

# HALOCHOSCOPE

**This week's question:**

An invalid needs to eat on *Tisha b'Av*. *Tisha b'Av* falls on *Motzoei Shabbos*. Before eating after *Shabbos* one must make *havdalah*. If the invalid must eat, he must recite *havdalah*? Usually, an attendant or visitor recites *havdalah* for him. May one who is fasting recite *havdalah* on behalf of the invalid? Does he or she need to make *havdalah* again after the fast? May others listen in and fulfill their obligation?

**The issues:**

- A) *Havdalah*
  - B) Eating before *havdalah*
  - C) *Shoma'a ke'oneh* and *Araivus*, reciting a *brocha* on behalf of others
  - D) *Havdalah* when *Tisha b'Av* is Sunday
- A) *Havdalah*

This *mitzvah* is derived from the *pesukim* that teach us the *mitzvah* of *kiddush*. 'Mention the *Shabbos* day to sanctify it' – mention the holiness of *Shabbos*, to make it holier for us than each other day of the week. Therefore, we use words – *kiddush* – to formally sanctify *Shabbos* as it begins, to distinguish it from the preceding days, and *havdalah*, distinction, at the end of *Shabbos* to distinguish it from the following days.

Despite the scarcity of references to it by the Talmud, some imply a Scriptural obligation for both *kiddush* and *havdalah*. The Talmud also refers to the Scriptural obligation applying equally to men and women. However, in another context it seems Rabbinical. If one adopts a ban on wine, can this apply to wine drunk for *mitzvos*? The Talmud asks rhetorically: 'Are people obliged to recite *kiddush* and *havdalah* from the time of the giving of the Torah at Sinai?' This implies that it is not a Scriptural obligation, but Rabbinical. One answer is that the *mitzvah* to verbalize *kiddush* and *havdalah* is Scriptural. Doing it over a cup of wine is Rabbinical. Deriving the connection to wine from Scripture is considered *asmachta*, a linkage based on the Torah's reference to things adopted by the Rabbis. A second answer is that reciting over the wine is Scriptural. Drinking the wine is Rabbinical. In a third view, the reference to Sinai is not to be taken rhetorically. Literally, there is a Scriptural obligation for both *kiddush* and *havdalah*, and to drink the wine.

However, the initial institution of formal *havdalah* was to include it in the *shemone esrai* at *maariv*. The obligation on wine was added at a later date. If the primary Scriptural obligation is over wine, how could the Sages neglect this when instituting their authorized version? Accordingly, the *poskim* conclude that, at least in the view of this Talmudic passage, the entire *mitzvah* of *havdalah* is Rabbinical.

The *mitzvah* is to recite the *brochos* over a cup of wine. However, to fulfill one's obligation it is not necessary to actually drink the wine. One may listen to the pronouncement of *havdalah* by another. Ultimately, the wine must be drunk by someone. The

poskim debate whether it must be drunk by the person reciting, and if so, how much of it he must drink. We do not follow this view, though it is preferable to satisfy it as well. There is also an issue of the *brocha* on the wine, that is both a *bircas hanehenin*, *brocha* on benefit, and *brocha* on the *mitzvah*. As such, in order to avoid having recited the *brocha* in vain, someone who listened to the *brochos* must drink it. Usually it is the person who recites it, but in many instances it is given to another person.

If wine is not available, other drinks may be used. However, they must be considered *chamar medinah*, the beverage of the country. *Chamar* usually means an alcoholic beverage. In this case, many poskim permit using non-alcoholic beverages, if they have other distinguishing qualities. Some say this includes anything considered the fancy local drink that one would feel like honoring a guest with. This could include beer, coffee and some say even carbonated cola drinks. One should may not drink wine at the meal preceding *Tisha b'Av*, and the custom is to refrain for the Nine Days, the more so on *Tisha b'Av* itself. Accordingly, one should avoid drinking wine for *havdalah* on *Tisha b'Av*. If one needs the wine, he may drink it. If there is no *chamar medinah* available, wine may be used for *havdalah* and given to a child to drink. This way, the *brocha* is not in vain, because a child drinks it. In our case, it is likely that the invalid will not drink the wine anyhow. He or she might not drink *chamar medinah* either. Therefore, it might be best to use grape juice and give it to a child to drink.

*Havdalah* should be said on *Motzoei Shabbos*. If this is not possible it may be recited later, some say, as *tashumin*, a make-up. We follow the view that it may be recited for three days after *Shabbos*, and for one day after a *Yomtov*. In emergencies, it may be recited before *Shabbos* ends, after *plag hamincha*, that is one and a quarter seasonal hours before the end of the *halachic* day, and after *davening* an early *maariv*. [In an interesting twist, if one had a qualifying emergency on *Shabbos Erev Tisha b'Av*, he would end up reciting *havdalah* on wine right then. Theoretically, if the invalid in our case would be eating right after *Shabbos*, this could be a solution to our problem. However, this early *havdalah* is only used in specific emergency situations.] [See *Mechilta Yisro* 20:8, *Brochos* 20b 33a 51b-53b, *Psachim* 106a 117b, *Nazir* 4a, *Shvuos* 18b 20b, *Poskim. Ramb. Shabbos* 29:1. *Chinuch* 31. *Tur Sh Ar OC* 271 293-298, 556, commentaries.]

### **B) Eating before havdalah**

Once the time for *havdalah* arrives, it is forbidden to eat anything before reciting *havdalah*. This is for a combination of reasons. Generally, a *mitzvah* that must be performed at a specific time is in danger of being neglected if one occupies himself in other activities at that time. For some of these, beginning a set meal is forbidden even before the time for the *mitzvah* arrives. In this case, even a small taste of anything but water is forbidden. In addition, to show respect for *Shabbos* by distinguishing it, one should not engage in distracting activities when *havdalah* should be on his mind. Some say that there is a point in fulfilling it at the earliest opportunity, though one should also try to delay ending *Shabbos*, somewhat. Some maintain that the idea is that the first taste after *Shabbos* is over should be the *havdalah* wine.

The Talmud discusses whether one need stop eating for *havdalah*, and whether if one already ate something he may still recite *havdalah* over wine. The poskim further debate whether one may begin eating during twilight, and after *davening maariv* early. We

follow the view that one need not cease a meal, and that one may begin the *sueda shlishis* during twilight. [See *Psachim* 105-7, *Brochos* 52a, *Poskim. Tur Sh Ar OC* 299:1, commentaries. *Moadim Uzmanim* III:245.]

### **C) Shomai'a ke'oneh; Araivus**

We mentioned that one need not drink the wine, and may fulfill his obligation by listening to the *brocha* recited by someone else. This is the rule of *shomaia ke'oneh*, one who hears is the same as one who 'responds'. *Mitzvos* that require an utterance may usually be fulfilled by listening to another person pronouncing them. There must be mutual intent of both speaker and listener to fulfill the *mitzvah* in this fashion. Every word must be sounded and heard clearly.

*Birchos hanehenin*, *brochos* on personal benefit, are not usually considered *brochos* on *mitzvos*. Therefore, each person benefiting must recite his own *brocha*. If two or more people are *kovai'a*, station themselves at a place and agree to join in one meal, they may have one person recite the *brocha*. Each, including the reciter, eats or drinks after the *brocha*. Thus, if one is not benefiting himself, he may not discharge the obligation of another. This implies that if the *brocha* or utterance is for a *mitzvah* purpose, even one who does not fulfill the *mitzvah* with this utterance may sound it for the sake of others who use it for their obligation.

This last idea is called *arvus* or *aravus*, literally responsibility. All Jews are responsible for one another. This is derived from a verse and is considered Scriptural. [Although most *brochos* are not Scripturally formulated, the concept of a *brocha*, and of other utterance requirements, is Scriptural.] As each Jew is responsible for his fellow, they may all be considered part of the same 'body'. One may speak for his fellow even when the speaker is not involved in the performance of the *mitzvah* himself. However, the speaker must be a *bar chiyuva*, one obligated in the *mitzvah*, to be considered responsible for his fellow *bar chiyuva*. A minor or one otherwise exempt may not act as *arav*.

This is why the person reciting *havdalah* need not drink the wine. He may even recite it after he has already fulfilled the *mitzvah* himself. He has no current obligation, but is a person with an obligation of his own. He simply discharged it beforehand.

If the person obligated is able to do the *mitzvah* by himself, it preferable that he not rely on *aravus*. However, if he did rely on it, he fulfills his obligation and need not repeat it. [See *Sukah* 38b, *Rosh Hashana* 29a-b, *Sanhedrin* 27b *Shavuos* 29a, *Psachim* 101a, *Poskim. Rambam, Brochos* 1:10 (*Kiryas Sefer*) *Shabbos* 29:10. *Chinuch* 31. *Tur Sh. Ar. OC* 167:19-20 213:1-3 219:5 (*RAE*) 273:4, commentaries.]

### **D) Havdalah when Tisha b'Av is Sunday**

When *Motzoei Shabbos* is *Tisha b'Av*, one may not drink *havdalah* wine. The poskim debate whether one should recite *havdalah* on *Motzoei Tisha b'Av*. In one view, any recital after the night of *Motzoei Shabbos* is considered *tashlumin*, making up for a missed opportunity. The rule is that in situations where the reason it was missed was due to exemption, there is no reason to make it up. The initial institution was to recite *havdalah* in *shemone esrai*. The wine institution was added when the people became more affluent. *Motzoei Tisha b'Av* is like a time when everyone is considered poor again, meaning that everyone is exempt. Others maintain that nonetheless there is an obligation to recite it when it becomes possible, i.e., on Sunday night. We follow the second view.

Some point out that the first view would agree that one who did not recite it in *shemone esrai* on *Motzoei Shabbos* could still be obligated to recite it on wine. Furthermore, those who need to eat could be obliged to recite it on *Motzoei Shabbos*. According to the view we follow, it would appear that anyone who eats on *Tisha b'Av*, for whatever reason, must recite *havdalah* first. Some say that if one anticipates eating by day he should recite it at night, rather than wait for the possible *tashlumin* time. We do not follow this.

There is also some debate on whether children who do not fast need to recite *havdalah*. Usually, one may not withhold food from them before *kiddush* or *havdalah*. Thus, they do not need the *havdalah* to permit them to eat. Nonetheless, since they are eating and are able to recite *havdalah*, there is a *mitzvah* of *chimuch*, training them in the performance of *mitzvos*, including *havdalah*.

In light of this discussion, assuming one needs to recite *havdalah* if he needs to eat, may he fulfill his obligation by listening to *havdalah* recited by one who is not planning on eating? The reciter could be viewed as one who is not obliged. Therefore, he could not act as an *araiv*. Or he could be viewed as one who is actually obliged but unable to fulfill his obligation. If we follow the second line of reasoning, he could recite it, and also discharge his later obligation. It could also be counted for other members of the household.

Theoretically, everyone could recite *havdalah* on *Motzoei Shabbos* and give the wine to a child, which is done for *kidush* in shul or according to some, during the Nine Days. However, on *Yom Kippur*, and according to many poskim on *Tisha b'Av* as well, there is a concern that the child will grow up thinking that this particular drinking is permissible on these fasts. Accordingly, it is argued, there really is an obligation on *Motzoei Shabbos*, but that it is not performed for technical reasons. Accordingly, one may recite *havdalah* for an invalid and may give the wine to the invalid to drink. It is preferable to use something other than wine. One may have in mind specifically to discharge the obligation of others at the same time. It appears that the reciter has fulfilled his own obligation. To be safe, he should listen to another reciting it on Sunday night. [See Brochos 33a, Psachim 107a Ran, Ran & Rosh end Taanis, Poskim, Tur Sh Ar OC 294:3 556, commentaries, Pischei Teshuva, Yeshuos Yaakov, Kaf Hachayim 9, commentaries. Tzitz Eliezer XIV:44. Moadim Uzmanim VII:255.]

**On the Parsha ...** For hashem blessed you in all your handiwork ... you never lacked anything ... [2:7] Therefore, do not act ungrateful to show yourselves as paupers. Rather show yourselves as wealthy. [Rashi] Why is it so important to show wealth at this point? Usually this is shunned! Here the Jews were to display their wealth as proof of the kindness and consideration of Hashem, to demonstrate to Edom that Hashem was with them. *Shabbos* is the source of our blessing. Wine symbolizes blessing. The sages felt that when the Jews gained the means to, they had to show their gratitude by doing *havdalah* with wine.

♠ In honor of my mother, Yitela bas R. Shimon a'h, Henriette Silver. ♠

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