

## Making Kiddush on Beverages Other Than Wine

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- I. Introduction.** At a typical *Shabbat* morning *kiddush* in most *shuls*, the large majority of people make *kiddush* on a shot glass of scotch or whiskey, rather than on the traditional full size cup of wine. Often, those who sponsor a *kiddush* provide only a minimal amount of wine, while “hard” drinks are plentiful. While this trend has had significant sociological implications (teenagers learning to drink at an unsupervised *shul kiddush*, adults missing major segments of *davening* in order to get together with their friends to drink a few shots at a “*kiddush club*”, etc.), we will focus this essay on the *halachic* considerations of making *kiddush* on beverages other than wine. Our discussion will center specifically on the *halachot* of making *kiddush* on *chamar medina*, or drinks other than wine that are commonly used in a particular place.
- II. Using Scotch and Whiskey.** The *Shulchan Aruch* (*Orach Chaim* 272:9 and 289:2) rules that in the absence of wine one may recite *kiddush* over beer. The *Mishnah Berurah* (ibid. 272:24) explains that this is only true in a place where beer is commonly drunk and may therefore be considered to be *chamar medina*. Similarly, other commonly drunk beverages that fall into the category of *chamar medina* may be used for *kiddush* in the absence of wine.
- A. Defining *chamar medina*. It is important to note that not every drink that people commonly consume has the status of *chamar medina*. Only beverages that are halachically considered *chamar medina* may be used for the *mitzvah* of *kiddush*. The later *poskim* differ as to the exact definition of the term *chamar medina*. This difference of opinion has obvious implications on which drinks may be used for *kiddush*.
1. The opinion of the *Shulchan Aruch Harav*. The *Shulchan Aruch Harav* (182:2-3) rules that there are two criteria that must be met for a beverage to attain the status of *chamar medina*. First, the drink must be one that people use as a primary beverage for a meal, much the way it was common to drink wine with most meals in ancient times. Second, the beverage must not be cheap and trivial, but should have some significance. Therefore, although borscht was commonly drunk with meals, due to its low stature, it would not be considered *chamar medina*.
  2. The opinion of Rav Moshe Feinstein. Rav Moshe Feinstein (*Responsa Iggerot Moshe, Orach Chaim II #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).
  3. Practical *halacha* of liquor as *chamar medina*. It would seem that regardless of which definition of *chamar medina* we choose, beer and liquor (whiskey, brandy etc.) are both considered *chamar medina*. Indeed, the *Shulchan Aruch* (289:2) rules clearly that

beer may be used for *kiddush*, and the *Mishnah Berurah* (272:30) rules that liquor is considered *chamar medina*. (See also Responsa *Minchat Yitzchak* X #22.)

B. When may *chamar medina* be used? Although there are occasions when one may use drinks other than wine for *kiddush*, such circumstances are rather limited.

1. Nighttime. The *Shulchan Aruch* (272:9) cites the opinion of the *Rosh* that even if one does not have any wine he should not recite the Friday night *kiddush* on another beverage. Rather, he should recite the *kiddush* over the *challah*, as it is considered to be a more prestigious food than *chamar medina*.

2. Daytime. The *Shulchan Aruch* (ibid.) rules that for the daytime *kiddush*, if one does not have any wine, he should use *chamar medina* rather than make *kiddush* on the *challah*, even though *challah* is generally considered to be superior to *chamar medina*. The logic for this ruling is based on a fundamental distinction between the night time *kiddush* and the day time *kiddush*. The nighttime *kiddush* has a specific text whereas the day time *kiddush* consists exclusively of the *beracha* that is recited on the wine. When one makes *kiddush* on *challah* at night, it is still apparent that he is reciting *kiddush*, and not just making his regular *hamotzi*, because he recites the entire text of *kiddush*. When, however, one recites the daytime *kiddush* over *challah*, he merely recites the *beracha* of *hamotzi*, which is a *beracha* he would recite on the bread even if he were not making *kiddush*. In order, that it be apparent that the person is reciting *kiddush* at the day time meal, it is important that he make a *beracha* that he would otherwise not recite. (*Mishnah Berurah* 272:31)

a. The stringent view. Based on the above-cited sources it would seem abundantly clear that one may never make *kiddush* on liquor on Friday night, and may only make *kiddush* on liquor on Shabbat day when there is no wine available to him. The *Mishnah Berurah* (ibid.:29) recommends that where wine is available, one should only use wine for *kiddush*.

b. The lenient view. The *Mishnah Berurah* (ibid.) records that many great people had the custom to recite the daytime *kiddush* over other beverages even when wine was available. They were lenient based on a combination of two considerations. First, wine was extremely expensive, and had fallen out of common use in favor of other drinks. Second, they felt that one may be lenient for the daytime *kiddush* because the obligation to recite *kiddush* during the day is only Rabbinic in nature. Rabbi Shmuel Wosner (Responsa *Shevet Halevi* III #26) suggests an additional reason to allow other beverages even where wine is

available. He explains that in Talmudic times people drank wine very regularly. In some towns wine was so popular that people barely drank any water (see *Tosafot Shabbat* 47a). When wine had such widespread popularity we can certainly understand the obligation to attain wine for kiddush rather than settling for liquor or beer. Today, however, most people, especially in the Orthodox Jewish community, do not drink wine regularly. Therefore, other beverages are no longer considered inferior to wine for the purposes of the mitzvah of *kiddush*. (See also Responsa *Shevet Halevi* V #32 where he reaffirms this position.)

C. How much must be drunk?

1. When using wine. The *Shulchan Aruch* (271:13) rules that one must recite *kiddush* over a cup that contains a *revi'it* of wine, and he must actually drink the majority of a *revi'it*. The Talmud (*Pesachim* 109) gives two methods of measuring a *revi'it* that practically do not yield the same results. There is considerable discussion amongst the *acharonim* regarding the resolution to this problem. A thorough presentation of this discussion is well beyond the scope of this essay (see *Tzlach to Pesachim* 116, *Mishnah Berurah* 486:1, *Aruch Hashulchan* 472:12, and *Chazon Ish* 39). Suffice it to say, the leading contemporary *poskim* debate the exact measurement of a *revi'it*. The possibilities range from 3.07 fluid ounces (Rav Chaim Naeh) to 5.36 fluid ounces (Chazon Ish). Rav Moshe Feinstein ruled that for the purposes of the morning *kiddush* a *revi'it* is 3.3 ounces. Therefore, one must make *kiddush* on a cup that contains at least 3.3 ounces and one must actually drink 1.7 ounces of wine (most of a *revi'it*).
2. When using whiskey etc. Drinking the proper measure of wine does not present any particular difficulty. After all, it is common to drink a sizable glass of wine. Drinking the proper measure of whiskey, however, can present a problem for many people. The average shot glass can only hold one fluid ounce. Many people have the practice to make *kiddush* even on this minimal amount of liquor. We will attempt to analyze whether there is any sound *halachic* basis for this practice.
  - a. The stringent view. The *Mishnah Berurah* (272:30) clearly rules that the measure of a *revi'it* 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 his obligation of *kiddush* on Shabbat morning with a one or two ounce shot glass of whiskey.
  - b. The lenient view.
    - i. The opinion of the Taz. The *Taz* (*Orach Chaim* 210:1) writes that although normally one must drink a *revi'it* of any drink in order to be

required to recite a *beracha acharona*, one need not drink a *revi'it* of liquor to require a *beracha acharona*. The logic for this contention is that while one is not considered to have drunk a significant amount of a beverage until he has had a *revi'it*, a much lesser amount of liquor is already deemed significant. In fact, most people usually drink less than a *revi'it* of liquor. Rav Tzvi Pesach Frank (Responsa *Har Tzvi* I #159) extends this leniency of the *Taz* to *kiddush* and states that according to the *Taz* one may recite *kiddush* on less than a *revi'it* of liquor. While some *poskim* support the opinion of the *Taz* (see Responsa *Chatam Sofer* 49), the *Magen Avraham* (*Orach Chaim* 190) rejects the opinion of the *Taz*, and states that *Chazal* established measurements for all liquids and did not distinguish between liquids that people commonly drink different quantities of. The *Mishnah Berurah* (190:14; 272:30) rules in accordance with the opinion of the *Magen Avraham*.

- ii. The opinion of the Kozhoglover Gaon. Rabbi Hershel Schachter (*B'ikvei Hatzon* page 41) cites the author of Responsa *Eretz Tzvi* who had a very unique approach to allow *kiddush* on less than a *revi'it* of liquor. He argues that the measure of a *revi'it* only applies to beverages, and liquor does not have the status of a beverage. The definition of a beverage is something that people would drink to quench their thirst. Any liquid that people drink for other reasons (i.e. soup, liquor) have the status of a food. The measurement of a food that would require a *beracha acharonah* and be considered a significant consumption is a *k'zayit* (the size of an olive-much less than a *revi'it*). While a small shot glass definitely does not contain a *revi'it*, it may contain a *k'zayit*. This argument, however, seems to be flawed. Rav Chaim M'Volozhin (also cited in *B'ikvei Hatzon* *ibid.* from *Sefer Sha'ar Rachamim*) used the same logic that liquor is actually a food, to prove that one may not make *kiddush* on liquor at all. After all, the most basic criteria of

*chamar medina* is that it be a beverage, not a food.

**III. Conclusion.** We have outlined the basic problems with reciting *kiddush* on liquor and have surveyed the solutions and counterattacks of the leading *poskim*. First, many *poskim* maintain that one may not make *kiddush* on liquor at all unless there is no wine available to him. Others are lenient even when wine is available. Second, even if one uses liquor, most *poskim* maintain that one must drink a *revi'it* (or most of a *revi'it*) of the liquor. While some *poskim* posed arguments to be lenient in the amount of liquor one is required to drink, their arguments were met with significant criticism. Nevertheless, Responsa *Maharsham* (I #175) records that many great rabbis were lenient in this area. In summation, at the nighttime *kiddush* all authorities agree that only wine should be used. For the daytime *kiddush*, ideally one should refrain from using liquor. Certainly, one who uses liquor should be careful to use a cup that contains a full *revi'it*, unless he has a specific tradition to the contrary.