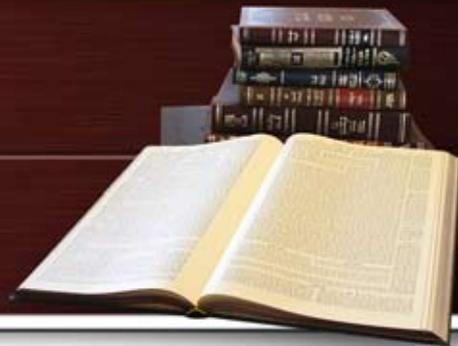


# HALACHICALLY SPEAKING



► Compiled by Rabbi Moishe Dovid Lebovits  
► Reviewed by Rabbi Benzion Schiffenbauer Shlita  
► All Piskei Harav Yisroel Belsky Shlita are reviewed by Harav Yisroel Belsky Shlita

Volume 6 • Issue 1



## CHAMAR MEDINA

Sometimes one is faced with issues as to what can be used for *kiddush* or *havdala* when he has no wine or grape juice. In this issue we will discuss what can and can not be used in place of them.

### ***Kiddush* (or *Havdala*)<sup>1</sup> on other drinks**

Certain leniencies are permitted in regard to alternative beverages for *kiddush* of *Shabbos* day and *havdala*, since the obligation is *d'rabbanan*.<sup>2</sup> (This entire discussion pertains to Friday night, but if one does not have any wine or grape juice, he must make *kiddush* on *challah* as opposed to *chamar medina*).<sup>3</sup>

1. One may use *chamar medina* for *havdala* even if there is wine available (Refer to Shulchan Aruch 296:2, Ohr L'tzyion 2:22:2:footnote 2).

2. Mishnah Berurah 289:3.

3. Rama 272:9, Mishnah Berurah 28, Yesodo Yeshurin 4:page 454, Nishmas Shabbos 2:100. However, if he has no



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של הלכה  
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(ברכות ת.)

According to all opinions, it is a preferred *mitzvah* to use wine.<sup>4</sup> However, if *chamar medina* is personally preferred over wine then one can use it *l'chatchilah*.<sup>5</sup>

The *Shulchan Aruch* mentions in a few places that if wine is not available then one may use *chamar medina* (a national drink), for *bentching*,<sup>6</sup> *kiddush*,<sup>7</sup> and *havdala*.<sup>8</sup> *Chamar medina* is also permitted if one cannot tolerate wine.<sup>9</sup>

## Definition of Unavailable

What is the definition of wine being unavailable?<sup>10</sup> The *Rashbam*<sup>11</sup> explains that there is no wine available in the entire city.

Some say that if wine is not found in the area surrounding the city within a day's journey (walking), then one may use *chamar medina* for *kiddush*.<sup>12</sup> According to this opinion, we could recite *kiddush* on *chamar medina* since we do not have vineyards in the area surrounding our cities.<sup>13</sup>

The opinion of the *Rambam*<sup>14</sup> is that if most people consume a certain type of beverage, it is called *chamar medina*. He does not focus at all on the availability of wine.

## The Lenient Custom

Some say that we are lenient and use *chamar medina* even if wine is available since people do not drink wine as frequently as they did in years past. People drink other beverages during their meals.<sup>15</sup> Therefore, other beverages may be used for *kiddush* as well.<sup>16</sup>

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wine, grape juice or bread for his Friday night meal he may use *chamar medina* in order not to lose out on *kiddush* (Kaf Ha'chaim 272:50, see Mishnah Berurah 272:27, 289:10).

4. Rama 182:2, Shulchan Aruch Harav 182:2, Mishnah Berurah 182:13, 289:8, Aruch Ha'shulchan 182:4, 272:14.

5. Mishnah Berurah 272:30.

6. 182:2.

7. 272:9, 289:2, see Levush 272:9, 289:2.

8. 296:2. Refer to Mesechtas Pesachim 107a.

9. Biur Halacha 272 "v'eim," Shemiras Shabbos K'hilchoso 53:9.

10. Refer to Kovetz Bais Aron V'Yisroel 60:pages 61-64 in depth.

11. Mesechtas Pesachim 107a "chamar." Refer to Rabbeinu Chananel Mesechtas Pesachim ibid

12. Rosh Mesechtas Pesachim 10:17, Tur 272, Magen Avraham 182:2. Although we can take a train or plane ride which is less than a day and we can find grapes etc, it is still not a problem (Refer to Ashrei Yiladito page 226).

13. Ashrei Yildito page 226.

14. Hilchos Shabbos 29:17.

15. Refer to Shulchan Aruch Harav ibid, see Ashrei Yiladito page 228.

16. Shevet Ha'Levi 3:26, 5:32, Avnei Yushfei 2:20, Kovetz Bais Aron V'Yisroel 60:pages 68-71.

כל השונה  
הלכות  
בכל יום  
מובטח  
לו שהוא  
בן עולם  
הבא...  
(גדה ע"ג)

## What is considered a Drink?

It appears from the *Magen Avraham*<sup>17</sup> that a popular drink is considered a drink.<sup>18</sup>

## What is considered a Distinguished Drink?

The *Shulchan Aruch Harav*<sup>19</sup> defines a distinguished beverage as something which one drinks at a meal.<sup>20</sup>

Some say that this means a drink which one consumes either during or at the end of a *Shabbos* meal.<sup>21</sup> The opinion of the *Harav Moshe Feinstein zt"l* as expressed in *Igros Moshe*<sup>22</sup> is that any drink which one serves to a guest is considered *chamar medina*. Wine is served to guests; therefore, any drink which is also served in that manner may be used for *chamar medina*. A drink that serves to quench one's thirst may not be used as *chamar medina*. The opinion of the *Halachos Ketanos*<sup>23</sup> is that *chamar medina* is a beverage which can bring one to drunkenness.<sup>24</sup> However, this condition is not mentioned in *Shulchan Aruch*; therefore, it is not *me'akev*.<sup>25</sup>

## Beer / Whiskey

Today, beer is considered *chamar medina*, and may be used for *kiddush*.<sup>26</sup> Whiskey is served to guests, is a drink that brings drunkenness, and does not serve to quench thirst. Accordingly, it may be used as *chamar medina*.<sup>27</sup> Others are reluctant to permit whiskey,

17. 272:6. Refer to *Magen Avraham* 182:2.

18. Refer to *Ashrei Yiladito* page 229.

19. 182:2, 272:10. See *Rama* 182:2, *Mishnah Berurah* 12, *Shar Hatzion* 7. Refer to *Shiltei Geborim Mesechtas Pesachim* page 44:2.

20. Refer to *Kovetz Bais Aron V'Yisroel* 60:pages 71-74.

21. *Ketzos Ha'shulchan* 97:badi:8:page 64.

22. O.C. 2:75.

23. 1:9.

24. See *Da'as Torah* 296:2, *Rivevos Ephraim* 7:103, *Teshuvos V'hanugos* 4:77 quoting this as the opinion of the *Gr'a*. According to this opinion coffee and tea are not considered *chamar medina* (*Minchas Shabbos* 96:footnote 9:page 232).

25. *Ashrei Yiladito* pages 230-231. The opinion of the *Chazzon Ish zt"l* is that there is no drink which is considered *chamar medina* (*Da'as Chazzon Ish* page 30:8, see *Halichos Chaim* 2:page 87:163 quoting the opinion of *Harav Chaim Kanievesky Shlita*).

26. Refer to *Rosh Mesechtas Pesachim* 9:17, *Rambam Hilchos Shabbos* 29:17, *Be'er Heitiv* 296:7, *Mishnah Berurah* 296:12, *Chai Adom (Shabbos)* 8:13, opinion of *Harav Sheinberg Shlita* quoted in *Divrei Chachamim* page 86:227. Some say only white beer is *chamar medina* and not black beer (opinion of *Harav Fisher zt"l* quoted in *Rivevos Ephraim* 7:103). Others say both white and dark beer (*Ohr L'tzyion* 2:20:19). Refer to *Orchos Rabbeinu* 1:page 128:117 who says today beer is not *chamar medina*. (The opinion of *Harav Yisroel Belsky Shlita* is that among the non-Jews it is *chamar medina*, but not among Jews).

27. *Magen Avraham* 272:6, *Mishnah Berurah* 296:12, 272:30, *Be'er Moshe* 6:54, *Nishmas Shabbos* 2:102.



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since it is not served at a regular meal.<sup>28</sup> The custom follows the first view.<sup>29</sup> (The volume of whiskey is not the subject of our discussion).<sup>30</sup>

### Soda, Orange Juice, Apple Juice,

The opinion of most *poskim* is that soda may not be used for *chamar medina*.<sup>31</sup> Some say that orange juice is viewed as *chamar medina*,<sup>32</sup> while others argue.<sup>33</sup> There is an opinion in the *poskim* that says apple juice is considered *chamar medina*.<sup>34</sup>

### Milk

Generally, milk is not considered *chamar medina*.<sup>35</sup> Some opine that it can be used in extraordinary situations.<sup>36</sup>

### Coffee and Tea

Many *poskim* say that tea and coffee may be used as *chamar medina*,<sup>37</sup> while others

28. Teshuvos V'hanugos 4:77, Ohr L'tzyion 2:20:19, Ashrei Yiladito page 231, Kovetz Bais Aron V'Yisroel 60:page 79.

29. Refer to Divrei Chachumim ibid. The same is true for liquor (See Minchas Yitzchok 10:22).

30. Refer to Shulchan Aruch 271:13, Magen Avraham 192:4, Minchas Shabbos 77:29:pages 54-55, Mishnah Berurah 272:30, Keren L'Dovid 87:1, Yabea Omer 3:19:8, Har Tzvi O.C. 1:159, Ashrei Yiladito page 231. See Taz 210:1, Mahrasham 1:175 who quotes many *Chasidisha Rabbonim* who were lenient, Chelkes Yaakov O.C. 89, Yesodo Yeshurin 4:pages 456-457, Be'er Moshe 6:54, Halachos Shel Pesach 2:page 186:14, B'mechitzas Rabbeinu page 123, Likras Shabbos 2:27:13 in depth.

31. Igros Moshe ibid, Rivevos Ephraim 4:186, Kovetz Bais Aron V'Yisroel 60:pages 79-80, Divrei Chachamim page 86:227 quoting the opinions of Harav Moshe Feinstein zt"l and Harav Yaakov Kamenetsky zt"l, The Radiance of Shabbos page 74:foontoe 15, opinion of Harav Aron Kotler zt"l quoted in Rabbi Webster Shlita on Pregnancy and Childbirth page 130:foontoe 61. Refer to Ashrei Yiladito page 232 about fruit juice, and page 234 about soda, Nishmas Shabbos 2:106. The opinion of Harav Sheinberg zt"l and Harav Elyashiv Shlita is to consider soda *chamar medina* (Divrei Chachamim page 86:227). See Shearim Metzuyanim B'halacha 5:page 74, Rivevos Ephraim 3:290 who seem to be lenient with soda. The opinion of Harav Gustman zt"l, Harav Ruderman zt"l and Harav Bloch zt"l (Telz) was to be lenient with soda (Rivevos Ephraim 3:page 358). Refer to Yesodo Yeshurin 4:pages 455-456.

32. Opinion of Harav Tuvia Goldstein zt"l quoted in Rabbi Webster Shlita on Pregnancy and Childbirth page 130:footnote 59, Nishmas Shabbos 2:105, Da'as Chazzon Ish ibid, Shulchan Shlomo 297:7:footnote 4. See Orchos Rabbeinu 1:page 128:17.

33. Opinion of Harav Halberstam zt"l ibid, Ohr L'tzyion 2:20:19.

34. Opinion of Harav Sheinberg Shlita quoted in Radiance of Shabbos page 74:footnote 14, Nishmas Shabbos 2:105, Halachos Shel Pesach ibid. See Likras Shabbos 2:27:17:footnote 29 who is stringent. The Shulchan Aruch Harav 472:29 says apple juice is considered like water.

35. Birchei Yosef 296:2, Sharei Teshuva 296:6, Mishnah Berurah 296:9, Yesodo Yeshurin 4:page 455, Nishmas Shabbos 2:103, Ohr L'tzyion 2:20:19, Kovetz Bais Aron V'Yisroel 60:pages 78-79, M'pineni HaRav page 87, see Rivevos Ephraim 2:119.

36. Aruch Ha'shulchan 272:14, 296:13, see 289:5, Igros Moshe ibid.

37. Refer to Da'as Torah 296:2, Aruch Ha'shulchan 272:14, Ashrei Yiladito pages 233-234, Rabbi Webster on Pregnancy and Childbirth in the Hebrew section pages 40-41:57. Opinion of Harav Sheinberg Shlita quoted in Divrei

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disagree.<sup>38</sup> However, many *poskim* say that tea with sugar may only be used if no other *chamar medina* beverage is available.<sup>39</sup> There are two reasons why it is questionable if coffee is considered *chamar medina*. First, it is not clear if coffee is a *mashka*, since it is merely water which has absorbed the flavor of the coffee beans. Second, one usually drinks coffee for its caffeine content, rather than as an important drink. This can be seen from the fact that one does not drink coffee because he necessarily likes it; rather, one drinks coffee to improve his performance, or to heighten his alertness. The proof to this is that one does not drink coffee more than once or twice per day.

It should be noted that those who rely on the lenient opinion should add sugar to the tea, and <sup>40</sup> milk and sugar to the coffee, when using it for *chamar medina*.<sup>41</sup>

## Water

Water is not considered *chamar medina* and may not be used for *bentching*, *kiddush*, or *havdala*.<sup>42</sup>

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Chachamim page 86:227, The Radiance of Shabbos page 74:footnote 16. See Rivevos Ephraim 4:186:1.

38. Ketzos Ha'shulchan 97:badi 8, Machzei Eliyahu 34, Yesodo Yeshurin 4:pages 454-455, Ohr L'tzyion 2:20:19, Yechaveh Da'as 2:38, Yabea Omer 3:19.

39. Refer to Aruch Ha'shulchan 272:14, 296:13, Igros Moshe ibid about tea, Shemiras Shabbos K'hilchoso 53:11, Tzitz Eliezer 8:16, Rivevos Ephraim 4:186, Nishmas Shabbos 2:104, Kovetz Bais Aron V'Yisroel 60:pages 75-78. Refer to Minchas Shabbos 96:6. The Tzitz Eliezer 14:42 says many *gedolim* in *Eretz Yisroel* and in *Chutz L'aretz* made *havdala* on black coffee or coffee with milk. The opinion of the Yechaveh Da'as 2:38 is that if one used coffee or tea as *chamar medina* then he has to repeat *kiddush* or *havdala*. Refer to Yabea Omer 3:19 who says if one can not drink wine on *Shabbos* day because it causes damage to him, then if making it on beer is not possible because he can not drink the *shiur* on an empty stomach, then he can make it on coffee, tea etc. The Tzitz Eliezer ibid says using coffee etc is permitted even for *havdala*.

40. Refer to Tzitz Eliezer 8:16 who says adding milk to coffee is not necessary. See Kovetz Bais Aron V'Yisroel 59:page 144.

41. Machzei Eliyahu 34.

42. Refer to Rashbam ibid, Birchei Yosef 296:2, Sharei Teshuva 296:6, Aruch Ha'shulchan 296:13, Kaf Ha'chaim 296:7. The same is true for lemonade and seltzer (Aruch Ha'shulchan 296:13).



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Compiled by Rabbi Moishe Dovid Lebovits

Volume 1 Issue 12



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