

HALOCHOSCOPE

This week's question:

If Yom Kippur falls on Shabbos, should children and invalids who do not fast recite kiddush? Should they eat three meals? Should they use lechem mishneh, two loaves for each meal? Should they eat a hot chulent?

The issues:

- A) Inuyim, self-affliction on Yom Kippur**
- B) The mitzvah of Kiddush on Shabbos and/or Yom Kippur**
- C) Oneg shabbos; Shalosh seudos, lechem mishneh and chulent**

A) Inuy on Yom Kippur

The Torah says that one must afflict himself on *Yom Kippur*. This is worded in the form of a positive *mitzvah*. Through the grammatical rules of *derush* the Talmud shows that it is really a negative *mitzvah*. The Talmud discusses the meaning of *inuy*, self-affliction. The obvious meaning would be to actively afflict oneself by sitting in the heat or in the cold. [Beating the chest is symbolic, and has little to do with *inuy*.] However, the choice of language indicates a passive form of *inuy*. Furthermore, the context of the *mitzvah* indicates that the type of *inuy* carries a penalty in other situations. That is, it indicates refraining from an action that could otherwise be considered a violation of some other restriction. The Talmud further derives from the terminology '*veha'avadti es hanefesh*', [Hashem] will destroy the soul, of one who [violates *Yom Kippur* by] not practicing self-affliction, that the *inuy* has to do with what is needed to sustain life. Accordingly, the Talmud says that the *inuy* intended is to refrain from eating and drinking.

The Talmud adds another four *inuyim*: refraining from washing the skin, from rubbing and smearing the skin, from marital relations and from wearing shoes. Only eating and drinking can be considered *inuy* of *avaiadas nefesh*. Therefore, they are the only *inuyim* that carry a penalty. Nonetheless, the others are punishable with a lower level of penalty, *makas mardus*, lashes given for rebelling against the rulings of the Rabbis.

There is a debate on where the additional *inuyim* are indicated by the Torah. There are two primary views on the sources: One view maintains that they are indicated by the use of the term *shvus*, usually denoting a cessation ruled by Rabbinical decree. Some say that this means that they are only forbidden Rabbinically. Others maintain that they are forbidden in a Scriptural framework, but that the Torah left it to the Rabbis to make the determinations. The other view derives it from five mentions of the word *inuy*. One is used for eating and drinking, since both are considered the same *inuy*. Sources are then produced to show why these additional things are considered *inuy* and fit the category. Some of these additional sources are from other books of *Tanach*, leading some to say that they are not true Scriptural ideas, but linked by *asmachta*. [See Yuma 73b-74b 76a-

77b, Poskim. Chinuch 313, Tur Sh Ar OC 611-615, commentaries.]

B) Kiddush

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. Some say that the *mitzvah* to verbalize *kiddush* and *havdalah* is Scriptural. Doing it over a cup of wine is Rabbinical. The Scriptural connection to wine is *asmachta*, linkage based on the Torah's reference to things adopted by the Rabbis. Others say 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.

Scripture refers to *Shabbos*. The Midrash applies the lesson of *kiddush* to *Yomtov* as well, citing '*Eilah moadei Hashem ..*' - these are the festivals of Hashem. This *passuk* appears in a passage about *Shabbos* and holidays, including *Yom Kippur*. However, some point out that the Midrash mentions only the *Yomim Tovim*. This could imply that there is no *mitzvah* of *kiddush* on *Yom Kippur*. The Talmud makes no direct reference to a *mitzvah* of *kiddush* on *Yom Kippur*, but does make reference to *havdalah* after *Yom Kippur*.

The poskim debate whether the *mitzvah* of *kiddush* on *Yomtov* is Scriptural. Some explain, it depends on how one interprets the aforementioned lesson. In any event, there is a *mitzvah* of *kiddush* on *Yomtov*, both in *tefilah* and on wine. The question is whether this also applies to *Yom Kippur*. Even if the Midrash derives other *Yomim Tovim* from *Shabbos*, some say that *Yom Kippur* was never included. However, the simple interpretation would include it. Furthermore, the *mitzvah* of *Havdalah* implies that *kiddush* should have the same standing. This would mean that one could be obliged to recite *kiddush* during *tefilah* on *Yom Kippur*. A Rabbinical institution of *kiddush* over wine would not make sense, since the wine could not be drunk.

The talmud debates a requirement to make *kiddush* only where the *seudah* will be eaten. We follow the stringent view. There is a view that those who require wine Scripturally, also require the *seuda* Scripturally. This is impossible on *Yom Kippur*, when there is no *seuda*. In addition, one may not eat until he recites *kiddush* first.

The issue really arises when *Yom Kippur* falls on *Shabbos*. In some form, there is a *kiddush* requirement on this *Shabbos*. It is difficult to maintain that *Yom Kippur* should remove the regular *Shabbos* requirements. Indeed, regarding other laws, the Talmud is quite clear that both *kedushos*, sanctities, apply. Since it is not possible to fulfill *kiddush* on wine, the *tefilah* satisfies this need. Some say that one should have specific intent dur-

ing *tefilah* to satisfy the additional *Shabbos kiddush* requirement.

What if one eats on *Yom Kippur*, such as a *choleh*, with a dispensation due to illness, or as a minor with no obligation to fast? Should they recite *kiddush*, to fulfill the *mitzvah* on wine? May they eat without first reciting *kiddush* on wine? Some maintain that a *choleh* need not consider his eating a *Yomtov* meal at all. In effect, *Yom Kippur* is suspended for him. He should not insert *yaaleh veyavo* in *bircas hamazon*. If it is *Shabbos*, he should not include *retzai*. These are required when eating to fulfill a *mitzvah* connected to the day. *Cholim* have a *mitzvah* to eat to preserve life, but not due to *Yomtov*. Others maintain that for certain things he must recognize the significance of the day, such as inserting *yaaleh veyavo* in *bircas hamazon*. However, he should not recite *kiddush*, which involves a *brocha* in vain. Some maintain that on *Shabbos*, he must recite *kiddush*. This follows the view that on *Shabbos kiddush* is Scripturally required, as opposed to *Yomtov*. The Rabbis did not institute *kiddush* for *Yom Kippur*, but the original institution for *Shabbos* remains. There is some further discussion on whether this view would require mention of *Yom Kippur* in this *kiddush*.

This debate applies to a *choleh*. A minor has a different reason to eat. He has no *inuy* requirement. Therefore, it is not due to *Yom Kippur* being suspended and turning into a weekday. If there were a *kiddush* requirement on *Yom Kippur*, the minor might indeed be required to do it with wine [or grape juice!]. There seems to have been such a practice. However, apparently the prevailing practice is that children do not need to recite *kiddush* on wine. *Chinuch* applies to something that they would be doing as an adult. It is either to train them or to practice. [The difference is seen when their circumstances would exempt them if they were adults. They could still train, but would not 'practice'.] Moreover, it is unlikely that a Rabbinically instituted *kiddush* would be made specifically for children, just so that they could train. The Talmud discusses the *brocha she-hecheyanu* on *Yom Kippur*. One opinion requires a cup of wine for this *brocha*. How would it be done this way on *Yom Kippur*? The suggestion of giving the wine to a child is rejected. He might continue to do this into adulthood. Why would he think of drinking on *Yom Kippur* as an adult? One way to explain this is that whenever the child is told that something he does is a *mitzvah*, he might think this overrides the rules of *inuy*. By the same reasoning, the Rabbis would not institute a '*mitzvah* of *chinuch*' to make *kiddush* with wine. [See Mechilta Yisro 20:8 Brochos 20b 33a 51b-53b Eruvin 40b Psachim 104a 105b-107a 117b Nazir 4a Shvuos 13a 18b 20b, Poskim. Ramb. Shabbos 29:1 18, MM. Chinuch 31, Minchas Chinuch. Tur Sh Ar OC 271 293-298 299:1 10 618:10 (MA10, RAE, Match Efraim 17 Kzte Hamateh 16 Kaf Hachaim 60) 619:1 TZ3, commentaries. Har Tzvi OC:155. Chasdei Avos (R Y Kutna) 13:3. Abir Haroim 19.]

C) Oneg Shabbos

On *Shabbos* one is obliged to eat three bread based meals to commemorate the extra *mohn* that was granted for *Shabbos*. Some say the Scriptural term '*ichluhu hayom*', eat it today implies a specific *mitzvah*. Most consider it part of *oneg Shabbos*, a Prophetic *mitzvah* to enjoy *Shabbos*. In one view, there is a Scriptural obligation to eat, at least, a *kezayis*, olive-sized piece, of bread. One must also use *lechem mishneh*, two loaves for the *brocha* to commemorate the double share of *mohn*. The daytime meal should include

hot food. A deviant sect of Jews would not keep a fire burning in their homes on *Shabbos*. In defiance of the Sages, they followed a literal interpretation of the *passuk*. To show that one does not subscribe to this view, one keeps a fire to keep his food hot, in a permissible manner. The poskim say this is also due to *oneg Shabbos*.

The poskim debate whether one eating on *Yom Kippur* should use *lechem mishneh*. The opinion that exempts a *choleh* because *Yom Kippur* is suspended for him, exempts him on this as well. Most others do not go so far, but relax the obligation if it is too hard for him. The question is whether a double share of *mohn* fell before *Yom Kippur*. If people were required to fast, why should it fall double? However, others contend that it must have fallen extra for the breaking of the fast. Furthermore, some must have come down for those who did not fast, namely, children and the sick.

The poskim also discuss whether there could be a *mitzvah* of *oneg* on *Yom Kippur*, when *inuy*, which is its opposite, is required. Some say that fasting can provide a form of *oneg*, such as for one who fasts to relieve worry. There is also discussion on whether *oneg* in general applies on *Yom Kippur*. The Prophet clearly requires *kavod*, meaning wearing special clothing, on *Yom Kippur*. The Talmud debates the *mitzvah* to kindle lights for *Yom Kippur*. There seems to be a view that this would be due to *oneg*. There is further discussion when *Yom Kippur* falls on *Shabbos*. Does the *Shabbos* type of *oneg* leave? The Torah knew that *Yom Kippur* could fall on *Shabbos*, and required *inuy*!

Accordingly, the poskim debate whether it is conceivable that a *choleh* should be required to fulfill *oneg*, even if *Yom Kippur* falls on *Shabbos*. There is no discussion about children, and they seem to be treated like *cholim*. This is probably due to the rules mentioned regarding *chinuch*. The only way a child could be obligated in any of this is if adults in some kind of circumstance had the obligation.

On other fasts, there is a concern with allowing *cholim* and children to eat delicacies. They should participate in some way with those fasting. However, those are fasts for mourning. *Yom Kippur* is a penitence fast, but as we have shown, it is a *Yomtov* of sorts. Therefore, it would seem appropriate for the children to eat delicacies. [There is a minority view that equates the fasts.] The consensus seems to be to recommend *lechem mishneh* for a *choleh*, but not to require it. Accordingly, it seems that the concept of some kind of *oneg* makes sense, especially when combined with the usual *oneg Shabbos*. Thus, it would appear that children could and probably should be encouraged to eat a bread based meal and *chulent*. However, it does not seem necessary to recommend that they eat three meals. [See Beshalach 16:25 Brochos 44a 49a-b Shabbos 37a-b, Maor, 117b-119a Bechoros 2b, Poskim. Teshuvos Rashba 614. Tur Sh Ar OC 243 288:2 289-291 549 550:1 554:5 616 618:10, commentaries. Tzemach Tzedek OC:36. Zichron Yehuda 223. Tziyunim Letorah 38. Minchas chinuch 313. Nitei Gavriel Yom Kippur 43:6 note 16.]

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