


HALOCHOSCOPE





of general *Shabbos* observance, it applies to both men and women. Children under bar- or bas- *mitzvah* are not obliged in *mitzvos* Scripturally. The Rabbis instituted *chinuch*, an obligation to train the child in performance of *mitzvos*, when he reaches the age that he can understand them and/or perform the acts. The poskim debate whether this obliges the children as well, or only the parents. This means that a child, who is not obliged Scripturally, could not discharge the obligation of an adult, who is obliged Scripturally.

The poskim indeed debate whether a child may exempt an adult for *kiddush*. The lenient view maintains that the adult has probably already made a verbal '*kiddush*', either in his *amidah* or by saying 'good *Shabbos*'. This satisfies his Scriptural obligation. According to the view that a child is obliged personally due to *chinuch*, he has a Rabbinical obligation. A Rabbinically obliged person may discharge the obligation of another Rabbinically obliged person. The stringent view contends that even if it is the child's personal obligation, his is a doubly Rabbinical obligation. He probably said a verbal *kiddush* already. In addition, we have the view that it is not the child's obligation. In reality, this is based on a Talmudic debate about a child reading *megillah* for adults. The consensus seems not to rely on a child to say *kiddush* for an adult. If the adult does not know the words, he should say them along with the child, and look at the cup of wine. [See Rosh Hashanah 29a-b Psachim 101a, Poskim. Tur Sh Ar OC 271:2, BHL, commentaries.]

In our case, the child is not discharging anyone's obligation of *kiddush*. Rather, he is discharging a separate obligation to comply with a *takanah*. Some communities, notably *Eretz Yisroel* and *Chasidic* groups, do not recite *kiddush* in *shul*. Thus, it appears to have the status of a custom, specifically applicable to a *shul*. For example, it would seem that one could not recite it without a *minyan* present, or in a makeshift *minyan*. Some rituals in *shul* may be recited by a child, when he does not discharge adults' obligations. These include *kaddish yasom*, the last *kaddish* at *aleinu*, and *maftir* and *haftarah* at the end of the Torah reading. It would appear that in a *shul* where no-one is relying on the *shul kiddush*, the child may recite it for the *shul*. On the other hand, those other *takanos* were instituted such that a child could discharge the *shul's* obligation. Other *takanos*, such as the repetition of the *shatz* (which was also instituted across the board, regardless of whether there were people who needed to hear it) may not be said by a child, even nowadays.

In conclusion, if the *shul* maintains the *takanah* religiously, a child may not recite it. If the *shul* occasionally omits it, a child may recite it occasionally. This will be like another one of those occasions.

On the Parsha ... *Yishmael ... was thirteen years old when he circumcised the flesh of his fore-skin ... [17:25] 'himol' really means 'circumcised himself' [Targum, see Hakesav Vehakabal-ah]* The Talmud also learns from the words '*himol yimol*' that *hamal yimol*, one who is circumcised is qualified to perform this *mitzvah*, i.e., only one obligated himself may do this for another. Avraham first circumcised himself, before performing it on his household. [*Hakesav Vehakabal-ah*] Perhaps Yishmael wished to fulfill the *mitzvah* himself. As a minor he would not be qualified. He would not have reached the age of *chiyuv*. This is why it is important to mention that he was thirteen years old, the age of majority, when he performed this *mitzvah* himself.

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This week's question:

May a minor recite *kiddush* in *shul* on Friday night?

The issues:

A) *Kiddush*

B) *Kiddush bais haknesses*, in *shul*

C) A *katan*, minor, to be *motzie*, discharge an adult's obligation

A) *Kiddush*

The *mitzvah* to recite *kiddush* at the onset of *Shabbos* is Scriptural. It is derived from the verse, *zachor es yom hashabbos lekadsho*, 'remember' the *Shabbos* day to make it holy. *Zachor* means to mention verbally rather than to remember mentally. Mention the sanctity of *Shabbos*, which is its superior quality over other days, at its commencement. However, if one did not manage it then, he may fulfill it later on that night. If he missed reciting it at night, he must make up for it during the next day.

The requirement to recite *kiddush* over wine is considered Rabbinical. Some maintain that it has Scriptural origins. Nonetheless, when no wine is available, it should not prevent the fulfillment of the *mitzvah*. Reciting it verbally works *bide'eved*, according to absolute minimum requirements. Wine is used because the *Tanach* links *zechirah* to wine. Also, it arouses people and leads them to appreciate how special is *Shabbos*!

The text of *kiddush* is authorized Rabbinically. It takes the form of a *brocha*, preceded by the concluding passage of the story of Creation. One may not revise the text of a *brocha*, but if one did substitute another version, he fulfills his Scriptural obligation, *bide'eved*. The *Shabbos amidah* includes the basic references to *kiddush*. Thus, some maintain that if one recited the *amidah* he fulfilled his Scriptural obligation. Subsequently, he is only obligated Rabbinically to recite it again over wine, this time using the standard *brocha*. Some say that simply saying "good *Shabbos*" at the onset of *Shabbos*, satisfies the basic requirement of *kiddush*. Others contend that this would work when there is no alternative intent. Generally, performance of a *mitzvah* requires intent, but the mere performance implies this intent. However, when one has intent for a different act, such as a *tefillah* or a greeting, it cannot also serve as implied intent for *kiddush*. Moreover, people usually have in mind to recite *kiddush* later over wine. They do not intend their *amidah* or greeting to serve as a way to discharge their obligation for *kiddush* as well.

The proper time for *kiddush* is the onset of *Shabbos*. Having said it once, one need not repeat it. The rabbis instituted *kiddush* to be recited by day, before the main meal. This is something special, not done throughout the week. However, this Rabbinical *kiddush* does not have a special *brocha*. It involves a cup of wine, with its regular *brocha*. The presence of wine at all types of *kiddush* gives the daytime *kiddush* its name, *kidusha raba*, main or general *kiddush*. It is customary to introduce the *brocha* with some verses

from Torah or *Tanach*. It is not necessary for all those who fulfill their obligation with it to drink the wine. The *mitzvah* is fulfilled with the *brocha*. Someone present will drink. One need not recite the *brocha* personally to fulfill his obligation. *Shomaia keoneh*, listening is like responding, works for many verbal *mitzvos*.

Kiddush must be recited *bimkom seuda*, at the place where the meal will be eaten. One explanation is that wine arouses one's spirits by giving physical pleasure. One should therefore be ready to eat food at the same time. Another reason is that wine only stands out in its significance at the beginning of a meal. This way, it acts as the main 'meal', known as *kovaia seudas al hayayin*, basing one's meal on wine. [This is more important at *kidusha raba*, where no special *kiddush* is recited. The significance of the *kiddush* is the unusual presence of wine. Therefore, some poskim rule out bread as a substitute for wine, by day. By night, the *kiddush brocha* may be made over bread in pressing situations. By day, there would be no discernible difference between this *Shabbos* meal and any ordinary meal.] Being linked to the *seuda*, *kiddush* should be said at the seat where one will eat, and according to many, sitting down. There should be no waiting time between *kiddush* and the rest of the meal. In some communities, the practice is to wash for the bread before *kiddush*, thus eliminating any down time. [See Psachim 101a 105a 106a Rosh Hashanah 29a-b Sukah 38b, Poskim. S Hamitzvos Asei 155 Chinuch 31. Tur Sh Ar OC 271-273, commentaries. Shaagas Aryeh 62.]

B) Kiddush Bais Haknesess

To introduce the subject of *bimkom seuda*, the Talmud refers to the practice of *kiddush* in *shul*. In one view, the listeners fulfill their obligation of *kiddush*, but the *brocha* on the wine does not help them for the wine they will be drinking later on at home. Another view maintains that they do not fulfill either *brocha*, and a third view says that they fulfill both *brocha* obligations. The stringent view is consistent with his principle of *kiddush bimkom seuda*.

Why then, do we recite *kiddush* in *shul*? To discharge the obligation of those who eat and sleep in *shul*! These were usually guests or the local poor, who had nowhere else to go. What if there are no guests eating in *shul*? The commentators and poskim are divided on whether to maintain the *minhag*. In one view, the *brocha* would be in vain. There was no independent *takanah*, institution to recite *kiddush*, but it was purely to serve the guests. In the absence of the need, there is no reason for it.

The other view maintains that there is an independent *takanah*. The needs of the guests motivated this *takanah*, which was then made across the board. Thus, regardless of the presence or absence of a need, all should recite this *kiddush*. As a *takanah* in its own right, there is no issue of *brocha levatalah*. A third view maintains that this was never formally instituted as a *takanah*, but was adopted voluntarily. If there is indeed no need, the *brocha* should not be permitted. Nonetheless, the language of the Talmud, along with the assertion of the major poskim, points to a formal *takanah*.

Some poskim maintain that indeed it is not a formal *takanah*, but address the issues of *brocha levatalah* anyhow. They say that *kiddush bimkom seuda* is a Rabbinical requirement. Scripturally, one can fulfill it in *shul* and eat his *seuda* at home. In this view, the requirement of wine is Scriptural. There might always be some who do not know how to recite *kiddush*. [One could add, there might be some who will not bother reciting it at

home.] They should, at least, hear this *kiddush* in *shul*, fulfilling their basic Scriptural obligation. The problem with this view is that we follow those who say that wine is not required Scripturally. *Kiddush* during *tefillah* suffices for the Scriptural requirement. Nothing is gained, Rabbinically, by reciting it over wine in *shul*, not *bimkom seuda*. It is very uncommon to have some who did not even say the *amida*, and does not constitute a standardized need and a *brocha*. However, according to those who contend that there cannot be implied intent when one is occupied in another act, perhaps there is indeed a need here, even for those who said *amida*. Nonetheless, there would have to be sufficient cause to suspect that some people attending *shul* will not be reciting *kiddush*.

An interesting additional comment is made by some poskim. The Talmud says that by taking long paces one loses some of his eyesight, obviously in a mystical way. The wine of *kiddush* and *havdalah* corrects this. Those who will not be reciting *kiddush* over wine will lose out on this merit. Therefore, the *kiddush* in *shul* serves these people. This does not appear to be a reason, though some seem to consider it one. Furthermore, if this were the purpose of the institution, all those people would need to drink some of the wine. Another mystical aspect of this is that the congregation is accustomed to stand for the *shul kiddush*. This is supposed to help those who have weak knees.

Apart from the issue with the *kiddush*, there is also an issue of *brocha levatalah* on the wine. Therefore, the wine must be drunk. For the one reciting *kiddush*, two issues arise. First, it is not *bimkom seuda* for him, even if it would be for guests. Second, since he plans to recite his own *kiddush* at home [see next section], he may not eat or drink before his own *kiddush*. To resolve this, he can give the wine to the guests eating in *shul*. Nowadays, this option is unavailable. The suggested practice is to give the wine to a child, old enough for *chinuch*, though this requirement is debated. As for the child drinking before *kiddush*, the poskim say that *chinuch* does not apply to this. We are not obliged to stop children from eating when they are hungry. The alternative solution is for the one reciting *kiddush* to drink the entire cup of wine. There is a view that wine can be considered *bimkom seuda* like bread. One must drink a *revi'is*, the minimum liquid measure for *mitzvos*. The majority of the *kiddush* cup *revi'is* is usually drunk to fulfill the *mitzvah*. Some say it does not count towards the *seuda*. Thus, to satisfy this option properly, one would need to drink just over a *revi'is* and a half. [See Psachim 100b-101a, Poskim. Tur Sh Ar OC 269, commentaries. Ar Hash.]

C) Katan being motzie

Usually, when *shomeia keoneh* applies, the reciter fulfills his own obligation at the time. Here, since the *brochos* on the wine and the *kiddush* are both considered *mitzvos*, *areivus* applies. *Araivus* connects all *benei chiyuv*, obligants, in 'one body'. Any Jew can perform a *mitzvah* act so that his fellow may be considered performing it. The performer need not be occupied in his own fulfillment. However, the person reciting must be a member of the class who is also obliged. While he might not be performing his own *mitzvah* at the time, he could be if he so wished. Therefore, his act is a valid *mitzvah* performance. Accordingly, one may recite *kiddush* for others, even if he has already done so for himself or will be doing so later, at his own home. If the one reciting it has no general obligation, he may not act in the capacity of an *araiv*, responsible for others.

Kiddush is a Scriptural time-bound positive *mitzvah*. Since it is linked to the *mitzvos*