

# Shabbat Morning Kiddush over Schnapps in a Plastic Shot Glass

*Rabbi Ari Z. Zivotofsky*

One of the most familiar Jewish rituals is the recitation of Kiddush to welcome Shabbat and Yom Tov. In some communities, it is common for the morning Kiddush to be recited at a “Kiddush” well before the second Shabbat meal and for this Kiddush to be recited over “schnapps” (whiskey) in a plastic shot glass. This occurs both in shul and at private homes. This article will give some background to Kiddush and then discuss the halachic acceptability of this manner of making Kiddush.

The obligation to verbally proclaim the sanctity of Shabbat is derived from the Ten Commandments, where it is stated “*Zachor et yom ha-Shabbat lekadsho* – Remember the Shabbat to sanctify it” (*Shemot* 20:8). *Chazal* (rabbinic Sages) derived that this “remembrance” must be done verbally and not merely mentally,<sup>1</sup> and thus most authorities view the recitation of Kiddush on Friday evening as a biblical obligation<sup>2</sup> that is incumbent on all men and women.<sup>3</sup>

There is an additional component to the Kiddush, namely the requirement that this declaration be said in the presence of wine (*Pesachim* 106a). Whether this component is also a Torah

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1. *Torat Kohanim*, first verse of *Bechukotai*.

2. *Rambam*, *Hilchot Shabbat* 29:1; *Chinuch* 31; *Tosafot*, *Pesachim* 106a s.v. *zachrehu*.

3. *Shulchan Aruch* OC 271:2.

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requirement is the subject of a debate. *Rashi*, *Ran*, *Ra'avan*, and *Aruch Hashulchan*<sup>4</sup> say it is biblical, while *Tosafot*<sup>5</sup> and *Rambam*<sup>6</sup> contend it is a rabbinic enactment.

The core of the Friday night Kiddush consists of the *bracha* (blessing) on wine followed by a longer *bracha* about Shabbat and the uniqueness of the Jewish people. These *brachot* are usually preceded by the verses describing the first Shabbat of Creation (Genesis 2:1-3).

Kiddush is recited again on Shabbat morning. According to almost all opinions this daytime Kiddush is not of biblical origin, but rather a rabbinic obligation<sup>7</sup> known euphemistically<sup>8</sup> as "*Kiddusha Rabbah* – the great Kiddush" (*Pesachim* 106a). This too is required for both men and women.<sup>9</sup> In its most basic form, the daytime Kiddush consists of just the *bracha* over wine – "*borei pri hagafen*."<sup>10</sup>

The Friday night Kiddush usually poses few halachic questions – it is almost always recited at the dinner table promptly after returning from synagogue. The one issue

4. *Orach Chaim* 271:2.

5. *Nazir* 4a s.v. *mai hee*; *Pesachim* 106a, s.v. *zochrayhu*.

6. *Hilchot Shabbat* 29:1, 6.

7. The *Magen Avraham* (OC 597:3) understood that the *Maharam* held the daytime Kiddush is biblically mandated (*d'orayta*) although he disagreed (OC 289:1). The *Mishnah Berurah* (*Sha'ar Ha'Tziyun* 597:7) disagrees with this interpretation of the *Maharam*.

8. *Maggid Mishneh*, *Hilchot Shabbat* 29:10; *Mishnah Berurah* 289:3; *Aruch Hashulchan* OC 289:3. See *Rashbam Pesachim* 106a, s.v. *kiddusha*; *Ramban* to *Shmot* 20:8; *Daat Torah* (*Maharsham*) 289:1 for other explanations of the name.

9. See *Mishnah Berurah* 289:6; cf. *Maharam Chalava* to *Pesachim* 106a, *b'yom mai*.

10. Many precede the *bracha* with verses from *Shmot* 31:16-17 and 20:8-11. Others felt that only the *bracha* should be recited and verses should not be said. Rav YD Soloveitchik reported that his paternal grandfather, Rav Chaim Soloveitchik, felt that only the *bracha* should be said. He, nonetheless, recited the introductory verses following the tradition of his maternal grandfather, Reb Elye Pruzhaner (see Rav Hershel Schachter, *MiPninei Harav*, 2001, 71-72).

discussed is what to do if one does not have wine, a not infrequent occurrence in pre-20th century eastern Europe, but rare today. Because the role of that Kiddush is to transition from the weekday to Shabbat, it is unique amongst mitzvot that require a *kos shel bracha* (literally, a cup of wine upon which a blessing is recited), e.g. *bentching* (Grace after meals), *brit milah*, and weddings, in that the wine may be substituted with bread if necessary, in which case the Kiddush is recited after washing the hands and the *borei pri hagafen* is replaced with the blessing over bread, *hamotzi*.

Shabbat morning Kiddush often raises more issues, especially, although not only, when it is made at what is known as a "Kiddush" in the US and UK, or a "Bracha" in South Africa. The questions there generally arise because there are actually two halachic components to the Kiddush – a prohibition to eat once the obligation to make Kiddush devolves with the recitation of the morning prayers (*shachrit*) and the requirement of "*Kiddush b'makom seudah*", that to fulfill one's obligation the Kiddush must be recited as part of a meal, usually defined as including bread.<sup>11</sup>

Various halachic explanations have been proposed for the common practice of reciting Kiddush and eating at the social gathering before the formal meal, most authorities requiring<sup>12</sup> that at least a *k'zayit* (olive-size piece) of "*mezonot*" (e.g. cake) be eaten<sup>13</sup> at the Kiddush and that Kiddush be repeated at the "real" meal later.<sup>14</sup> Halachically it would seem that there is a

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11. See the rather lengthy responsum of Rav Moshe Feinstein on this subject, *Iggerot Moshe* OC:4:63.

12. Cf *Yabia Omer* 2:19.

13. Or a second glass of wine (but not beer or schnapps) be drunk, *Mishnah Berurah* 273:25.

14. Whether Kiddush needs to be repeated is not discussed in the classic sources, most likely because it was not common in earlier times to have a "Kiddush" in shul and then to return home and have another meal. However, due to changing communal practices, some significant 20th century rabbis do discuss it. Rav Yosef Chaim Sonnenfeld (*Shalmat Chaim*

preference to recite *Kiddusha Rabbah* while sitting, especially if one person is reciting it for many others.<sup>15</sup> While these common Kiddush practices are acceptable to most authorities,<sup>16</sup> it is the other deviations from the baseline practice that raise more concerns.

The normative practice is to recite Kiddush using wine in a

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255) rules that it is proper to repeat Kiddush before the actual meal. Rav Avigdor Nebenzahl (*Yerushalayim B'moade'ha, Shabbat*, vol. 2, 124) assumes that the standard practice is not to repeat Kiddush, but in footnote 110 he relates that Rav Shlomo Zalman Auerbach in his later years told a questioner that it is worthy to repeat the Kiddush and that that was indeed his practice. Rav Hershel Schachter (*Eretz Hatzvi*, 5:8 [p. 46-47; cf *Beit Yitzchak* vol. 22, page 206]) says that according to Rav YD Soloveitchik it is proper to make Kiddush again at the meal. Rav Moshe Shternbuch (*Tshuvot V'hanhagot* 1:264) explains that the meal requires Kiddush and thus he repeats Kiddush at home. He says that he has a basis for this in the *Shiltei HaGibborim*, and he thinks this is the proper procedure (*Moadim U'zmanim* 3:243 [p. 107]). Rabbi MD Tendler (telephone conversation July 27, 2016) summed up Rav Moshe Feinstein's position as "there is *kiddush b'makom seudah*, and the *seudah bemakom kiddush*", i.e. that the Shabbat meal should be introduced with Kiddush, and that indeed Rav Moshe's practice was to repeat Kiddush. Rav Betzalel Stern (*B'tzeil HaChochmah* 5:117) concludes that even if one fulfilled their Kiddush obligation at a "Kiddush", they should repeat Kiddush with the verses at the meal.

Rav Zvi Ryzman (*Ratz K'Zvi*, (5765) vol. 1, 11:7 [p. 162-3]) assumes that the standard practice is not to repeat Kiddush before the afternoon meal, and he explains the halachic justification. It is possible that many other contemporary *poskim* who do not mention this halacha also subscribe to this position and simply do not mention that there is no need to repeat Kiddush because they treat that as the default assumption. For example, there are several places in *Shmirat Shabbat K'hilchatah* and *Yalkut Yosef* where this halacha could have been inserted and yet is absent. They, like Rav Ryzman, might have simply held that once one fulfills his Kiddush obligation, irrespective of how, there is no need to repeat it and that there was no need to explicitly write that. They simply described in great detail how one fulfills the obligation.

15. *Rema*, OC 271:10; *Mishnah Berurah* 271:46; *Shmirat Shabbat K'hilchatah* 50:8)

16. Some follow the stricter interpretation of "*seudah*" as found in many of the *Rishonim* and the *Gra* and will not eat at a "Kiddush" unless they wash over bread. This was the practice of Rav Aharon Lichtenstein.

silver<sup>17</sup> or other ornamental Kiddush cup (*becher*) that is whole and contains at least a “*reviit*” of wine,<sup>18</sup> and after the recitation drinking at least “*m’lo lugmar*” (a cheekful). There are three fundamental deviations from those standard practices that are sometimes seen at a Kiddush (and sometimes at home as well) and these are: 1) the use of whiskey in lieu of wine, 2) using less than the requisite amount (i.e., a cup that holds less than a *reviit* and/or drinking less than a *m’lo lugmo*), and 3) using a paper or plastic disposable cup instead of a reusable, respectable utensil. Each of these changes raises halachic issues that have been addressed by halachic authorities in recent centuries.

The first question is whether wine is always the preferred beverage and what may be used in lieu of wine.<sup>19</sup> Ameimar (*Pesachim* 107a) teaches that “*chamar medinah*” – “wine of the province”<sup>20</sup> may be used for *Havdalah* in a locale where there is no wine. Based on the follow-up Talmudic discussion regarding whether the same is true for Kiddush, the *Rishonim* differ regarding the halacha. *Rambam*,<sup>21</sup> *Ran*, and others say that unlike *Havdalah*, beer may never be used for Kiddush even in a place with no wine.<sup>22</sup> On the other hand, *Rosh* says that *chamar medinah* may be used for Kiddush.<sup>23</sup> The *Shulchan Aruch* (OC 272:9) quotes both opinions regarding Kiddush on a non-wine beverage and then brings the *Rosh* in detail, stating that when there is no wine available, at Friday night bread

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17. See *Kaf Hachaim* 472:11 and *Shu”t L’horot Natan* 4:25.

18. Minimally around 3.3 ounces; see footnote 32 herein for specifics.

19. *Da’at Torah* (289:2) cites the opinion of *Nachlat Shiva* that because the Shabbat morning Kiddush is not biblically mandated, even borscht may be used!

20. This is locale dependent and is defined as a beverage one would serve to a respected guest (see *Iggerot Moshe* OC:2:75) or the common drink served at a meal (*Shulchan Aruch Harav* OC 182:2).

21. *Hilchot Shabbat* 29:17.

22. See *Beit Yosef* OC 272.

23. *Pesachim*, ch. 10, *siman* 17.

should be used and in the morning of Shabbat, *chamar medinah*. The *Rema* (ibid) says this is the common practice. This all seems clearly to be discussing the use of an alternative if there is no wine available. Similarly, regarding the daytime Kiddush (OC 289:2), he mentions the other options “in a place where wine is not available”. Indeed, the *Prisha*<sup>24</sup> understood that the *Rema* advocated that even a person who vowed not to drink wine should nonetheless preferably make Kiddush on wine and have others drink it.

In the seventeenth century, the *Bach*<sup>25</sup> expresses wonderment at the widespread custom, even of great rabbis such as the *Maharshah*, to make Kiddush Shabbat morning on beer even though they had wine in the house. He says that he can, with difficulty, justify it by the fact that they want to exempt the beer that will be drunk during the meal with the *bracha* said at Kiddush. However, this only works for those continuing to drink the non-wine beverage during the meal, as they did hundreds of years ago. Today, many of the people who make Kiddush on schnapps do not drink more schnapps during the meal.

The *Taz*<sup>26</sup> too seems to have been troubled by the question that bothered his father-in-law, the *Bach*, i.e. the common use of beer for the Shabbat morning Kiddush. He writes that if there is wine available it is certainly preferable to use that instead of beer. However, he posits that if wine is very expensive, it is as if it is not available; that is the reason, he proposes, that in 17th century Poland and Russia even the great rabbis used beer. Even so, he concludes, if one uses wine it is superior.

The *Magen Avraham*<sup>27</sup> says schnapps (whiskey) should not be

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24. OC 272:13.

25. OC 272 s.v. *v'al*.

26. OC 272:6.

27. OC 272:6.

used for Kiddush unless it is in a locale where that is the daily drink of the masses. The *Mishnah Berurah* echoes these sentiments.<sup>28</sup> He adds (272:30) that if a person particularly enjoys schnapps, he can even use it *l'chatchila (ab initio)*, in those lands where it is *chamar medinah*, although elsewhere (182:13) he notes that the *Rema* advocates using wine even when expensive. The *Shulchan Aruch Harav* (272:11) rules that in places where wine is expensive one may be lenient to use *chamar medinah*, but nonetheless it is *mitzvah min hamu'char* (the best way to perform the mitzvah) to always use wine for Kiddush.

The *Aruch Hashulchan* was also bothered by this question. He first (OC 272:13) summarizes and then rejects the previous answers on the basis that, bottom line, wine is preferred. He then (OC 272:14) offers his explanation of the phenomenon. He says that the earlier generations lived in Babylonia, Spain, France, and Germany, where grapes grow, while he and his contemporaries live in the northern climates (e.g., Lithuania) where grapes do not grow and thus they use either imported wine which is expensive and has questionable *hashgacha* (kosher supervision) or raisin wine, for which the *bracha "hagafen"* is questionable. Thus, when there is no halachic choice (such as Friday night) they use it, but during the day they opt for other drinks. Clearly, according to the *Aruch HaShulchan*, for most people today the situation is such that wine is the only acceptable option for daytime Kiddush.

Rav Ovadia Yosef<sup>29</sup> discusses what may be used for Kiddush, cites a litany of those who permit and those who prohibit non-wine, and concludes unequivocally that in a city in which there is wine, daytime Kiddush may be said only on wine.

Rav Chaim Elazar Spira (the Munkaczer Rebbbe; d. 1937)

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28. OC 272:29.

29. *Yabia Omer* 3:OC:19.

explained that in his region in Hungary where wine is produced and is available, none of the explanations that applied in Poland, Russia, and Galicia applies, and there was no excuse to use anything but wine.<sup>30</sup> He says that those who want to rely on the *Divrei Chaim* (Rav Chaim Halberstam of Sanz, d. 1876) should know that he only used schnapps in Poland but when he was in Hungary he had someone recite Kiddush for him on wine and then he would say a *bracha she'hakol*<sup>31</sup> on the schnapps and drink it. He wanted to maintain his standard practice of drinking schnapps, but he held that in a place with wine, only wine could be used for Kiddush. He therefore fulfilled his Kiddush obligation with someone else's recitation and then did his usual thing. Thus, the Munkaczer reiterated, in a land in which wine is available, one should not make Kiddush on schnapps on Shabbat morning.

For those who choose to use something other than wine, in particular schnapps, the next question is how big must the cup be and how much must be drunk. In general, a Kiddush cup must hold a *reviit*, and *m'lo lugmav*, a "cheekful",<sup>32</sup> should be drunk. While for wine, beer, or most other *chamar medinah*, drinking this amount does not pose a challenge, clearly, for schnapps it can be difficult.

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30. *Nimukei Orach Chaim* 272:1; note that today Munkacz is in the Ukraine.

31. Note that if he had drunk the Kiddush wine he would not have made a *bracha* on any other drink because just as the *bracha* on bread covers all other foods in the meal, so too the *bracha* on wine covers all drinks. See: Ari Z Zivotofsky, "Legal-ease: What's the Truth About ... Making *berachot* after kiddush?" *Jewish Action*, Winter 5763/2002, Volume 63, no. 2, pages 48-50.

32. Contemporary *poskim* differ as to the exact size of these rabbinic measures, and thus are willing to use smaller quantities for rabbinic obligations. A *reviit* is between 3.2 (Rav Chaim Na'eh), 4.4 (Rav Moshe Feinstein), and 5.1 (*Chazon Ish*) ounces (95, 130, 150 ml) for Friday night when Kiddush is biblical and 3.0 to 3.3 ounces (89-97 ml) for the rabbinic daytime Kiddush (see *Radiance of Shabbos*, p. 44, 101). A cheekful is drinker dependent, but for the average person a *m'lo lugmav* is a little more than half a *reviit* (SA OC 271:13). See however *Biur Halacha* 271 s.v. *shel*.



The general principle is that when using *chamar medinah* the same rules apply as for wine. Thus, the *Mishnah Berurah*,<sup>33</sup> Rav Chaim Kanievsky,<sup>34</sup> and *Shmirat Shabbat K'hilchatah*<sup>35</sup> all rule that when using whiskey for Kiddush one must use a standard *reviit* cup and drink a cheekful. If this is difficult, they recommend relying on what is otherwise viewed as a questionable practice-- combining the drinking of the others listening to add up to the required amount.<sup>36</sup>

The source of any possible justification for using less than the usual amount (*shiur*) is a position taken by the *Taz* (OC 210:1) in an entirely different context, the rules regarding a *bracha* after eating or drinking. The general principle is that for any small quantity of food or drink a *bracha* is made prior to ingesting, but if less than a *kzayit* of food or a *reviit* of liquid is consumed no *bracha* is recited afterwards.<sup>37</sup> On this, the *Taz* presents his novel position regarding whiskey. He observes that it is difficult to drink a *reviit* of whiskey and hence in his land, 17th century Poland, the rule should be based on the drinking practice of the majority of people and that on that smaller quantity a *bracha acharona* (blessing at the conclusion of eating) should be recited.<sup>38</sup> The *Magen Avraham* (190:4) and *Mishnah Berurah* (190:14) strongly rejected this novel position and argued that just as the *shiur* is constant for wines of different strengths and various other beverages of varying qualities, it is a constant established by *Chazal* and does not vary with the drink. Rav Ovadia Yosef (*Yabia Omer* 3:19) also rejected the opinion of the *Taz* and is emphatic that for both Kiddush and *bracha achrona* the *shiur* for schnapps is the same as for every other drink.

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33. 272:30.

34. *Shoneh Halachot* 272:2.

35. 53:19.

36. Based on the "*yesh omrim*" in *Shulchan Aruch* OC 271:13-14.

37. *Shulchan Aruch* OC 210:1.

38. *Chatam Sofer* (commentary to SA 272) rejects the position of the *Taz*. But see his *Responsa* OC 49 where he finds a support for the position of the *Taz*.

The logic the *Taz* used regarding a concluding *bracha* has been extended and applied by some to Kiddush (although the *Taz* himself never made that leap). Thus, the *Maharsham* (1:175:1) cites several examples of important rabbis who made Kiddush using a small cup of whiskey and then suggests that it is possibly justifiable because even a small quantity of whiskey is significant, and rules that those individuals are worthy of relying upon. *Eishel Avraham* (Butschatz OC 272: *Magen Avraham* 6) suggests that the position regarding *bracha acharona* can possibly be used to justify those who use a small cup for Kiddush on schnapps, but says that nonetheless it is proper to use a full sized cup even for schnapps.

Rabbi Ephraim Zalman Margaliof of Brodt (d. 1828) in the *Mateh Efraim* said one should use wine, but in his *Ktzei Hamateh* (597:2) noted that many people in his time relied on the lenient opinion to use schnapps, and he even cited the justifications for a small cup. But he included a comment that for sweet or weak schnapps, called liquor, Kiddush must be made on a usual amount (*shiur*). He was criticized for defending using a small cup; nevertheless, he reiterated (625:99) his position by saying that if so many outstanding rabbinic figures acted as such, we cannot simply discount it. Of course, he also said that those who use a proper *shiur*, and even more so those who use wine, are to be commended.

*Minhag Yisrael Torah* (289:5 [p. 108]) observes that although most authorities reject the novel position of the *Taz* regarding the concluding *bracha acharona*, some do accept it for the less significant Shabbat morning Kiddush. *Minhag Yisrael Torah* (289:5, p. 109) cites an interesting variant (from *Imrei David*) that even according to those who follow the *Taz* and rule that only a small amount of schnapps need be drunk, that does not change the fact that a cup that holds less than a *reviit* is not called a *kli*—a vessel—and is like an incomplete utensil that is not usable for Kiddush (see below). Hence, they would say that a full size cup must be used, albeit drinking less than a *m'lo lugmav* suffices.

### The Kiddush Cup

When making Kiddush at shul, often the most convenient cup is a disposable plastic cup or a small plastic shot glass. That too raises a concern. The concept of disposable utensils was not widespread in the pre-modern era and was thus not addressed by earlier authorities. Contemporary authorities differ in their approach to the use of plastic or paper cups for Kiddush.

The *Shulchan Aruch* rules that the same requirements that govern the cup used for "*bentching*" (Grace after a meal) apply to the cup used for Kiddush, and one of those requirements (OC 183:3) is that it be a "complete cup."<sup>39</sup> It can have no cracks, not even in the base.<sup>40</sup> Based on those rules, Rav Moshe Feinstein wrote in 1968 that Kiddush requires an aesthetically pleasing cup, and in his opinion a disposable cup is worse than a cracked cup, is not dignified, and certainly may not be used for Kiddush (or *bentching*).<sup>41</sup> He begrudgingly wrote that if there is no other cup, maybe one can be lenient. The great Sephardi *posek*, Rav Benzion Abba Shaul (d. 1998) ruled similarly, without explanation<sup>42</sup> and that was also the position of the "Steipler".<sup>43</sup>

Another argument against using disposable cups for Kiddush was raised by the former head of the *Beit Din* of the

39. OC 271:10. If nothing else is available, a less than perfect cup may be used for *bentching* (*Mishnah Berurah* 183:10, 11; *Sha'ar Ha'tziyun* 183:14).

40. *Magen Avraham* 183:5.

41. *Iggerot Moshe* OC 3:39. Rav Moshe Feinstein does not distinguish between a paper cup and a hard plastic one that is easily rinsed and could be used several times (see Rabbi Simcha Bunim Cohen, *The Radiance of Shabbos*, 1986, Artscroll, ch. 9, note 5 [p. 44]).

42. *Ohr Le'tzion*, vol. 2, 47:12 [p. 314].

43. Rav Yaakov Yisrael Kanievsky; *Orchot Rabbenu*, p. 110. Those who rule that disposable cups should not be used do not distinguish between one or multiple cups and there seems to be no basis for the popular practice of stacking two such cups.

*Eida Charedit*, Rav Yitzchak Yaakov Weiss. In 1986 he was asked about paper cups.<sup>44</sup> He first noted that according to Rav Moshe Feinstein a disposable cup may truly be worse than a cracked cup and although the latter is acceptable if there is no choice, the former may not be. He then raised an additional concern: He explained that a disposable utensil is not halachically a *kli*, a utensil. (Hence, as he explained in two previous responsa, disposable pans do not require immersion in a mikvah.) Similarly, because of this, disposable cups should preferably not be used for Kiddush, *bentching*, or washing the hands prior to a meal (*netilat yadayim*). He suggests that if there is nothing else available, one can have intention to re-use it and thereby imbue it with the status of a *kli* and use it for Kiddush. In conclusion, he quotes sources that the Satmar Rebbe was careful not to recite Kiddush using a disposable cup, and that, he opines, is how one should act.

*Shmirat Shabbat K'hilchatah* rules that a disposal cup should preferably not be used, but if there is no other cup it is permissible.<sup>45</sup> He notes (note 51) that Rav Shlomo Zalman Auerbach told him that because disposable cups are such that important people do use them for important meals, one should not be too concerned if there are no other cups available. If this condition is no longer accurate, and it is likely that state dinners do not use paper or plastic cups, it is not known what Rav Auerbach would have said. On the other hand, many of today's disposal cups are made sturdier and "classier" than 40 years ago and possibly even Rav Moshe would not object to their use.

Not everyone agrees that disposable cups are not a *kli*. One of the earliest to rule on this in 1956 was Rav Moshe's colleague at the helm of defining halacha in the US at that time, Rav Yosef Eliyahu Henkin. He stated that it is self-evident that it is a mitzvah to use a nice cup for Kiddush.

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44. *Minchat Yitzchak* 10:23.

45. Vol. 2, 47:11.

However, in his opinion, paper cups are *kelim* and thus if one has no other or is poor, a paper cup may be used.<sup>46</sup>

Rav Ovadia Yosef, in his typical style, cites a long list of authorities on both sides of the issue and concludes that because the cup is complete as it was made, it is considered whole. Furthermore, it is capable of being used multiple times and it is only because it is so cheap that it is thrown out. Hence, he says that from the basic halacha there is nothing wrong with using it; however, because of *hiddur mitzvah* (the principle that a mitzvah should be performed in the best manner possible), one should be stringent and use a different type of cup.<sup>47</sup>

After reading Rav Moshe's responsum on the issue, Rav Eliezar Waldenberg responded very similarly to what Rav Ovadia Yosef said.<sup>48</sup> He opined that as long as the paper cup is complete as it was manufactured, it is considered whole. And he asserts that these cups definitely have the status of a *kli*<sup>49</sup> and thus may be used even *ab initio* for Kiddush.

Rav Binyamin Zilber initially wrote in 1973, having not yet seen Rav Moshe's responsum, that he saw no halachic source that a disposable cup is not a *kli*, but nonetheless if a different cup is available it should be used because of *hiddur mitzvah*.<sup>50</sup> After being shown the responsum in *Iggerot Moshe*, he added an addendum to his own writing (pages 144-5) and said that he, too, wrote that ideally a different cup should be used and thus there is little difference between his position and Rav

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46. *Kitvei Harav Henkin* [5749] vol. 2, 17:2.

47. *Journal Beit Hillel*, (8:5) 31, Tevet 5768, pages 16-17; cf. *Yalkut Yosef* 271:41.

48. *Tzitz Eliezer* 12:23.

49. Those who rule to treat disposable cups as a "*kli*" would presumably have another explanation as to why disposable pans do not require immersion in a mikvah (*tevillah*). Or maybe they would rule that they indeed do.

50. *Az Nidberu* 6:48.

Moshe's. He further added that he disagreed with Rav Moshe's proof, was not sure that *hiddur* even applied to the Kiddush cup, but that if the "*gaon*" [Rav Moshe] said as such, it is proper to ideally follow his ruling.

In conclusion, the Shabbat morning Kiddush can have several issues:

- The first issue is the use of a beverage other than wine. The *Rambam* never permits another beverage. Most other authorities approve of *chamar medinah* under specific circumstances. Nonetheless, an objective reading of the sources reveals a clear preference for wine when it is available. Kosher wine is today abundantly available in all countries with sizable Jewish communities.

The definition of *chamar medinah* is the source of much controversy. It seems that wine, even in places where it is not the primary drink at all meals (i.e. contemporary Israel and the US as opposed to France or Israel during the Roman period), always maintains its role as the honored and preferred beverage, because of its properties of satiating and gladdening, and that it is served to honored guests. Thus, it maintains pride of place as the ideal beverage for Kiddush and *Havdalah*.<sup>51</sup> Schnapps is both alcoholic and served to guests and would thus seem to qualify as *chamar medinah*. Because of that, some opinions permit its use for Kiddush even if it is not drunk regularly and even if wine is available, while others sanction its use only in a place where there is no wine or it is a common drink. Nowadays, wine is readily available in endless varieties and prices in both the US and Israel.

Rabbi Simcha Rabinovitch<sup>52</sup> concludes his discussion of the use of whiskey with "there are holy congregations that even today, when wine is readily available in all places, make Kiddush Shabbat morning on whiskey or liquor, and because

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51. See *Aruch HaShulchan* OC 272:14.

52. *Piskei Tshuvot* [5771], 289:11.

they have such a tradition from their ancestors, Kiddush on whiskey is more special to them than over wine, and is acceptable. However, someone who does not have such a tradition should certainly not make Kiddush on whiskey but rather over wine, unless he hates wine or it is injurious to him or it is in a place where there is no wine."<sup>53</sup>

- Regarding using a small cup, the halachic issues seem even more significant. The halachic sources all seem to mandate using a standard volume, and regarding this, Rabbi Rabinovitch writes "in this too we find a tradition of great and holy rabbis who made Kiddush on small cups of whiskey and tasted only a little... nonetheless, here too someone who does not have a clear tradition should not be lenient." The halachic sources are almost unanimous in requiring a standard volume irrespective of the drink used.

- Those who use disposable cups certainly have *poskim* on whom to rely, but 40 years ago Rav Moshe Feinstein emphatically opposed their use.

Kiddush serves to sanctify the Shabbat meal<sup>54</sup> by

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53. As for example, the practice of Rav Elazar Mayer Teitz, who relates that when he first entered the rabbinate in 1958 *yayin mevushal* was not available and it was impossible to restrict access to *shomrei Shabbat*, so he did not permit wine in his shul. He had limited tolerance for alcoholic beverages so would be unable to drink the proper amount of other alcoholic beverages. Thus, based on a ruling of his *roshei yeshiva* from Telshe, he made Kiddush for the shul on soda, and continued to do so until grape juice became prevalent. While soda (called by some pop) would certainly seem to be *chamar medinah* in America, it is worth noting that there are opinions that reject the use of soda for Kiddush or *Havdalah*.

54. Because the Kiddush is what defines the meal as a "Shabbat meal", the food should not be brought to the table until after Kiddush, and the food that is there (the *challah*) is covered. Rav Hershel Schachter (*MiPinei HaRav*, 2001, 69-70) quotes a story in which Rav YD Soloveitchik reluctantly attended an RCA conference at a hotel and upon seeing the food on the tables before Kiddush insisted that the waiters clear it all and only return it after Kiddush. He held that one should be careful about this both Friday night and Shabbat day.

distinguishing and separating it from weekday meals. Its recitation before bringing the food to the table establishes the meal as a holy convocation. That recitation is steeped in meaning and tradition, and the manner in which the short oration is said should be given the appropriate halachic consideration.



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