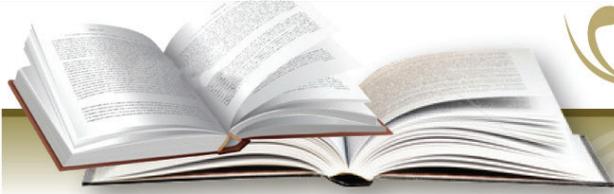


# TORAH & HORAHAH



Vaeschanan 5777

370

## Dear Reader,

Just some days ago, we read in the Book of Eichah of the sorry plight of Jerusalem. Time and time again, the passages in the first chapter tell us that Jerusalem has no consolation: “She has none to comfort her among all her lovers;” “there is none to comfort me.”

Yet, in the immediate aftermath of the Ninth of Av, we are requested to console Jerusalem, to read a message of hope and to participate in her consolation. How is this achieved? How can we proceed from the hopelessness of Tisha Be’Av to the consolation that follows?

We can glean an answer to this by dwelling briefly on the Torah concept of nechamah, consolation.

Concerning the generation of the Flood, the pasuk writes that Hashem ‘regretted’ the creation of Man. The word

This week’s article addresses the use of alternative beverages to wine (*chamar medinah*) for a *kos shel berachah*. Can *chamar medinah* be used for Kiddush and Havdalah? What about the custom of making Kiddush on Shabbos on a shot glass of scotch or whiskey, rather than the traditional full-size cup of wine? Can hot drinks be used? These questions, and more, are addressed in this week’s article.

This week’s Q & A addresses the issue of how long a person can wait after a meal before benching.

## Chamar Medina: Use of Beverages Other Than Wine

Parashas Va’eschanan includes the Ten Commandments, one of them being the mitzvah of Shabbos. Among the mitzvos of Shabbos is the obligation: “Remember the day of Shabbos, to sanctify it” (*Shemos 20:8*). Chazal understand this as making Kiddush: “Sanctify it with a blessing; from here we derive that one must make Kiddush on wine as Shabbos enters” (*Mechilta*).

Havdalah this past Motzaei Shabbos reminded us that other beverages may be substituted for wine. As we will see, in the Havdalah after the Shabbos before Tisha Be’Av, some recommend using beer rather than wine, in order to refrain from drinking wine in the Nine Days.

Can this be done for Kiddush, too? What about the custom of making Kiddush on Shabbos in the daytime on a shot glass of scotch or whiskey, rather than the traditional full-size cup of wine? When can beer, or other beverages, replace wine for blessings recited over a cup (such as for *benching*)?

These questions, among others, are discussed below.

### Havdalah in the Nine Days

Havdalah is recited after the close of Shabbos—which is of course a weekday. On Shabbos Chazon this raises the problem of drinking ➤➤

used to express this regret, *nichamti*, is derived from the same root as *nechamah*.

With regard to Hashem, there is of course no ‘change of heart’ in the sense that there is among humankind. Rather, the same Divine plan that was initially true remains throughout. Yet, although the plan and its destiny are unchanging, the means by which the plan reaches fruition alters.

On the level of Divine existence – a level of Hashem’s intention for the Creation – there is no change. In this world, however, on the level of human interaction, the direction is adjusted: A new direction that brings about the same result. In the event of the Flood, the purpose and destiny remained the same, yet the direction changed course.

The same is true of Jerusalem. The initial way, the original glory of Jerusalem, lies in ruin, without consolation. Yet, from the ashes sprouts forth a new planting, a new direction that will eventually bring about the destiny that was never forgotten.

While in the dark, we cannot see. While crying, our eyes cannot focus. Yet, we know that the very darkness we experience will someday

the wine of the Havdalah since it is then part of the Nine Days. Three resolutions to this issue are mentioned by early authorities.

One approach is that the cup of wine should be drunk as usual. This is the opinion of the Shulchan Aruch (*Orach Chaim 551:10*)/ The Gra (see also *Mishnah Berurah 551:67*) explains that Havdalah is no worse than a *seudas mitzva* such as a Bris. Just as it is permitted to eat meat and drink wine at a Bris, so, too, one can drink wine for Havdalah as usual.

A second approach, mentioned by the Rema (*551:10*, based on *Shut Maharil 15*), is that one should find a child, and give him the wine to drink. The Mishnah Berurah (based on the Gra) explains that although it is permitted to drink wine at a *seudas mitzvah*, for Havdalah there is an opinion to give the wine to a child. This is preferable, since the person making Havdalah will not need to transgress the prohibition. The Rema concludes that if a child is not available, an adult should drink the wine as usual.

The *Magen Avraham* qualifies this ruling, explaining that one cannot give the wine to any child. He must be on the one hand too young to mourn the destruction of the Mikdash, for if old enough he, too, is not allowed to drink the wine. On the other hand, he must be old enough to understand the concept of reciting a *berachah* over wine, so that *brochah* over the wine can apply to him.

This means that the child needs to be in the 5–8 years old range. Many Ashkenazi Poskim prefer that a child drink the wine (See *Chayei Adam 133:16*; *Kitzur Shulchan Aruch 122:8*; *Mishnah Berurah 551:70*). However, due to the uncertainty over the correct age of the child, some prefer that an adult drink the wine.

### Using Beer for Havdalah

A third opinion is especially interesting to us. The *Aruch Hashulchan* (*551:26*) records a local custom to make Havdalah in the Nine Days over beer, rather than wine. Beer is cited by Poskim throughout generations as a *chamar medina*, a “drink of the land,” which can substitute for wine. This seems to be a very simple resolution to the problem of Havdalah in the Nine Days.

The idea of using beer for Havdalah is based on the ruling of the Shulchan Aruch (*296:2*), who writes that it is permitted to make Havdalah on beer, provided beer is *chamar medina*—a “national beverage.” This ruling is founded on the Gemara in Pesachim (*107a*), where we find that Ameimar used beer for Havdalah.

While there remains a preference of wine over beer, as noted by the Mishnah Berurah (*296:8*), it is generally permitted to use beer

where wine is unavailable. In fact, the Rema notes the custom to use beer (if it is *chamar medina*) on *motza'ei* Pesach, because after seven days without it beer is a cherished beverage.

Thus, the solution of using beer for Havdalah during the Nine Days seems like an appropriate and easily available option.

### Deferring the Beer Solution

Yet, many authorities are reluctant to use this option, the reason being the preference to use wine, and the lack of clarity over the definition of *chamar medina*.

As noted above, the Mishnah Berurah writes that one can only use *chamar medina* where wine is not available. A similar ruling emerges from a number of early commentaries. According to the Rashbam (*Pesachim 107a*), it is only permitted to use *chamar medina* if wine is unavailable in the entire city (noted by the *Magen Avraham 272:6*), while the Rambam (*Shabbos 29:17*) writes that *chamar medina* refers to majority use.

Furthermore, and as we will see below, defining a “national beverage” is tricky. While the Rema takes a lenient approach concerning beer (permitting *chamar medina* where this is subjectively preferred to wine), the Magen Avraham (*296:6*) writes that in Ashkenaz (Europe) beer does not have the status of *chamar medina* at all—a ruling agreed to by the *Gra*, and cited by the *Mishnah Berurah*.

Moreover, based on how beer is viewed today, particularly in Israel, the *Chazon Ish* (see *Kovetz Teshuvos 1:57*; *Orchos Rabbeinu* Vol. 2, p. 136) and others rule that beer is no longer considered *chamar medina*. However, he felt that perhaps natural orange juice might be considered *chamar medina*. This was also the opinion of Rav Eliashev zatsa”l

For these reasons, the *Aruch Hashulchan’s* solution is not the popular custom—though some have adopted it (see Rabbi Yehuda Spitz’s *Havdalah During the Nine Days*, available on [https://ohr.edu/holidays/tisha\\_bav/law\\_and\\_ritual/5483](https://ohr.edu/holidays/tisha_bav/law_and_ritual/5483), for more sources on this).

### Kiddush on Chamar Medina

For Kiddush, the *Shulchan Aruch (272:2)* cites two opinions: one maintains that it is permitted to use *chamar medina* for Kiddush, while the other maintains that this is not permitted. The *Shulchan Aruch* proceeds to cite the Rosh, who makes a distinction between nighttime and daytime Kiddush: at night, somebody without wine should make Kiddush on bread. In the day, Kiddush should be made on *chamar medina*.

be the backdrop for the revelation of glorious light. The very ruins of Jerusalem will form the foundation for the New Jerusalem of times to come.

This is our consolation, the consolation of the inconsolable Jerusalem. True, while experiencing the darkness of our condition, we cannot be consoled. But if we somehow transcend the darkness, if we somehow rise beyond the ruins, we will see a glimmer of hope – a trace of future light that will someday shine upon us.

It is impossible not to mention, in the context of consolation, the emotional event of the siyum ha-shas that took place this week. The degree of participation in honoring the Torah, and the commitment to the study of Torah and its application as a way of life, is surely fulfillment of the promise that the Torah “should not be forgotten from its offspring” (*Devarim 31:21*).

If this promise is fulfilled, we can surely hope that the words of the prayer, also a promise, will be speedily fulfilled: “May You shine a new light upon Zion, and may we all speedily merit its light.”

The *Mishnah Berurah* (27) points out that according to several authorities (notably, the *Rambam, Shabbos 29:17*), somebody who makes the nighttime Kiddush on any beverage other than wine does not fulfill his basic obligation. Thus, at night one should certainly stick to wine, and use bread in the absence of wine. What about Kiddush in the day?

As for Havdalah, the *Mishnah Berurah* (29) writes that Kiddush over beer remains *bedieved* relative to wine. Yet, he writes that because wine is expensive, the custom of some leading rabbis is to make Kiddush over other beverages (adding that wine remains better). The *Mishnah Berurah* (272:30) writes that where somebody prefers a different beverage to wine, he can use it for Kiddush even *lechatchilah*—reflecting the ruling of the Rema concerning Havdalah.

Note the *Mishnah Berurah* (182:4) states that *chamar medina* is acceptable for use in *bentching*, as for Kiddush in the day.

### What Is Chamar Medina?

The *Shulchan Aruch* mentions beer. The *Mishnah Berurah* (272:24) explains that this refers to a place where beer is *chamar medina*—a “national beverage.” It is important, in this context, to define exactly when a beverage falls under the classification of a “national beverage.”

According to the *Shulchan Aruch Harav* (182:2-3), there are two criteria that must be met for a beverage to have the status of *chamar medina*. First, the drink must be one that people use as a primary beverage for a meal, as it was common to drink wine with most meals in ancient times (see also *Aruch Hashulchan* 272:14). Second, the beverage must not be cheap and trivial, but should have some significance.

Therefore, although borscht was commonly drunk with meals in Eastern Europe, due to its low status it is not considered *chamar medina*.

Rav Moshe Feinstein (*Iggros Moshe, Orach Chaim* Vol. 2, no. 75) defines *chamar medina* as a beverage one might serve to a guest to whom one wishes to show respect (and not merely for the purpose of quenching his thirst). This is also noted by *Shut Tzitz Eliezer* (8:16), while others add that it must be a drink that possesses inherent importance (*Chayei Adam* 2:8:13; *Mishnah Berurah* 296:10).

Rav Moshe explains that this rules out cheap sodas from being defined as *chamar medina*, also advising against using milk as *chamar medinah* (see also *Mishnah Berurah* 272:25, citing *Shaarei Teshuvah* and *Birchei Yosef*; 296:9). It is possible that since milk is served today as an everyday beverage, the halachah has changed. Rav Moshe argues that it is generally served as a health supplement or with coffee, which are insufficient to qualify as *chamar medina* (see also *Aruch Ha-Shulchan* 272:14, 296:13).

By contrast, most authorities agree that tea and coffee are considered *chamar medina* (see *Daas Torah* 296:2; *Aruch Ha-Shulchan* 272:14; *Iggros Moshe, loc. cit.*; *Tzitz Eliezer* 8:16), though some raise the concern that tea and coffee are in fact just “flavored water,” and therefore disqualified as *chamar medinah* (see *Machazeh Eliyahu* no. 34 who raises this concern, also claiming that because tea and coffee are generally not drunk during a meal, they might not be considered *chamar medinah*).

Moreover, according to *Halachos Ketanos* (1:9), a non-alcoholic beverage cannot be considered *chamar medinah*, though this ruling is not adopted by most authorities (though see also *Maharsham, Daas Torah, Orach Chaim* 296:4, and *Shut Teshuvos Vehanhagos* 4:77 citing Rav Chaim of Volozhin). Many write that, while not preferable, one may use tea and coffee under extenuating circumstances (see *Iggros Moshe, Orach Chaim* 2:75; *Shut Machazeh Eliyahu* 34, noting that coffee must be prepared in the normal way, i.e. with milk—if one can drink it—often people can’t

do so at Havdalah). *Shut Teshuvos Vehanhagos* (4:77) notes that the Brisker Rav was known (by testimony of his son) to have made Havdalah on tea and coffee.

A specific problem with tea and coffee is their serving temperature. Rav Shlomo Zalman Auerbach makes this point (*Maadanei Shlomo* on Moadim, *Bein Hameitzarim*, p. 59), arguing that it is almost impossible to use either of them for Havdalah (or Kiddush). The reason is that while they are considered *chamar medina*, halacha requires drinking a mouthful of the cup, which is not possible while hot. If one waits until cooling, the tea or coffee loses its status of *chamar medina*, since nobody drinks lukewarm coffee. It is perhaps possible to differentiate in this matter between tea (drunk hot) and coffee (drunk colder).

### Whisky and Liquor for Kiddush

The *Mishnah Berurah* (272:30) notes that whisky or liquor is considered *chamar medina*, and records the common custom to use whiskey for Kiddush on Shabbos day, even when wine was available (see also *Minchas Yitzchak* Vol. 10, no. 22).

This leniency—we have noted that wine should generally be used if available—is based on a combination of three considerations. First, wine was extremely expensive, and had fallen out of common use in favor of other drinks. Second, there is more room for leniency at daytime Kiddush, since the obligation to recite Kiddush during the day is only Rabbinic. And third, the *Mishnah Berurah* writes that people preferred whiskey over wine, so that based on the Rema (concerning Havdalah) there is room to prefer whiskey.

Rabbi Shmuel Vosner (*Shut Shevet Halevi* Vol. 3, no. 26; Vol. 5, no. 32) suggests an additional reason to allow other beverages even where wine is available. He explains that in Talmudic times people drank wine very regularly, to the degree that in some towns wine was so popular that people barely drank any water. When wine had such widespread

popularity we can understand the obligation to use wine for Kiddush rather than settling for liquor or beer.

Today, however, most people do not drink wine regularly, and other beverages are therefore not considered inferior to wine for the purposes of the mitzvah of Kiddush. This idea is similar to the rationale mentioned by the *Shulchan Aruch Harav*, whereby today people drink other beverages during their meals, and other beverages can therefore be used for Kiddush.

### How Much Wine/Beverage is Required?

The *Shulchan Aruch* (271:13) rules that one must recite Kiddush over a cup that contains a *revi'is* (86cc or 3.07 fl. Oz. according to the smaller view, and 150cc or 5.36 fl. Oz. according to the larger view) of wine, and must drink the majority of a *revi'is*.

Drinking the proper measure of wine does not present any special difficulty. However, the question is what to do when Kiddush is made over whiskey or liquor? The average shot glass can only hold one fluid ounce (30cc), and drinking more than this is certainly inconvenient (for most people). What quantity of whiskey is required for Kiddush?

According to the *Mishnah Berurah* (272:30), the measure of a *revi'is* is required regardless of the beverage one uses for Kiddush. Most leading *poskim* concur with this view, and therefore rule that one may not fulfill one's obligation of Kiddush on Shabbos morning with a one or two ounce shot glass of whiskey. *Mishnah Berurah* notes that it suffices if all participants together drink the required amount—but at the very least a *revi'is* in the Kiddush cup is required.

The opinion of the Taz (*Orach Chaim* 210:1) is that although normally one must drink a *revi'is* of any drink in order to be required to recite a *berachah acharonah*, one need not drink a *revi'is* of liquor to require a *berachah acharonah*. The logic for this contention is that while one is usually not

considered to have drunk a significant amount of a beverage until he has had a *revi'is*, a much lesser amount of liquor is generally deemed significant. In fact, most people usually drink far less than a *revi'is* of liquor.

Following the old Chassidic tradition (see *Shut Maharsham 1:175*), Rav Tzvi Pesach Frank (*Har Tzvi* Vol. 1 no. 159) extends this leniency of the *Taz* to Kiddush, stating that according to the *Taz* one may recite Kiddush on less than a *revi'is* of liquor. The *Mishnah Berurah* (*Biur Halachah 271:14*, quoting *Rabbeinu Tam*) mentions that the required amount for drinking, *melo lugmav*, is a “satisfying amount,” and we can therefore understand why the

amount changes for liquor.

Although some authorities support the opinion of the *Taz* (see *Chasam Sofer 49*), the *Magen Avraham* (*Orach Chaim 190*) rejects the opinion, and states that Chazal established standard measurements for all liquids, without distinguishing between liquids. The *Mishnah Berurah* (*190:14; 272:30*) rules in accordance with the opinion of the *Magen Avraham*.

As noted, the custom among many Chassidic leaders was to use a shot glass of whiskey for Kiddush in the day. However, for those who do not follow this tradition, the full *shiur* should be used. As we have noted, wine should preferably be used if available.

## ⌘ Halachic Responsa ⌘

to Questions that have been asked on our website [dinonline.org](http://dinonline.org)



### The Question:

How long does a person have between the end of meal (eating has stopped) and when one can still bench? How much time must go by where benching is no longer effective for that meal? Thank you.



### Answer:

After having completed a meal, one should not unnecessarily delay saying Birkas Hamazon. However, it can be said up to seventy-two minutes after finishing the meal (eating).

If more than 72 minutes have elapsed (or if one is unsure as to how much time has elapsed), and he is now hungry again, Birkas Hamazon cannot be said. He should eat some more bread, and then bench (under most circumstances this will not require a new hamotzi blessing, but this depends on whether a full hefsek (interruption) was made or not).

If more than 72 minutes have elapsed, but one is not hungry, he can still bench, but it is preferable to eat some more before benching.



### Sources:

The Shulchan Aruch (*184:5*) gives the ruling that a person can bench until he becomes hungry again. The *Mishnah Berurah* (*20*; see *Biur Halachah* s.v. Im) writes that where one cannot tell if one is hungry again – for instance, where only a small amount was eaten – the time is 72 minutes. The *Aruch Ha-Shulchan* (*7-8*) writes that even for eating a large amount, it is difficult to gauge when one begins to be hungry again, and therefore one should always ensure that one recites Birkas Ha-Mazon within seventy-two minutes of finishing the meal.