

# The Halachah Discussion

By Rabbi Doniel Neustadt

A discussion of Halachic topic. For final rulings, consult your Rav.



## ברכת הגומל



In the times of the *Beis Hamikdash*, a person who survived a potentially life-threatening situation brought a *Korban Todah* – a Thanksgiving Offering, to express his gratitude to Hashem.<sup>1</sup> What does the *Talmud*<sup>2</sup> define as a potentially life-threatening situation? Crossing a desert or a sea, imprisonment or serious illness.

Nowadays, when the *Beis Hamikdash* no longer stands and offerings cannot be brought on the altar, we substitute a public proclamation of gratitude to Hashem for an offering.<sup>3</sup> A survivor of any of the perils mentioned above publicly recites *Birchas Ha-gomel* – thanking Hashem for saving him from danger.

The text of the blessing is as follows:

ברוך אתה ה' אלקינו מלך העולם הגומל לחייבים טובות שגמלני<sup>4</sup> כל טוב.

After answering *amen*,<sup>5</sup> the congregation responds:<sup>6</sup>

מי שגמלך כל טוב הוא יגמלך כל טוב סלה.

*Birchas ha-gomel*, just like *Korban Todah*,<sup>7</sup> is an optional mitzvah; it is not a pure obligation and one who fails to recite it does not commit a sin.<sup>8</sup> The poskim, though, strongly suggest that one be careful to fulfil this mitzvah, just as he would have seen to it to bring a *Korban Todah* if he had the opportunity to do so.<sup>9</sup>

1 *Vayikra* 7:12 and *Rashi* and *Rashbam*.

2 *Berachos* 54a, based on *Tehillim* 107. See also *Rashi*, *Zevachim* 7a (s.v. *lo*) and *Menachos* 79b (s.v. *l'achar*).

3 *Rosh*, *Berachos* 9:3, as explained by *Chasam Sofer O.C.* 51 and *Avnei Nezer O.C.* 39.

4 Some original texts omit the word *kol*, an omission approved by Harav S. Z. Auerbach (*Halichos Shlomo* 1:23-7).

5 *Aruch ha-Shulchan* 219:5.

6 *O.C.* 219:2. *B'dieved*, if the congregation did not respond, one fulfils the mitzvah regardless; *Mishnah Berurah* 219:5.

7 See *Maharam Shick O.C.* 88 and *Sdei Chemed*, *Asifas Dinnim*, *Berachos*, 2:10. See *Shiras Dovid*, *Vayikra* 7:12 for a possible explanation.

8 Based on *Magen Avrohom O.C.* 219:1.

9 See *Pri Megadim* 219:1, *Chasam Sofer O.C.* 51 and *Minchas Yitzchok* 4:11-9.

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In addition to reciting the *ha-gomel* blessing in lieu of the *Korban Todah*, *Chayei Adam*<sup>10</sup> writes that one should give a charitable donation equal to the value of the animal that he would have brought as a sacrifice. When giving the money, he should expressly state that he is donating the money instead of bringing a *Korban Todah*. He further instructs one to recite certain verses in the Torah which deal with *Korban Todah*<sup>11</sup> along with an additional text that he authored when he himself was saved from an explosion in the year 1804.

### When and where is *ha-gomel* said?

As *ha-gomel* is a public expression of gratitude, it cannot be recited in private. Indeed, the basic halacha follows the opinion that the blessing is said only in the presence of at least ten men. For this reason it became customary that *ha-gomel* is recited right after the public reading of *Kerias ha-Torah*. But like any other mitzvah, there are *l'chatchilah* and *b'dieved* methods of performing it. In addition, there are some recommendations which fall under the category of *hidur mitzvah*. Let us elaborate:

### L'chatchilah:

- *Ha-gomel* should not be delayed more than three days after surviving a dangerous situation.<sup>12</sup> The

10 *Seder Amiras Korban Todah*, published in *Chayei Adam* following *Klal* 69 and quoted in part by *Mishnah Berurah* 218:31.

11 See similar instructions in *Shulchan Aruch Harav O.C.* 1:9.

12 *O.C.* 219:6 and *Mishnah Berurah* 20.

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custom is to recite *ha-gomel* at the soonest *Kerias ha-Torah* possible.<sup>13</sup>

- At least ten men, including two Torah scholars and the one reciting *ha-gomel*, should be present.<sup>14</sup>
- *Ha-gomel* is recited immediately after the *Kaddish* which follows *Kerias ha-Torah*.
- *Ha-gomel* is recited while standing.<sup>15</sup>
- *Ha-gomel* should be recited during daytime hours only.<sup>16</sup>

If a number of people in *shul* are obligated to recite *ha-gomel*, each individual should recite his own (and not discharge his obligation by listening to another person's *ha-gomel*).<sup>17</sup> If, however, they are expressing gratitude for an incident which they experienced together, one person recites *ha-gomel* on behalf of everyone. The others respond: *mi shegemalanu kol tuv hu yigmaleinu kol tuv selah. . .*<sup>18</sup>

## **B'dieved or bishas ha-dchak:**

If three days elapsed, the blessing should be said within five days.<sup>19</sup> If five days passed, the blessing should be recited within thirty days.<sup>20</sup> If thirty days passed, the blessing may still be recited as long as the feelings of joy and gratitude are still alive in the mind of the survivor.<sup>21</sup>

If two Torah scholars are not available, the blessing is recited in front of any ten men, at any time.<sup>22</sup> A minority view holds that under extenuating circumstances *ha-gomel* is recited even with fewer than ten men present. It is not customary, however, to do so.

- *Ha-gomel* may be recited even at night.
- *Ha-gomel* is valid if one was sitting when it was recited.<sup>23</sup>
- One can fulfil his obligation of *ha-gomel* by hearing the blessing recited by another person who is

obligated in *ha-gomel*.<sup>24</sup>

## **Hidur mitzvah:**

- At least ten men, plus two Torah scholars, plus the one reciting the blessing (altogether thirteen men) should be present.<sup>25</sup> The more people present, the greater *hidur mitzvah* there is.<sup>26</sup>
- The one reciting *ha-gomel* receives an *aliyah* to the Torah,<sup>27</sup> and after reciting the final blessing on the Torah, *ha-gomel* is recited. If he received the last *aliyah*, *ha-gomel* is recited before the *Kaddish* which follows *Kerias ha-Torah*.<sup>28</sup>
- The one reciting *ha-gomel* remains standing, while those listening are seated.<sup>29</sup>

## **Do women recite the ha-gomel blessing?**

Expressing gratitude to Hashem for His kindness to us is certainly incumbent upon women as well as men. Indeed, when the *Beis Hamikdash* was standing, women, too, brought a *Korban Todah*.<sup>30</sup> But traditionally among the *Ashkenazim*, women did not recite *ha-gomel* even though it was instituted as a substitute for the *Korban Todah*. This tradition developed because — as stated earlier — *ha-gomel* is recited in front of at least ten men, and it was considered immodest for a woman to make a public recitation. While many *poskim* questioned and criticized this tradition and suggested ways where women, too, might fulfil this mitzvah<sup>31</sup>, others maintained that the tradition

13 *Sha'arei Ephraim* 4:27.

14 *O.C.* 219:3 and *Mishnah Berurah* 6 and *Sha'ar ha-Tziyun* 7. See *Tzitz Eliezer* 13:18.

15 *Mishnah Berurah* 219:4.

16 *Chasam Sofer O.C.* 51; *Kaf Hachayim* 219:14. Women who recite *ha-gomel* after childbirth may do so at night *l'chatchilah*; *Tzitz Eliezer* 13:17.

17 Based on *Mishnah Berurah* 8:13 and 213:12. See also *Rav Akiva Eiger* on *O.C.* 219:5.

18 *Chasam Sofer (Sefer Hazikaron, pg. 25)*, quoted in *Piskei Teshuvos* 219:17.

19 *Be'er Heitev* 219:9.

20 *Mishnah Berurah* 219:8.

21 Based on *Aruch ha-Shulchan* 219:7.

22 *O.C.* 219:3 and *Beur Halacha* (s.v. *Lo*).

23 *Mishnah Berurah* 219:4.

24 *O.C.* 219:5.

25 *Sha'arei Ephraim* 4:27 (at least 13 people); *Chayei Adam* 65:6 and *Kitzur Shulchan Aruch* 61:2 (at least 11 people).

26 *Shulchan ha-Tahor* 219:2, who therefore recommends waiting until Shabbos, since more people and Torah scholars will be present.

27 *Sha'arei Ephraim* 4:27 and *Chasam Sofer O.C.* 51. See also *Igros Moshe O.C.* 5:14. But since this is only a *hidur mitzvah*, he does not have priority over other *chiyuvim*; *Sha'arei Ephraim* 2:11 and *Beur Halacha* 136:1 (s.v. *b'shabbos*). See note 36.

28 *Eishel Avrohom Tanina* 219.

29 *Birkei Yosef* 219:6, quoting an oral ruling of the *Rambam*; *Sha'arei Ephraim* 4:27; *Kaf Hachayim* 219:15; *Tzitz Eliezer* 13:19-3.

30 See, however, *Tzafnas Pa'aneich, Berachos* 10:8.

31 An authority as early as the *Magen Avrohom* (219:4) already suggested that a husband recite *ha-gomel* on behalf of his wife. But besides the fact that this would not solve the problem for girls and unmarried women, *Beur Halacha* (219:4, s.v. *v'ain*) rejects this option from an halachic point of view and *Aruch HaShulchan* (219:9) testifies that it did never gained acceptance. *Mishnah Berurah* suggests that a woman recite *ha-gomel* in front of [ten] women plus one man, but subsequent *poskim*

be upheld and that women not recite *ha-gomel*.<sup>32</sup>

Still, there are a number of options which a woman can resort to in order to express her gratitude to Hashem:

- While remaining in the women's section, she should recite *ha-gomel* loudly enough for it to be heard by ten men. The men then respond with *mi shegemalach . . .*<sup>33</sup> This can also take place in the woman's home when ten men are present.<sup>34</sup>
- She should answer *Boruch Hashem ha-mevorach le'olam va'ed* and *amen* to her husband's *aliyah* to the Torah with the specific intent of fulfilling her obligation to thank Hashem for His grace to her.<sup>35</sup> Traditionally, this was the method used by women who wished to fulfil their obligation of expressing gratitude to Hashem after giving birth.<sup>36</sup>

Harav M. Feinstein is quoted as ruling that a woman may recite *ha-gomel* in anyone's presence, man or woman. If she is married, she should preferably do so in her husband's presence.<sup>37</sup>

Harav S. Z. Auerbach suggested that upon reciting the morning blessing of *ha-gomel chasadim tovim l'amo Yisroel*, a woman should have in mind to fulfil this mitzvah as well.<sup>38</sup>

Although there are various opinions, the accepted custom today is that minors do not recite *ha-gomel* nor does their father recite the blessing on their behalf.<sup>39</sup>

*Which situations call for the recitation of ha-gomel?*

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rejected this solution; see *Aruch HaShulchan* 219:6; *Kaf Hachayim* 219:3; *Igros Moshe O.C.* 5:14; Harav S. Z. Auerbach (*Halichos Shlomo* 1:23-4).

32 *Sha'arei Ephraim* 4:28; *Aruch ha-Shulchan* 219:6; *Orchos Rabbeinu* 1:91, quoting *Chazon Ish* and Harav Y.Y. Kanievsky; Harav S.Z. Auerbach (*Halichos Shlomo* 1:23-4); *B'tzeil Hachachmah* 6:78; *Teshuvos v'Hanahgos* 1:195.

33 *Be'er Heitev* 219:1 quoting *Knesses ha-Gedolah*; *Birkei Yosef* 219; *Chayei Adam* 65:6; *Ben Ish Chai (Eikev 5)*; *Yechaveh Da'as* 4:15.

34 *Minchas Shlomo* 2:4-31.

35 *Eliyahu Rabba* 219:5, quoted by *Sha'arei Ephraim* 4:28 and *Minchas Yitzchok* 4:11-9.

36 This is the source of the widespread custom that as soon as a *yolades* recovers, she goes to *shul* to hear and to respond to *Barechu es Hashem ha-mevorach*. In this case, her husband's *aliyah* has priority over almost any other *chiyuv*; *Beiur Halacha* 136:1 (s.v. *b'shabbos.*)

37 Oral ruling quoted in *Igros Moshe O.C.* 5:14.

38 *Halichos Shlomo* 1:23-8, and note 10.

39 *Sha'arei Teshuvah* 219:1 and 3 and *Mishnah Berurah* 219:3. See *Har Tzvi O.C.* 113.

We mentioned above four categories of people who are supposed to recite *ha-gomel*. We will briefly discuss those categories and their modern counterparts:

## Crossing a desert

Nowadays, a trip on a paved road through a desert is no more dangerous than a trip on an interstate highway; thus *ha-gomel* is not recited. Still, were it to happen that one lost his way in a desert and survived, *ha-gomel* would be recited.<sup>40</sup>

## Dangerous imprisonment

The *poskim* debate if this refers only to imprisonment in which one's life was endangered or threatened, such as being a prisoner of war, or even jail imprisonment for criminal activity, where one's life is not in danger. In practice, the individual case should be presented to a *Rov* for a ruling.<sup>41</sup>

## Serious illness

This includes recovery from any illness which is or could be life-threatening,<sup>42</sup> or any surgery which requires general anaesthesia.<sup>43</sup> Many *poskim* maintain that if a patient is so weak that he remains bedridden for three consecutive days, *ha-gomel* is recited even if according to the doctors the patient's life was not in danger.<sup>44</sup>

Diagnosed mental illness which required that the patient be restrained or hospitalized is considered life-threatening; *ha-gomel* is recited upon recovery.<sup>45</sup>

*Ha-gomel* should be recited upon *complete* recovery from the illness or condition, even if the patient needs to continue taking medication for his condition. If, according to the doctors, the patient will never completely regain his former strength, then *ha-gomel* is recited as soon as he is well enough to walk on his feet.

## Sea voyage

This refers only to voyages far into the ocean that last several days.<sup>46</sup> It also includes shorter trips where harsh weather conditions threatened the safety of the passengers.

Whether or not to recite *ha-gomel* after an

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40 See *Ketzos ha-Shulchan* 65:1.

41 See *Beiur Halacha* 219:1 (s.v. *chavush*), *Aruch ha-Shulchan* 219:5 and *Kaf Hachayim* 219:11.

42 *Rama* 219:8.

43 See *Avnei Nezer Y.D.* 321, *Orchos Rabbeinu* 1:91, *Halichos Shlomo* 1:23-2 and *Tzitz Eliezer* 12:18.

44 See *Beiur Halacha* 219:8 (s.v. *kegon*); *Ketzos ha-Shulchan* 65:3.

45 *Tzitz Eliezer* 12:18.

46 *Minchas Yitzchok* 4:11. Thus, *ha-Gomel* is not recited when taking the ferry from Britain to France.

airplane trip is a subject of much debate. There are three opinions:

- 1) It is doubtful whether *ha-gomel* may be recited,<sup>47</sup> unless a potentially dangerous situation developed during the flight.
- 2) *Ha-gomel* is recited only when the airplane crossed over an ocean or a desert.<sup>48</sup>
- 3) *Ha-gomel* is recited after every airplane trip.<sup>49</sup>

While there is no clear ruling on this issue, the custom today follows the *poskim* who require the recitation of *ha-gomel* only when an ocean or a desert is crossed. (Once the destination has been reached, *ha-gomel* is recited; the return leg of the trip necessitates its own *ha-gomel*.<sup>50</sup>)

### **Is *ha-gomel* recited in cases other than the four categories mentioned?**

In addition to the four categories of people mentioned above, our custom is to recite *ha-gomel* whenever one finds himself in a life-threatening situation and was saved through the grace of Hashem. As long as one came face to face with actual danger and survived, whether he was saved miraculously or by what appears to be “natural” means, *ha-gomel* is recited.<sup>51</sup> For example<sup>52</sup>, a survivor of;

- An attack by wild animals who normally kill their prey
- A car accident which according to bystanders should have been fatal

47 *Chelkas Yaakov* 2:9 quoting Belzer Rebbe. This was also the view of the Brisker Rov and Tchebniner Rov, quoted in *Teshuvos v’Hanahagos* 1:81 and 3:191. See also *b’Tzeil ha-Chachama* 1:20. According to this opinion, *ha-gomel* can be said only without pronouncing Hashem’s Name.

48 Chazon Ish and Harav Y. Y. Kanievsky (quoted in *Orchos Rabbeinu* vol. 1, pg. 91); *Minchas Yitzchok* 2:47; *Tzitz Eliezer* 11:14.

49 *Igros Moshe O.C.* 2:59; *Ketzos ha-Shulchan* 65:1; Harav S. Z. Auerbach (*Halichos Shelomo* 1:23-5); *Be’er Moshe* 7:69; *Yechaveh Da’as* 2:26 (for a trip longer than 72 minutes).

50 *Halichos Shelomo* 1:23-4. Others hold that if the duration of the trip is less than three days, then *ha-gomel* should be recited only upon return; *Kaf Hachayim* 219:5.

51 *Mishnah Berurah* 219:32. This is the *Ashkenazi* custom; *Sepharadim*, however recite *ha-gomel* only in situations that fall under one of the four categories mentioned; *Kaf Hachayim* 219:52.

52 The following lists are to be used only as a guide. In actual practice, the case with all of its various details must be presented to a *Rov* for a final ruling.

- Of a bus which was blown up by a suicide bomber
- A shooting attack
- An armed robbery
- A collapsed building
- A soldier who saw combat in war

In the above cases, the person found himself in actual danger and was nevertheless saved. Sometimes, however, a person is merely close to the danger, but was not actually involved in the danger itself. In those cases, *ha-gomel* is not recited.<sup>53</sup> For instance, a survivor of;

- A sighting of a wild animal, but the animal did not attack
- A killer aiming a weapon in one’s general direction, but was overpowered
- A car that gets out of control but came to last minute stop
- A low impact head-on crash between cars
- A bomb which explodes seconds before people entered that area
- A gun that discharges by accident and missed the person by inches

### **General note:**

If one remains in doubt as to whether or not he is obligated to recite *ha-gomel* (e.g., it is difficult to determine if he was in “actual” danger; an unresolved dispute among the *poskim*; a *minyán* is not available; a father for a minor, a woman who is embarrassed to recite the blessing in front of men, etc.), he (or she) has two options whereby this obligation can be fulfilled:

- Recite the blessing without Hashem’s name. The text is: *Baruch ata ha-gomel . . .*
- Have specific intent to fulfil this mitzvah when reciting the morning blessing of *ha-gomel chasadim tovim l’amo Yisroel*. Preferably, he should do so out loud in front of ten men, including two Torah scholars. If he wishes, he can add at the end of the text the words “*shegemalani (kol) tov.*”<sup>54</sup>

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53 See *Maharal (Nesivos Olam, Nesiv ha-Avodah* 13), quoted in *Shevet Halevi* 9:45. See also *Knei Bosesem* 1:12 and *Halichos Shelomo* 1:23-1.

54 Harav S. Z. Auerbach (*Halichos Shelomo* 1:23-8). According to Harav Auerbach, this second method is preferable to the first.