

I. **Introduction.** There are many areas of torah that have not been widely learned over the years either due to their relative complexity or because they are viewed as having no practical relevance to contemporary society. Every now and then, when a new product is developed, and its halachic status requires clarification, we must turn to these more obscure areas of torah to arrive at a legitimate halachic conclusion. One example of such a case is the very modern and practical issue of making kiddush with disposable cups. This question becomes most practical at a shul kiddush where all of the utensils are disposable and it is difficult to find a non-disposable cup. In this essay we will analyze the halachic issues relating to reciting kiddush over a disposable cup, and explore the applicability of some less traversed areas of torah.

II. **The requirement that a cup be nice.** The *Shulchan Aruch* (183:3) rules that a cup used for *birchas hamazon* must be complete without any dents or cracks. The *Mishnah Berurah* explains that the same is true for a cup used for *kiddush* and *havdalah*. This is based on the comment of the *Shulchan Aruch* (271:10) that whatever requirement apply to a cup for *birchas hamazon* also apply to a *kiddush* cup. The *Magen Avraham* (183:5) writes that even if the part of the cup that holds the liquid is intact but the base of the cup is broken, one may not use the cup for *kiddush*.

A. **Rav Moshe Feinstein's approach.** Based on the above *halachos*, Rav Moshe Feinstein (Responsa *Iggeros Moshe Orach Chaim* II #75) writes that apparently it is important for a *kiddush* cup to be "nice". A broken cup is invalid, even if it is perfectly functional, because it is not considered respectable enough for a *kos shel beracha*. It therefore seems, argues Rav Feinstein, that a paper cup is even worse than a cup with a broken base and should not be used for *kiddush*.

B. **Rav Waldenberg's approach.** Rav Eliezer Waldenberg (Responsa *Tzitz Eliezer* XII #23) has a different understanding of the halachic problem of a cup whose base is broken. In his view, this is not a *halacha* of relative

importance or value of the cup, but a disqualification of a broken cup. A cup made of pure gold, and lined with diamonds is more valuable in a broken state than a very nice silver cup. Yet, the former cup is still disqualified from use for a *kos shel beracha*. The reason for this disqualification is that when the cup is no longer in its original state due to some sort of break, it is considered to be "dead" as a *kos she beracha*. As long as it remains in its original state, regardless of how cheap the material it is made of may be, it is considered to be a viable cup to use as a *kos shel beracha*. Therefore, paper cups, although they are cheap, are perfectly valid for use for *kiddush*.

III. The requirement that the cup be a "kli."

- A. **The stringent approach.** The *mishnah* (*Keilim* 16:6) lists those utensils that are capable of receiving *tumah* and those that are incapable of receiving *tumah*. The *mishnah* describes one particular vessel that is made from palm branches, and was commonly used for ripening dates. The *mishnah* rules that if the vessel is made in such a way that the only method of removing the dates from the vessel involves breaking the vessel, it is not receptive to *tumah*, presumably because it can only be used once. Rav Yakov Lifschitz (*Responsa Mishnas Yakov* I 6:8) explained that this *mishnah* suggest that any vessel that is normally thrown away after a single use is not called a vessel at all. As such, since a *kiddush* cup must be a *kli*, a paper cup may not be used for *kiddush*.
- B. The lenient approach.
1. Rabbi Moshe Stern (*Responsa Be'er Moshe* V #55) writes that since many people use plastic cups more than once, either by rinsing the cup after use or by refilling the cup multiple times during the meal, disposable cups are not comparable to the vessels described in the *mishnah* that can only be used once. Furthermore, Rabbi Waldenberg (*Responsa Tzitz Eliezer* XII #23) points out that even if people were to never use it more than once, as long as it could be used more than once, the fact that we may dispose of these cups after only one use is a reflection of the affluence of our society rather than the status of a utensil.
 2. Rabbi J.D. Bleich (*Contemporary Halakhik Problems* Volume II page 12) cites an essay written by Rabbi Meir Zev

Goldberger (*Hamaor Elul* 5734) where the author points out that the *teshuva* of the *Mishnas Yakov* is based on a misunderstanding of the *mishnah* in *Keilim*. Rabbi Bleich writes: "Rabbi Goldberger argues that an object designed to be discarded cannot become defiled, not because it fails to meet the conditions necessary for designation as a 'utensil', but because of a consideration which is applicable only to the laws of defilement. An object designed for impermanent use, argues Rabbi Goldberger, is not deemed susceptible to defilement even though it qualifies as a utensil. There are indeed other objects that are defined as 'utensils' for other halachic purposes, but are not subject to defilement e.g. vessels made of stone. Accordingly, concludes Rabbi Goldberger, since paper cups satisfy the criteria of 'utensils', they may be utilized for the purposes of *kiddush*." The amount of times it is used does not determine its status as a vessel, it only determines its status for *tumah*.

3. Rabbi Waldenberg cites further proof that a disposable paper cup constitutes a *kli* from the words of the *Rambam* (*Hilchos Keilim* 2: 1). The *Rambam* states that a utensil may be made from material that does not receive *tumah*, but the utensil itself will be capable of receiving *tumah*. This can be accomplished by fashioning any utensil that can hold things (has a *beis kibbul*), and is capable of lasting for multiple uses "even if made from raw leather or from paper". The *Rambam* explicitly states that paper utensils are considered to be utensils as long as they can last. Although most paper cups are made to be thrown out after use, and not to last for any extended period of time, their physical makeup would allow them to be used for an extended period of time. It is only due to their being inexpensive that we often throw them away after just one use.

IV. The practical opinions.

- A. **Rav Moshe Feinstein**. As mentioned previously, Rav Feinstein did not approve of the use of paper or plastic cups for *kiddush*. Rabbi Simcha Bunim Cohen reports (*The Radiance of Shabbos*, page 44) that he asked Rav Feinstein if there is room to distinguish between different quality plastic cups, and suggest that while paper cups may be too cheap for *kiddush*, harder and more durable plastic cups may be used. Rabbi Feinstein, however, responded in the negative, insisting

that all disposable cups are deemed too cheap for reciting *kiddush* on them. It should be noted, though, that at the conclusion of his *teshuva* on this topic, Rabbi Feinstein leaves the possibility open that in the absence of another cup one may use a disposable cup. It would seem that one who has a regular cup at home where he plans on eating lunch, is not considered to not have another cup, even though there are no other cups at the *shul kiddush*.

- B. **Rav Binyamin Zilber**. Rav Binyamin Zilber (Responsa Az *Nidberu* VI #49) states that it is obvious that any disposable cup may be used for *kiddush*, *havdalah*, and *netilas yadayim*. He argues that we do not find anywhere in *halacha* that there is a requirement for the cup to be nice, and there is no source to suggest that if the cup is only made to be used once, it is not a *kli*. Rabbi Zilber concedes, however, that if one has a nicer cup available to him, he should use it in fulfillment of *hidur mitzvah*.
- C. **Rav Eliezer Waldenberg**. Rav Eliezer Waldenberg rules that one may use any cup that could possibly be used multiple times, even if nobody actually uses it multiple times. Paper cups may be problematic because they are not nearly as effective in holding liquid the second time as they are the first time. Plastic cups, though, should be no problem at all.
- D. **Rav Moshe Stern**. Rav Moshe Stern (*Be'er Moshe* *ibid.*) rules that only cups that people commonly reuse are permissible for *kiddush*. Most plastic cups fall in this category, as people will refill their plastic cups many times during a single meal, or even wash them out after the meal. Paper cups would be forbidden for use. Additionally, small plastic shot glasses may be forbidden on these grounds because they are almost never washed out and re-used. (It should be noted that small plastic shot glasses are probably forbidden for use for *kiddush* anyway because they do not hold anywhere near the required *revi'is* that a *kos shel beracha* needs.
- V. **Conclusion**. We have explored the issue of using disposable cups for *kiddush*, and have outlined the considerations and opinions of the leading *poskim*. As a practical matter, it seems to this author that whenever possible one should try to avoid the use of disposable cups. If one has nothing else, a harder plastic cup would be preferable to a soft paper cup. There does not

seem to be any basis for the idea of doubling up a cup, as this does not cause the cup to be used more times than it otherwise would have been used.