



# FROM THE VIRTUAL DESK OF THE OU VEBBE REBBE

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לעילוי נשמת  
יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

## Kiddush before Kri'at Hatorah

**Question:** We are making a private bar mitzva *minyán/seuda*. Due to family dynamics, we want to have a *milchig Kiddush* with a long break before the Shabbat lunch. May we make the *Kiddush* before *Kri'at Hatorah*?

**Answer:** The *gemara* (Berachot 28b) reports that Rav Huna forbade any amount of eating before *Musaf*, but it concludes that the *halacha* is not like this opinion. However, *Rishonim* infer from the *gemara* (Ta'anit 26b) about not doing *Birkat Kohanim* at a time when people could be drunk that we assume that people do not have a meal before *Musaf*. In fact, the former *gemara* only rejects Rav Huna, who forbade *te'ima* (lit., tasting). The limit on eating is out of concern it will cause one to forget to *daven* (see Taz, OC 286:2; Shemirat Shabbat K'hilchata 52:(54)). Therefore, the simple answer is that it is permitted if one is careful about what/how much people will eat.

As the distinction between eating and

tasting appears elsewhere (see Shulchan Aruch, Orach Chayim 639:2, regarding eating outside the *sukka*) the Shulchan Aruch (OC 286:3) allows up to a *k'beitza* (size of an egg) of bread and any amount of "fruit." *Poskim* posit that a *k'beitza* is the limit for *pat haba'ah b'kisnin* (baked grain-based foods, e.g., cake). There is less certainty regarding limits on grain-based cooked foods (e.g., *cholent*) (see Shemirat Shabbat K'hilchata 52:(52); Ishei Yisrael 36:76). There is no limit on non-alcoholic beverages (*ibid.*).

The *mitzva* to make *Kiddush* before eating starts after *davening*, (Shulchan Aruch, OC 289:1), which prevalent practice takes to mean *Shacharit* (a less accepted position is that it is after *Musaf*— see Tzitz Eliezer VI:7). This complicates matters somewhat. One needs to eat at least a *k'zayit* of bread or the like (see more in Living the Halachic Process II, C-3) to fulfill the *halachot* of *Kiddush* (Shulchan Aruch, OC 273:5; Mishna Berura ad loc. 21). Since an egg is only twice or three times larger than an olive (see Shulchan Aruch, OC 486:1), and considering the many opinions on these measurements, it is a feat to eat a food with confidence that it is between a *k'zayit* and a *k'beitza*. So without significant care, and cooperation of the participants, the *Kiddush* may violate either the *halachot* of *Kiddush* or of eating before *Musaf*.

The Orthodox Union - via its website - fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and OU Israel's Torah Tidbits.



There are indeed times when the *minhag* of many is to make *Kiddush* before *Musaf*, specifically on Simchat Torah and Rosh Hashana (on the latter, some justify the *minhag* in favor (Tzitz Eliezer *ibid.*) while others oppose it (Mateh Ephrayim 588:2). To compare to our case, Rosh Hashana has a special *mitzva* we prefer not to precede by eating – *shofar* blowing. On the other hand, on Rosh Hashana and Simchat Torah, there is a special need, as people will otherwise fast into the afternoon, which is difficult physically and is perhaps (beyond our scope) a halachic problem as well (see Teshuvot V'hanhagot V:175). Some explain that since the problem is forgetting to do the *mitzva*, if people eat as part of a congregation, there is no realistic concern that everyone will forget (see Minchat Yitzchak V:111).

In your case, the matter of **objective** need appears missing, but since you refer to a *minyán* of people, the decreased concern does. Thus, there is room for leniency even if some may eat more than the *poskim* otherwise allow (especially women and children, whose obligation in *Musaf* is less clear/weaker – see Shemirat Shabbat K'hilchata 52:(54)). Another thing in your favor is that this is a unique situation; we would not want to create a new *minhag* regarding regular Shabbatot. (We do not consider the practice of “Kiddush clubs,” opposed by the rabbinic

community, a *minhag*, or a model to follow.)

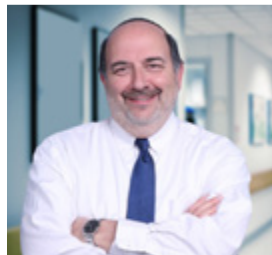
Our practical guidance is that early *Kiddush* is proper only for significant need, which we, from afar, leave to you to ascertain. You mention *Kiddush* before *Kri'at Hatorah*, which can be considered if that is part of the practical need. However, due to indications of *Kri'at Hatorah* being somewhat connected to *Shacharit*, it is preferable to do the *Kiddush* only after it (see Piskei Teshuvot 286:8). ■

## Having a dispute?



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