

# דרשו בחינה דף חזרה

## סימן ער:א-רעו:א

שבוע א' (סימן ער:א-רעא:יב)

### סימן ער סעיף א

1. There is a custom to recite במה מדליקין. The ספרדים say it before מעריב.
  - a. MB ס"ק א: this is because it contains things one must say before lighting and הדלקה.
  - b. MB ס"ק ב: we recite it before מעריב because in the places of the מחבר they would accept שבת before nightfall and thus these הלכות are relevant.
  - c. MB ס"ק ב: Some have the custom to recite it after מעריב to be a means to make sure everyone can finish davening and leave with the rest of the congregation (it was dangerous to leave from the shuls during the times of the מחבר as the shuls were generally in the fields.) Thus we do not recite it on חול המועד שבת as people did not come late to shul as they do not perform חול המועד חס מלאכה.
    - i. The BACH would recite it after קידוש since it's better to start שבת than delay it with this recitation. We recite it earlier since מקידוש נר ביתו עדיף.

### סימן ער סעיף ב

1. Some do not recite this on שבת בערב להיות שחל להיות בערב שבת. Some do not recite it on חנוכה.

RAMA: we do have the custom to say it on שבת חנוכה but not on חול המועד or שבת חול המועד.  
להיות בשבת.

  - a. MB ס"ק ג: we do not recite on ערב שבת since we cannot recite עשרתם and חל לא פלוג בשבת.
  - b. MB ס"ק ד: the reason to not recite it on חנוכה is because the פסולי שמן are only applicable for שבת הדלקת נר שבת but not חנוכה.
  - c. Mb ס"ק ה: we do not recite it for שבת בשבת.

### סימן רעא סעיף א

1. When one comes home, he should begin the meal immediately.<sup>1</sup>

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<sup>1</sup> See ביאור הלכה ד"ה מיד who discusses if this "מיד" obligation means that one should recite it as quick as possible even before שקיעה or when שקיעה occurs one must initiate קידוש then. The ביאור הלכה notes that first it seems one should not daven early if one can (as we daven מעריב during the week later these days) and the language of the Rashba indicates the latter approach. However, he notes the Rambam indicates that if one is very close to שקיעה there may be a special מצוה to hurry up and recite קידוש.

- a. MB ס"ק א: this means to recite קידוש to mention שבת when entering home (best to be מקדים). Once one says קידוש, he must eat immediately afterwards.
  - b. MB ס"ק א: one can wait until one is hungry as one already did mention שבת in davening,<sup>2</sup> but for בית שלום or guests etc. one should begin for them as they will not begin the meal (and better for them to begin now than have his personal מצוה fulfilled).
  - c. MB ס"ק ב: one should first recite שמע קריאת שמע if he said it in shul too early. See ביאור הלכה ד"ה מיד who notes this is only if one is eating within half an hour to nightfall.
2. MB ס"ק ב: (in the name of the אברהם (מגן אברהם) RAMBAM rules there is a התורה מן מצוה to verbalize קידוש and דרבנן on wine.<sup>3</sup>
    - a. Thus if one is not sure if he recited קידוש at the meal one does not need to repeat it as ספק דרבנן לקולא.
    - b. Similarly, MGA rules a קטן שהגיע לחינוך<sup>4</sup> can be מוציא גדול (if he already davened and mentioned שבת). MB is not sure since מצות צריכות כוונה and one generally does not have in mind to fulfill זכור during תפילה (as one has food at home to recite קידוש properly). Thus one should avoid this (even מילה במילה if wine is not in front of listener).
  3. MB ס"ק ב: the קידוש of יום טוב is also דרבנן but entirely מדרבנן and thus if one only has wine for קידוש שבת or שבת בערב שבת, יום טוב (יום טוב שחל בערב שבת) one should leave it for שבת.<sup>5</sup>

## סימן רעא סעיף ב

1. Women are obligated in קידוש,<sup>6</sup> even though it's a גרמא זמן, as זכור ושמור are juxtaposed and woman are thus obligated in זכור just as they are in שמור.
  - a. MB ס"ק ג: while not juxtaposed in the Torah, they were said at the same time.
  - b. MB ס"ק ג: a child is not able to be מוציא the woman who is obligated in התורה.<sup>7</sup> But she can say מילה במילה with the wine in front of her.
  - c. MB ס"ק ג: Even a 13 year old cannot since we don't know if he had שערות, but if she davened one can be lenient.

<sup>2</sup> See דרשו 1 who discusses if one should be concerned about sleeping before the meal (as it's not תשלומין to recite it the next day, even if he does sleep all night).

<sup>3</sup> See ביאור הלכה ד"ה מיד who quotes גרע"א who argues davening may not be sufficient. Yet the מג"א still understands that one fulfills his obligation מן התורה.

The ביאור הלכה wonders how is this so as one must mention מצרים while reciting קידוש? Either this counts to be part of קידוש. But this is hard since there is a הפסק of three initial ברכות of שמנה עשרה. Perhaps it is ושמרו but there is no mention of השבת. Overall it's a hard שטיח to rely on.

<sup>4</sup> See שעה"צ ס"ק ב who quotes דרך חיים who says the child must not have davened yet as if he did it's תרי דרבנן. The חיי אדם argues it should not make a difference. The ביאור הלכה ד"ה מיד is lenient given the two doubts (1) he is a גדול and (2) already fulfilled his obligation while davening.

<sup>5</sup> דאורייתא is עיקר קידוש בשבת since שבת even if one will daven on שבת, שעה"צ ס"ק ג.

<sup>6</sup> דרשו 15 discusses if they are obligated in קידוש יום טוב as there is no derivation from זכור ושמור for יום טוב.

<sup>7</sup> See שעה"צ ס"ק ד who discusses if the woman davened already, but considers if she had intent to be יוצא the מצוה during davening.

- d. MB תרי קולי לא מוציא others since קידוש together to be מוציא ג ס"ק 8 משתעי.
2. They can be מוציאות the men in קידוש too as they are obligated on the same level as the men.<sup>9</sup>
- a. MB זילא ביה מילתא מוציאה the households as ס"ק ד.
  - b. MB מוציא others even if she already fulfilled her obligation. ס"ק ה 10.

## סימן רעא סעיף ג

1. One does not have enough money for יין and צרכי סעודה for both days, better to have קידוש for the night (כבוד היום is עדיף for other things).
- a. MB ז ס"ק: this is because קידוש is essentially from the Torah (though one can fulfill his obligation when davening) and preparing for שבת עונג is דרבנן.
  - b. MB ז ס"ק: if one has no money for even bread, buy that first and make קידוש on the bread.<sup>11</sup>
  - c. MB ז ס"ק: if it's a question of קידוש היום or סעודת היום, perhaps bread alone is sufficient for כבוד יום and buy קידוש יין for the day!
  - d. MB ז ס"ק: if it's a question of קידוש הלילה and קידוש היום, the night comes first. Even if one can make קידוש על הפת at night (and not the day) we do not allow קידוש על הפת if there is wine present.
  - e. MB ט ס"ק: it is better that one buys nice food for the day meal more than the night meal. See ביאור הלכה ד"ה מוטב who adds one cannot simply eat bread for שבת, rather one must also have a small delicacy.

## סימן רעא סעיף ד

1. One cannot taste anything before קידוש, even water.
- a. MB יא ס"ק: this is an איסור מדרבנן either when השמשות בין or before when one accepts שבת.<sup>12</sup>

<sup>8</sup> דרשו 17: a baby crying while reciting קידוש is not an issue since the cry is not related to קידוש and one can pay attention.

<sup>9</sup> See ד"ה דאיתקש who notes the woman should have the יין in front of her and say במילה if a child is saying קידוש. Alternatives could be saying ויכולו herself and listening to the child but it is an issue of מצרים בקידוש.

Also saying "good shabbos" is not enough (though גרע"א thinks it is) since there is no קדושת שבת either!

<sup>10</sup> See שעה"צ ס"ק ט who quotes the פמ"ג and דגול מרובה who argue potentially women are not included in ערבות since she is obligated in מצוות there is automatic ערבות.

<sup>11</sup> ביאור הלכה ד"ה מוטב notes that if one likes bread more than wine, make קידוש on the bread and buy more food for the meal. The הלכה even per Rama is really not like ר"ת who says no קידוש on bread if there is wine around, it is only out of deference for ר"ת we do not. However, here there is a loss of שבת עונג and it is better to be lenient of קידוש בפת than on שבת עונג.

<sup>12</sup> דרשו 24: the מהרש"ם rules that if a woman lights before השמשות בין and is very thirsty, she can drink as she can't make קידוש herself. The מנחת יצחק argues to make קידוש since it's unusual today that she cannot make קידוש.

- b. MB יג ס"ק: one can wash out one's mouth though since one is not intending to benefit from this taste.<sup>13</sup>
- 2. If one is engaged in a meal and שבת comes one must stop the meal, cover the table and make קידוש.
  - i. MB יב ס"ק: even if there is no other cup, make קידוש and don't bensch with a כוס של ברכה.
  - ii. MB יד ס"ק: one makes קידוש even if the first meal began בהיתר since it's a new meal which requires קידוש.
- b. If one was already drinking wine, just make קידוש itself.<sup>14</sup> Then one recites המוציא, others say המוציא no.
  - i. MB יז ס"ק: there is a new ברכה since קידוש is מפסיק (one cannot eat until קידוש). However, if there is no wine there is no הפסק for פת.
  - ii. MB יח ס"ק: the other opinion thinks קידוש is not a הפסק, we rule ספק ברכות ספק להקל.
- c. If there is no wine, then one makes קידוש on bread but המוציא no.

## סימן רעא סעיף ה

- 1. If one is drinking wine and שבת comes, once they accept שבת they cannot drink more wine until קידוש.
  - i. MB כא ס"ק: there is a הסיח הדעת but if it's same קידוש של כוס there is no הפסק. The same is true for the wine drunk afterwards. But there is a major dispute on this matter and best to avoid.
  - b. If they violate this, they need a new הגפן ברכת.
    - i. MB כב ס"ק: the Taz notes if they did not accept שבת but בין השמשות came, they do not need to recite a new ברכה since they did not actively make a הסיח הדעת.
- 2. RAMA: if one washes and forgets to make קידוש beforehand and remembers before eating, he can make קידוש על הפת (not for הבדלה).<sup>15</sup>
  - a. MB כג ס"ק: one must have לחם משנה though (and wait for this to come).<sup>16</sup>
  - b. MB כד ס"ק: say ויכולו afterwards.
  - c. MB כה ס"ק: if it's realized after he ate the bread, one says קידוש and no new ברכה is required for the bread. (see שעה"צ ס"ק לא).
  - d. MB כו ס"ק: if it's הבדלה some say eat so it's not a ברכה לבטלה and then wait. Some rule one can finish the סעודה and then make הבדלה.

<sup>13</sup> 25 דרשו: given this logic, the מנחת יצחק rules that if one accepts שבת before בין השמשות and needs to take medication due to an illness, can take it with water. Also there is a צד להקל if he is waiting for everyone to come home.

<sup>14</sup> 28 דרשו notes that Rav Moshe derives from this הלכה that the ברכת הגפן is not essential to קידוש, and thus if one says שהכל or even forgets to make קידוש, one is יוצא קידוש.

<sup>15</sup> 33 דרשו notes if one has wine just after reciting המוציא he will also be able to recite הגפן on the wine for קידוש and this is not deemed a הפסק.

<sup>16</sup> 34 דרשו: even though he already recited המוציא, the requirement of לחם משנה is not connected to the ברכה per se but with the meal beginning with two loaves זכר למן.

## סימן רעא סעיף ו

1. If he finished his meal and then שבת came (before bentching):
  - a. 1) first bentch with רצה on a הכוס and then say קידוש on a second כוס.
    1. MB ס"ק כז: this is only if one washed מים אחרונים and must bentch immediately. If not follow the second opinion (and no new הגפן).
    2. MB ס"ק כז: if one says הב לך ונברך, one should simply do פורס מפה but recite הגפן on the קידוש.
    3. MB ס"ק כח: one should use another כוס to avoid מצוות חבילות חבילות.
    4. MB ס"ק כט: the opinion who says to say רצה follows the current state of the meal, but if one forgets one does not need to repeat it.
  - ii. RAMA: don't say רצה since we go by the beginning of the meal.
    1. MB ס"ק ל: if they eat during nightfall, one must recite רצה though.
  - iii. RAMA: some rule one should drink from the המזון כוס until קידוש.
    1. MB ס"ק לא: the reason to drink is because the ברכת המזון goes from before שבת (thus one should not need to recite הגפן). The reason to not drink is because שבת is here and one cannot drink (thus one should recite הגפן).
  - iv. RAMA: some argue one does not need to eat to maintain קידוש במקום סעודה.
    1. MB ס"ק לב: the reason to not eat is because the meal occurred before, but the reason to eat is because the סעודה must also be לשל שבת.<sup>17</sup>
- b. 2) some say פורס מפה ומקדש, eat and then bentch. RAMA: this is the custom
  - i. MB ס"ק לג: this approach assumes that one needs a סעודה של שבת and thus one is really in the middle of the meal and thus one simply needs to be פורס מפה.
  - ii. MB ס"ק לד: the only reason to make new ברכות is because he did מים אחרונים.
  - iii. MB ס"ק לה: eat a כזית to be a סעודה חשובה. (see שעה"צ ס"ק מג who notes for שיעור סעודת שבת one should eat a כביצה). See 42 דרשו who quotes this dispute.
  - iv. MB ס"ק לו: best to do the latter approach to avoid these ספקות and avoid ברכות המזון סו.

## סימן רעא סעיף ז

1. If one is טועם he still can be מקדש.
  - a. MB ס"ק לז: one does not need to wait until the next day to make קידוש.

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<sup>17</sup> דרשו 41: notes that while the meal was not for שבת it is "deemed" a סעודת עונג which can have קידוש come with it.

- b. MB ל"ק: the same is true if one actually eats.<sup>18</sup>

## סימן רעא סעיף ח

1. If one does not make קידוש at night (even מזיד) one should make it up the next day.
  - a. MB ל"ק: one needs מקום סעודה too.
  - b. MB ל"ק: if it's בין השמשות recite קידוש but without אזכרות.<sup>19</sup>
  - c. MB מ"ק: we don't say יוכלו since this is recited only when the מלאכה actually stopped (at night).

## סימן רעא סעיף ט

1. One must have a cover below and on top of the bread for קידוש.
  - a. MB מ"ק: either to make sure the bread is "not embarrassed" which is normally קודם.<sup>20</sup>
    - i.
      1. If one is מקדש על הפת, one does not need to cover it.<sup>21</sup>
      2. One only needs to cover the חלה until קידוש is over.
    - ii. Other reasons include it's זכר למין (which was covered in dew).
      1. Thus even one who is בפת מקדש should cover the bread.
      2. It's a dispute if one needs to cover until ברכת הפת.
  - b. MB מ"ק: one who is making קידוש על הפת has it covered during קידוש, removes the cover before the ברכת המוציא, places hands on it and lift it for שם ה' and then covers it again to finish קידוש.

## סימן רעא סעיף י

1. One makes קידוש on a full cup of wine, not פגום. Same as לברה"מ.<sup>22</sup>
  - a. MB מ"ב: if one does not have any other wine and not a full cup, one can still say קידוש since there is a רביעית.
  - b. MB מ"ג: if it's פגום and no other wine, some say to still do קידוש על היין but א"א argues to make it on פת.
2. Say יוכלו standing,<sup>23</sup> then הגפן then קידוש.

<sup>18</sup> 43 דרשו: all agree one does not need to eat again (it is not like eating before שבת as this סעודה still counts as a שבת). But מ"ב requires minimally a כזית of food afterwards.

<sup>19</sup> שעה"צ ס"ק מז adds this rule applies if one did daven already and fulfilled his Torah obligation. If not, he should really recite it as ספק דאורייתא לחומרא at איסור טעימה even though there is an שעת הבדלה too, either this is still during סעודה שלישית or the איסור was waived for one to fulfill the Torah obligation.

<sup>20</sup> See 47 דרשו about using a plastic cover.

<sup>21</sup> See 48 דרשו regarding if only the מקדש needs to cover the חלה or all those at the meal.

In terms of מזונות, Rav Shlomo Zalman is lenient since it is not connected to the מן, that is only משנה לחם. In terms of סעודה שלישית, ערה"ש does not require it since the main reason is מפני הקידוש and not בושחן. However, the אשל אברהם does require it.

<sup>22</sup> 53 דרשו discusses עיטור הכוסות and says in the name of קרליץ ר"מ one should do it one has guests anyway.

<sup>23</sup> 57 דרשו quotes many פוסקים who were not concerned with reciting פה יוכלו בעל פה.

- i. MB ס"ק מד: because ויכולו is עדות on creation and עדות is done standing. While we said it already in shul, we repeat it to be מוציא the household. The רוקח argues we should say it three times (and if missed, one can say it during the meal on another cup).
- b. RAMA: one can stand for קידוש but it is best to sit. Some sit for ויכולו too except the beginning לשם לכבוד (when saying ויכולו השמים which as אותיות ה' (GRA) to be מוציא others one should be קובע and sitting (same is true for the listeners as well). MB explains even if we stand, one should be staying in place to enable קביעות per the GRA.
  - i. MB ס"ק מה: this is to enable a more recognizable סעודה. Or (GRA) to be מוציא others one should be קובע and sitting (same is true for the listeners as well). MB explains even if we stand, one should be staying in place to enable קביעות per the GRA.
  - ii. MB ס"ק מו: the reason the RAMA does not require any standing is because it was already recited in shul.
- c. RAMA: when beginning, look at the נרות and שעת ברכה, look at the cup.
  - i. MB ס"ק מה: this is a סגולה for healed eyesight.
  - ii. MB ס"ק מט: we look at the cup to make sure there is היסח הדעת בשעת כוונה ברכה.

## סימן רעא סעיף יא

1. If one has only one cup for קידוש:
  - a. Recite קידוש over it at night but do not drink from it (pour it into a second cup and use that one to keep the first cup not פגום)
    - i. MB ס"ק נא: the מגן אברהם requires the כוס מלא לוגמיו to be drunk from the כוס של חובה. Thus one should pour into the second, drink the כוס מלא לוגמיו from this first cup and then pour it back (which fixes the פגום issue).
    - ii. MB ס"ק נב: if one can use a smaller cup to get a כוס מלא, use that.
  - b. Use the remaining wine for קידוש the next day.
2. If one only has a רביעית: for the second קידוש of the day, add water to get to a רביעית.
3. If one has no other wine for הבדלה too, lead it for that since one can do קידוש בפת (שכר).
  - a. MB ס"ק נו: some argue קידוש at night is more important (especially if there is שכר).
  - b. MB ס"ק נז: it is better to have wine for הבדלה in shul than קידוש in shul (which is only a custom).
4. If one has two cups each an exact רביעית after מזיגה, skip קידוש היום.

## סימן רעא סעיף יב

1. After קידוש, wash one's hands.
  - a. MB ס"ק נח: to avoid a הפסק via קידוש, but the household who are not reciting קידוש themselves can do this.
2. If one washes first, it shows he really wants bread first and thus one must make קידוש on the פת, not wine.
  - a. MB ס"ק נט: normally one can still use wine for קידוש; here since he already washed we are concerned as well for הפסק and thus he must make קידוש על הפת, exclusively.

- b. MB ס"ק סג: one should have the listeners wash too so they should pay attention to ברכת המוציא as well.
- 3. RAMA: some argue this is the ideal order and yet make קידוש על היין. This is the custom except on ליל הסדר (MB ס"ק סג: which has הגדה and is a הפסק).

  - a. MB ס"ק סא: this opinion holds the קידוש is not a הפסק since it's הסעודה, and since if one does not have wine he uses פת, so we maintain one order for קידוש each time.
  - b. MB ס"ק סא: avoid מזיגה during this time since it require attention and time and will be a הפסק.
  - c. MB ס"ק סב: many maintain that one should follow the normal order (see שעה"צ שעה"צ סב), but רמ"א one can rely on the רמ"א.

## שבוע ב' (סימן רעא:יג-ערב:ח)

### סימן רעא סעיף יג

1. One must drink a מלא לוגמיו<sup>24</sup> from קידוש (which is enough to fill all the liquid to one side of one's mouth). This is also רוב of a רביעית.
  - a. MB ס"ק סד: if one does not do so, he is not יוצא.
  - b. MB ס"ק סה: this is a שיעור חשוב which one is satisfied with the amount drunk.
  - c. MB ס"ק סז: even if cup holds many רביעיות, one only needs to drink this amount.
  - d. MB ס"ק סח: if a person has a larger mouth, needs to drink a cheekful, even more than a רוב רביעית.<sup>25</sup> However, the cap is until a רביעית.<sup>25</sup>
  - e. MB ס"ק סח: today, a רביעית is the side of 1.5 eggs with its shell. Some are strict to have larger amount, arguing the eggs today's are smaller than the ones from the time of the גמרא. MB rules the be strict to have the cup hold two eggs worth but drink a לוגמיו.
  - f. <sup>26</sup>MB ס"ק סח: while drinking make sure to have it in one sitting (no breaks more than רביעית פרס or שתית רביעית.) The is mostly relevant when drinking schnapps for קידושא רבה in the morning.

<sup>24</sup> רוב כוס notes this is fine even לכתחילה but it is required. One does not need to drink רוב כוס.

<sup>25</sup> See ביאור הלכה ד"ה והוא notes his is really a subjective שיעור (a קטן has a smaller amount and one can rely on this for חינוך) and the רוב רביעית of שיעור is seemingly not clear.

Note in 67 דרשו RSZ rules the מלא לוגמיו is according each person (half of a child and half of an adult is considered one total לוגמיו). R' Nissim Karelitz argues it must add to the מלא לוגמיו's מקדש. The קידוש there discusses potential requirements of רוב כוס for even ביאור הלכה.

<sup>26</sup> See ביאור הלכה ד"ה של who questions this approach (צל"ח) as according this logic the שיעור מלא לוגמיו would be today 3 eggs, but the mouth cannot hold such an amount (MB has done tests). We should be strict for דאורייתא's (or קידוש which is התורה). But for the day קידוש one can be lenient.

Also one can be lenient if the cup holds the צל"ח's amount but he drink's לוגמיו.

See 73 דרשו regarding the debate if the שיעור מלא לוגמיו is an actual amount the mouth of general people can hold or even the theoretical amount (when completely full) which may contain 3 eggs worth.



## סימן רעא סעיף יד

1. If one of the listeners drinks a מלא לוגמיו the מקדש is יוצא. The גאונים require that the מקדש tastes some of the wine, and it's ideal to be strict for them (but this is only for קידוש)<sup>27</sup>.
  - a. MB ס"ק ט: only if the listeners was having in mind to be מוציא with the מקדש.
  - b. MB עג ס"ק: following the גאונים is ideal but technically all can combine (if within אכילת פרס).
  - c. MB עד ס"ק: the stringency is only for קידוש which is connected to a תורה דין.
2. Two people's drinking cannot combine. Some argue that the שיעור does combine.
  - a. MB עב ס"ק: even the מקלים only allows this בדיעבד.<sup>28</sup>
3. It is ideal for everyone to taste the wine of קידוש
  - a. MB עא ס"ק: if there is not enough wine for קידוש והבדלה, only the מקדש should taste it.

## סימן רעא סעיף טו

1. If one makes קידוש but is מפסיק before tasting: remake the הגפן בורא פרי הגפן but not קידוש.
  - a. MB עה ס"ק: making breaks for things involving the meal or קידוש is not a הפסקה בדיעבד.<sup>29</sup>
  - b. MB עו ס"ק: the קידוש was said on a כוס and we just need a ברכה.
2. The same is true if the wine spills before tasting. (ביאור הלכה ד"ה והוא) even if there is wine but not enough לוגמיו).<sup>30</sup>
  - a. MB עז ס"ק: if one had in mind to drink more wine one does not need to remake הגפן since the new wine is included in the original הגפן ברכת. However, גרע"א is not sure. 88 דרשו quotes the question as since he recited הקידוש on water, it is as if there was קידוש and it was a ושתייה בין הגפן ושתייה. The MGA who says it's fine argues the קידוש is הסעודה and not a הפסקה.<sup>31</sup>
  - b. MB עח ס"ק: if one made a הפסקה of הסיח הדעת one needs to redo קידוש too.
  - c. MB עט ס"ק: if one made the הגפן but sees it's water, redo הגפן unless he had in mind to drink more wine but one needs to make קידוש again. Also, if the wine is on the table one does not need to repeat even the קידוש. Alternatively, if one washed already, he can simply make eat the המוציא and rely on the קידוש on the bread that was on the table.<sup>32</sup>

<sup>27</sup> See 79 דרשו who notes if the מקדש is only being מוציא אחרים and not for himself, there is no need for the גאונים's requirement even for קידוש.

<sup>28</sup> See ביאור הלכה ד"ה ויש who argues we should really be strict since it would be hard to combine everyone's לוגמיו, מלא לוגמיו, which is a subjective שיעור. Be ideally strict, but there are those who are lenient even if the מקדש does not drink at all and the listeners combine their drinking.

<sup>29</sup> 83 דרשו: if the listeners talk before the מקדש drinks, Rav Moshe rules ideally one should not do so as קידוש is a part of the שתייה

<sup>30</sup> 84 דרשו questions this per the מג"א above who requires the cup to be a full רביעית and not merely a מלא לוגמיו and this is noted by RSZ.

<sup>31</sup> Same discussion is regarding הכיפורים with a נר שאינו שבת. RAE is strict since the בורא האש was a הפסקה.

<sup>32</sup> שעה"צ ס"ק פז notes if the custom of washing after קידוש one cannot rely on this since the מקדש is intending to bless on the כוס יין which he is holding and not the bread on the table.

- d. MB ס"ק עה: if one makes קידוש והגפן and realizes it's beer, חמר מדינא, one can simply make שהכל for קידוש.<sup>33</sup>
- e. MB ס"ק עט: if the schnapps of the day קידוש spills one does not need to redo the הכל since some rely on the המוציא at the meal. Others argue.

## סימן רעא סעיף טז

1. The מקדש should drink first and then the listeners (who have empty cups or פגומים cups).
2. If the listeners have their own cups they are allowed to drink first.

## סימן רעא סעיף יז

1. The קידוש של כוס does not need to be poured into the listeners' cups unless they are פגומים.
  - a. MB ס"ק פג: it is a מצוה to have everyone drink. שעה"צ ס"ק פט notes if the listeners are drinking from the מקדש's cup it is not deemed פגום. Only if the cup is being poured to other cups, the מקדש must pour into that cup before drinking.
  - b. See 93 דרשו regarding pouring from the יין קידוש cup into smaller empty cups which is not an issue if the מקדש drinks from it first.

## סימן ערב סעיף א

1. One cannot be מקדש with wine which had a bad smell, even though it does smell and taste like wine.
  - a. MB ס"ק א: the same would apply to הבדלה, but see גרע"א.
  - b. MB ס"ק ב: while one does recite הגפן on such wine, it is not allowed for קידוש as it is הקריבהו נא לפחתך.<sup>34</sup>
2. One cannot be מקדש with מגולה<sup>35</sup>, even today where we are not מקפיד.
  - a. MB ס"ק ג: same reason of לפחתך.
  - b. MB ס"ק ד: one can be lenient if it was momentarily exposed as long as the taste doesn't change and there are no snakes around.
  - c. MB ס"ק ה: the ח"י אדם is strict for beer which is cheap but בדיעבד the MB is lenient.
3. RAMA: we cannot be מקדש with wine which smells like wine but tastes like vinegar.
  - a. MB ס"ק ו: we focus on the taste not smell (see שעה"צ ס"ק ו who quotes GRA who says to be strict for smell). This is when most people will not drink it due to its vinegar taste.

<sup>33</sup> 86 דרשו: if one already drank it and realized it was beer (thus the הגפן was לבטלה) it's a dispute if the קידוש is valid but one can be lenient as להקל ספק דרבנן להקל.

<sup>34</sup> הקריבהו נא לפחתך debates if the taste comes from the barrel and not the wine itself if it's an issue of הקריבהו נא לפחתך.

See ביאור הלכה ד"ה אין who discusses if this language suggests even a בדיעבד, as suggested by the Ramban in this discussion.

<sup>35</sup> See 5 דרשו regarding wine opened in a fridge is not an issue. Using a paper cover is fine too. הפסד גדול is fine when there is a ביטול ברוב on דרשו 7.

## סימן ערב סעיף ב

1. Freshly pressed wine in the vat is good for קידוש.
  - a. MB ס"ק ה: it is ideal to have wine which is יין ישן, fermenting for forty days.
2. One can even squeeze grapes from the vine and make קידוש on it.
  - a. MB ס"ק ו: the חידוש is (1) even though it's close to שבת, one can do נחיתה and (2) see פלג (as one can do נחיתה at that time).

## סימן ערב סעיף ג<sup>36</sup>

1. One can make קידוש with wine on the top of the barrel even though there are some קמחין present.
  - a. RAMA: some require straining the wine first.
  - b. MB ס"ק ז: one should not make קידוש if there is a white film on top, but some are lenient if one removes the film.
2. One can make קידוש with wine on the bottom of the barrel, even though there are שמרים.
3. One can make קידוש with "black" wine, "sweet" wine<sup>37</sup> or wine which has the smell of vinegar but taste of wine.
  - a. MB ס"ק ח: even if one cooked the wine.
4. Ideally one should choose good wine for קידוש.
  - a. MB ס"ק ט: all the above are also לכתחילה but מן המובחר is to use the best wine. Thus check out the wine before using.

## סימן ערב סעיף ד

1. One can make קידוש on white wine. Ramban does not allow even בדיעבד, but one can use for הבדלה. The מנהג is like the first approach.
  - a. MB ס"ק י: the ideal מצוה is with red wine. If not or not משובח, ideally use white wine.
  - b. MB ס"ק יא: the leniency for הבדלה is because we allow חמר מדינה.
  - c. MB ס"ק יב: the same is true for the day קידוש which we rely on חמר מדינה too.
  - d. MB ס"ק יג: the רבה אליה notes if the wine is really white, one should be strict like the רמב"ן but שעת הדחק (or red wine is not good, כ, שעה"צ ס"ק כ) one can be lenient.

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<sup>36</sup> 11 explains since it could become wine it has a דין יין for this purpose.

Using grape juice: the Shevet Halevi is lenient even לכתחילה as even though it cannot ferment now, the juice originally could've fermented. R' Elyashiv is strict as long as the chemicals are still present preventing the fermentation process.

Adding water to 100% grape juice is fine. Chazon Ish explains as long as there is a taste of grape juice it is valid. RSZ argues to not add any water. There is a dispute if the water is included in the שיעור יין for קידוש.

<sup>37</sup> See שינוי אחר כן who questions why this is not an issue. He suggests this is not a גמרא לגרעונא because this is the wine itself, but this is not exactly clear where this is found in the גמרא.

## סימן ערב סעיף ה

1. Undiluted wine, even if really strong can be used for קידוש.
2. One should ideally do a proper dilution of the wine.
  - a. MB יד ס"ק: if its too dilute one is not יוצא.

## סימן ערב סעיף ו

1. One can use raisin<sup>38</sup> wine for קידוש (given there is some moisture in the raisins used for the wine).
  - a. MB טו ס"ק: while one does not use this for נסכים, one can use it for קידוש.
  - b. MB טז ס"ק: make sure the dilution is not 1:6. There is a dispute how to evaluate the size of the raisins either from the time it was placed into the water or when the raisins gets swollen in the water. Some are lenient if the taste is still wine but a ירא שמים should not have it.<sup>39</sup>

## סימן ערב סעיף ז

1. Water added to יין שמורי or seeds can be used for קידוש if he can make a ברכת הגפן on the drink. See סימן רד.

## סימן ערב סעיף ח

1. We can make קידוש with משובל<sup>40</sup> and יין בדבש. Some argue. RAMA: we are lenient even if one has other wines.
  - a. MB כ ס"ק: don't add sugar or honey water given the חומרא of the first opinion.
  - b. MB כג ס"ק: if the wines are equal, use the other wine which is not sweetened.

## שבוע ג' (סימן ערב סעיף ט- סימן רעג סעיף ז)

## סימן ערב סעיף ט

1. If there is no wine present:
  - a. Some rule to make קידוש with beer or other beverages except water.

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<sup>38</sup> See סעיף כג regarding how to make the wine from the raisin wine should be soaked and pressed.

<sup>39</sup> ומקדשין discusses the evaluation perhaps should be per the liquid in the raisins but not the actually raisin itself. But he concludes we should be lenient if there is no other wine to evaluate the actual raisins. He adds that according to the wine producers there is an amount of 1:6 raisin to water ratio even if we evaluate the raisin before it was placed in the water.

<sup>40</sup> דרשו 17 discusses pasteurization and rules in the name of RSZ that it is not an issue since the cooking does not ruin the taste of the wine.

- i. MB ס"ק כד: this is חמר מדינא, meaning there is no wine in the city<sup>41</sup> the entire year and the main beverage is beer.
  - 1. If the wine is around but too expensive, that is deemed as if there is wine in the city.
  - 2. If סתם is present in the city, this is deemed as if there is no wine in the city.
- ii. MB ס"ק כה: these beverages do not include milk or oil or even water which one always drinks.
- b. Some rule to not make קידוש at all.
- c. Rosh: At night only use wine or bread; during the day better to make קידוש on beer before the המוציא (to look like a שינוי from a normal meal). MECHABER and RAMA agree.
  - i. MB ס"ק כז: ROSH follows the first opinion but adds that bread can be used for קידוש too. One should be strict like the ROSH and not use חמר מדינא for the night קידוש.
  - ii. MB ס"ק כח: when making קידוש על הפת one must put his hands on the bread as if one is holding a כוס של יין.
  - iii. MB ס"ק כט: during the day, many area lenient to use חמר מדינא since the wine is expensive, and most drink from that beverage, and the day קידוש is only מדרבנן. However, מצוה מן המובחר is to use wine.
  - iv. MB ס"ק ל: if one likes schnapps more than חמר מדינא, one can use it but one must use a cup that holds a רביעית and drink ideally a מלא לוגמיו, but if not he can be מצטרף to drink a מלא לוגמיו with others.
- 2. RAMA: if there is wine in the city, one cannot make קידוש on bread.
  - a. MB ס"ק לב: this is be strict like ר"ת. Some seem to be lenient if one wants to eat bread more than wine. [ביאור הלכה ד"ה ואם] is lenient in situations where the wine is not enjoyable at all].
- 3. RAMA: if one made a נדר from consuming wine, one can make קידוש and have another drink for him. If there is no one else to drink, one can make קידוש on bread or hear קידוש from someone else.
  - a. MB ס"ק לג: the MGA rules that the others should not drink on behalf of the מקדש since the listeners themselves can make the ברכה themselves.

## סימן ערב סעיף י

- 1. The קידוש הגפן exempts all wine drunk during the meal.
  - a. MB ס"ק לה: the wine is הסעודה (even if one washes after קידוש, see שעה"צ (ס"ק מו)).
- 2. There is no ברכה אחרונה since קידוש exempts one.<sup>42</sup>

<sup>41</sup> notes that Rambam seems to be lenient even if there is wine in the city. However, Rambam also only allows חמר מדינא for הבדלה and not קידוש.

<sup>42</sup> דרשו 32: notes that there is a dispute if קידוש is מחמת הסעודה and thus one should drink only מלא לוגמיו to avoid a ברכה אחרונה. But if one drinks the entire cup one should have in mind to bentsh for the קידוש too. This would only work for wine not grape juice and thus for grape juice one should either mix some wine in it or have in mind to drink some grape juice during the meal too.

## סימן רעג סעיף א

1. Kiddush must be **במקום הסעודה**.
  - i. MB א ס"ק: the **קריאת הקידוש** must be in the place of the **עונג**, the meal.
  - b. If one makes **קידוש** in one corner of the house and moves to another corner, this is considered **במקום סעודה**.
    - i. MB ב,ג ס"ק: It is not ideal to move even corners,<sup>43</sup> but if one has in mind to make meal in a different corner it is seemingly not an issue.
    - ii. RAMA: from the home to the **סוכה** is like "corner to corner."
      1. MB ד ס"ק: this is only if the walls of the home are not split between the walls of the **סוכה**. Also, one can drink a **רביעית יין** in one moment to be considered **מקום הסעודה**. (or eat a **כזית חלה** in the **סוכה**, see **שעה"צ ס"ק ה**).<sup>44</sup>
  - c. Some rule even if one merely sees the place of the **סעודה**,<sup>45</sup> it is deemed **מקום הסעודה**.
    - i. MB ז ס"ק: one should not follow this opinion unless it's a **שעת הדחק**. See **שעה"צ ס"ק ח** who rules **משום ברכה לבטלה** we should not repeat the **ברכה** even if it's without **להחזיר**.
  - d. Some are lenient if one has mind to eat in a different location, assuming the two locations are in the same home (i.e. room to room or floor to attic). RAMA rules this way.<sup>46</sup>
    - i. MB ח ס"ק: the same home means under the same roof,<sup>47</sup> even if one cannot see the original **מקום הקידוש**.

## סימן רעג סעיף ב

1. If one has in mind to make **קידוש** in one place and decides later to move locations, one must make another **ברכה**.
  - a. MB ט ס"ק: if one eats a **כזית לחם** in that original location, one is **יוצא**.

## סימן רעג סעיף ג

1. If one just makes **קידוש** but does not eat anything, he is not **יוצא**.

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<sup>43</sup> See 4 דרשו who quotes a dispute in the opinion of the MGA is this is true even if one has in mind to eat **מפינה לפינה**.

<sup>44</sup> See 6 דרשו who rules this suggestion avoids issues especially if the **סוכה** is not attached to the home.

<sup>45</sup> See 6 דרשו who quotes a dispute if this is the exact location of the **קידוש** or the entire room. See 7 דרשו regarding if the house door is locked.

<sup>46</sup> See 9 דרשו who explains this is only **בדיעבד** as the MGA is strict to ideally not even move from corner to corner. One should for sure be strict from room to room in the same home. If one (1) has in mind to move locations (2) sees the location of **קידוש** and (3) is from room to room in the same house, one can be lenient even **לכתחילה**.

<sup>47</sup> דרשו 9: if there is an awning extending out, as long as there is no gap of 3 **טפחים** that is deemed under the same roof.

Regarding open porches, there is a dispute if it is deemed as part of the house or separate.

2. RAMA: one must eat immediately after קידוש.<sup>48</sup>
  - a. MB יב ס"ק: [if one has דעת] and if there is a pause in time due to going to bathroom, one does not need to make קידוש again as this is הסעודה.<sup>49</sup>
  - b. MB יב ס"ק: if one leaves and then returns to the same location there is dispute if one should redo the קידוש. Be cautious but בדיעבד one does not need to remake the ברכה, see ביאור הלכה ד"ה לאלתר.
3. RAMA: or at least have in mind to eat immediately, if not, he is not יוצא, even if he does eat immediately.
  - a. MB יג ס"ק: this means one has explicit דעת to eat immediately, even if there is a pause due to an אונס one does not need to make another קידוש.
  - b. MB יג ס"ק: in this case, if one leaves the room, it is not clear if one should redo the קידוש (see שעה"צ ס"ק יג).
  - c. MB יג ס"ק: the same is true if one is having in mind to eat in another room in the house, one should not make another קידוש if one is pausing between קידוש and the סעודה to simply walk to the meal.
4. RAMA: if one has in mind to eat later in that location but changes his mind and eats immediately, he is יוצא.

## סימן רעג סעיף ד

1. One can make קידוש for others who are eating a meal, even though the מקדש himself is not eating a meal.<sup>50</sup>
  - a. MB טז ס"ק: one can make ברוך מוציא children who are חינוך משום חינוך even though the מקדש is not eating.
2. Also, the מקדש does not need to drink for even being מוציא the הגפן since it is part of the קידוש. This assumes that they do not know how to make קידוש themselves.
  - a. MB כ ס"ק: if the listeners can make their own קידוש one cannot be מוציא them unless the מקדש is also eating. The Pri Chadash argues on this ruling though. The ביאור הלכה ד"ה והוא rules ideally to be strict. (see ביאור הלכה ד"ה והוא who rules בדיעבד one is מוציא others, even בקי).
3. RAMA: one can say הגפן for others during the day קידוש even if the מקדש is not drinking.
  - a. MB יט ס"ק: even though the day קידוש is only a פרי הגפן since it is made to be like קידוש, it itself is treated like קידוש to be מוציא others.<sup>51</sup> [This rule is unlike being מוציא others for the המוציא during the meals on שבת, where the מברך needs to

<sup>48</sup> 13 דרשו: this timeframe is a dispute. יעב"ץ rules it's the time to walk 22 אמות. R' Nissim Karelitz rules it's היסת הדעת.

The Chazon Ish did not approve of the practice to eat fish after קידוש before eating bread.

<sup>49</sup> 15 דרשו: there is a discussion regarding washing in a different room as the place where one eats the meal. R' Shlomo Zalman is lenient.

17 דרשו adds that if one has to go out to help with the kids it is not deemed a הפסק, especially if the husband is at the table and the wife tends to the needs of the child.

<sup>50</sup> 19 דרשו discusses a situation if the listener accepted שבת early but the מקדש did not accept שבת yet.

<sup>51</sup> 22 דרשו: the Chazon Ish rules per this explanation that the קידוש היום is also simply a המצוה in which the listener does not need to drink from the כוס. The Brisker Rav argued that one should drink from the cup and it is essentially a ברכת הנהנין.

23 דרשו: if the מקדש talks before the listeners drink, בדיעבד it is fine.

eat as well, as the ברכת המוציא is not obligatory per se, rather it is a means to be יוצא one's obligation of שבת עונג, in theory, if one enjoys fasting on שבת, one can do without the [סעודה].

## סימן רעג סעיף ה<sup>52</sup>

1. The Geonim rule that מקום סעודה includes eating a bit of bread or drinking a של יין כוס<sup>53</sup>. This does not include fruit. Once he consumes that amount, he can have the meal in another location.
  - a. MB ס"ק כא: this amount is a כזית of food.
  - b. MB ס"ק כב: this also includes a רביעית of wine.<sup>54</sup> [MB ס"ק כד quotes גרע"א who is strict for relying on רביעית wine, only do if it's a הדחק].
    - i. MB ס"ק כז: some require an additional רביעית for the specific fulfillment of מקום סעודה aside from the obligation to drink קידוש. See שעה"צ ס"ק כט who rules to be lenient for the day קידוש if there is not some much wine available.
  - c. MB ס"ק כד: this includes פת הבאה בכיסנין but not חמר מדינא.<sup>55 56</sup>
  - d. MB ס"ק כה: if there is only fruit, it is not מקום סעודה, even if the מקדש drinks a יין רביעית since that only is deemed מקום סעודה for the מקדש but not the listeners. However, the שלטי גיבורים is lenient for fruit. If one feels a bit ill and does not have דגן, one can rely on the שלטי גיבורים for the day קידוש.
2. RAMA: per this understanding, the מוהל can drink the יין during שחרית, however, the custom is to give a bit to the child.

## סימן רעג סעיף ו

1. If one is מקדש in his home and has in mind to be מוציא<sup>57</sup> another person who is listening in his own home (with his own meal) this is considered במקום סעודה.<sup>58</sup>
  - a. MB ס"ק ל: if the חזן is reciting this in shul for those who are eating in the shul, the חזן must have in mind to be מוציא the listeners too.

<sup>52</sup> 25 discusses a dispute if one is מקדש על הפת if one being מוציא also must eat from the bread.

<sup>53</sup> See ביאור הלכה ד"ה כתבו who quotes the GRA who did not rely on the גאונים at all, rather one must recite קידוש with a סעודה גמורה. See 39 דרשו who notes those who strongly recommend one to remake קידוש after having קידוש with מיני תרגימא.

<sup>54</sup> 31 דרשו: for grape juice, R' Elyashiv is מחמיר (but if done do not repeat), R' Vosner is strict. R' Nissim Karelitz is lenient. RSZ is also lenient.

<sup>55</sup> 30 דרשו: if one wants to eat the meal afterwards, one must make a ברכה אחרונה and wait a bit to avoid ספק ברכה אחרונה.

<sup>56</sup> 33 דרשו eating rice is a discussion.

<sup>57</sup> See ביאור הלכה ד"ה ונגון who is questioning this requirement as מצוות דרבנן per the MGA do not require כוונה. Perhaps if one already davened and fulfilled his obligation of התורה קידוש, there is only a חיוב כוונה. Perhaps if one already davened and fulfilled his obligation of התורה קידוש, there is only a חיוב כוונה. However, the ביאור הלכה rejects this as (1) R' Akiva Eiger rules that davening is not sufficient to fulfill the obligation of קידוש and (2) others argue even מדרבנן one needs כוונה.

<sup>58</sup> See ביאור הלכה ד"ה ואם who questions this ruling לתחילה per the MGA as there is not קביעות ביחד with the other listener (who is eating in his own home). The ביאור הלכה suggests perhaps since the listener is having in mind to be יוצא with the מקדש this is deemed קביעות.



## סימן רעג סעיף ז

1. Some require קידוש to be recited near a candle. Others do not.
2. If one is מקדש outside because of the flies indoors or because he wants more fresh air, it is fine even if the candle is at home since the entire point of נר שבת is for עונג, not to experience the meal בצער.
  - a. MB ס"ק לב: this means there is a lot of צער experienced in eating in the home. Pri Megadim suggests to eat in the home for a bit and then eat the rest of the meal outside.

## שבוע ד' (סימן רעד סעיף א - סימן רעו סעיף א)

### סימן רעד סעיף א

1. One should make the ברכת המוציא with two (complete)<sup>59</sup> loaves.<sup>60</sup>
  - a. MB ס"ק א: this is זכר למן which was called לחם משנה. (there is a discussion if one can use פת הבאה בכיסון)
  - b. MB ס"ק א: one needs two loaves for יום טוב as well.
  - c. <sup>61</sup>MB ס"ק א: women are also obligated in לחם משנה as they experienced the טו of the מן too.
  - d. MB ס"ק ב: one can be fulfill one's obligation with a partially burnt loaf.
  - e. MB ס"ק ב: if one does not have לחם משנה,<sup>62</sup> he can still make קידוש כזית פת on קידוש.
  - f. MB ס"ק ב: both the מוציא and the listeners should have in mind to be יוצא with the לחם משנה to be included in ברכה מוציא.
  - g. MB ס"ק ב: one should say ברשות רבותי even if one is the בעל הבית as this is דרך ענוה.
2. One should hold both in his hand and break the bottom one. RAMA: for the night meal, but break the top חלה for the day meal and for יום טוב. This is על דרך הקבלה.<sup>63</sup>

<sup>59</sup> דרשו 3: if crumbs fall off, RSZA is lenient.

Charing the broken part or even making toast is not a שלם piece.

Challos attached during baking, if they can be broken it's two but make sure not to make one loaf סחר.

<sup>60</sup> דרשו 1 discusses situations of:

- bread which is borrowed but not able to be eat, which is a dispute.
- Frozen bread: many are lenient since it is technically אוכל but RSZA is strict since it is not able to eaten right away but potentially lenient if the meal will last long enough for the bread to thaw. The שבט הלוי is still.
- ליל הסדר חס מצה שאינה שמורה: RSZA is lenient.
- ערב פסח שחל להיות בשבת on מצה: the Chazon Ish allows it and the Steipler suggests wrapping the מצה in a plastic.

If one is eating a קידוש with מזנות, eat the complete cakes, but others are not strict.

<sup>61</sup> דרשו 2: there was no טו on מן either (but סעודות ג' חיוב is not obligated since the word היום which is stated three times only applies on שבת).

<sup>62</sup> דרשו 4: the נצי"ב writes if one has no full loaves use two pieces as those two pieces are "his bread". If one has only one load, cut it in half before the ברכה but not in front of the מברך.

<sup>63</sup> דרשו 11: the same applies to שחל להיות בשבת.

- a. MB ס"ק ד: the **לחם משנה** is only required with the **ברכה** as **לחם משנה** was stated **בשעת לקיטה**.
- b. MB ס"ק ד: some have the custom to cut both **חלות** (some have one big and one small), the custom is to cut only one.
  - i. MB ס"ק ה: given the issue of **המצוות על מעבירין**, one should place the **bottom חלה** (at night) closer to him.
- c. MB ס"ק ד: if one only has **פת עכו"ם** one can eat from this.
- d. MB ס"ק ה: cut the loaf only after the **ברכה**, some make a mark on the **חלה** with the knife beforehand.

## סימן רעד סעיף ב

- 1. It is a **מצוה** to cut a large enough piece so that he can use it the entire meal.
  - a. MB ס"ק ו: this is to show **חביבות המצוה** that he wants to eat a lot.

## סימן רעד סעיף ג

- 1. Those sitting at the meal cannot eat their loaves until the **בוצע** tastes his loaf first.
- 2. If eat party has their own **לחם משנה**, he can eat it before the **בוצע** eats.
  - a. MB ס"ק ח: if eat party has bread but not **לחם משנה**, they need to wait for the **מברך** to eat as they need the **לחם משנה** of the **מברך**.

## סימן רעד סעיף ד

- 1. One needs bread for the night and day meal.
  - a. MB ס"ק ט: the main **שבת כבוד** are the first two meals and thus require **פת**.
  - b. MB ס"ק ט: if one was not able (**via אונס ב**) to fulfill **ליל שבת**, eat three meals during the day. But one must make **קידוש בלילה** and eat **מיני דגן** or **רביעית יין** or **חמשת מיני דגן**.

## סימן ערה סעיף א

- 1. One should not:<sup>64</sup>
  - a. Remove a bug with fire
  - b. Read from a **ספר** by the candle light (even if he is not uttering words), lest he will tilt the fire.
  - c. MB ס"ק א: or check **ציצית** or anything that requires **עיון**.
  - d. MB ס"ק ב: the same applies for dark areas even during the daytime.
- 2. This applies even if the fire is 10 stories high (untouchable) as this is a **פלוג**.
- 3. The same reasoning would prohibit using light behind a glass or in the wall.
  - a. MB ס"ק ב: if the glass was locked (**שעה"צ ס"ק ב**: unusual knot), some allow it as it is not **דרך** to move and **איסור שבת**, some do not allow. The **א"ר** is lenient if the key is given other to someone else.

<sup>64</sup> See **ביאור הלכה ד"ה ואין** who discusses how much **עיון** would be problematic.

4. The same applies to a wax candle.
  - a. <sup>65</sup>MB ס"ק ד: the Bach allows שמועו or נר של שמועו since the issue if שמועו is only מלאכה שאינה צריכה לגופה (removing the charred wick) which is only שמועו ומחט and not an איסור תורה. Other argues. The מג"א rules to be strict if there is no need to check.
  - b. MB ס"ק ד: our (stearin) candles are permissible since they are clear and are not a concern of שמועו יטה.<sup>66</sup>

## סימן ערה סעיף ב <sup>67</sup>

1. If two are reading together, there is no issue since the other person will remind him to not tilt it.
  - i. MB ס"ק ו: this is for מצוות. But the ט"ז seems to not require קריאה של מצוה.
  - b. This is only if they are reading the same issue, if not, not.
  - c. RAMA: two ספרים even of one topic is not valid.<sup>68</sup> Thus one cannot recite פיוטים in shul.
    - i. MB ס"ק ח: even if the candles are made of שמועו or חלב one should be strict as a פלוג לא given some of the candles in the shul may be of oil.
    - ii. MB ס"ק ח: the same applies to זמירות בשבת which one is not familiar with, a bit, but if one is familiar or asks a friend to watch him, it is fine.

## סימן ערה סעיף ג

1. If one is present, even not reading and asks him to pay attention to him so that he will not tilt it, it is fine.<sup>69</sup>
  - a. MB ס"ק י: if one is נתון present this is not enough.
2. This applies to one's wife as well.
  - a. MB ס"ק יא: even though the wife is קרובה to him, we assume she will watch him.

## סימן ערה סעיף ד

1. An אדם חשוב who is not דרך להטות even during the week can use the light.

<sup>65</sup> See ביאור הלכה ד"ה וכן who does not allow using wax with oil, but stearin with oil would be allowed.

<sup>66</sup> See 14 דרשו which discusses if electric lights are included in this גזירה or not.

<sup>67</sup> See ביאור הלכה ד"ה לאור who discusses using gas lamps and argues to be lenient as 1) there is a bad smell like נפט and 2) the light is bright. But there is room to be strict as 1) Rambam does not allow נפט, and 2) the lenient opinion is a דעת יחיד. Some write a paper "שבת היום ואסור להדליק" on the gas pipe, and that is good as 1) it is similar to the unusual knot by the lamp, 2) like reading במה מדליקין which says to not tilt, 3) similar to asking someone to remind him. Others distinguished gas lamps from oil and wicks as gas lamps are preset before שבת and will less likely to be touched than oil candles. MB is lenient for לימוד התורה especially in shul which is a public area. Ideally light and use it in a permissible fashion. See 9 דרשו which discusses a dispute regarding using a dimming electric light.

<sup>68</sup> See ביאור הלכה ד"ה בשני who is not sure if reminding the other person to pay attention would work if he is learning some other topic.

<sup>69</sup> See 21 דרשו which allows a דרשן to use ספרים since he is giving a שיעור in public.

- a. MB יב ס"ק: while this היתר may not be ask solid given people forget if they are intensely involved in the reading, one can be lenient for נר של חלב ושעוה.

### סימן ערה סעיף ה

- 1. If there is a bonfire, even ten people together cannot use its light. The bonfire causes those sitting to stand far apart from each other and the flames make it hard to see if one person is stoking the coals.
  - a. MB יג ס"ק: there is still a היתר to ask another to pay attention to him.
  - b. MB יד ס"ק: one can stand near it to warm up but not too close lest one touches it to warm up quicker. Some are not concerned.<sup>70</sup>

### סימן ערה סעיף ו

- 1. Children in schools can use the light since they have אימת רבן on them.
  - a. MB טו ס"ק: they do not touch anything even during the week.
  - b. MB טז ס"ק: it seems even if the רבי is not present, however others argue.

### סימן ערה סעיף ז

- 1. One can recite במה מדליקין by candlelight as the entire פרק will remind him not to tilt it.
  - a. MB טז ס"ק: not other הלכות of שבת, only this פרק which directly discusses the issue of titling lights.

### סימן ערה סעיף ח

- 1. The custom is to read with a מחזור for יום כיפור by candle since יום כיפור is present.

### סימן ערה סעיף ט<sup>71</sup>

- 1. One can read the הגדה on ליל פסח which falls out on שבת since it is like reading ראשי פרקים as everyone is somewhat familiar with the text.
  - a. MB יז ס"ק: if one actually never learnt the הגדה and there is no one else who can watch him, one should be lenient to be able to fulfill the התורה מן התורה even if one only has נר של שמן.
  - b. MB יח ס"ק: the same applies to davening but not learning which requires עיון.

<sup>70</sup> 25 דרשו: today our heating units do not have open flames and there is no concern above.

<sup>71</sup> See 26 דרשו who quotes the חזון איש who expands this to even ראש השנה and even allows לימוד התורה not just davening. Some differentiate between davening and learning.

## סימן ערה סעיף י

1. The teacher can use the candle to tell students where to read from, organize the beginning of a פרשה to begin reading (and say the rest פה בעל--this is the idea of ראשי פרקים), as since he is familiar he will not look at the ספר all the time and remember to not tilt.

## סימן ערה סעיף יא

1. Vessels which look similar and require עיון to differentiate cannot be examined with a candle. The same would apply for one's clothes and one's wife's clothes if they are similar as they require עיון.
  - a. חלב or נר של שעוה: one can be lenient with a ס"ק יט MB.

## סימן ערה סעיף יב

1. A waiter:
  - a. If not קבוע, do not use candle (of נפט or שמן) to check cups and places as one does not recognize them. RAMA: some allow if it's נפט.
    - i. ס"ק כב MB: per the RAMA there is not concern of removing the oil since מאוס is נפט. One can rely on the רמ"א if there is a need.
  - b. If קבוע, one can use a candle for checking cups since it does not require so much עין.
    1. ס"ק כג MB: for cleanliness we are lenient unlike בגדים.
2. If it's a candle of שמן זית we do not instruct one to check (though permissible technically) lest one will remove some oil.
  - a. ס"ק כו MB: it is only an issue for the waiter who is getting close to the candle to check the vessel.
3. RAMA: the custom is to cover the children to not be unclothed before the שבת as it's ביזוי מצוה.
  - a. ס"ק כז MB: there is no concern of נכפה for an older child.

## סימן רעו סעיף א

1. A non-Jew lights a candle for a Jew: no one can use it.
  - i. ס"ק ב MB: this is דרבנן lest the person will tell the non-Jew to light.
  - ii. ס"ק ג MB: while a non-Jew who violates תחום for the Jew can be נהנה ביאור הלכה ד"ה אפילו (see דרבנן is תחום, מישראלים אחרים not explicit in the Torah). The same is true for all איסורי דרבנן that others can benefit from it.
  - b. RAMA: even if there is no association with the non-Jew, the Jew cannot benefit from the הנכרי.<sup>72</sup> מלאכת הנכרי.

<sup>72</sup> דרשו 8: there is a difference from benefiting from an action which the non-Jew adds and removes benefit. Thus if a non-Jew turns the lights off for the sake of the Jew the Jew may still sleep there.

2. If the non-Jew lit for himself or for a חולה ישראל, even אין בו סכנה (RAMA: or kids): all can use it.
  - a. MB ס"ק ו: kids are allowed if there is a pressing need.
  - b. MB ס"ק ז: this is allowed even if the non-Jew is מכיר this Jew since לא נר למאה.
3. There is dispute regarding a bonfire lit by a non-Jew for himself or a חולה ישראל as שמא ירבה בשבילו.
  - i. MB ס"ק ט: bonfires require more wood if more are using it.
  - ii. MB ס"ק ט: we allow חימום למאה.
  - iii. MB ס"ק י: if we know the non-Jew does not recognize the Jew all allow it.
  - b. RAMA: if the non-Jew does this in the Jew's home and the Jew knows, the Jew does not need to leave his home even though he is benefiting.<sup>73</sup>
    - i. MB ס"ק יא: if the Jew sees the non-Jew about to light, even בבית נכרי, he must protest as the fire and wood belong to the Jew, even if the Jew plans to leave immediately.<sup>74</sup>
    - ii. MB ס"ק יא: if the non-Jew lights בעל כרחו in the Jew's house after the protest, the Jew must kick him out due to חילול ה'.
    - iii. MB ס"ק יב: same leniency applies if the Jew is in the hotel with a non-Jew.
    - iv. MB ס"ק יג: even if one does not need to leave the home, the Jew must not benefit from the light if he wouldn't be able to use the item otherwise.<sup>75</sup>
    - v. MB ס"ק יג: if the Jew tells the non-Jew to light, he must leave the area.
    - vi. MB ס"ק יד: one does not need to turn one's face but it may be a מידת מיידות to do so.

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There is a dispute when a non-Jew carries a key for the Jew and uses it to open a door if the Jew can enter the doorway. Rav Moshe was strict but RSZA argued opening the door per se is אסור (only carrying the key to the door) and thus there is איסור הנאה סו.

R' Elyashiv allows one to enter a door even if the key requires an electric key card as the door is only preventing him from entering and thus, opening the door is not deemed "active" הנאה.

<sup>73</sup> See ביאור הלכה ד"ה לצרכו who notes if the non-Jews tries to tamper with the candle and it extinguishes and he relights it, this is viewed as לצרכו.

See 18 דרשו if a non-Jew turns off a shabbos clock which automatically turns on the lights whether this is an איסור הנאה (as on one hand the non-Jew turned on the lights but the Jew set up the clock originally to not need a non-Jew). The א"ר rules if one is מקל we are not to be upset at him.

<sup>74</sup> See 21 דרשו regarding the obligation to protest in situations where the non-Jew removes the הנאה (like turning of lights)

26 דרשו: if the הנאה was attained בדרך רמז ("I can't read here), R' Elyashiv does not require מחאה since (assuming there was some light) the situation did allow usage of the room to some extent. This is unlike turning off lights entirely in which there is a "מצב חדש" and thus requires מחאה. R' Nissim Karelitz argues one does not need to protest since the act of turning on these lights is not בדרך ציווי in general (unlike turning on an air conditioner).

<sup>75</sup> See ביאור הלכה ד"ה אסור this includes learning or eating.