden to study Torah, because these two are private activities. If he is the Chazzan of the synagogue, and there is someone else to lead the prayers, he should not lead the prayers. If there is no one else, he may lead the prayers. If the deceased is his father or his mother, he may say the *Kaddish*, if there are no other mourners, but if there are other mourners, he should not say *Kaddish* before the burial. If the *onein* had already been in mourning for his father or his mother, or if he was observing *Yahrtzeit*, he may recite *Kaddish*, as any other mourner or *Yahrtzeit* observer.

- 10 Towards evening (Saturday night) he should say *Kerias Shema* without its *berachos*, but he does not pray *Maariv*, nor does he recite the *Havdalah* for *Motzi Shabbos*. He is permitted to eat without saying *Havdalah*. After the burial, he should say *Havdalah* with a cup of wine. Even if the burial is on Sunday, he may say *Havdalah* with a cup of wine, but without saying the *berachos* over the candle and the spices; because it is permitted to say *Havdalah* until Tuesday (as stated in Chapter 96 above). If he prays *Shacharis* before the time has passed for saying *Havdalah*, he need not say "Attah Chonantanu" in the *Shemoneh Esrei*.

- ¹¹ If towards evening it is necessary for the mourner to walk from his house to the Shabbos boundary line in order to go immediately after Shabbos to a place to attend to matters concerning the deceased, or if towards evening he needs to gather together the officers of the Burial Society to negotiate the price of the grave, then as soon as begins to walk and to engage in arrangements in behalf of the deceased, he becomes an *onein*.
- ¹² If the death occurred *erev* Shabbos before *Minchah*, when it was impossible to bury him before Shabbos, the mourner must even pray *Minchah erev* Shabbos.
- ¹³ If the death occurred on the first day of Yom Tov, and the mourner wants to bury him on that day using the services of non-Jews, he immediately becomes subject to the laws of *onein*. This is certainly true when death occurs on the second day of Yom Tov, when the mourner himself is permitted to bury him. He immediately becomes subject to the laws of *onein*, even if he does not intend to bury him on that day.
- ¹⁴ If his dead lies before him on the night of the second day of Yom Tov, when the custom of the community is to bury the deceased using the services of Jews, the mourner is subject to the laws of *onein* even at night. He therefore should not recite *Kiddush*, nor should he eat meat or drink wine. However, on the night of the first day of Yom Tov, or even on the night of the second day of Yom Tov, when the custom of the community is that even on the second day of Yom Tov, burial is made only through the services of non-Jews, the mourner is not subject to the laws of *onein* at night.

- 15 If one is an *onein* at the conclusion of Yom Tov, he may recite *Havdalah* on the day after [Yom Tov,] but not after that, because the proper time for *Havdalah* after Yom Tov, is only until the end of the day after Yom Tov.
- 16 If an *onein* has a son that must be circumcised, and it is possible to bury the deceased before the men leave the synagogue after the *Shacharis* prayers, those who are involved in the burial should first pray *Shacharis*, then bury the deceased, and the child is then circumcised. If that is impossible, the child should nevertheless be circumcised in the morning at the synagogue, and the *sandeik* should say the *berachah*, "*Lehachniso*," because circumcision has preference over burial.
- 17 If a person is an *onein* on the night of the fourteenth day of *Nisan*, he should appoint an agent to search for *chametz*, but he himself should recite, "*Kol Chamirah*.
- 18 If a person is an *onein* on a night when the *omer* is counted, he should not count at night, rather on the following day after the burial, he should count the *omer* without a *berachah*. [However], on the following nights, he may count the *omer* with a *berachah*. If he sees during the day that he will retain the status of an *onein* until night, he may count the *omer* even while he is an *onein* but without a *berachah*, so that on the following nights he may count the *omer* with a *berachah*
- 19 If a man dies in prison, and the warden refuses to release the body for burial unless he is given a large sum of money, the relatives are not subject to the laws of *onein*, nor are they subject to the laws of mourning, since they have not despaired of being able to bury him and

hope to reach an agreement with the warden. Likewise, if the relatives of the deceased are in prison, and are unable to tend the needs of the deceased [burial etc.] they are not subject to the laws of *onein*.

- ²⁰ In countries where the law forbids burial of the dead until after forty-eight hours, nevertheless, the *onein* is still subject to the laws of *onein*. Since at the end of the forty-eight hours time limit, they will definitely bury him, they [the relatives] must in the meantime be occupied in the honor of the deceased; to prepare shrouds, and a coffin, and to engage men of the Burial Society. However, on the second day of Yom Tov, there is a leniency, and they may be exempt from the laws of *onein*, since it is impossible to bury the dead [anyway] because of the civil law.
- ²¹ In the above mentioned places, since the relatives are concerned that they may not find men to cleanse the body once forty-eight hours have passed since the death, and therefore they had the body cleansed immediately after death, and had it placed in a coffin having holes at the bottom; then in such a case, as soon as it is placed in the coffin, they are exempt from the laws of *onein*, and they begin to observe the laws of mourning. Nevertheless, they must count the seven days of mourning from the time the grave is closed.
- ²² If a death occurred, and the relative is unaware of it, if there is no one else to arrange the burial, he should be told. If there are others to arrange the burial, he should not be told, until after he has concluded his prayers. If one's wife lost a relative, and she is unaware of it, the husband should be strict, and abstain from marital relations with her.

- ¹ It is a custom of respect to make garments of white linen for shrouds. They should be made nicely to indicate our belief in the resurrection of the dead, for Rav Chiya bar Yosef said, "The righteous will arise with their garments on them." However they should not be too elaborate, for that is forbidden. One should not make the shrouds with a hem, or a knot of any sort, either when sewing the shrouds or when dressing the deceased with them. A man should be buried in a *tallis* with *tzitzis* [fringes], but one [of the four *tzitzis*] should be invalidated. The better procedure however is to insert one of the *tzitzis* in a corner pocket of the *tallis* when the body is in the grave. If he had a beautiful *tallis* in which he prayed during his lifetime, it is not proper to exchange it after his death with a *tallis* that is not as beautiful, for a person is desirous of being buried in the *tallis* in which he prayed during his lifetime. When dressing the deceased, they should think: "Just as his body is being clothed, so may his soul be attired in spiritual garments in *Gan Eiden*."
- ² The purification of the body is done in this manner: His entire body and head is washed with warm water. He should be thoroughly cleansed between his fingers and toes, as well as all other parts of his body. His head should be shampooed, his hair should be combed and trimmed, and his finger and toe nails should be cut (it is not the custom to do so in our countries). Care should be taken not to place the deceased with his face downwards as that is disrespectful, rather he should be inclined on one side, and then on the other side. After he is thoroughly cleansed, we pour nine *kavvim* of water over him. This is done in the following manner: The deceased is placed in a standing position on the ground, or on straw, and the water is poured on his head, so that it runs down his entire body.

- ³ Regarding the capacity of nine *kavvim*, there are diverse opinions (It is best to take about twenty four quarts, one liter according to the Polish measurements.) It is not necessary that all the water be contained in one vessel; but even two or three vessels can be combined to make up nine *kavvim*. It is however necessary that the second vessel be poured before the first is emptied, and the third one be poured before the second is emptied. Even when pouring from one vessel, the flow must not be interrupted. However, four vessels, even if they are poured simultaneously, cannot be combined.
- ⁴ Afterwards, an egg is beaten with wine. The egg is beaten together with its shell, to symbolize that fortune is like a revolving wheel in the world. (Where wine is not available water may be used.) The head of the deceased is washed with this mixture. The custom in some places that each one takes a little of the mixture and sprinkles it upon the deceased is improper, and the custom should be abolished because it resembles the customs of the gentiles. Rather it should be used only to wash his head.
- ⁵ Care should be taken that the fingers of the deceased do not remain closed. The custom in some places to close his fingers, should be abolished. The belief of those who say that by doing so, they symbolize sacred names, is a mere fabrication. Similarly the custom of placing twigs in his hand generally called forks, is a foolish custom. If they insist on placing them, they should be put alongside the deceased.
- ⁶ After the deceased has been cleansed he should not be left in the place where the purification took place, but should be placed opposite the

door inside the house. One should not turn over the board upon which the deceased has been washed, for it may be dangerous to do so.

- ⁷ A parent should not kiss his dead children, as it is very dangerous. All the more so, one should not grasp the hand of the deceased and say that he should take him along.
- ⁸ When the deceased is being taken from the house, care must be exercised that no one should walk out ahead of him. The pallbearers, however, who must exit the house first, in order to carry him out, need not be concerned about this.
- ⁹ If a person collapses and dies instantly, if his body was injured, and blood flowed from the wound, and there is reason to fear that perhaps his lifeblood was absorbed in his clothes and his shoes, he should not be ritually cleansed, but he should be buried in his clothing and his shoes. Over his clothing, he should be wrapped in a sheet. The sheet is called *soveir*, (wrapping). It is customary to scoop up the earth from the spot where he fell, if any blood is there. The earth nearby that spot should also be dug up, and he should be buried with all the earth that contains blood. Only the clothing he wore when he fell should be buried with him, but if the blood splashed on other garments that he was not wearing at that time, or if he was placed upon pillows and cushions while still bleeding, these need not be buried but should be thoroughly washed until no trace of blood remains. The water is then poured into his grave. If he did not bleed, his clothing should be removed, his body ritually cleansed, and dressed in shrouds as is done in cases of natural death. Likewise, the clothing of a person who drowned in water should be removed, and he should be treated as one who died a natural death.

In some places, it is customary to bury those who drowned with the clothing in which they were found. Where this is the custom it should be upheld.

- ¹⁰ Even if blood issued from his body but it stopped, and his clothes were removed, after which he lived for a few days and died, his body must be ritually cleansed and dressed in shrouds. Even though his body is stained from the blood which issued from him, he still must be cleansed, because we are not concerned [about washing off the blood] that issued when he was alive. We are concerned only about the blood which issued from him while he was dying because it may have been his lifeblood, or that his lifeblood was mixed with it.
- ¹¹ If a woman dies while giving birth, we apply to her the same law as that of a slain person, and if it is known that she had lost a great deal of blood, she is not to be cleansed. If the flow of blood had ceased and she died later, in which case there is no doubt about lifeblood, she should be treated as any other person who died naturally. In many communities, it is the custom to cleanse the body of any woman who dies at childbirth. There are many other customs pertaining to a woman who dies at childbirth; where they prevail they should be observed.
- ¹² One who is murdered by a non-Jew, even if he did not bleed at all, for example if he was strangled to death, he should be buried as he was found, in order to arouse wrath against the killer.
- ¹³ The deceased, whether gentile or Jew, and his shrouds, are forbidden to be used for any benefit. Also ornaments of the dead that are attached to

his body, such as a wig that is tied to, or woven into his hair, are forbidden to be used for any benefit. Also, if he has an artificial tooth, it should be buried with him, but ornaments that are not attached to the body are permitted. Also ornaments that are not considered of the body, such as jewelry and clothing, may be used in any event.

Siman 198

- ¹ If a death occurs in town all the inhabitants are forbidden to do work. If there are people in the town appointed to take care of the dead, those whose services are not required, are permitted to work.
- ² If a death occurs in a small village, the inhabitants should not exchange greetings; and certainly one should not extend greetings in a cemetery, when the deceased is there, awaiting burial. This applies even in a large city. But if there is no deceased awaiting burial, greetings may be exchanged at a distance of four *amos* from the graves.
- ³ It is forbidden to allow the deceased to remain overnight, as it is said, "You shall not let it remain etc., but you shall surely bury him the same day." To let him remain for his honor, to arrange for a coffin, or shrouds, or to await the arrival of relatives, or eulogizers, is permitted. For the Torah forbids delaying the burial only in such a case as when one is hanged, for it leads to disgrace of the dead, but not when it is for his honor. Likewise, if a corpse was found and his identity has not been established, it is permitted to keep the body until witnesses come, or until his wife comes to identify him.

- 4 With regard to other relatives who die, the sooner they are brought to their rest the more praiseworthy it is, but in the case of one's father or mother whom he is obligated to eulogize and to mourn abundantly, he who hastens to bring them to rest is despised, unless it is the day before Shabbos, or the day before Yom Tov, or if it is raining on the coffin.
- 5 If there are two persons awaiting burial, the one who died first should be taken out for burial first, and then the second. After burial of the first one, they should not arrange themselves in rows, nor should they say the *beracha* of mourners, or console the mourners, so as not to delay the burial of the second. If they wish to delay the burial of the first one, in order to do him honor, the burial of the second should not be delayed because of him, but he should be buried immediately.
- 6 If one of the deceased persons is a Torah scholar, and the other is an ignorant man, the Torah scholar should be taken out for burial first, even though the ignorant man died first. If there is a man and a woman, the woman should be buried first, even if the man died first, for it is written, "And Miriam died there, and was buried there," (which means) the burial was immediately after her death.
- 7 When a person sheds tears over the death of a virtuous person, the Holy One, blessed is He, counts the tears, and stores them in His treasure house. This is also an atonement for the sin of pollution, and prevents the death of his small children, God forbid.
- 8 If a person sees the funeral procession, and fails to join the procession, he is guilty of *mocking the poor*, and is deserving of excommunication. He should accompany the dead at least a distance of four *Amos*. Even

when one is exempt from accompanying the dead (as in paragraph 9), he, nevertheless, must rise before the procession. He does not rise in deference to the dead, but to those attending to the dead, for they are engaged in performing a mitzvah. This is the law with regard to every mitzvah in which a person is engaged. It is required that all must rise before him; and, therefore, workmen used to rise before those bringing *Bikkurim*.

- ⁹ Nowadays, it is assumed that every Jew has studied [some] Scripture and some *Mishnah*. Therefore, when he dies, even the study of Torah must be interrupted in order to participate in his funeral procession. However, for a woman or a child, the custom is to be lenient, and not to interrupt Torah study in order to attend their funeral. School children, should never be interrupted from Torah study. Even for the purpose of building the *Beis Hamikdash*, they must not be interrupted.
- ¹⁰ Great care must be taken that men and women should not mingle together when going to the cemetery and especially upon returning from the cemetery, for this could be dangerous, God forbid.
- ¹¹ The pallbearers should not wear sandals on their feet (the kind without heels that can easily slip off their feet), but they may wear shoes.
- ¹² At approximately thirty *amos* from the grave the pallbearers should halt with the coffin every four *amos*, so that they can halt seven times. These seven stops are symbolic of the seven *maamados* which are equal to the seven times that *vanity* is mentioned in *Koheles*, and to the seven portals of Gehenom, and to the seven judgements that are passed upon the dead. They should wait a little at each stop, for the delay atones,

somewhat, for the dead. On a day that *tachanun* is not recited, these halts are not necessary, for on those days the judgement is not that severe.

- ¹³ Upon reaching the cemetery, those who have not seen graves in thirty days must say the *berachah*, "*Asher Yatzar Esschem Baddin*" etc. ("Who has created you in judgement"), after which, is said: "*Attah Gibbor*" ("You are mighty") etc. until, "*Lehachayos meisim*" ("To restore the dead to life").
- ¹⁴ Afterwards, *Tzidduk Haddin* is recited, beginning with "*Hatzur Tamim Paalo*" etc. ("The Rock is perfect in His ways"). This prayer is begun by one of the mourners. If there is no mourner present, it is begun by the most distinguished person present. On days that *Tachanun* is not said, *Tzidduk Haddin* is not said. Therefore, it is not said on *erev Shabbos*, after midday, and not on *erev Yom Tov*. But on *erev Rosh Chodesh*, *erev Chanukah*, and *erev Purim*, it is said, even after midday. If the deceased is a Torah scholar, it is also said on *Lag Be'omer*, and on the days between *Rosh Chodesh Sivan* and *Shavuos*, on the ninth day of *Av*, and on *erev Rosh Hoshana* before noon.
- ¹⁵ At night, there is no recitation of *Tzidduk Haddin* or *Kaddish* at the cemetery.
- ¹⁶ For an infant less than thirty days old, *Tzidduk Haddin* is not recited.

Siman 199

¹ The burial mentioned in the Torah, means actually placing the body in the earth. In many places it is customary to place the deceased in a

wooden coffin, and he is buried in that manner. Since it is impossible that such a coffin is without holes [at the bottom], it is sufficient to bury him in such a way. In some places the body is buried without a coffin, rather it is placed actually on the earth, without a board underneath, but with one board placed on each side, and one more board on top of them to prevent any dirt from falling upon the body, which would be a dishonor to him. In other communities, ordinary men are buried without a coffin, and only for *kohanim* and firstborn males, who are of special importance, are coffins made. When making a coffin, care must be taken that the remnants of the boards not be used for any other purpose. They should be burned for fuel to heat the cauldron in which water is warmed for the ritual purification of the deceased. Benevolent people, who in their lifetime fed the poor at their table, should be buried in a coffin made of boards from the table, as it is written, "And your righteousness shall go before you."

- ² The body is laid on its back, its face upward. If the deceased had prepared earth from *Eretz Yisroel*, some of it is spread underneath his body and some on top of it, as it is said "And His land shall atone His people." The main place to put this earth is on the "holy covenant" (of circumcision) and also on his mouth, his eyes, and his hands.
- ³ Two persons should not be buried close to each other, unless the wall that separates them can stand by itself, and is at least six finger breadths thick. If possible, it is best to be strict, so that the thickness of the separation is six *tefachim*. However, a man or woman may be buried with their son or daughter, or with their grandson or granddaughter. This is the rule: A minor who may sleep with him in his lifetime, may be buried with him after his death. However, an adult son with his

father, or an adult daughter with her mother, should not be buried together. Even the burial of a minor [with his parent] is permissible only when they are buried at the same time, but if one of them had already been buried, it is forbidden to bury the other with him.

- ⁴ It has been explained in chapter 163:7, that if an uncircumcised infant dies, he should be circumcised at his grave, and a name given to him. A female infant should also be given a name; and the Burial Society must be informed of this law.
- ⁵ Two coffins must not be placed one atop the other, unless there is at least six *tefachim* of earth between them.
- ⁶ A wicked person should not be buried next to a righteous person, as it is said, "Do not gather my soul with sinners." Even a very wicked man, should not be buried next to a less wicked man. Similarly, a righteous man should not be buried, and certainly a man of average piety and virtue, should not be buried next to a man who excelled in saintliness. Two people who hated one another should not be buried next to each other, for even in their death they will have no peace together.
- ⁷ One should be mindful of the custom not to take a shovel or a pick axe from the hand of another when burying the dead; rather the one who used it lays it down, and the other picks it up.
- ⁸ After the body is laid in the grave, the bier is turned over three times, for the numerical value of the word *mittah* (bed, bier) is the same as that of the word *Din* (judgement). This is an omen that the judgement will be turned into mercy, and the mourning into joy. The verse alludes

to this, "You turned my mourning into dancing." On a day when *Tachanun* is not said, this is not done.

- ⁹ If an orphan is present in the cemetery, then, after the burial, (if it is still day) the people should step away a distance of at least four *amos* from the graves and recite the psalm, "*Lamenatzaich*" ("To the chief musician") etc. "*Shimu Zos*" ("Hear this") etc. On a day when *Tachanun* is not said, "*Michtam Le'Dovid*" etc. is said. The orphan then says the *Kaddish*: "*D'Hu Assid Lehischadetah*" ("That he will renew"), and those present recite with him up to "*Vikarei*" (And may this happen). In some communities it is customary that the *Kaddish* is recited first before the burial, following *Tzidduk Haddin*. There are communities where even *Tzidduk Haddin* is not said until after the burial.

- ¹⁰ It is customary, upon leaving the cemetery to pluck some grass and throw it behind your back and say, "He is mindful that we are dust." This is also symbolic of the resurrection of the dead, who will emerge living from their dust, as it is said, "And may they blossom out of the city like grass of the earth." This may also be done on *Chol Hamoed*. They should then wash their hands. There is a symbolic allusion to this practice, for this impurity (death) can be purified only by means of these three things: water, ashes of the *Red Cow*, and the hyssop. This handwashing should not be done in a river, but with water poured from a vessel. You should not take the vessel from the hand of another who washed; rather the first one puts it down and the others take it, and the hands should not be wiped. Some say that one should sit down seven times, because of the evil spirits that accompany him, and when one sits, they flee. In some places they are accustomed to sit only three

times after they wash their hands, and they say each time: "Vehi Noam" etc. [And may the pleasantness (of our master etc.)] Even when the burial takes place on Yom Tov they can sit three times, as on the weekdays. It is our custom to be mindful that a person should not enter his house before washing his hands and sitting down. The customs of our ancestors have the validity of Torah law.

- ¹¹ The deceased should not be brought from a city where there is a cemetery to another city, because it is degrading to transport him from place to place, unless it is from the diaspora to *Eretz Yisroel*, or if they are transporting him to the burial ground of his ancestors. Also, if he had instructed that he should be brought from place to place, it is permissible to do so.
- ¹² It is forbidden to open a grave after it was closed, that is after earth had been placed over the lid of the coffin; but as long as earth has not been placed there, it is permitted to open it for any reason. If for any reason it becomes necessary to remove a body from its grave, a *Poseik* should be consulted.
- ¹³ If a grave has been dug, it should not be left open overnight, because there is danger in this. If there is no time to bury the deceased until the following day, the grave must be refilled with earth.
- ¹⁴ It is forbidden to step upon graves because some *Poskim* maintain that it is forbidden to derive benefit from them. However, if you have to visit a certain grave, and have no way of getting there unless you step upon other graves, it is permitted.

- ¹⁵ You may not go to the cemetery, or within four *amos* of the deceased, or in a room where the deceased lies while wearing *Tefillin* upon your head or *tzitzit* in your garment, for it seems as if you are "mocking the poor." But if they are covered, it is permitted. Likewise, you are not allowed to pray there, or to recite Psalms, unless it is in honor of the dead.
- ¹⁶ In the cemetery, you should not indulge in levity, out of respect to the dead. This means you may not eat or drink there, or respond to nature's call. And you may not allow cattle to graze there, and not gather the vegetation that grows there. However, if trees are planted in a cemetery and do not grow over the graves, it is permitted to pick their fruit.
- ¹⁷ It is customary in some communities not to put up a tombstone until after twelve months, because a tombstone is a mark of distinction, and within these twelve months the deceased is in grief. Also, because the reason for putting up a tombstone is so that the dead not be forgotten, and, as a rule, the deceased is not forgotten until after twelve months. There are communities where no heed is paid to this custom.

Siman 200

- ¹ If the deceased awaits burial on the first day of (Yom Tov,) a Jew is not allowed to bury him. Even if it is impossible to have it done by non-Jews, and there is concern that decay might set in before the next day, nevertheless, a Jew may not bury him on the first day of Yom Tov. But if it is possible to have non-Jews bury him, that is to have non-Jews dig the grave, and cut the wooden planks, or make the coffin, where it is

customary, and sew the shrouds if necessary; then dressing him, heating the water, washing him, removing him, and placing him into the grave, are permitted to be done by a Jew. Covering him with earth must also be done only by non-Jews. If possible, care should be taken to cleanse and purify him without using a cloth, in order not to wring out the water.

- ² Some *Poskim* say, if it is possible to have the burial performed by non-Jews, as stated above, it is forbidden to keep the body till the next day in order that Jews may attend to it. And even if he died that day, and his body could be kept till the next day without decay setting in, nevertheless, he should be buried that day by non-Jews. In the case of an infant who died, even if he lived for more than thirty days, whereby we know that he is not an aborted fetus, nonetheless, if the weather is cold and it is not a dishonor to keep him, as he has not become malodorous, he should not be buried on the first day of *Yom Tov*, but should be kept until the second day of *Yom Tov*. Some say, even in the case of an adult, if he has not become malodorous, his burial should be delayed until the second day of *Yom Tov*. In a place where there is no fixed custom, it is proper to follow the latter opinion.

- ³ On the second day of *Yom Tov*, even the second day of *Rosh Hoshana*, if it is possible to accomplish the above mentioned things without delay through non-Jews. they should be done by non-Jews. The other things should be done by Jews, as was previously stated. The purification may be performed with cloths and sheets, but care must be taken not to wring the water out of them directly. If it is impossible to have those other things done by non-Jews, Jews may attend to all his needs as though it were a weekday, because the second day of *Yom Tov*, with

reference to the dead, was regarded by the Sages as a weekday. Nevertheless, if someone in that area had previously prepared shrouds for themselves, those shrouds should be used in order to avoid the need of sewing. It is permitted to attend his needs only when they intend to bury him on that day. But if they do not intend to bury him on that day, no preparations should be made for his burial; and it is even forbidden to handle the body.

- ⁴ The Sages considered the second day of Yom Tov as a weekday, with regard to the dead in order to honor the dead and not permit him to lie in disgrace. However, to do anything unconnected to his burial is forbidden. Therefore, it is forbidden to negotiate with the shopkeeper about the price of linen for the shrouds, unless it is impossible to obtain it otherwise, as when it can be bought from a non-Jew. Jewish gravediggers are forbidden to accept renumeration for their work on a Yom Tov, because wages for work done on Shabbos or Yom Tov are forbidden. If they refuse to work without pay, they may be paid, but they will have to face the judgement of the Heavenly Court. The Burial Society should not take money for the grave on Yom Tov, but they may accept pledges (collateral) without stipulating the price of the grave.
- ⁵ If there is no Jewish cemetery in town, although there is a place where this deceased can be buried, nevertheless, it is permitted to take him to another city on the first day of Yom Tov, by a non-Jew, and on the second day of Yom Tov, even by a Jew, in order to bury him in a Jewish cemetery. But if the burial will not take place on that day, it is forbidden for a Jew to move him on Yom Tov in order to bury him after Yom Tov.

- ⁶ It is permitted to accompany the deceased within the *t'chum*, on the first day of Yom Tov, and on the second day of Yom Tov, even outside the *t'chum*. It is also permitted to return home on that very day. However, it is forbidden to ride upon an animal in order to accompany the dead on Yom Tov, even on the second day of Yom Tov. Even the mourners are not permitted. If it is impossible for the gravediggers to go by foot, they are permitted to ride on an animal on the second day of Yom Tov. Nevertheless, they should not ride in the city.
- ⁷ If one dies on the night of the second day of Yom Tov, when it is permitted for Jews to attend to the burial if there are no non-Jews to do so, ten men should rise in the morning and bury him at the time the *Chazan* recites the *Piyutim* [festival hymns]. If he was a distinguished person, so that a multitude of people are obligated to accompany him, he should be buried after people leave the synagogue before the meal is eaten, for the Midrash states, "(It is written) 'You shall not eat with the blood' (which signifies) that it is forbidden to eat a regular meal before the deceased is buried." If it is impossible to make all the preparations for the burial by that time, he should be buried after the meal.
- ⁸ If an infant dies after thirty days, so that it is certain that it is not an abortive fetus, the same law applies to him as to an adult. However, if he is a male, and for some reason he was not yet circumcised, even though decay is setting in, he should not be buried on the first day of Yom Tov, because his foreskin must be removed, (as stated above, Chapter 163:7) and that cannot be done by a non-Jew. Rather it should be held over until the second day of Yom Tov, for it is permitted to

delay [the burial] for his honor; and on the second day, his foreskin should be removed, and he should be buried.

- ⁹ If an infant dies and there is doubt if it is an abortive fetus, if decay has not yet set in, it may not be buried on the first day of Yom Tov, even by a non-Jew, and it is held over till the second day of Yom Tov, and then buried by a non-Jew, and not by a Jew. If decay has set in, it should be buried on the first day of Yom Tov by a non-Jew. If it died on the second day of Yom Tov, it should be buried on that very day by a non-Jew and not by a Jew. If he is a male, and was not yet circumcised, even if decay has set in, he should not be buried even on the second day of Yom Tov and not even by a non-Jew, but he should be held over until after Yom Tov. His foreskin should then be removed, and he should be buried.
- ¹⁰ On Shabbos and *Yom Kippur*, it is not permitted to attend the dead in any way, even by means of a non-Jew.
- ¹¹ On *Chol Hamoed*, the deceased should not be brought to the cemetery before the grave is ready, so that it is not necessary for the bier to remain waiting.

Siman 201

- ¹ A person who commits suicide is unsurpassed in wickedness, as it is said, "However of the blood of your souls, I will demand an account." The world was created for a single person, (to indicate that) anyone who destroys one Jewish life is considered to have destroyed a whole world. He should, therefore, not be attended in any way. Garments

should not be torn for him, he should not be mourned, nor should he be eulogized. However, he should be buried, ritually purified and dressed in shrouds. The rule is: anything that is done out of respect to the living, should be done for him.

- ² Without proof to the contrary, a man is not presumed to be wicked. Therefore, if a person is found asphyxiated, hanged, or the like, so long as it is possible to assume that he was murdered, it should not be considered a suicide.
- ³ A minor who committed suicide is considered like one who had taken his life unintentionally. Similarly, an adult who committed suicide, and it appears he did so because of severe depression, or madness, and the like, it is considered unintentional. Similarly, if he did so under duress, because he was afraid of torture, like King Saul, who feared what the Philistines might do to him, he is like any other deceased person, and nothing should be withheld from him.
- ⁴ All those who separate themselves from the ways of the community, such as those people who have cast off the yoke of *mitzvos* from themselves, and do not include themselves among the Jewish people with regard to observance of the *mitzvos*, but are like a liberated sect of their own; for all these, including apostates, informers, and heretics, the laws of *Onein* are not observed, and their death is not mourned. Their brothers and other relatives dress in white and adorn themselves in white, eat, drink, and rejoice that the enemies of the Almighty have perished. Concerning such people, the Scripture says, "Behold those who hate you Adonoy, I hate" also it is said, "When the wicked perish there is joy."

- 5 If one was executed either by the government or otherwise, even if he was an apostate, his relatives should mourn over him. For since he was killed by man and did not die naturally, he had an atonement.
- 6 If the deceased was an habitual sinner whose sins were motivated by lustful desire, and he made no confession before his death, mourning should not be observed for him. But if he did confess, he should be mourned, even if he had been a thief or a robber.
- 7 In the case of a child, one or two years old, who was converted with his father or with his mother, and died, no mourning should be observed for him.

Siman 202

- 1 The *Kohein* is commanded not to defile himself through any form of contact with the deceased. Even an abortive fetus, whose limbs have not yet been connected with ligamentous tissue, is considered in this regard as a dead body. (If, however, the abortion occurred within forty days from conception, it is considered like water). The dead body need not be in its entirety, for this law applies even to things that have separated from the corpse such as blood and the like. He is also forbidden to defile himself through contact with the severed limb of a living person, if there is enough flesh on it that were it still connected, it would have possibly healed. Even if it is his own limb, he is forbidden to defile himself by touching it. A *Kohein* is forbidden to enter a house where a person is close to death, and even though a *gosseis* (dying person) is considered alive with regard to everything else, and he is not considered

impure, nevertheless, the *Kohein* [by entering such a house] violates the command, "You shall not desecrate," for he is commanded to guard his priesthood so that it does not become profaned, and the *gosseis* may die at any moment.

- ² A *Kohein* is forbidden to enter a dwelling where there is a dead body, even if the dwelling is very large. Even if there are two rooms, and there is a dead body in one of them, and in the wall that separates them, there is a hole one *tefach* square, he is forbidden to enter even the second room, because the hole of one *tefach* square conducts the impurity into the second room. Likewise, if next to the second room, there is yet a third room, and between them, too, there is a hole one *tefach* square, the impurity passes also to the third room, and so ad infinitum. If the hole was made to admit light, even if it is only the size of a small coin, the impurity passes through.

- ³ Therefore, in our regions, where the roofs project towards the outside with a width of no less than one *tefach*, and since we know that the width of one *tefach* conveys impurity, this projecting roof is considered a tent which conveys impurity. Hence, when two houses are close to each other, if the deceased is in one of them, the impurity passes through the door, or open window, beneath the ends of the projecting rooftop, and enters into the second house, through the open window or door. Thus the *Kohein* is forbidden to enter even the second house. This is true even if there are many houses closely adjoining one another.

- ⁴ Even if the roofs are not of the same height, but one is higher than the other, even if the roof of the house where the impurity is found is much higher than the second roof or vice versa, there is a *halachah* handed

down by Moshe from [Mount] Sinai, that the height is considered as lowered, that is, we consider as though the height was pressed down and lowered until it reaches the lower one. And since if it were lowered to the level of the bottom one, they would touch, therefore, the impurity passes from one to the other. But if there would be a space between them, even if ever so small, the impurity does not pass from one to the other.

- ⁵ Similarly if a beam lies across an alley as is done for a *eiruv*, (and) is a *tefach* wide, and is covered by the roofs projecting above it to the extent of *tefach* on each side. (Like this:)



In such a case, the impurity passes from underneath the roof to underneath the beam, which conveys the impurity to underneath the roof of the house on the opposite side. From there it spreads to any place where there is a dwelling no less than one *tefach* wide, until it reaches a barrier or open space. Also, if between the two houses, there is an arch constructed on the style of a court entrance, like this:



the same law applies. And although the arch has no projecting roof, nevertheless, the impurity is transmitted from beneath the roof to underneath the arch. However, at times an arch is constructed on posts from the ground up, which close up the space between the arch and the walls of the house. Then, if the arch has no projecting roof covering it, and the closed spaces on the sides extend further than the roofs that are above it, in such a case, there is no space through which the impurity may pass, since there is some open space without a tent covering. At

times, between the houses there is a solid closed wall without an opening (like this:)



but there is a projecting roof over it. Then the impurity is conveyed from one roof to another. When necessary, this can be remedied by removing the tiles of the roof in one place to create an interrupting [open] space of a *tefach* wide without a tent. You must be certain that the wall itself does not project a *tefach*, as sometimes they make a projection (to adorn) the wall.

- ⁶ There is a *halachah* transmitted to Moshe from Sinai, concerning the door through which the deceased will be carried from the house. Since after the removal the house will again be ritually pure, although the door is now closed, nevertheless according to *halachah*, it is considered as though it is open, and therefore a *Kohein* is forbidden to stand under the lintel, even though the door is closed. Also, if there is a roof projecting a *tefach* over the door, it conveys the impurity to every possible place, as though the door were open. However, if there was an open door or window on another side measuring four square *tefachim*, the closed door is not considered as being open, and a *Kohein* is permitted to stand there provided the impurity cannot reach him through the open door or window.

- ⁷ If a *Kohein* is in a house or a room, the doors and windows of which are closed in such manner that the door is not opened a *tefach*, and the window does not have an opening the size of a *pundyon* (coin), and he hears that there is a corpse in the vicinity, so that if the door or window were to be opened, the impurity would reach him, he is forbidden to

open either of them, but he should remain there as is, until the deceased is carried out; for so long as there is not an opening of a *tefach*, the impurity cannot penetrate, but when it is opened, it can penetrate.

- ⁸ A *kohein* is forbidden to approach within four *amos* of a deceased person or a grave. This applies only when the deceased lies in his permanent place. But when he lies on the bier during the funeral procession, or when they are saying *Tzidduk Haddin*, even when they stop with the bier, since this is not his permanent place, the *Kohein* need keep away only a distance of four *tefachim*.
- ⁹ If a *Kohein* is asleep in a house where there is a deceased person, where the impurity of the deceased penetrates, and it is impossible to shut him in, in order to prevent the access of the impurity, he should be awakened and told to leave the premises. If he is undressed, he should not be told about the impurity, but merely called outside so that he may get dressed first; for a person's dignity is very important. However, as soon as he is aware of the impurity, he is forbidden to wait there until he gets dressed, but he must leave immediately.
- ¹⁰ Some *Poskim* maintain that even the corpse of a non-Jew causes impurity in a house. A *Kohein* should be mindful of this opinion and not walk over the grave of a non-Jew. Especially when there is reason to believe that an apostate may have been buried there (too), for an apostate is like a Jew (in this regard). Also the child born by an apostate woman from a non-Jew, is like in Jew in this regard.
- ¹¹ A *Kohein* is permitted to defile himself at the death of his relatives, and it is a *mitzvah* for him to do so. These are the relatives for which he

may defile himself: his wife whom he was permitted to marry, his father, his mother, his son or his daughter, his brother and sister born from his father, provided they were born full term, but for a child who may have been aborted, a *Kohein* may not defile himself. He may not defile himself for a married sister. Some *Poskim* maintain that which a *Kohein* is permitted and is a *mitzvah* to defile himself for relatives is only for the needs of burial, or to bring a coffin, or shrouds, or the like. Consequently, on Shabbos, a day when he may not be buried, a *Kohein* is forbidden to defile himself even in order to guard the deceased. It is proper to follow this strict opinion. However, concerning things necessary for burial, it is certainly a *mitzvah* for him to defile himself. Even if there is a Burial Society to take care of all the arrangements, and he has nothing to take care of, he is permitted to be in the house in case they might need something. He may defile himself for these relatives only until the grave is closed, and not thereafter.

¹² A *Kohein* is forbidden to defile himself for parents who abandoned the practices of the Jewish people, and not for one who committed suicide. Similarly, a *Kohein* is forbidden to defile himself for anyone for whom the rules of mourning need not be observed.

¹³ A *Kohein* may not defile himself for a relative unless the body is complete but not if it is missing a limb. Therefore some *Poskim* maintain that a *Kohein* may not defile himself for a slain relative, for his body is considered incomplete; and it is proper to heed this strict opinion.

¹⁴ Some ignorant *Kohanim* are accustomed to visit the graves of the righteous, maintaining that the graves of the righteous do not defile.

They are in error, and such practice should be protested.

- ¹⁵ Just as an [adult] *Kohein* is warned against defiling himself, so too are adult *Kohanim* warned concerning minors, as it is said, "Say to the *Kohanim*... and say (to them)." Because the word "say" is written twice, our Sages, of blessed memory, inferred from this that the adults are warned concerning the minors. They must not be the direct cause of their defilement by bringing them into a house where there is a deceased person, but if the minor defiles himself on his own, there is no need to remove him. However, if he has reached the age of training, he should be removed. The pregnant wife of a *Kohein* is permitted to enter a house containing a corpse.
- ¹⁶ The *Kohanim* cannot force the relatives of the deceased to hasten the removal of the deceased from its place so that they may enter their homes, unless the *Kohein* is ill and is unable to leave the house. In that case the relatives are forced to remove the deceased, so as not to cause the sick [*Kohein*] to transgress a law of the Torah. If the deceased is an aborted fetus, its relatives can be forced, in any event, to remove it, even on Shabbos through a non-Jew.

Siman 203

- ¹ One is obligated to mourn for seven relatives: his father and mother, his son and daughter, his brother and sister, whether from a common father or mother, and even a married sister, a husband for his wife, and a wife for her husband.

- ² It is customary for other relatives too, to observe partial mourning during the first week until after Shabbos. It is therefore customary not to bathe in warm water, and not to change their clothing as they do every other Shabbos. Not all relatives are alike in this respect. For a first cousin, a son's son or a daughter's son, one should wear all his Shabbos clothing except for his outer garment. For a father-in-law, a mother-in-law, or for a paternal or maternal grandfather; also a woman for her father-in-law, her mother-in-law, and for her paternal or maternal grandfather, they should wear only a white Shabbos shirt, and a woman may also wear her white scarf. It is also customary not to bathe, and not to shampoo the hair. One should also not eat out of the house at a religious feast or at any social gatherings. After Shabbos, all of these activities are permitted.
- ³ When it is not known if a child was born at term or prematurely, if he died within thirty days after birth, or even on the thirtieth day, even if his hair and nails were fully grown, one does not tear his garments for him, nor does he observe the laws of *onein*. Neither does he mourn for him, because it may have been an aborted child. If he died after thirty days, even on the thirty-first day at an earlier hour than that on which he was born, one must tear his garments, observe the laws of *onein*, and mourn over him, unless it is known for sure, that he was born in the eighth month of pregnancy (and is not a viable child). If it was known for sure that he was born in the ninth month, for example, if after cohabitation, the father was separated from his wife, and he was born alive, nine full months later, even if he dies on the day he was born, one must tear his garments, observe the laws of *onein* and mourn over him.

- ⁴ If one of twin children dies within thirty days after birth or even on the thirtieth day, and the other survives after thirty days, we do not draw the conclusion, that since one lived after thirty days, the other one, too, was a viable child. Therefore mourning is not observed for him.
- ⁵ A male or female proselyte who converted to Judaism with their children, do not observe mourning for one another; for a proselyte is considered like a new-born infant, and their kinship when they were Gentiles is no longer recognized as kinship.

Siman 204

- ¹ The mourning period begins from the time the deceased is buried, and the grave is filled with earth. The mourner must remove his shoes at the cemetery. If he has to walk home through a non-Jewish neighborhood, he may wear his shoes, but should place a little earth in them.
- ² If the cemetery is close to the city, and the mourner did not go [to the cemetery] but went straight home after the funeral service, he does not observe the laws of mourning until he is told that the grave has been filled. However, if night is approaching and he wants this day counted as one of the seven days of mourning, then, from the time he assumes that the grave was filled, he may begin to observe mourning. If he is informed thereafter that the grave was filled before nightfall, he may count that day as one of the seven, and if it was the day preceding a Festival, the Festival cancels the remainder of the seven days of mourning.

- ³ In places where the deceased are sent to another city for burial, and they do not know when he will be buried, the mourners who remain in the city should begin to observe the period of mourning immediately upon returning from the funeral, and count from that time the seven days and the thirty days of mourning. The mourners who accompany the deceased to the place of burial count from the time he was buried. Some *poskim* maintain that if the head of the family accompanies the deceased, then also those who remain behind count from the time he was buried. They have to estimate the time he was buried, and begin to observe the laws of mourning. (Regarding the intervening days, See above Chapter 196:5, 6) It is only regarding a more strict application that the other mourners follow the head of the family, and even those who remain at home start counting from the time of burial, but if the head of the family remained at home, those mourners who accompany the deceased are not subject to him, rather they begin to count from the time of the burial.
- ⁴ If a person drowned, or was murdered by non-Jews, and his body was not found for burial, so long as the search has not been abandoned, the laws of *onein* and mourning do not apply, and even marital relations are permitted. From the time the search is finally abandoned, they begin to observe the laws of mourning. If, after they finish the period of mourning, the body is found, and brought to burial they need not observe another mourning period. However, if the deceased is his father or mother, he must tear his garments. If a man drowned and left a wife, and proof of his death is so unsubstantiated that she cannot be permitted to remarry, mourning should not be observed for him, and *Kaddish* should not be recited for him. Nevertheless, his kin should try

to ease his soul by occasionally leading the prayers at services in the synagogue, by reading the *Haftorah*, by leading the *Birkas Hamazon*, by giving charity, and by learning Torah, or by hiring someone else to learn Torah in his memory.

- ⁵ If a person lost a relative, and he was not there at the time of death but learned about it later at the place where he is, he should count the days of mourning from the time he became aware of it. Even though afterwards he arrives at the place of the deceased, where the other mourners reside, who began their mourning before he did, he must not abbreviate his mourning period because of this. Similarly, even if he was not aware of it until he came to the mourners, but the mourners are neither at the place where the death occurred, nor where he was buried, he too, begins to count [the days of mourning] from the time he became aware of it.
- ⁶ However if he was not aware of it, until he came to the mourners, and they are at the place where the death occurred, or at the place where he was buried, then if at the time of the burial he was near by, that is not further than ten *parasangs*, which is a day's walk, it is considered though he was present at the time of the burial and he counts together with them. Even if he came on the seventh day, before the people leave the Synagogue, since the mourners are still observing some mourning, he counts the seven and thirty days of mourning with them. This is so only when the head of the family is with them, as they all follow him, but if the head of the family is not there, he counts on his own, or if he came from far away, even if the head of the family is there, nevertheless he must count on his own.

- 7 If a person began counting with the mourners who were present, even if he returns to his home, nevertheless he continues counting with them.
- 8 The head of the family who is close by does not follow the younger members, but counts on his own.
- 9 Who is called the head of the family? It is the one whose judgement would be accepted and whose advice everyone would follow, if they were engaged in dividing the inheritance. Even if he is young in years and even if he is not an heir, he is called the head of the family. For example, if the widow is present, and she manages the household, she is called the head of the family. If a person lives with his father-in-law, and his wife dies, his father-in-law is the head of the family.
- 10 If one becomes aware of the death of his relative after the congregation had prayed the *Maariv* service, but it is still day, if he has not yet prayed *Maariv*, he is not drawn after the congregation, and he can include that day in his mourning period. If, however, he too had already prayed *Maariv*, that day is not counted, and he must count the seven days of mourning and the thirty days of mourning from the following day. This rule is applied only for stricter observance and not for leniency. Thus if he becomes aware of the death on the thirtieth day after the burial, after he has already prayed *Maariv*, we do not say that it is already night and it is delayed news to make it lenient for him, but we consider it as day, and thus it is a timely news. Either way this day counts towards the mourning period. With regard to *Tefillin* on the other days, if he heard of the death after he has prayed *Maariv* but it is still daytime, he should put them on the next day without reciting the *berachah* and he should

cover them. If this happened on the thirtieth day, he should put on *Tefillin* the following day, and should recite the *berachah* regardless. If a woman heard of the death of a relative, after the congregation prayed the *Maariv* service, but it is still daytime, if she usually does not pray *Maariv*, she is drawn after the congregation for the strict application of the law, and that day is not counted as one of the days of mourning.

- ¹¹ During a plague, God forbid, it is customary not to observe any mourning, because of the prevailing fear and panic. If the plague passed within thirty days from the day of death, the laws of mourning must be observed. However, if the plague did not pass, until after thirty days from the day of death, or if a Festival had intervened in the meantime, mourning need not be observed.

Siman 205

- ¹ On the first day of mourning, the mourner is forbidden to eat his first meal from his own food. It is a *mitzvah* for his neighbors to send him food for his first meal, which is called the meal of condolence. This meal should begin with eggs or lentils, for they are round and have no mouth, just as the mourner has no mouth (speech). After this course he may eat all foods, even meat. He is permitted to drink a little wine during the meal, in order to help digest the food in his stomach, but not enough to satisfy his desire. (Some *Poskeim* maintain that he is forbidden to eat of his own food the entire first day, even if he eats many meals on that day).
- ² If the mourner does not wish to eat that day until nightfall, since the day has passed, he is permitted to eat of his own food. Therefore, if he

lives alone in a village, and there is nobody to send him the meal of condolence, it is proper for him to fast until nightfall. Nevertheless, if he cannot fast, he is not obliged to afflict himself, and he may eat of his own food.

- 3 If a married woman became a mourner, she is forbidden to eat her first meal from her husband's food, for since it is his duty to support her, it is considered as her own food. Similarly, if a hired person works for someone and his meals are part of his wages, and he became a mourner, he should not eat his first meal from his employers's food. However, if a person supports an orphan, or his own grownup son or daughter without any legal commitment to do so, and they became mourners, they may eat their first meal from his food for it is not considered as their own.
- 4 A woman should not be provided with the condolence meal by men, rather women should provide her with the meal.
- 5 If the deceased was buried at night and the mourner wishes to eat at night, he is forbidden to eat of his own food, but it must be provided for him by others. If he does not wish to eat that night, he is forbidden to eat his first meal from his own food during the daytime, for since the daytime follows the night, it is still the first day of his mourning.
- 6 If the burial took place on Friday, after the ninth hour of the day, when it is forbidden to eat a regular meal, he should not be sent the meal of condolence out of respect for the Shabbos and the mourner should eat nothing until the evening.

- ⁷ The meal of condolence is sent only to one who received timely news, but it is not sent to one who received delayed news. If one received timely news on Shabbos, the condolence meal is not sent to him for he may eat his own food. Also on the following day (Sunday) the condolence meal is not sent to him, because the need for it was cancelled on the day he received the news.
- ⁸ Also, if one's relative dies, and was buried on Yom Tov, the condolence meal is not sent to him. After Yom Tov you also do not send him this meal because the need for it was already cancelled. However, if the burial took place on *Chol Ha'moed*, the condolence meal should be sent to him, but he should eat it while sitting on a chair, at the table, in his usual manner, because there is no mourning on *Chol Ha'moed*.
- ⁹ It was the custom to fast on the day a Torah scholar passed away.

Siman 206

- ¹ If a person heard of the death of a relative for whom he is obliged to observe mourning, within thirty days of his death or even on the thirtieth day itself, such tidings are timely and he must tear his garments. He is obliged to observe the seven days of mourning from the day he received the news. The thirty days of mourning are also counted from the day he received the news. And the day he received the news is like the day of burial with regard to all its laws. The thirty-day period during which the news is considered timely is counted from the day of burial, and not from the day of death.

- 2 If he received the news after thirty days, it is delayed news, and he needs to observe the laws of mourning for only one hour. Whether he received the news by day or he received it at night, one hour of mourning is sufficient. This is true even for one's parents. However, the mourning which is observed for one's father or mother during the entire twelve months applies even when the news of the death was delayed. These twelve months are counted from the day of death. If one received word of the death of his father or mother, after twelve months, he need observe only one hour of mourning, even with regard to things that are usually observed throughout the twelve months.
- 3 One who receives delayed news need not observe all the laws of mourning, and removal of his shoes is sufficient. He is permitted to work, bathe, anoint himself, to have marital relations and to study Torah. If he was not wearing shoes when he received the news, he must do something else to indicate that he is doing so to observe mourning such as sitting on the ground for an hour.
- 4 If he received timely news on Shabbos, the Shabbos is counted as one day, and at the conclusion of Shabbos he must tear his garments and observe six days of mourning.
- 5 If he received timely news on Shabbos or on Yom Tov, but at the conclusion of Shabbos or Yom Tov it will become delayed news, he must observe all the laws of private mourning on Shabbos or Yom Tov and at the conclusion of Shabbos or *Yom Tov* he should observe one hour's mourning as is done for delayed tidings.

- 6 If he received timely news on Shabbos and it is the eve of a Yom Tov, since he must observe mourning in privacy, the Yom Tov cancels the seven days of mourning.
- 7 If one received delayed news on Shabbos or Yom Tov, he should not observe any mourning, not even in private matters. At the conclusion of Shabbos or Yom Tov, he should observe one hour of mourning, and that is sufficient.
- 8 If one found out after Yom Tov that a relative had died before Yom Tov, although for those who observed mourning before Yom Tov, the Yom Tov cancels the remaining days, nevertheless, since he did not observe any mourning before Yom Tov, the remaining days are not cancelled. [In such a case] if he received the news even on the thirtieth day after the burial, it is timely news for him, and he must observe the seven and thirty-day periods of mourning.
- 9 If a person lost a relative and does not know about it, you should not inform him of it. Concerning one who bears such news it is said, "He who utters a report is a fool." You are permitted to invite him to a betrothal feast and to any other joyful gathering, for as long as he is uninformed, he is like any other person. Also, if a husband knows that his wife's relative died, he is permitted to have marital relations with her, since she does not know about it.
- 10 However, if you are asked if a relative is alive, you should not lie and say he is alive, for it says, "Keep far from a false matter," but you should answer him in an ambiguous way, so that he will understand himself that he had died.

- ¹¹ It is customary to notify sons when their mother or father pass away so that they may say the *Kaddish*.

Siman 207

- ¹ It is a great mitzvah to console mourners. We find that the Holy One blessed is He, consoled mourners, as it is written, "And it came to pass after the death of Avraham, that God blessed his son," Yitchak, This is an act of kindness to the living as well as to the deceased. The comforters are not allowed to speak before the mourner begins to speak, as it is said concerning Job, "And none spoke a word to him;" and it is written, "And after this Job opened his mouth;" and later it is written "*Eliphaz Hateimani* answered." If the comforters perceive that the mourner wishes them to leave, they are not allowed to remain there.
- ² A mourner or a sick person is not required to rise even before a *Nasi*. [Under normal circumstances] it is mannerly, when someone wants to honor his friend, and rise before him, his friend should say, "Sit." However to a mourner or to a sick person, he should not say this, for it might be construed as "Sit in your mourning" or "Sit in your illness".
- ³ A person should not say, "I have not been punished sufficiently for my evil deeds," or similar expressions, so as not to open the mouth of the Satan.
- ⁴ You should not say to the mourner, "What can you do? It is impossible to change what the Holy One blessed is He has done," for this is like blasphemy, for it implies that were it possible to change it, he would do

so. Rather a person must accept upon himself the decree of the Almighty, blessed is He, with love.

- 5 Mourners should observe their mourning in the place where the soul of the deceased departed, for in that place, the soul of the deceased grieves, and that is the place to comfort it. It is a mitzvah to pray there with a *minyan* of ten men in the morning and evening, even if there is no mourner present, for it is a consolation for the soul. If there is a mourner present, he may be counted in the *minyan*. A *Seifer Torah* should be brought there earlier, and a suitable place should be prepared for it, for the entire time they will pray there. If two deaths occurred in two separate houses, in one of which there is a mourner, while in the other there is no mourner, and there are not enough worshipers in the city to have a *minyan* of ten pray in each house, they should pray in the house where there is no mourner. In the house of the deceased it is customary to say, *Psalm*, "Lamanetzeach", etc. *Shimu Zoss Kol Ha'ammim*" etc. after *Shacharis* and *Minchah*. And it is certainly good to study *Mishnayos* there, for the benefit of the soul. (The Hebrew letters of the word *Mishnah*. are the same as the word *neshoma* (soul).)

- 6 *Hallel* is not said in the house where the death occurred, if the mourner is present during the first seven days of mourning, (because it is considered like mocking the poor, for in *Hallel* we say, "The dead do not praise God.") If there is another room, the mourner should go into that room, and the congregation should say *Hallel*. And if there is no other room, then on *Rosh Chodesh*, those who prayed there need not say *Hallel* at home afterwards. But on Chanukah, they must say *Hallel* in their homes. And if they are praying in the house where the death occurred but where there is no mourner present, or in the mourner's

house, but the death did not occur there, *Hallel* should be recited even on *Rosh Chodesh*, but the mourner should not recite it, (because in it, it is said, "This day was made by Adonoy; let us exult and rejoice in Him.") If the seventh day of mourning occurs during the days of Chanukah, then after the comforters leave, at which time mourning ceases, the mourner, too, must recite the *Hallel*, because it is obligatory. Other *Poskim* are of the opinion that on Chanukah, *Hallel* should be recited even in the house of a mourner with the *Minyan*. If *Rosh Chodesh* occurs on Shabbos, *Hallel* should be recited with the *Minyan*, even in the house of a mourner, for on Shabbos, public mourning is not observed.

- ⁷ The special *berachos* for mourners in the *Birkas Hamazon* is not part of our custom today, because we rely on the opinion of the *Poskim* who maintain that these *berachos* were enacted to be said only when *Birkas Hamazon* is recited with a *minyan* of ten.

Siman 208

- ¹ These are the things a mourner is forbidden to do during the first seven days: to work, to bathe, to anoint himself to wear shoes and to engage in marital relations. He is forbidden to study Torah, he is forbidden to offer greetings, he is forbidden to wear a pressed garment, cut his hair, or be present at any festivity. He is also forbidden to put on *Tefillin* the first day.
- ² What are the rules concerning work? During the first three days a mourner must not perform any work, even if he is a poor man who relies on charity. But after the fourth day if the mourner is a poor man,

and has nothing to eat, he may work privately at home. A woman may also work privately in her own home to earn enough for her sustenance. But our Sages say: "May a curse fall on the mourner's neighbors who made it necessary for him to do work," for it is their duty to provide for the poor, especially during the days of his mourning.

- ³ It is forbidden even to have his work done by others, and even by a non-Jew. If the work is very urgent and he might sustain a loss by not doing it, he should consult a competent Rav.
- ⁴ Just as he is forbidden to do work, so is he forbidden to transact business. If he possesses merchandise, which unless he sells now he will sustain a loss of the principle, he should consult a competent Rav. If caravans or ships arrived with merchandise, which is now being sold at a low price, and will be unavailable later, or, if he was at the market when he received *timely* news, he may transact business through others.
- ⁵ He may lend money on interest through an agent to non-Jews who are accustomed to borrow from him. The same applies to selling merchandise to his regular customers, so that they should not become accustomed to trade elsewhere.
- ⁶ He is permitted to send someone to collect his debts, if he has reason to fear they might become uncollectable later.
- ⁷ Such writing that is permitted on *Chol Hamoed* is also permitted to a mourner, if it cannot be done by someone else.
- ⁸ If a mourner's field is occupied by a tenant either as a sharecropper, (e.g., a third or a quarter share) or on lease (whereby the tenant gives

the owner a fixed amount of the field's produce), or on a rental basis (whereby he pays him an amount of money for rent), they may work the field as usual, during the owner's time of mourning, for since the work is for their own benefit (profit), they need not suffer any loss on the account of the owner's mourning. However, if the mourner has a day laborer working in his field, he is forbidden to let him work, even if the field is in another city, since the work being done is for the benefit of the mourner, and it is done publicly.

- ⁹ If the mourner is a sharecropper in the field of another, he himself is forbidden to do the work, but he may employ others to do it, for it is not called the work of the mourner, but rather that of the owner of the field. If others have contracted work for the mourner to do, he is forbidden to do it even by employing others. But if it is work the delay of which will cause him to sustain a [substantial] loss, he may have it done by others.
- ¹⁰ When the animals of a mourner are hired out to another person, the renter is permitted to do work with them, since he rented them before the owner became a mourner, and through renting one acquires certain rights of ownership, and they are considered the property of the renter; but after expiration of the time for which they were rented, he is forbidden to use them.
- ¹¹ A mourner is permitted to accept work to be done after his period of mourning, provided he does not weigh or measure as he would do at other times.

- ¹² If the mourner had given work to a contractor, since it is on a contractual basis, and the work was received prior to his becoming a mourner, and it is being done privately at the home of the contractor, the contractor is permitted to do it.
- ¹³ Construction of a building belonging to a mourner, even if done by a non-Jew on a contractual basis, and in a far-away place where no Jews live, is forbidden. If the work in his field was given to others on a contractual basis, whereby he pays the worker a fixed wage for all the work in the field: ploughing, sowing, harvesting, and similar work, some *Poskim* permit the work to be done.
- ¹⁴ Domestic chores are not considered forbidden work for a mourner. Thus, a woman is permitted, during the period of her mourning, to bake, cook, and do all household chores that she finds necessary. But that which is not necessary is forbidden to do. Also, a domestic servant who is in mourning, even though she is a paid servant she is permitted to do all the housework. But she is not permitted to do work that is not necessary for the house, but only to earn extra money, and certainly she may not leave the house just as any other mourner is forbidden to do so.
- ¹⁵ If two people are partners in a store, and one of them became a mourner, they must close their store, so that the partner does not do work in public. But he may do work in the privacy of his home, even in such matters in which both partners have an interest. If the mourner is a distinguished person, and the business bears his name, as he has a share in it, the partner is forbidden to conduct the business even in his

own home. In the event a great loss would be sustained if the mourner's partner, too, would not open the store, they should consult a competent Rav as to whether it may be opened after three days.

Siman 209

- ¹ The mourner is forbidden to wash his entire body even with cold water; but his face, hands and feet are only forbidden to be washed with warm water, but are permitted to be washed with cold water. Bathing with warm water is forbidden during the entire thirty day mourning period, and even washing the head with warm water is forbidden. Similarly, bathing the entire body with cold water, if done for pleasure, is forbidden the entire thirty days. A woman, for the necessity of bathing before the ritual immersion, is permitted to bathe in warm water after the seven days of mourning have passed. With regard to wearing clean white garments, refer to Chapter 159:5.
- ² If a woman becomes a mourner after giving birth, and she must bathe, she is permitted to bathe even during the seven days of mourning. However, on the first day she should be stringent and not bathe if it is not that necessary. Similarly, a person of delicate constitution, who would suffer greatly if he did not bathe, and his health might be affected, is permitted to bathe. Also, one who has disturbing head pains is permitted to wash his head with warm water.
- ³ A mourner is forbidden to anoint himself even in a minimal fashion if it is for the sake of pleasure. However, if his intention is to remove dirt,

he is permitted to anoint himself. It is certainly permitted for medical purposes, as when he has scabs on his head.

- 4 A person who had multiple periods of mourning, such as two consecutive periods of mourning, is permitted to bathe with cold water.
- 5 The prohibition against wearing shoes applies only to leather shoes; but shoes of cloth, reeds, hair, or wood, are permitted, for the term "shoe" refers only to a shoe made of leather. A wooden shoe covered with leather is forbidden. Although the mourner is forbidden to wear shoes, nevertheless, in the morning he should say the *berachah*, "*She'assa Lee Kol Tzarkee*" ("Who provided me with all my needs").
- 6 A woman within thirty days after giving birth is permitted to wear shoes; so is an ill person, or one who has a wound on his foot, because the cold is harmful to them.
- 7 A mourner who must travel on the road, is permitted to wear shoes. he should, however, put a bit of earth in his shoes. Similarly, in all other instances when a mourner must wear shoes, he should do this.
- 8 A mourner is forbidden to engage in marital relations. Embracing and kissing are also forbidden. But other acts of intimacy, such as filling a cup, making the bed and similar things, are permitted. [It makes no difference if] the husband is the mourner, or the wife is the mourner.

Siman 210

- 1 A mourner is forbidden to study Torah, for it is written, "The precepts of *Adonoy*, are upright, rejoicing the heart." and a mourner is forbidden

to rejoice. He is forbidden to study the Scriptures, the *Mishnah*, and the *Talmud*, including the laws and *Aggadah*. But he is permitted to read the book of *Job*, *Lamentations*, and the mournful sections of *Jeremiah*. In the *Talmud*, he may study chapter, *V'eelu Megalchin*, dealing with the laws of the excommunicated and the mourner, and also *Maseches Semachos*. And in the *Seforim* (books) of *Halachah* (laws), he may study the laws concerning mourning. However, he is forbidden to probe and analyze even the subjects he is permitted to study.

- ² After three days of mourning, one who teaches Torah to children is permitted to teach the children everything they need to learn, so that they are not interrupted from their studies; for the (study of) children whose mouths are pure of sin, is more precious than the study of adults. Likewise a mourner's young children should not be interrupted from their studies, for they are not obligated to observe mourning.
- ³ Even if the mourner is a *Kohein* and there is no other *Kohein* in the synagogue, he is forbidden to go up to read the Torah.
- ⁴ When he prays during all seven days of mourning, a mourner should not recite *Pittum Haketoress*, *Keitsad* [How was the incense compounded] nor should he say *Maamados*, and after the Chapter of *Eizehu Mekoman*, he should not say *Yehi Ratzon* etc. [May it be Your will] (because a mourner may not send offerings). When reciting *Havdalah* at the conclusion of Shabbos over a cup [of wine], he should not say the introductory verses of joy, but should begin immediately with the *berachos*.

- 5 During his seven days of mourning a mourner should not officiate as *Chazzan* unless there is no one else to lead the prayers. But if he is in mourning for his father or mother, the custom is to permit him to be the *Chazzan* even if there is someone else capable of doing so. It is customary that a mourner not be the *Chazzan* on Shabbos and Yom Tov during his entire year [of mourning] unless there is no one else to do so. If he was accustomed to be the *Chazzan* even before he became a mourner, he is permitted to do so in any event. See Chapter 128:8 above.
- 6 What is the rule concerning the exchange of greetings? During the first three days, a mourner must not greet anyone. If others who are unaware that he is a mourner greet him, he should not return the greeting, but should inform them that he is a mourner. From the third day until the seventh day, he must not greet anyone, but if others who unaware that he is a mourner greet him, he may respond to their greetings. From the seventh until the thirtieth day, he may extend greetings to others for they have peace of mind, but others should not greet him because he lacks peace of mind. If they did not know he is a mourner and they greeted him, he may respond to their greetings. After thirty days, he may exchange greetings like anyone else.
- 7 Since he is forbidden to greet anybody, he is certainly forbidden to laugh. Therefore, during the seven days of mourning, he must not take a child in his arms, so he should not be induced to laughter. He is also forbidden to engage in lengthy conversation with people. However, if he does so out of respect for a group of people, as when many come together to console him, he is permitted to say (when they are leaving),

"Go to your homes in peace," for out of respect for a group of people, it is permitted.

- 8 In a place where it is customary to greet the mourners on Shabbos, you may do so. The mourner may greet everybody on Shabbos since it is done publicly.
- 9 He is permitted to say the *berachah*, *Shehecheyanu* even during the seven days of mourning, when it is necessary, for instance on Chanukah, or when eating a new fruit and the like.

Siman 211

- 1 During the seven days of mourning he is forbidden to sit on a bench or upon pillows and cushions. He must sit on the ground [floor]. But an ill or elderly person, who experience pain when sitting on the floor, may place a small pillow beneath them. However, the mourner may walk or stand, and is not compelled to sit down at all. Only in the presence of the consolers is he required to be seated. He is also forbidden to sleep in a bed or on a bench; he must sleep on the floor. But he may spread pillows and cushions on the floor as he usually does in his bed. Some *Poskim* permit him to sleep in a bed. And some are accustomed to do so because they have frail constitutions, and are considered ill in this regard.
- 2 On the first day, a mourner is forbidden to put on *Tefillin*, whether it is the day of death and burial or the day of burial alone. If the burial took place at night, he may not put on *Tefillin* the following day. On the second day of mourning, he should put them on after sunrise. The day

on which one receives timely news is like the day of death and burial. But if the death occurs on a Festival, or he receives timely news on a Festival, then, on the first day after the Festival, he should put on *Tefillin*.

- 3 Wrapping the head is not customary in our regions. Nevertheless, one should make a token wrapping, by pulling down the hat close to the eyes during the seven days of mourning. This is not done on Shabbos because this is a public manifestation of mourning.
- 4 A mourner is forbidden to wear a freshly washed garment, even a shirt, during the seven days of mourning and not even in the honor of Shabbos. Even sheets, bedspreads, and hand-towels, are forbidden if they are freshly washed. However, in honor of Shabbos it is permitted to cover the table with tablecloths that were washed before the period of mourning began.
- 5 Washing his own garments, even if he intends to leave them until after the seven days of mourning, is forbidden, because it is considered work. However, if his garments are in the hands of others, they are permitted to wash them, like any other type of work which they had contracted to do for him.
- 6 If one is in a second consecutive period of mourning, he is permitted to wash his garments with water only (not with ash, soap or the like), and to wear them.
- 7 After the seven days of mourning until the thirtieth day, the *halacha* that forbids the mourner to wear or spread beneath himself a freshly washed garment is applicable only if it is ironed (some say this does not

mean ironing, but washing with water and ash or with soda and soap), and is white and new. But it is the custom to forbid wearing even washed garments, even if they were not ironed, unless someone else had worn them for a short time previously. If, however, they were merely washed with water, it is not necessary that another person wear them first.

- 8 If he does not change his garments for pleasure, rather out of necessity, as when the shirt he is wearing is soiled, or because of a rash, he is permitted to change his garments even during the first seven days, and even on a weekday, provided someone had previously worn them.
- 9 He is permitted to wash and and iron his garments after the seven days of mourning in order to wear them after the thirty days, or to wear them during the thirty days, after they will have been worn by someone else.
- 10 During the first thirty days he is forbidden to wear Shabbos clothes even on Shabbos, and he certainly may not wear new clothing. When mourning the loss of his father or mother, he is by custom forbidden to wear new clothes during the entire twelve months. If, however, he needs them, he should let another person wear them first, for two or three days.
- 11 A woman, during the first thirty days of mourning, or even during the first seven days of mourning, whose time has come, to go to the synagogue on the Shabbos, after giving birth, customarily considers this Shabbos like a Yom Tov by wearing expensive clothing and gold jewelry. She is permitted to wear Shabbos clothing, but not her Yom Tov

clothing, lest her mind be diverted, and she forget she is in mourning. She does not need to change her seat in the synagogue.

¹² A mourner is forbidden to have his hair cut during the first thirty days of mourning, whether it is the hair of his head, the beard, or any other part of the body. If he mourns the loss of his father or mother, he is forbidden to cut his hair until he is admonished by his friends. The estimated time of admonishment is a subject of controversy between the *Poskim*. The custom in our regions is not to cut the hair the entire year unless it is necessary, as when his hair is burdensome to him, or if heminges with people of different nationalities, who would look upon him with scorn because of his hair. In such instances he is allowed to have it cut, for actual admonishment is not required. But if his hair grew to such proportions, that he looks different from his friends, so that people would be apt to say, "How different he is," then he is allowed to have it cut, provided it is after thirty days of mourning.

¹³ Just as he is forbidden to have his hair cut during the first thirty days of mourning, so too is he forbidden to cut his nails with an instrument. But with his hands or teeth, it is permitted even during the first seven days. If he is a *Mohel*, he is forbidden to cut his nails in order to perform the laceration of the foreskin, unless there is no other *Mohel* available, and then he is permitted to do so even during the first seven days. A woman who needs to perform the ritual immersion after the first seven days of mourning, but within the thirty days, should ask a non-Jewess to cut her nails. If a non-Jewess is unavailable, a Jewess may do it.

- ¹⁴ A mourner is permitted to comb his hair with a comb even during the first seven days of mourning.
- ¹⁵ If it customary for a mourner to change his place in the synagogue during the first thirty days of mourning, and after the loss of his father or mother, for twelve months. The change of place should be at least four *amos* away from his original place, and should be to a place that is farther from the *Aron HaKodesh* than his original place.

Siman 212

- ¹ A mourner is forbidden to eat at the feasts of either a circumcision, redemption of a firstborn, or completion of a *Talmudic* tractate, and especially a wedding feast, during the thirty days of mourning for a relative, and during the entire twelve months of mourning for his father or mother. (Even during a leap-year, twelve months are sufficient). However, in his own house, when there is a feast in honor of a mitzvah, he is permitted to participate. However with regard to a wedding feast, he should be strict [and abstain] even though it is celebrated at his own house, unless it is a wedding in which he is giving an orphaned groom or bride to marriage, and his lack of participation may cause the match to break off. In that case, he is permitted to eat even if the feast is held in another house. He may then also wear his Shabbos clothing after thirty days of mourning for his father or mother, or within thirty days of mourning for other relatives.
- ² He is not permitted to invite others or to accept invitations from others. He may not send gifts to others, and others should not send

gifts to him during the entire thirty days of mourning, or during the twelve months of mourning for his father or mother. Concerning Shabbos, it depends on the custom, see Chapter 210:8.

- ³ If a mourner has been asked to serve as either a *Sandek* or a *Mohel*, after the thirty days of mourning even for his father or mother, he may wear his Shabbos clothing until after the circumcision, and he may even partake of the feast.

- ⁴ He is forbidden to enter a house where a wedding feast is being held, during the entire thirty days of mourning for a relative, or the twelve months of mourning for his father or mother, even to hear the *berachos* that are said there. However, during a wedding ceremony that is held in the court of the synagogue, where they are reciting, the *berachos* of betrothal and marriage, he is permitted to stand there and listen to the *berachos* after thirty days of mourning even for his father or mother. He is even permitted to recite the *berachos*, and may even act as best man to escort the bridegroom under the *chupah*. He may wear his Shabbos clothing, provided it is after the thirty days of mourning. However, he is not allowed to enter [the house or hall] to partake of the feast. Some *Poskim* are lenient, and even permit him to partake of the feast.

- ⁵ A mourner may attend a wedding feast if he serves as a waiter. He may also eat in his own house of what is sent to him from the feast.

Siman 213

- ¹ During the thirty days of mourning it is forbidden for a man to marry. Likewise, a woman who is a mourner is forbidden to get married until

after the thirty days of mourning are over. After thirty days, they are permitted even if they are in mourning for a parent. However, an engagement without a feast, is permitted even during the first seven days of mourning.

- ² If one's wife dies, he should not remarry until the three Festivals have passed (*Pesach, Shavuos, Sukkos*). Rejoicing on the Festivals will help him forget his love for his first wife when he marries the second, so that he will not drink from this cup and have his mind on the first cup. *Rosh Hashanah* and *Yom Kippur* are not considered Festivals in this respect. *Shemini Atzeress*, too, is not considered a separate Festival in this respect. If he has not yet fulfilled the mitzvah of propagation, or if he has young children, or if he has no one to look after him, he need not wait for the passage of three Festivals. Nevertheless, it seems [proper] that he should wait until after thirty days have passed. A woman whose husband died, must wait ninety days before remarrying.
- ³ When everything had been prepared for the wedding, and one of the relatives of the bridegroom died, or one of the bride's relatives died, even if it was the groom's father or the bride's mother, in our times, since others are able to prepare what is needed for the wedding, the wedding must be postponed until after the days of mourning.
- ⁴ Even if the death occurred after the *chupah*, the mourner is forbidden to have marital relations until after the seven days of mourning. Since he has not yet had marital relations with her and he is forbidden to have marital relations with her, they are forbidden to be alone without a chaperone. After the seven days of mourning, he may have marital relations with her, and celebrate the seven days of wedding feasts.

- 5 However, if after they had marital relations a relative of the groom or bride died, they are already subject to the laws pertaining to the week of wedding feasts, which is for them like a Yom Tov, and thus the laws of mourning are not to be observed. These days are even more lenient than a Festival, for they are permitted to put on pressed clothing, and they may have their hair cut. They are forbidden only such things that are done privately. After the seven days of wedding feasts, the seven days of mourning begin. Even the first thirty days of mourning are to be counted only from the beginning of the seven days of mourning. (Although the days of a Yom Tov are always included in the first thirty days of mourning as stated in chapter 219:7, the wedding week is not included since they are permitted to have their hair cut.)

Siman 214

- ¹ During the first seven days of mourning, the mourner may not leave his house. However, if a death occurs in his family, or even if a stranger dies, and there are not enough people to attend the funeral and burial, he is permitted to leave his house even on the first day of mourning. If he is summoned by the authorities, or if he must attend to something very urgent to him as otherwise he will sustain a great loss, he is permitted to leave his house, but he should put some earth in his shoes.
- ² Even for the purpose of going to the synagogue to pray, the mourner is not allowed to leave his house during the seven days of mourning, except on Shabbos. However, if he is unable to gather a quorum of ten men for a *minyan* and would be compelled to pray alone, and there is a

minyan in his neighborhood, he may leave his house to go and pray there, in order not to miss praying with a *minyan*.

- ³ If a mourner has to circumcise his son, he may go to the synagogue for this purpose even during the first three days of mourning. If the mourner is the *Sandek* or *Mohel*, he may not leave the house on that account, during the first three days of mourning. After the first three days, he should pray at home, and when the infant is brought to the synagogue to be circumcised, he may then go to the synagogue. If there is no other *Mohel* in the city, he may go even on the first day of mourning.

Siman 215

- ¹ It is forbidden to grieve excessively over the dead, as it is said, "Do not weep for the dead, and do not bemoan him." Our Sages of blessed memory, said, "Is it possible to say so? But it means, "Do not weep for the dead excessively, and do not bemoan him inordinately." How should one mourn? Three days are appropriate for weeping, seven days for mourning, and thirty days for abstaining from wearing ironed clothes, and from having the hair cut. Thereafter the Holy One, blessed is He, says, "You are not permitted to show him more compassion than I do." Our Sages, of blessed memory, said, "One who grieves excessively over the dead, will have cause to weep over another death." This applies only when the deceased was an ordinary person, but if he was a Torah scholar, he is mourned in proportion to his wisdom. Nevertheless, you should not weep over him more than thirty days, for he is not greater than Moshe *Rabbeinu*, peace unto him, of whom it is written, "And the Children of Yisrael wept for Moshe thirty days."

- ² Our Rabbis of blessed memory, said, "When a family member dies, the entire family has cause for concern." To what can this be compared? To an arch made of stone, when one stone shakes all of them are insecure. In other words, severe judgement hovers over them, until it is gradually diminished. For during the first seven days of mourning the sword is drawn, and up to thirty days it is gradually withdrawn, and is not returned to its sheath until after twelve months. Therefore, during the first three days the mourner should perceive himself as if the sword is resting between his shoulders; from the third day to the seventh day, as if it were standing in a corner, facing him; from the seventh day to the thirtieth as if it were passing before him in the street. And thereafter during the entire year, the severe judgement still hangs over that family. If a son is born in that family, the entire family is healed [saved]. This is true only if a male child was born; for when a male comes to this world, peace comes to the world. Likewise when a member of a group dies, judgement hangs over the entire group, and they all have cause to be concerned.
- ³ He who does not mourn, in the manner the Sages have ordained, is considered a heartless person. But he should arouse himself from his sleep, examine his deeds with fear and anxiety, and repent and then, perhaps he may be spared from the sword of the angel of death. For it is said, "You have smitten them, but they were not grieved," which indicates that a person must awaken, examine [his deeds] and repent.

Siman 216

- ¹ On the seventh day, after the consolers have left the mourner, he is permitted to do all the things that were forbidden during the seven days. because we say that a part of the day is considered like the entire day, except with regard to marital relations, which is forbidden the entire seventh day (even in a dark room). In those places where the consolers are not accustomed to come on the seventh day, he must wait until the time they used to come on the other days, which is after people leave the synagogue in the morning. If the seventh day of mourning occurs on Shabbos, then after people leave the synagogue in the morning, he is permitted to study Torah.
- ² Regarding the thirtieth day we also say that part of the day is considered like the entire day. And since no consolers come then, therefore, immediately after sunrise he is absolved of the laws governing the thirty days of mourning. If the thirtieth day occurs on a Shabbos the mourner is permitted to bathe on Friday, with warm water, in honor of the Shabbos. He may put on Shabbos clothes and return to his regular seat in the synagogue; but he may not have his hair cut.

- ³ Regarding the twelve month period of mourning for a father or mother we do not say part of the day is considered like the entire day. On the contrary, it is customary to add the *Yahrzeit* (anniversary of death) day in which to observe all the laws of mourning that pertain to the twelve months of mourning, even if it occurs on Shabbos. However, if it was a leap year, the custom is to observe mourning for the honor of a father and mother only twelve months. Since the twelve months expired before the *Yahrzeit* day, therefore, on the *Yahrzeit* day he is not required to resume mourning.

Siman 217

- ¹ A mourner who neglected to observe mourning during the first seven days, whether inadvertently or intentionally, may fulfill his obligation during the thirty day period, with the exception of tearing his garments. If he did not tear his garments, at his moment of grief, he should not tear them, for tearing the garments are of no avail except during the first seven days which are considered a time of grief. For his father or mother one must tear his garments at any time.
- ² If a child under thirteen years loses a relative, even if he becomes thirteen years of age during the first seven days of mourning, since he was exempt at the time of death, the laws of mourning are cancelled for him. However he should observe the twelve month period of mourning for his father or mother, which is for their honor.
- ³ If a sick person was notified about the death of a relative for whom he must mourn, and he recovered during the first seven days, he should

complete the remaining days. Similarly, with regard to the thirty days of mourning, he should complete the remaining days. But he does not have to make up the days that passed when he was ill, because then, too, he had observed partial mourning. This is comparable to Shabbos, which is included in the seven days of mourning, and does not suspend it. Similarly, a woman who had given birth does not need to make up the days that passed during her confinement, but merely completes the remaining days of mourning.

Siman 218

- ¹ A person must observe the laws of mourning on the testimony of one witness, or the testimony of a witness who heard about it from another witness, or by the disinterested statement of a non-Jew.
- ² How should one who receives a letter notifying him of the death of his relative conduct himself when it is not clear whether it is still within thirty days of the death, or after thirty days. If the writer is not learned in Torah, we assume that the relative was alive, and did not die until right before the letter was written, and thus he must observe mourning for him. However, if the writer is learned in Torah, we assume it is after the thirty days, for if it were possible that the letter would arrive during the first thirty days, he would not have written it without specifying the date. If however, he was informed of the death of his father or his mother, since it is customary to notify [the son] immediately, he must observe the laws of mourning.

Siman 219

- ¹ On Shabbos during the seven days of mourning, the mourner must observe the laws that concern his private life. This means he is forbidden to have marital relations, and to bathe. But he should not observe any mourning in public. Therefore, before saying "*Mizmor Shir Leyom Ha'Shabbos*" he should put on his shoes, sit on a chair, and change his torn garment, as stated above, Chapter 195:6. Torah study is considered a private matters, but, to review the weekly portion of the Torah, the Scripture twice, and the Targum once, is permissible. Since it is the duty of every Jew to complete the weekly portion of the Torah, it is likened to the reading of the *Shema*, and other such portions of the daily prayers.
- ² If the mourner was called to the reading of the Torah, he must go up, for if he were to refuse, it would constitute a public display of mourning. *Rabbeinu Tam* used to be called to the Torah to the reading of the third portion every Shabbos; and when he happened to be in mourning and the *Chazzan* failed to call him, he went up himself. He said that since he had been accustomed to read the third portion every Shabbos, those who would see that he did not go up this day would understand that it was due to his mourning, and this would be a public display of mourning. Also, if a *Kohein* is a mourner, and there is no other *Kohein* in the synagogue, they must call him up to the reading of the Torah. However, it is preferable that he leave the synagogue before the *Seifer Torah* is taken out of the *Aron HaKodesh*. Also, if the mourner has a son to be circumcised and it is the custom that he must go up to the Torah reading, they should call him up. For if they do not call him, it constitutes a public display of mourning. But it is preferable that he not be in the synagogue during the reading of the Torah. (As for a

woman whose time has come to go to the synagogue occurs on the Shabbos during her mourning, see chapter 211:11, above.)

- ³ If one is officially appointed by the congregation to be the reader of the Torah in the synagogue on Shabbos, and he became a mourner on the Shabbos of the first seven days, he should not go to *that* synagogue; for if he is present there, it will raise the question if he should read or not.
- ⁴ Shabbos is included in the seven days of mourning. Even if he received *timely* news of the death of a relative on Shabbos, when he had not yet begun mourning, it is still counted as one of the seven days, and at the conclusion of the Shabbos, he must tear his garments.
- ⁵ If he buried his dead, or received *timely* news of his relatives death, on a *Yom Tov*, whether on Yom Tov itself, or on *Chol Hamoed*, he is not subject to the laws of mourning, until after the Yom Tov. This rule applies to the observance of mourning in public. But the laws concerning his private life must be observed even on a *Yom Tov*. He should not change his garments, for this would constitute a public display of mourning. (Although every other mourner must change his clothing during a Yom Tov, nevertheless, this person who has not yet begun to mourn, should not change his garments during the Festival). One who puts on *Tefillin* during *Chol Hamoed*, should also put them on on the first day after the burial.
- ⁶ At the conclusion of Yom Tov, he begins to count the seven days of mourning. The last day of Yom Tov is counted as one of the seven days and he counts six days after it. Even the second day of Rosh Hashanah is included in the seven days.

- ⁷ Although the laws of mourning do not apply on Yom Tov and *Chol Hamoed*, and even the laws of the thirty days of mourning do not apply, and he is permitted to wear pressed garments; nevertheless, since he is forbidden to have his hair cut because of the Yom Tov, the days of the Yom Tov are included in the thirty days and the thirty days are counted from the day the burial took place. Although *Shemini Atzeress* is a Yom Tov by itself, nevertheless, since he has not yet begun mourning, it does not cancel the period of mourning and in the total of thirty days, it counts as only one day.
- ⁸ However, if a bridegroom marries before a Yom Tov, and the Yom Tov occurs in the middle of the wedding week, and his relative died during the Yom Tov, then the days of his wedding week, are not included in the total of thirty days.
- ⁹ Although no mourning is observed on a Yom Tov, it is still proper to console the mourner (this does not constitute mourning, since the mourner himself does nothing). After the Yom Tov, at the end of seven days from the burial, although, as yet, the seven days of mourning have not expired, he may employ others to do his work in their homes, and his servants may work for him privately in his home. It is not necessary to console him after the Yom Tov, for as many days as they comforted him during the Yom Tov, but they should visit him during those days.

Siman 220

- ¹ A Festival cancels the seven-day and the thirty day periods of mourning. Thus, if one buries his dead before a Festival, and observed

some time in mourning, as soon as the Festival begins, his mourning is suspended. Even if the burial took place on the eve of Yom Tov, toward the close of the day, so that the laws of mourning pertained to him, even if he merely removed his shoes for just a short time before Yom Tov, the Festival suspends the mourning, and we consider it as though he had observed the entire seven days of mourning. The first day of the Yom Tov is counted as the eighth day, and he then completes the thirty day mourning period. Even if the eve of Yom Tov is Shabbos, and he received *timely* news towards the evening, although on Shabbos the only laws of mourning observed are those concerning his private life, since at least these laws were observed, the Festival cancels the seven days of mourning.

- ² If the mourner either inadvertently or intentionally neglected to observe any mourning before the Festival, or if the burial took place close to nightfall, whereby he was unable to observe any mourning, the Festival does not cancel it, and he is subject to the same law as one who buries his dead during a Festival.
- ³ If one of the days of mourning, except the seventh day, occurs on the eve of a Festival, since the Festival will cancel the seven-day mourning period, some *Poskim* permit him to wash his clothes, provided he does not wear them until nightfall. It is best to take care not to wash them until the afternoon, so that it is evident that he is washing them on account of the Festival. He is forbidden to bathe until nightfall, but some *Poskim* permit bathing after the *Minchah* service, close to nightfall. In places where this custom prevails one may follow it. With regard to having his hair cut, all *Poskim* agree that it is forbidden.

- 4 If he buried his dead seven days before the Festival, since he observed seven days of mourning before the Festival, the Festival cancels the thirty day mourning period. This is true even when the seventh day occurs on the day before Yom Tov; since we maintain that part of the day is like an entire day; as soon as the people leave the synagogue (in the morning), the seven day mourning period has been completed, and the remainder of the day is counted as part of the thirty-day mourning period, which is cancelled by the Festival. The mourner may wash his clothing, bathe, and have his hair cut on the eve of the Festival towards nightfall. since he is doing it in honor of the Festival, and the Festival cancels the thirty-day mourning period. If the seventh day occurs on the eve of *Pesach*, since the afternoon which is the time the Pascal lamb was offered, is regarded somewhat as a Yom Tov, he is permitted to bathe immediately after midday and to have his hair cut before noon (since after midday, another person is forbidden to cut his hair for him).
- 5 If the seventh day of mourning occurs on Friday, and Shabbos will be the eve of Yom Tov, he is permitted to wash his clothing, bathe, and have his hair cut on the eve of Shabbos.
- 6 If a mourner neglected to have his hair cut on the eve of Shabbos, or on the eve of Yom Tov, he is forbidden to have his hair cut on *Chol Hamoed*, since he was able to have his hair cut before then. He is, however, permitted to have his hair cut after Yom Tov. If the seventh day of mourning occurred on Shabbos, which is the eve of Yom Tov, since from the standpoint of the laws of mourning he was allowed to have his hair cut then, but was prevented because of Shabbos, it is

considered as though he was prevented by an accident, and he is, therefore, permitted to have his hair cut even on *Chol Hamoed*.

- ⁷ A Festival cancels the thirty-day mourning period, only if the mourning is for other relatives; but if he is mourning for his father or mother, since he is forbidden to have his hair cut until his friends reprove him, the Festival does not cancel this regulation.
- ⁸ If one had observed mourning for one hour, (not exactly, but even less than an hour) before *Pesach*, that hour is considered like seven days, which together with the eight days of *Pesach*, make a total of fifteen days, to which he must add another fifteen days to complete the thirty-day mourning period. If he observed mourning for one hour before *Shavuos*, that hour is regarded as seven days, and the first day of *Shavuos* is also regarded as seven days (since its sacred offerings can be brought on any of the following seven days,) and the second day of *Shavuos* is counted as his fifteenth day, after which he must add another fifteen days. If he observed mourning for one hour before the Festival of *Sukkos*, it is counted as seven days, which together with the seven days of *Sukkos* make a total of fourteen days. The Festival of *Shemini Atzeress* is also counted as seven days (for it is a Festival in its own right, and amends can be made for its sacrifices), making it a total of twenty-one days. The day of *Simchas Torah* counts as the twenty-second day, and he must add another eight days.
- ⁹ *Rosh Hashanah* and *Yom Kippur* are also considered Festivals with regard to canceling the seven and thirty-day mourning periods. Thus, if one observed mourning for one hour before *Rosh Hashanah*, *Rosh Hashanah* cancels the seven day period, and *Yom Kippur* cancels the thirty-day

period. If he observed mourning for one hour before *Yom Kippur*, *Yom Kippur* cancels the seven day period, and *Sukkos* cancels the thirty-day period.

- ¹⁰ Although a Festival cancels the seven-day mourning period, nevertheless, the candle that is customarily lit in the place where the death occurred, to honor the soul of the deceased, should also be lit on Yom Tov. However, it is better to light it in the synagogue.

Siman 221

- ¹ It is a *Mitzvah* to fast, every year, on the anniversary of the death of one's father or mother, as an inspiration to repentance, to examine his deeds on that day and lament his wrong doings. By doing this, he will bring merit to his father and mother, so that they will be exalted in *Gan Eiden*. Towards evening, in the *Shemoneh Esreh* of *Minchah*, he should say *Aneinu* (Answer us) just as on any private fast day. If a person fasted on one *Yahrzeit*, it is presumed that it was his intention to fast that day all his lifetime, and therefore it becomes like a vow, which is binding upon him as a Scriptual obligation, and he is obligated to fast on that day forever. If he becomes ill, or if he is in some other situation where he must eat, he must have his vow annulled. However, if he distinctly declared that his fasting is not an acceptance of a vow, annulment is not necessary. It is customary to light a *Yahrzeit* candle.
- ² The *Yahrzeit* fast is always observed on the day of death even in the first year. Even if the death occurred towards the end of the day, after the congregation said the *Maariv* prayer, if it is still day, that day is fixed as the day of *Yahrzeit*. However, if the burial took place several days after

the death occurred, the *Yahrzeit* fast should be observed the first year on the date of the burial, but in subsequent years on the day of death.

- ³ If death occurs during a leap year, either in the first or second month of *Adar*, then, in a regular year, the *Yahrzeit* fast is observed on that day of *Adar*. And in a leap year it should be observed in the month when the death occurred; if in the first *Adar*, it is observed in the first, and if in the second, it is observed in the second. If the death occurred in (*Adar* of) a regular year, then, during a leap year it is observed in the first *Adar*. In the second *Adar*, too, he should say *Kaddish* but he may not encroach upon the rights of others.
- ⁴ The month of *Cheshvan* is sometimes full, that is, it consists of thirty days, and then, *Rosh Chodesh Kislev* that follows, is two days. The first day of this *Rosh Chodesh [Kislev]* is the thirtieth day of *Cheshvan* and belongs to it (*Cheshvan*), and the second day of *Rosh Chodesh* is the first of *Kislev*. (This is true of every *Rosh Chodesh* which consists of two days; the first day is the thirtieth of the previous month, and belongs to it.) Sometimes the month of *Cheshvan* is lacking, that is, it consists of only twenty-nine days, and *Rosh Chodesh Kislev* that follows is only one day. Also the month of *Kislev* is full sometimes, and *Rosh Chodesh Teives* that follows is two days, and other times it is lacking, and *Rosh Chodesh Teives* that follows consists of only one day. If someone dies on *Rosh Chodesh Kislev* when it was only one day, then, in a year when *Rosh Chodesh Kislev* will be two days, the *Yahrzeit* should be observed on the second day of *Rosh Chodesh*, which is the first day of *Chodesh Kislev*, for the death occurred on the first day of *Kislev*. However, if someone died on the first day of *Rosh Chodesh Kislev* when *Rosh Chodesh* was two days, then in a year when *Rosh Chodesh Kislev* is only one day, there is a

question when the *Yahrzeit* is to be observed; if on the twenty-ninth of *Cheshvan*, since he died at the end of *Cheshvan*, or, perhaps, since as regards the law of vows, we are guided by colloquial language, the *Yahrzeit* should be observed on *Rosh Chodesh Kislev* as the first day of *Rosh Chodesh* is usually called. The following is the proper procedure: If in the first year (after the death occurred) *Rosh Chodesh Kislev* is only one day, the *Yahrzeit* should be observed on the twenty-ninth of *Cheshvan*, and similarly when ever *Cheshvan* is lacking. Nevertheless, if the next day, on *Rosh Chodesh*, there are no mourners present, he should recite *Kaddish* and lead the services on that day, but he may not encroach upon the rights of others. If, however, also in the first year following the death, *Rosh Chodesh Kislev* is two days, then the *Yahrzeit* is established to be observed on *Rosh Chodesh Kislev*, and he should forever observe it on that day. Even when *Rosh Chodesh* will be only one day, the *Yahrzeit* should be observed on *Rosh Chodesh*. This applies also to the month of *Teviis*.

- 5 Since *Rosh Chodesh Teives* is sometimes only one day, that is, on the sixth day of *Chanukah*, when the sixth day of *Chanukah* is the first day of the month of *Teives* and the seventh day of *Chanukah* is the second day of *Teives*, and the eighth day of *Chanukah* is the third day of *Teives*, and at other times (*Rosh Chodesh Teives*) is two days, that is, on the sixth and seventh day of *Chanukah*, when the seventh day of *Chanukah* is the first day of *Teives*, and the eighth day (of *Chanukah*) is the second day of *Teives*. Therefore, one who has a *Yahrzeit* to observe on one of these days, should not err by calculating according to the days of *Chanukah*, for it must be calculated according to the day of the month.

- 6 On days that *Tachanun* is not said fasting should not be observed on the *Yahrzeit*. Also, on the day of a circumcision, the father, the *Sandek*, and the *Mohel* should not observe the *Yahrzeit* fast. Also, on the day of redemption of the firstborn, the father and *Kohein* should not observe the *Yahrzeit* fast. Also, a bridegroom, during the wedding week, should not observe a *Yahrzeit* fast. But it is forbidden to partake of a meal at a *Siyum* on the day of a *Yahrzeit*. On the days when fasting is not observed, he should at least devote his time to study Torah and to practice *Mitzvos* and good deeds to bring merit to the souls of his father and mother.
- 7 In the night preceding the day when one must observe *Yahrzeit*, he should not partake of a wedding meal, for there is music for the groom and bride and there is merriment. But to partake of a meal in honor of a circumcision, or the redemption of the firstborn or *siyum* is permitted.
- 8 If one does not know the date of his parent's death, he should select one day on which to observe the *Yahrzeit* fast, but he may not encroach upon the rights of others with regard to reciting the *Kaddish*. "He will swallow up death forever; and *Adonoy*, God will wipe away tears from all faces." "Blessed be He who gives strength to the weary; and to Him who increases strength to the powerless."