

HALOCHOSCOPE ^{TOI}

Someone adopted a practice to refrain from eating at a shul Kiddush. He prefers to make Kiddush at home when eating his regular Shabbos Seuda. He is now in a position in which he can not avoid making Kiddush in Shul for the rest of the congregation. Does he require a *Hataras Nedarim*, annulment of his 'vow'?

The issues:

- (A) *Kiddush Bimkom Seuda*, the requirement to eat a meal at *Kiddush* time
- (B) Eating a proper meal by day on Shabbos
- (C) *Seudas Rav Chidka*, the opinion requiring a fourth meal on Shabbos
- (D) *Hataras Nedarim*

(A) *Kiddush Bimkom Seuda*

The Scriptural Mitzvah to recite *Kiddush* at the onset of Shabbos, is learned from the Passuk: *Zachor Es Yom Hashabbos Lekadsho* ..., "remember" the Shabbos day to make it holy. The word *Zachor* means to verbally mention rather than remember mentally. Thus we make mention of the holiness of Shabbos. This mention is to sanctify the Shabbos and must therefore be made at the commencement of Shabbos to properly fulfill this requirement. The requirement to recite *Kiddush* over wine is considered Rabbinical, but according to some commentaries might be Scriptural in origin. If one did not use wine but did recite *Kiddush* verbally he has fulfilled his obligation *Bid'aved*, according to the absolute minimum requirements. Among the reasons given for the necessity of wine are that we find that the *Tanach* links *Zechirah* (as in *Zachor*) to wine. Wine also arouses people, leading them to an appreciation of how special Shabbos is.

The Rabbis added a Mitzvah of *Kiddush* by day on Shabbos too, to highlight the special quality of Shabbos again by day. This is accomplished by drinking wine at the beginning of the daytime *Seudah*, Shabbos meal. One does not usually drink wine the rest of the week. *Kiddush* by day does not require a special text or Brocha, other than the Brocha over wine, *Borei Pri Hagafen*. This Brocha is recited whenever *Kiddush* is said, by night or day on Shabbos or Yomtov. Thus, the name of the daytime *Kiddush* is *Kiddusha Rabba*, meaning the main or general *Kiddush*. It is customary to say *Pesukim* from the Torah, or (on Rosh Hashana) *Tanach*, before *Kiddusha Rabba*. *Kiddusha Rabba* was in-

stituted to resemble the Mitzvah of Kiddush itself, which is primarily the verbal pronouncement over wine. Therefore, though wine must be drunk, one fulfils his obligation with the Brocha rather than the drinking. Hearing another person reciting the Brocha is also sufficient due to the laws of *Shomeia Ke'oneh*, that listening to the recital of a Mitzvah done verbally is as good as saying it oneself.

To properly fulfill the Mitzvah of Kiddush over wine one must recite it at the place where one will be eating his meal. One reason for this is that wine arouses the spirit by drinking something that gives physical pleasure. Therefore, one should be ready to eat food at the same time. Another reason is that the wine only stands out as being significant when it is drunk at the beginning of a meal, thereby acting as the main part of the meal. This is known as being *Kovei'a Seuda Al Hayayin*, formally basing a meal on wine. This is even more important at the Kiddusha Rabba. No special Brocha of Kiddush is recited; its significance is that the wine is drunk at the meal, as opposed to regular weekday meals. For this reason, some Poskim rule that there is a difference between Kiddush at night and Kiddusha Rabba. One may sometimes, according to most Poskim, recite the night Kiddush over bread since he sanctifies Shabbos with his Kiddush and enjoys the meal in its honor. However, for Kiddusha Rabba, if no wine is used there is no significant difference between this Seuda and any other regular weekday meal. Since Kiddush is linked to the Seuda, it must be said or heard while sitting, or according to some, standing at the place where the rest of the meal will take place. It also follows that there should be no waiting time between the recital of Kiddush and eating.

One may not eat or drink before reciting Kiddush. Firstly, since the Kiddush is said to sanctify Shabbos at its commencement, one may not delay the Kiddush by eating a meal first. Besides, one might then forget to say Kiddush later. Secondly, the object of reciting Kiddush is to highlight the significance of the meal. The latter reason applies to Kiddusha Rabba as well. According to a view that bread may be used for Kiddusha Rabba, reciting *Hamotzie* as Kiddush, one could eat a bread meal by day without formally making Kiddush first. We do not follow this opinion, but rule that by day too one should recite Kiddush over wine first. If no wine is available one may use other locally popular drinks, which, according to many Poskim, should also be intoxicating (when too much is drunk.) Thus one distinguishes between the way this meal begins and the way any other meal begins. [See Psachim 101a 105a 106a Rosh Hashana 29a-b Sukah 38b, Poskim. Sefer Hamitzvos Asei 155. Chinuch 31. Tur Shulchan Aruch Orach Chaim 271-3. Shaagas Arye 62. Rambam (and Raavad) Hil Shabbos 29:10. Tur Sh. Ar. O.C. 272:9 etc.]

(B) *Seudas Shabbos*

On Shabbos one is obliged to eat three bread meals to commemorate the extra portion of Mohn that arrived for Shabbos. This is part of the Mitzvah of *Oneg Shabbos*. Most Poskim consider this a Prophetic Mitzvah, somewhat stricter than a Rabbinical Mitzvah. The daytime meal should also include hot food. A deviant sect of Jews would not keep a fire burning in their homes on Shabbos. They wanted to show their independence of the Sages. They translated the Torah literally, in opposition to the Rabbis. The Torah says that one may not burn a fire in ones home on Shabbos. To show that one does not subscribe to their view, one eats hot food.

Normally, the only food that has the significance of a Seuda is bread, based on the Passuk, *Velechem ... Yis'ad*, bread provides a meal. This is why, when basing a meal on bread, one must wash *Netilas Yadayim* beforehand and say *Bircas Hamazon* afterwards. Therefore, one may not recite Kiddush unless he is about to eat bread. Since one may not eat anything before Kiddush, the only way to fulfill this obligation is to eat the Seudas Shabbos before snacking. Indeed, the Poskim state that Kiddush must be said with a bread meal as opposed to a fruit "meal".

However, there are some things that do not really fall into either category. They are not as significant as bread to require Bircas Hamazon, nor are they as insignificant as fruit. The main exceptions are: wine, cake and other sweet baked and cooked foods, made of the "five bread grains". Sweet baked goods are not called bread only because one is not usually *Kovei'a Seuda* over them since they are really snacks. However, they are really *Pas*, bread, otherwise known as *Pas Haba Bekisnin*, which is translated as filled bread, sweetened bread, or bread eaten as bite-size snacks. They have a special *Brocha Rishona - Mezonos*, which implies a meal of sorts, and a special *Brocha Acharona - Me'ein Shalosh (Al Hamichya)*, the elements of all the Brachos of Bircas Hamazon condensed in one Brocha. If one decided to base his meal on these foods he would be obliged to wash *Netilas Yadayim* and recite *Bircas Hamazon*. Therefore, for Kiddush purposes these foods are considered Seuda. Hence, the shul's 'hot Kiddush.'

Nonetheless, the main Seuda should be eaten at home as a formal meal. True, the hot food need not be eaten as part of a meal, but the Seuda requirement does. There is a requirement to set the table, with tablecloth, nice tableware and the like. [See Psachim 106a (Tos) Brachos 36a 42a. Sukah 26b. Tur Sh. Ar. O.C. 168:esp. 13. 272:esp. 9. 273: 639:2 M.B.13 etc. Biur Halacha. Aruch Hashulchan 9 27.]

(C) *Seudas Rav Chidka*

One need not repeat Kiddush when eating his later meal, if he already said it in

shul. One might think that he has dodged the issue, by making Kiddush on a snack type Seuda, rather than the real Seuda. In addition, the snack was not one of the three Seudos of Shabbos. For this reason, some people feel that they do not wish to partake of the Shul Seuda. Furthermore, many people are concerned that if they eat in Shul their appetites will go away. If the main meal is eaten at home, one must save his appetite for it.

However, there is a Talmudic precedent for an additional meal on Shabbos by day. The basis for three meals is three mentions of the word Hayom, with regard to the presence of Mohn on Shabbos. One Talmudic view, Rabi Chidka, maintains that the word refers to three meals eaten 'Hayom' by day. The Talmud does not follow this view, but does not reject it on logical grounds. It can not be reconciled with other rulings. Evidently, it makes sense. Accordingly, some people adopt a Chumra, personal stringency, to try to satisfy this opinion. The Talmud implies that Rabi Chidka ate his additional meal after Mincha (one in addition to regular *Shalosh Sudos*). No doubt, he ate three full meals. However, to satisfy the Chumra, many people eat a little 'Mezonos' before washing for the bread. Thus, they also gain an extra Brocha. In this light, reciting Kiddush at shul, is not really 'cheating.' [See Shabbos 117b-118a, Poskim (Ran).]

(D) Hataras Nedarim

A Neder, vow or ban is Scripturally binding, in accordance with the Mitzvos to keep one's word and not to violate (profane) it. Before adopting a meritorious practice one should stipulate that it is *Bli* (without) *Neder*. Otherwise, one is bound by his habit. The Poskim debate whether this applies after doing it once, or after doing it three times. To undo a Neder, one must go before a Bais Din, explain his vow, and show how he was really mistaken at the time. A vow undertaken by mistake is not binding. The Bais Din then absolves him of his undertaking. In our case, if the questioner believed that he was doing something Halachically correct, this is simply wrong. He did not adopt it as a vow but as a Halachic conviction. However, if he knew that it was not required, it would depend whether he did it as a convenient practice or as a Chumra. If it was a Chumra, he should absolve it. If he did it due to convenience (he did not want to waste his good chulent at home) there is no vow to absolve. [See Nedarim 8a 15a 22a-b Psachim 50b-51a, Poskim. Tur Sh. Ar. Y.D. 214:1 228:1, etc., commentaries.]