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לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

Eating before *Davening* on Shabbos Morning

by Rabbi Yosef Melamed

Must one make *kiddush* before eating or drinking before *shacharis* on Shabbos morning?

Is the halacha any different for women wishing to eat on Shabbos morning?

A previous article¹ discussed whether eating and drinking before *shacharis* is allowed in general, even during the week. The conclusion of that discussion was that although in general, one is not allowed to eat or drink before davening *shacharis*, in certain situations, such as someone who is weak and cannot wait to eat until after davening *shacharis*, eating is allowed. This article will discuss whether someone who is allowed to eat before *shacharis* must recite *kiddush* beforehand when doing so on Shabbos.

Eating and drinking before *kiddush*: The Shulchan Aruch (Orach Chaim 271:4) rules that one may not eat or drink anything, including water, before fulfilling one's *kiddush* obligation. This applies both to eating before *kiddush* at night (ibid.), as well as to eating or drinking before *kiddush* by day (ibid. 289:1). This prohibition is Rabbinic (Mishna Berura 271:11), and applies both to men and women (ibid. 289:6). There are two explanations as to why Chazal prohibited eating before *kiddush*. The Ran (Shabbos *dapei haRif* 4a s.v. *umihu*), as understood by Rabbi Akiva Eiger (Glosses to Shulchan Aruch Orach Chaim 271:Magen Avraham 6), explains that it is similar to many other time-sensitive mitzvos, where Chazal forbade eating a meal before performing the mitzvah lest one become distracted by the meal and neglect to perform the mitzvah (see Shulchan Aruch Orach Chaim 232:2)². The Rosh (Pesachim 10:17) offers a different approach, explaining that *kiddush* proclaims that the eating and drinking that we are engaged in is for the purpose of *kavod Shabbos* (honor of Shabbos). Eating before *kiddush* would therefore be lacking the *kavod Shabbos* that comes with this declaration.

Drinking before *kiddush* Shabbos morning: Although, as mentioned, even water may not be drunk before *kiddush*, the Tur (Orach Chaim 89:3) records that the Rosh would drink water before *shacharis* on Shabbos morning, even though he had not yet recited *kiddush*. This is because the Shabbos meal cannot be held before *shacharis* and so this period is not considered the time for *kiddush* either³ (Tur ibid., Mishna Berura 289:7), and drinking water (as well as coffee and tea) are not subject to the general prohibition of drinking before *shacharis*⁴.

This connection between the timing for the obligation of *kiddush* and the prohibition to eat beforehand can be understood according to the aforementioned explanation of the Rosh; the prohibition to eat before *kiddush* is due to the need to establish that the Shabbos meal is eaten for *kavod Shabbos*, and is thus relevant only when a meal could be held⁵. The fact that the prohibition to eat before making *kiddush* depends on the timing of the obligation of *kiddush* fits well according to the Ran's approach, as well. The restriction on eating and drinking begins only when the time of the

mitzvah arrives, and the obligation to make *kiddush* only begins when the meal can be held (due to *kiddush bimakom se'uda*; see footnote 3 above), which is after one has recited *shacharis*. Practically, the Shulchan Aruch (Orach Chaim 89:3) rules that water may be drunk before *shacharis* even on Shabbos. It would follow that one may drink tea or coffee on Shabbos morning without reciting *kiddush* as well, since the prohibition to eat before *kiddush* has not begun (Shemiras Shabbos Kihilchasa 52:9).

Eating before *kiddush* on Shabbos morning: Eating before *shacharis* on Shabbos, however, is less clear. As discussed, the prohibition to eat before *kiddush* does not start before *shacharis* is recited because it is not yet mealtime. The *poskim* take two approaches as to why before *shacharis* is not considered mealtime:

1) The only reason we do not consider before *shacharis* a mealtime is because eating then is prohibited based on the general restriction against eating before *shacharis*. Once someone has *davened shacharis*, the general prohibition to eat ends and it is considered mealtime, and so the prohibition to eat before *kiddush* comes into effect (Tosefes Shabbos 286:4; Tehila Lidovid 286:3). Based on this, the prohibition to eat and drink begins immediately after *shacharis*, and this is, in fact, the ruling of the Shulchan Aruch (Orach Chaim 289:1).

2) A number of *Acharonim* rule that the period before *shacharis* is recited is not mealtime because one may not have a full meal until after *mussaf* is recited, as stated in the Shulchan Aruch (Orach Chaim 286:3) (Shu"t Zichor Li'Avraham 1, quoting the Maharshal; Elya Rabba 286:9, quoting the Ateres Zahav). Practically, the Mishna Berura (286:7) rules in accordance with the Shulchan Aruch that the prohibition to eat before *kiddush* on Shabbos morning begins after *shacharis*. However, in a case of need, such as in the case of a weak person who cannot make *kiddush*, the Mishna Berura (ibid.:9) allows one to rely upon the dissenting opinion that the prohibition to eat before *kiddush* only begins after *mussaf*.

According to the opinion that mealtime is right after *shacharis* because of the general prohibition against eating before *shacharis*, what would the halacha be in a situation where one is permitted to eat before reciting *shacharis* (such as one who is weak)? The answer depends upon how one understands the restriction against eating according to this opinion: Did Chazal institute a blanket prohibition (referred to as *lo plug*, or "no distinction") against eating before *kiddush* after *shacharis*, since that is when most people are allowed to eat (*vis-à-vis shacharis*), or did they personalize the prohibition and enact that at whatever point a person is able to eat is when *kiddush* is required before eating? If one takes the first position, then one who may eat before reciting *shacharis* would not need to recite *kiddush* then. According to the latter view, however, a person who may eat before *shacharis* would need to first recite *kiddush*. Practically, the Bi'ur Halacha (289:1 s.v. *chovas kiddush*) rules that a weak person who needs to eat before *shacharis* must make *kiddush*. Other *poskim* (Shu"t Or Litziyon 2:20:14; see also Igros Moshe Orach Chaim 2:28) rule that someone who needs to eat before *shacharis* does not need to make *kiddush*⁶.

Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 2:26) rules that this question depends on what the person needs to eat. If it is not a food of baked grain (made from the five halachically-recognized grains – wheat, barley, spelt, rye and oats), such as bread or cake, *kiddush* is not necessary⁷. Moreover, one should not make

⁶ In fact, Rabbi Bentzion Abba Shaul (Shu"t Or Litzion ibid.) rules that a person who makes *kiddush* does not fulfill his obligation and would need to make *kiddush* again after *davening*.

⁷ Rabbi Feinstein does not explain why making *kiddush* is dependent on these foods. The

¹ Iyun Halacha Ki Savo 5780/September 4, 2020 – Vol. 2, Issue 24 *Eating and Drinking before Davening Shacharis Part 2* by Rabbi Yosef Melamed

² See Ran ibid. and Magen Avraham 235:4 who explain why, according to this approach, there are certain differences between the prohibition to eat before *kiddush* and before other mitzvos.

³ Since *kiddush* must be made in the place and time of the meal (known as *kiddush bimakom se'uda*). See previous Iyun Halacha article, *Kiddush Bimakom Se'uda* by Rabbi Chaim Yeshia Freeman (Yisro 5781/February 5, 2021 – Vol. 3, Issue 13), for further details.

⁴ See Iyun Halacha *Eating and Drinking before Davening Shacharis Part 1* (Eikev 5780/August 7, 2020 – Vol. 2, Issue 22) by Rabbi Yosef Melamed for further details.

⁵ Although, as mentioned, once the prohibition to eat begins, one may not eat or drink anything, even water, apparently Chazal imposed the declaration of *kavod Shabbos* upon any food or drink one would consume only once the meal can be held, as the meal is the primary focus of the *kavod Shabbos*.

kiddush, because even someone who is allowed to eat before *shacharis* must keep his eating and drinking to a minimum, and he does not have license to drink the *kiddush* wine or grape juice when it is not necessary to do so. Even if such a person needs to eat *mezonos*, if eating a cooked grain product such as pasta will suffice, *kiddush* is not required⁸. Moreover, Rabbi Feinstein assumes that the aforementioned Bi'ur Halacha (requiring *kiddush* for one eating before *shacharis*) would agree to this distinction and required making *kiddush* only when eating baked grain products⁹. Shu"t Machaze Eliyahu (1:33:13) adds that there is also the opinion that the prohibition against eating before *kiddush* begins only after one has recited *mussaf*. According to this opinion, even someone who is allowed to eat before *shacharis* does not need to make *kiddush*, and the Mishna Berura relies on this opinion in a situation where making *kiddush* is not an option.

Based on this, someone who needs to eat before *shacharis* but is not eating a *kezayis* of baked grains need not recite *kiddush*. Someone who is eating a *kezayis* of baked grains should preferably make *kiddush*, in line with the ruling of the Mishna Berura and Rabbi Feinstein. However, if this is difficult, one may rely on the dissenting opinion and eat before making *kiddush*. Someone who is weak and cannot make *kiddush* may certainly eat before *shacharis* without making *kiddush*.

Women: The above discussion is pertinent to a man eating before *shacharis*. When it comes to women, the halacha is more complex.

If one takes the view that the prohibition to eat before *kiddush* only starts after reciting *mussaf*, that timing would apply to women, as well. However, according to the opinion that the prohibition starts after *davening shacharis*, some *poskim* rule that a woman would not be allowed to eat or drink anything before making *kiddush* even before reciting *shacharis* (Tosefes Shabbos 286:4; Shu"t Or Litzion 2:20:15; Shemiras Shabbos Kihilchasa 52:13). The reason for this stringency is as follows: Although the prohibition against eating before *davening* applies to women, as well, there are *poskim* who rule that women are not obligated to recite *Shemone Esrei* and can fulfill their daily prayer obligation with a basic prayer that includes a praise of Hashem, a request, and an expression of thanks to Hashem¹⁰. Thus, although a man may not eat until he has recited *Shemone Esrei*, a woman may rely on the lenient opinion and eat once she has recited the aforementioned basic prayer formula, even if she normally does recite *Shemone Esrei*. Indeed, many women rely on this ruling on weekdays. Since a woman who has recited the basic prayer formula is allowed to eat during the weekdays, it stands to reason that on Shabbos, a woman who has recited that prayer is now at a point of mealtime, and she would need to make *kiddush* before eating or drinking^{11,12}. However, a woman who is particular not to

implication of his responsum is that since even someone who is allowed to eat may only eat what is minimally necessary, foods made from baked grains are forbidden unless necessary. It is thus similar to one who cannot obtain the necessary food (namely, food made from grain) for *kiddush bimakom se'uda*, in which case he is not required to make *kiddush* before eating, because the *kiddush*, unaccompanied by a meal, would not be valid either way.

One eating less than a *kezayis* (an olive's worth) of such foods would not need to make *kiddush* either (Ishei Yisrael 36:53), because *kiddush bi'makom seuda* requires a *kezayis* of these foods.

⁸ See Igros Moshe *ibid.* regarding why cooked grain products differ from baked ones.

⁹ See Shemiras Shabbos Kihilchasa 52:fn. 38 & 45 who quotes Rabbi Shlomo Zalman Auerbach as understanding the Bi'ur Halacha this way, as well. See, however, Shemiras Shabbos Kihilchasa 52 fn.37 who quotes Rav Shlomo Zalman Auerbach who rules that if someone needs to eat something made out of grain before *shacharis*, he should specifically have a baked grain product and make *kiddush*.

¹⁰ See *Eating and Drinking before Davening Shacharis Part 2* (cited in footnote 1) for further details.

¹¹ Before saying this minimal prayer, a woman is restricted by the regular laws limiting eating before *shacharis*. Thus, if she normally eats after saying *birkas hatorah* (which fulfills this minimum level of prayer), she could have a coffee before reciting *birkas hatorah*, but not cake.

¹² Although, as discussed earlier, some rule that the time the restriction begins is a one-size-fits-all *lo plug* following *davening* - even for one who may eat before *davening* - this is true for men, who share the same halachic framework. Women, however, who have a different framework, have their own starting point for the restriction based on their

eat before *davening Shemone Esrei* during the week would have the same status as a man regarding eating before *davening Shemone Esrei*, since she has accepted upon herself to follow the view that women are obligated to daven *Shemone Esrei* (Pri Megadim Aishel Avraham 286:4; Shemiras Shabbos Kihilchasa 52:13). By extension, she would have the same status as a man on Shabbos regarding when the *kiddush* obligation begins.

However, there are various leniencies which play a role in the case of a woman eating before *kiddush* on Shabbos morning:

1) If a woman generally does not have time to *daven* the *shacharis Shemone Esrei* during the week and eats after the minimum prayer formula, but does generally *daven* the *shacharis Shemone Esrei* on Shabbos (when she has more time), some *poskim* argue that this woman is relying on the lenient opinion of a woman's obligation of prayer during the week but not on Shabbos. She therefore has the same halachic status as a man regarding eating before *shacharis* when it comes to Shabbos, and, by extension, regarding making *kiddush* before eating on Shabbos morning (Shu"t Machaze Eliyahu 1:33:4)¹³.

2) Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 4:101:2) notes that a married woman is halachically required to eat her meals with her husband and cannot start the Shabbos meal without him. As such, her mealtime only begins once her husband can eat his meal, and she can therefore eat until then without reciting *kiddush*^{14,15,16}. However, Rabbi Feinstein adds that this leniency is only applicable if she has not recited *Shemone Esrei* of *shacharis*¹⁷.

In a situation where the above leniencies are not relevant, and it is difficult for a woman to make *kiddush* herself or to wait for someone else to make it for her, many *poskim* are lenient and allow them to eat before making *kiddush* on Shabbos morning (Minchas Yitzchak 4:28:3; Shu"t Machaze Eliyahu *ibid.*:16; Shemiras Shabbos Kihilchasa 52:13). They rely on the following combination of lenient factors:

1) The opinion that the prohibition to eat before *kiddush* only begins after *mussaf* is recited. 2) The Ra'avad (Hilchos Shabbos 29:10) rules that since *kiddush* on Shabbos morning is Rabbinic, there is no prohibition to eat beforehand, even for men. 3) The Maharam Chalava (Pesachim 106a) quotes the Rashba who rules that women are not obligated in *kiddush* on Shabbos morning at all, since women are not obligated in time-bound mitzvos¹⁸. Although the halacha does not follow the Ra'avad or the Maharam Chalava, their opinions can be used as part of a combination of lenient factors.

In conclusion, there are many factors when it comes to the need to make *kiddush* when eating before *davening* on Shabbos morning, many which were explored in this article. Discussing one's personal situation with a halachic authority can be helpful in determining the correct halacha on a case-by-case basis.

unique prayer requirements (Shu"t Or Litzion 2:20:14 fn.).

¹³ According to Rabbi Moshe Feinstein's view discussed earlier, she would still only be allowed to eat other items, but not an olive's-volume of baked grains without making *kiddush*.

¹⁴ It is not clear from Rabbi Feinstein if the wife can eat until her husband comes home or only until the time that he presumably finishes *davening shacharis*. The implication in the responsum is that she can still eat until he returns home and is ready to eat the meal, even though her husband's prohibition begins after *shacharis*. The difference between the husband and wife is presumably that since the husband can technically start the meal after *davening shacharis*, his prohibition starts then, whereas the wife is dependent on when the husband will actually start the meal, which isn't until after he returns home.

¹⁵ However, see Shemiras Shabbos Kihilchasa 52:fn. 46 quoting Rabbi Shlomo Zalman Auerbach who disagrees with Rabbi Feinstein's leniency.

¹⁶ Rabbi Feinstein (*ibid.*) writes that since the requirement to eat together only applies to a wife, but not to a child in the father's household, this leniency would not apply to children in the household.

¹⁷ See there for reasoning.

¹⁸ Women are obligated in Friday night *kiddush* because the Torah-level obligation of *kiddush* is linked with the *melacha* restrictions of Shabbos, and since both men and women must observe these restrictions, they must also fulfill the mitzvah of *kiddush*. However, the Rashba rules that this reasoning does not extend to the Shabbos day *kiddush*, which is a Rabbinic obligation (Maharam Chalava *ibid.*).

Points to Ponder:

Do children need to hear kiddush before eating breakfast on Shabbos morning?

May one who did not fulfill kiddush on Friday night eat at all on Shabbos morning before kiddush?

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