

TALMUDIC METHODOLOGY
By: Rav Moshe Taragin

The Public Recital of Kiddush

The gemara in masekhet Pesachim, while addressing the various halakhot governing the recital of kiddush, discusses the role of the kiddush recited Friday evening in shul after ma'ariv. This article will explore the nature of this public recital of kiddush.

A well known fundamental machloket between Rav and Shmuel impacts upon our understanding of the kiddush recited in shul. According to Rav, kiddush may be recited anywhere whereas according to Shmuel, it is only valid if recited in the location in which the meal will be eaten - "ein kiddush ela bi-mekom se'uda."

This machloket, which has significant ramifications regarding kiddush in general, has a specific impact upon the recital of kiddush in shul. As the gemara reasons, according to Rav, the kiddush recited in shul, despite its being recited in a non-se'uda setting, is valid. For those in attendance, this represents their principal kiddush and they need not recite an additional kiddush upon their return home. Presumably, they repeat kiddush only to be "motzi" those who did not attend shul that evening. According to Shmuel, however, the gemara questions the validity of the kiddush recited in shul as it is recited in a non-se'uda setting. The gemara therefore asserts that in the days of the Talmud guests would sleep and eat in the rooms adjacent to the shul, thus justifying the recital of kiddush in shul and defining it as "kiddush bi-mekom se'uda." Only the contemporary practice of guests lodging in the shul, according to the gemara, could account for this minhag of reciting kiddush in shul.

According to Shmuel we must ask the following question: If no guests are lodging in shul for shabbat, or in a society in which guests NEVER sleep or eat in shul, how may we explain the persistence of this minhag in our own day? Not only is it unnecessary, but it may also be problematic. Tosafot comment that, according to Shmuel, without reasonable justification kiddush in shul may even constitute a "berakha

le-vatala." What possible rationale might justify the continued recital of kiddush in shul despite the lack of resident guests?

The Ran attempts to solve this dilemma by invoking the principle that any practice which was instituted as a formal takana can only be suspended by an actual rescinding of that takana. Just because the basis upon which the takana was instituted ceases to persist, that does not mean that the halakha may be disregarded. Although guests may no longer sleep in shul, once kiddush was formally instituted to address their needs it must be recited until the takana is formally repealed. In fact, the Beit Yosef in siman 169 cites a responsa of the Maharam Mi-Rotenburg who compares this phenomenon with the abbreviated chazarat ha-shatz recited after ma'ariv on Friday evening. This "berakha achat me-ein sheva" was originally instituted so that all congregants, out of concern for safety, would depart for home at the same time. Adding this "appendix" to davening allowed the late-comers to 'catch up' with the rest of the minyan. Once instituted, however, it remains an integral part of davening even when a common departure time ceases to be a necessity.

The comparison struck by the Maharam is certainly problematic. Firstly, while this truncated chazarat ha-shatz was actually formalized as a takana and is therefore immutable without a subsequent reversing decree, we have no indication that kiddush in shul underwent a similar transformation from a minhag into a formal takana. The need for a formal rescinding might only apply in those instances in which a practice was instituted as a formal takana. Furthermore, in the latter case of the "berakha achat me'ein sheva," once instituted the recital became an integral part of the tefillat Shabbat; once integrated into the liturgy it cannot simply be discarded, rather it must be removed by decree - any change in liturgy must be a product of a takanat Chakhamim. The same does not hold true for the kiddush which is recited after tefilla, as it is independent of tefilla. Even if it WERE the product of a takana, we might not require an actual formal takana to rescind it. The disappearance of its original basis may be sufficient to annul its practice.

A second approach in the Rishonim actually attempts to legitimize this "shul kiddush" according to Shmuel even in the absence of guests. The problem arose in light of Shmuel's position that kiddush must be recited at the site of the se'uda. By redefining this halakha, we might justify reciting kiddush in shul even in the absence of dorming guests. The Rosh, for example, cites the position of the Rabbenu Yona that even according to Shmuel the requirement of "kiddush be-makom se'uda" is only mi-derabanan. On a biblical level, kiddush may be recited anywhere. Hence, one cannot absolutely invalidate kiddush in shul EVEN if no guests are dorming. It retains, at least on a biblical level, some validity and hence is recited even though the Rabanan demand

another kiddush to be recited upon arriving at the site of the meal. A similar suggestion is raised by Rabbenu Nissim Gaon who claims that the halakha of "ein kiddush ela be-makom se'uda" does not require one to recite kiddush in the exact location of a se'uda, rather it demands an association between the two. Generally, this association is formed by reciting the kiddush in the locate of the meal. However, such an association can also be established by reciting kiddush in one place with the intention to continue the meal in another. When kiddush is recited in shul, with clear intent to continue the meal at home, the condition of kiddush be-makom se'uda has been fulfilled, despite the absence of actual guests eating an ACTUAL meal in shul.

Both the Rabbenu Yona and the Rabbenu Nissim Gaon attempt to redefine the principle of kiddush be-makom se'uda so that kiddush in shul, despite the apparent lack of se'uda, remains valid. Though these position succeed in justifying this form of kiddush, one is left to wonder why this kiddush remains a NECESSITY. Indeed, kiddush, if recited in shul, can be authenticated (possibly even on a de-oraita level), but why go through the 'bother' of reciting it at all? Can we discern within kiddush in shul some unique function which cannot be accomplished by merely reciting kiddush at home - thus warranting our practice of reciting kiddush even in the absence of itinerant guests?

Tosafot cite a peculiar position of Rabbenu Nutrani Gaon which imputes a completely new basis to kiddush in shul. The recitation of kiddush remains necessary for medical purposes, based upon the gemara in Berakhot (43b) which claims that running too quickly weakens a person's eyesight; this condition, according to Rabbenu Nutrani Gaon, is remedied by reciting kiddush at night. Rav Nutrani Gaon maintained that this evening kiddush which might restore vision referred specifically to kiddush in shul. The peculiarities of the medical beliefs adopted by medieval commentators and their interface with the world of kabala is not the subject of this article. What is interesting is if the attempt of the part of Rav Nutrani to explain a difficult halakhic vestige based upon medical/mystical reasons.

A second approach towards understanding the necessity of reciting kiddush in shul involves our overall perspective of kedushat Shabbat. We are accustomed to contrasting the kedusha of Shabbat with that of Yom Tov. Typically, we define kedushat Shabbat as that which was instilled by God from the beginning of creation and which automatically recurs every seven days, independent of human authorship or activity. By contrast, kedushat Yom Tov is completely dependent upon the human discretion and beit din's fixing of the new month which in turn determines the moment of Yom Tov. The Rav zt"l, who dealt extensively with these concepts in Shiurim Le-zekher Abba Mori, claimed that although the basic difference between Shabbat and Yom Tov is

undeniable, the human still plays an active role in conferring upon Shabbat a secondary level of kedusha which complements and completes the basic kedusha which Hashem awarded Shabbat. According to the Rav zt"l, the conferring of this kedusha is performed by kiddush, a berakha which doesn't merely respond to the presence of kedusha but actively creates or expands it.

Though his comments were made with regard to kiddush in general, it is reasonable to state this concept with greater conviction in the case of kiddush recited in shul. This kiddush is performed in the presence of the tzibbur which, ultimately, is the source of authority with regard to establishing kedusha relating to time. As the Rav himself wrote in Shiurim Le-zekher Abba Mori, when beit din would set the calendar they did so merely as the representatives and surrogates of Am Yisrael - the only entity with actual authority to create kedushat zeman and institute calendaric changes. Hence, it may be even more reasonable to view kiddush in shul as the medium in which the added kedusha of Shabbat is dealt by a human hand, as opposed to the private, individual kiddush which may be less likely if not unable to perform this function. This idea might be alluded to by the Or Zaru'a who in the first volume 752:9 writes "the original takana (of kiddush in shul) was instituted to SANCTIFY the Shabbat and testify to its holiness ... in public (and not merely for dorming guests)." The Or Zaru'a reinterprets the original basis provided by the gemara and assigns an active role to this public kiddush.

METHODOLOGICAL POINTS:

Whenever the gemara suggests a basis for a particular takana and that basis apparently disappears, we are forced to examine why the halakha itself is maintained. In many cases, the rationale of the Ran is correct. Once a formal takana has been enacted it must be formally rescinded or else it continues. Other times, an alternate logic may be located to justify the enduring minhag/takana. Rav Nutrani Gaon suggested one notion while the Or Zaru'a highlighted a different one.

AFTERWORD:

A comprehensive survey of the various reasons for and against minhagim surrounding kiddush in shul can be found in a recent sefer entitled "Minhag Ashkenaz Ha-kadmon" written by Yisrael Ta Shma in Israel. I highly recommend this chapter as well as the book in its entirety.

