

Insights into Halacha

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Facts and Formulae for the Forgetful

Here we are, post-Pesach, and an interesting issue of repetition has come up again (no pun intended). Over the course of the last Yom Tov-filled month, and right up to, and including Rosh Chodesh Iyar, a simple question might elicit very different rabbinic responses. The subject? What does one do if the halachically mandated YA'ALEH V'YAVO (YvY) in Birchat HaMazon was forgotten? Does bentsching need to be repeated or not? And why would there be different answers to a seemingly straightforward sheilah?

Repeating Rationales

This quite common clique of queries is not new; it is actually addressed several hundred years ago in the very first printed halachic responsum of the renowned Rabbi Akiva Eiger zt"l. Someone wrote to Rav Eiger explaining that some members of his household forgot to say YvY in bentsching, and his local Rabbi told them to repeat Birchat HaMazon. Yet, the questioner seemed to recall a different time when faced with the same issue, his rabbi ruled not to repeat bentsching. So, this perplexed person, instead of requesting the

halachic rationale from said rabbi, decided to write to the Gadol HaDor asking for an elucidation.

Rav Eiger responded that Birchat HaMazon must be repeated when someone forgets YvY on Yom Tov. However, if it was forgotten on Rosh Chodesh then one does not repeat bentsching. The distinction is fascinating! It lies in the different halachic requirements for a festive bread meal (SEUDA). Yom Tov (as well as Shabbat) has a requirement of SEUDA. Therefore, if one does not mention the Yom Tov day in Birchat HaMazon as part of YvY (or likewise, R'TZEI on Shabbat), he must repeat the whole bentsching.

We are discussing the situation when one finished bentsching and then realized he forgot YvY. Remembering right after UVNEI YERUSHALAYIM is a different story. Not for now.

On the other hand, Rosh Chodesh is different. Although there is a Mitzva to have a SEUDA on it, it is not actually halachically required, and therefore bentsching is not repeated if YvY was forgotten.

So too for Chol HaMoed - no repeating. Rosh HaShana is subject to differing opinions. Not for now.

Women's Rights

Yet, Rav Akiva Eiger added a caveat. He states that if the letter writer was referring to a woman forgetting YvY, then even on Yom Tov she should not

repeat Birchat HaMazon. He explains that a women's requirement to have a bread SEUDA on Yom Tov is due to the Mitzva of Oneg / Simchat Yom Tov and falls under the category of a MITZVAT ASEI SHEHAZ'MAN G'RAMA, a time-bound positive commandment, from which women are technically generally exempt. Therefore, he rules, if a woman forgot YvY, she should not repeat bentching, as she was not halachically mandated to have bread at the SEUDA. The sole exceptions are on Shabbat, due to the joint obligations of positive and negative commandments (ZACHOR V'SHAMOR) that men and women are equally obligated in following, and on the first night of Pesach regarding eating Matza, which likewise has a joint obligation of positive and negative commandments (not eating chometz and eating Matza); on these specific times a women would indeed need to repeat bentching.

Difference of Opinion

However, opposition to Rav Akiva Eiger's novel ruling regarding women was not long in coming, most notably from Rav Shlomo Cohen zt"l, eminent Dayan in Vilna and author of several authoritative sefarim.

He asserts that even according to Rav Akiva Eiger, on Shavuot women should repeat bentching if YvY wasn't said.

These decisors noted that the Shulchan Aruch, when he codified this halacha, did not seem to make any distinction

between which Yom Tov it was, nor between men's and women's obligations, when he ruled that one must repeat bentching if YvY was mistakenly forgotten. Additionally, according to the understanding of many great authorities... women are obligated in the same level of Mitzva of Simchat Yom Tov that men are, including the Mitzva to have a bread SEUDA!

In the HASHMATOT (appendix) to his original teshuva, Rav Akiva Eiger later defended his ruling, addressing these valid points. He maintained that although women obviously are included in the Mitzva of Simchat Yom Tov, he makes a distinction that their requirement is referring to wearing new clothing and celebrating Yom Tov with BASSAR V'YAYIN (meat and wine), yet, without an actual obligation to partake in a bread SEUDA.

Rav Eiger cites proof to this, that regarding the halacha of repeating bentching, the Shulchan Aruch rules that Chol HaMoed has similar status to Rosh Chodesh, and one does not repeat if he forgot YvY. Yet, Chol HaMoed, being a part of Yom Tov, still retains the obligation for Simchat Yom Tov. Therefore, concludes Rav Eiger, it stands to reason that the Mitzva of Simchat Yom Tov alone does not mandate a bread SEUDA.

Bottom Line

So, how do contemporary authorities rule, having to choose a path between

such luminaries of generations past? While several poskim rule stringently that a woman should repeat Birchat HaMazon if she forgot YvY on Yom Tov (reportedly including Rav Moshe Feinstein zt"l), and others seem undecided, it seems that most contemporary authorities, including the Sdei Chemed, and the Maharsham, and more recently, the Debreciner Rav and the Shevet HaLevi, rule that a woman should not repeat bentsching for forgetting YvY on Yom Tov, except on the first night of Pesach. This is also the conclusion of several contemporary sefarim that deal exclusively with halachot pertaining to women. They add that this p'sak is surely true and repetition unnecessary if she is merely uncertain if she said YvY (and even on the first night of Pesach). They assert that aside from following Rabbi Akiva Eiger's trailblazing ruling, there is additional justification to allow leniency for women regarding repetition of bentsching due to lapse of YvY, based on several minority opinions. Indeed, mv"r Rav Yaakov Blau zt"l (Chaver Badatz Eida Chareidis in Yerushalayim and author of Pischei Choshen et al.), as well as Rav Asher Weiss (the renowned Minchas Asher), recently told this author that the IKAR L'HALACHA follows Rav Akiva Eiger, and women should not repeat bentsching on Yom Tov for forgetting YvY, aside from the first night of Pesach.

In conclusion, if you just finished

bentsching and realized (too late) that YvY was not recited, before panicking, just remember the sine qua non: Were you truly obligated to eat the SEUDA that you just finished? If so, then your bentsching was incomplete, and needs repetition. If not, repetition is not required as you already were yotzei V'ACHALTA V'SAVATA U'VEIRACHTA, and are now worthy of receiving Hashem's personal favor! B'TEI-AVON!

Postscript: This article follows the Ashkenazic rule. For Sefardim their p'sak may be different. Kaf HaChayim (Orach Chaim 188, 24) based on Tosafot's shita, that one is obligated to have bread exclusively on the first night of Sukkot and Pesach, rules that these are the only times that even a man must repeat bentsching on Yom Tov; otherwise, the well known rule of SAFEIK BRACHOT LEHAKEL is followed. Actually, and even though the Shulchan Aruch does not rule this way, many contemporary Sefardic Poskim maintain a similar position to the Kaf HaChayim, that only on the first nights of Pesach and Sukkot would a man have to repeat bentsching for forgetting YvY. On the other hand, Rav Shalom Mashash zt"l argues that Sefardim must follow the psak of the Shulchan Aruch and men must repeat bentsching for forgetting YvY on any Yom Tov.

The Kaf HaChayim continues that if a man has to repeat bentsching only on these two exclusive times, then certainly, a woman, whose chiyuv to

bentch in the first place is a safek d'oraita or d'rabbanan should not have to repeat bentching for missing YvY. Following this would mean that a woman should never have to repeat bentching for forgetting YvY. Rav Ezriel Hildesheimer zt"l rules similarly to the Kaf HaChayim, that women never need to repeat bentching for forgetting YvY.

Although many dispute the Kaf HaChayim's reasoning regarding women, including Rav Ovadiah Yosef zt"l and Rav Ben Tzion Abba Shaul zt"l, regarding Shabbat and the first night of Pesach, nevertheless, several authorities do indeed use the Kaf HaChayim's rationales as snifei lehakel for the rest of the Yomim Tovim, allowing women not to repeat Bentching for forgetting YvY.

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For any questions, comments or for the full Mareh Mekomot / sources, please email the author: yspitz@ohr.edu

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Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

Rabbi Yehuda Spitz's English halacha sefer, "Food: A Halachic Analysis" (Mosaica/Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere."