



Parashat Yitro

Kiddush and Havdala

By David Silverberg

Parashat Yitro documents the Revelation at Sinai and the pronouncement of the Ten Commandments, the fourth of which involves the sanctity of the Shabbat day: "*Zakhor et yom ha-Shabbat le-kadesh*" ("Remember the Shabbat day – to sanctify it" – Shemot 20:8). Maimonides, in his *Sefer Ha-mitzvot* (asei 155), and in *Mishneh Torah* (Hilkhot Shabbat 29:1), cites this verse as the Biblical origin of the obligatory *kiddush* recitation on Shabbat. In *Mishneh Torah*, Maimonides interprets this verse as follows: "*Zokhrehu zekhirat shevach ve-kiddush*." This phrase has no precise English equivalent; for our purposes we will translate it as, "Mention it with words of praise and sanctification." Maimonides appears to understand the word *zakhor* to mean not "remember," as it is commonly rendered, but rather as "mention" or "speak" (as in the modern Hebrew word *le-hazkir* – to mention). The Torah here ordains us to speak about the unique quality, stature and sanctity of Shabbat, thus establishing the familiar obligation of *kiddush*.

Maimonides' interpretation of this verse stands in contrast with the approach taken by Nachmanides, in his commentary to this verse. According to Nachmanides, "*Zakhor et yom ha-Shabbat*" indeed means, "Remember the day of Shabbat" and admonishes us to remain cognizant of Shabbat throughout the workweek. Since Shabbat serves as a reminder of the fundamental belief in God's creation of the world, it behooves us to keep Shabbat in mind each day of the week. Nachmanides argues that when the Sages extract from this verse the obligation of *kiddush*, they do so only from the word *le-kadesh* ("to sanctify it"), which requires designating the day as holy through verbal declaration. Maimonides appears to have understood the entire verse as a reference to *kiddush*, and does not codify an obligation to retain a constant awareness of Shabbat even during the week.

Reciting *Kiddush* Over Wine

In *Sefer Ha-mitzvot*, Maimonides makes reference to two rabbinic sources based on which he arrives at this interpretation of this verse. First, he points to a comment of the *Mekhilta* (the halakhic Midrash to the Book of Shemot), "Sanctify it [Shabbat] with a blessing," clearly understanding this verse as imposing an obligation to recite a special blessing in honor of Shabbat. He then proceeds to cite a famous comment from the Talmud (Pesachim 106a), "*Kadeshehu al ha-yayin*" – "Sanctify it over wine," which establishes the obligation to recite this blessing specifically over a cup of wine.

Maimonides' citation of this Talmudic source in *Sefer Ha-mitzvot* might leave us with the impression that he deems the cup of wine part of the Biblical obligation of *kiddush*. Meaning, the Torah obligates not merely reciting a blessing that speaks of the sanctity of Shabbat, but also doing so over a cup of wine.

However, a quick glance at Maimonides' discussion in *Mishneh Torah* reveals that this is not the case. After introducing the basic obligation to "mention it with words of praise and sanctification," he writes, "[There is an obligation] from the words of the Sages to recite *kiddush* over wine and recite *havdala* over wine" (Hilkhot Shabbat 29:6). Maimonides classifies the requirement of wine as part of the *kiddush* recitation as *divrei sofrim*, an obligation mandated by *Chazal*. (There is considerable discussion as to the precise meaning of the term *divrei sofrim* in Maimonides' writings; for the sake of simplicity, we will assume that it refers to a rabbinic

obligation.) Apparently, then, Maimonides understood the comment in the Talmud – "*Zokhrehu al ha-yayin*" – as referring to an *asmakhta*, a subtle allusion in the Biblical text for a law enacted by the Sages. He invokes this passage in *Sefer Ha-mitzvot* not as proof to a Biblical obligation to include a cup of wine as part of the *kiddush* recitation, but rather to demonstrate that the Sages understood this verse as referring to *kiddush*, and not as simply admonishing that one refrain from constructive work on Shabbat – an admonition which the Torah presents in the subsequent verse ("For six days you shall work...and on the seventh...you shall perform no constructive work...").

Thus, Maimonides maintains that the *kiddush* recitation constitutes a Biblical obligation, which the Torah introduces with the words, "Remember [or 'Mention'] the Shabbat day," whereas the requirement that this recitation take place in the context of drinking wine was enacted later, by the Sages. This is also the position of the *Sefer Mitzvot Gadol* (or *Semag*, by Rabbi Moshe of Coucy, France, 13th century). By contrast, Rashi, in his commentary to Masekhet Berakhot (20b), appears to have held that even the Biblical obligation of *kiddush* requires a cup of wine. Commenting on the Gemara's explicit classification of *kiddush* as a Torah obligation, Rashi cites the verse "Remember the Shabbat day" followed by the clause from Masekhet Pesachim, "*Zokhrehu al ha-yayin*," strongly suggesting that wine constitutes an integral component of the essential, Biblical obligation of *kiddush*. Likewise, the Tosafists (Pesachim 106a), after some deliberation, conclude that the Torah obligation demands reciting *kiddush* over a cup of wine, though the requirement to drink the wine after the recitation originates not from the Torah, but rather from rabbinic enactment.

Havdala

Maimonides' view concerning the status of the *havdala* (literally, "separation") blessing, recited upon the departure of Shabbat, has been subject to some discussion among the scholars. In *Sefer Ha-mitzvot*, he defines the obligation of "*Zakhor et yom ha-Shabbat le-kadesh*" as, "to sanctify the Shabbat and speak words [about it] when it enters and when it departs." This description strongly suggests an equation between the recitation conducted upon the onset of Shabbat – what we commonly call *kiddush* – and the blessing recited just after Shabbat – *havdala*. In fact, Maimonides cites the *Mekhilta* as stating explicitly that "*Zakhor et yom ha-Shabbat le-kadesh*" requires a recitation at both ends of Shabbat. Incidentally, it should be noted that this clause does not appear in prevalent editions of the *Mekhilta*. It seems, however, that an authoritative text to this effect was in circulation at some point. Rabbi Naftali Tzvi Yehuda Berlin (the *Netziv*, famous head of the Volozhin yeshiva, 19th century), in his work *Ha'amek She'eila* (266:1), cites a manuscript of the *She'iltot* (famous halakhic work from the Geonic period) containing such a passage. The *Netziv* likewise finds reference to a text of the commentary to Masekhet Nazir misattributed to Rashi which applies "*Zakhor et yom ha-Shabbat*" to both the onset and end of Shabbat. In any event, Maimonides' presentation in *Sefer Ha-mitzvot* appears to indicate that he understood the Torah obligation of "*Zakhor et yom ha-Shabbat*" as requiring the recitation of both *kiddush* as Shabbat begins and *havdala* upon the conclusion of Shabbat.

Maimonides' comments in *Mishneh Torah* seem to corroborate this assumption: "It is a positive obligation from the Torah to verbally sanctify the Shabbat day... And one must mention it when it enters and when it departs: when it enters – though the day's *kiddush*, and when it departs – through *havdala*" (Hilkhhot Shabbat 29:1). This impression is reinforced several passages later (29:5), where Maimonides writes:

It is forbidden for a person to eat or drink wine from time when the day becomes sacred [when Shabbat begins] until he performs *kiddush*; similarly, from the point when the day [of Shabbat] leaves it is forbidden for him to begin eating or drinking...until he performs *havdala*.

Here, too, he appears to draw an equation between *kiddush* and *havdala*. Indeed, the *Maggid Mishneh* (classic commentary to *Mishneh Torah* by Rabbi Vidal Yom Tov of Tolosa, Spain, late 12th-early 13th century) understood that Maimonides equates *kiddush* and *havdala*, classifying both as a Torah obligation mandated by the dictum, "*Zakhor et yom ha-Shabbat*."

The confusion surrounding Maimonides' position arises from two adjacent passages later in this chapter in *Mishneh Torah* (Hilkhhot Shabbat 29:12-13), where he addresses the scenario of one who recites *kiddush* or *havdala* as he concludes a meal. As the Talmud discusses, when *birkat ha-mazon* (grace after meals) is recited by a group, it should be recited over a cup of wine; the one leading the recitation then drinks the cup after *birkat ha-mazon*. In the final chapter of Masekhet Pesachim, the Gemara discusses the question of whether the cup used for *birkat ha-mazon* may be used as well for *kiddush*, in cases where one completes a meal at the time of the onset of Shabbat. Ultimately, the Gemara concludes (Pesachim 102b) that since *kiddush* and *birkat ha-mazon* constitute *terei milei* – two distinct entities – it is forbidden to use one cup of wine for both these *mitzvot*. This ruling involves the principle of *ein osin mitzvot chavilot chavilot*, that *Halakha* forbids "piling" *mitzvot* together, rather than affording each one its own independent context. Maimonides indeed codifies this law, that one who completes a meal as Shabbat begins must use a separate cup of wine for *kiddush*, and may not use the cup over which *birkat ha-mazon* was recited. He explains, "for one may not perform two *mitzvot* with a single cup" (Hilkhhot Shabbat 29:13).

Surprisingly, however, Maimonides distinguishes in this regard between *kiddush* and *havdala*. Addressing the parallel scenario of one who concludes his meal as Shabbat ends, Maimonides rules that one may use for *havdala* the cup over which *birkat ha-mazon* was recited. The Ra'avad (famous 12th-century critic of Maimonides), in his glosses on *Mishneh Torah*, disagrees with Maimonides' ruling, and claims that only if no other cup of wine is accessible may one use the same cup for both *birkat ha-mazon* and *havdala*. Otherwise, as in the case of *kiddush*, *Halakha* would forbid combining the two *mitzvot* into a single cup of wine.

This distinction drawn by Maimonides between *kiddush* and *havdala* led Rabbi Yosef Kapach (20th century scholar of Maimonides) to conclude that Maimonides did not afford to *havdala* the status of Biblical obligation. In his commentary to *Mishneh Torah*, Rabbi Kapach contends that in Maimonides' view, the principle of *ein osin mitzvot chavilot chavilot* applies only when both *mitzvot* involved are Torah obligations. Maimonides would allow combining two *mitzvot* and performing them with the same cup if one is rabbinic in origin. Only in this manner, Rabbi Kapach argues, can we understand the distinction drawn by Maimonides between *kiddush* and *havdala*. Maimonides must have perceived *havdala* as a rabbinic obligation, and he therefore sanctioned the use of a single cup of wine for *birkat ha-mazon* and *havdala*; *kiddush*, however, is mandated by Torah law, and thus requires its own cup.

It would seem, however, that this ruling of Maimonides – counterintuitive as it may be – is insufficient grounds to dismiss the straightforward implication of his comments both in *Mishneh Torah* and *Sefer Ha-mitzvot*, to the effect that *kiddush* and *havdala* comprise two elements of the same Torah obligation. Two towering rabbinic scholars addressed Maimonides' difficult ruling and suggested explanations that accommodate the presumption that he afforded equal status to *kiddush* and *havdala*. The *Chatam Sofer* (Rabbi Moshe Sofer, Austria-Hungary, 1762-1839), in one of his responsa (*Orach Chayim*, 75), suggested that Maimonides allowed using a single cup for *birkat ha-mazon* and *havdala* because in this case, the two serve a similar function, described by the *Chatam Sofer* as *siluk ha-Shabbat* – the departure of Shabbat. Reciting *birkat ha-mazon* after completing one's final meal on Shabbat in a sense marks the conclusion of his Shabbat observance, resembling the *havdala* recitation, which establishes the culmination of Shabbat and the onset of the workweek. In the corresponding case of *kiddush*, however, where one concludes a Friday afternoon meal as Shabbat begins, the *birkat ha-mazon* recitation and *kiddush* serve directly contrasting roles. The *birkat ha-mazon* brings closure to his weekday activity, whereas *kiddush* declares the onset of Shabbat. In this case, then, it would indeed be inappropriate to combine these two, contrasting *mitzvot* into the same context by using a single cup for both. At Shabbat's end, however, it is

perfectly acceptable to use one cup for signifying two parallel expressions of the conclusion of Shabbat and the onset of a new week.

Of course, the *Chatam Sofer's* approach works off the questionable assumption that *ein osin mitzvot chavilot chavilot* forbids not the combining of two conceptually distinct *mitzvot*, but rather merging two *mitzvot* geared towards two different objectives. In his view, if two *mitzvot* serve a similar function, then, notwithstanding their halakhic classification as two distinct laws, one would be allowed to combine them into a single context. This assumption would have to be tested against all other instances where we apply the rule of *ein osin mitzvot chavilot chavilot*, an endeavor that lies beyond the scope of our discussion.

Rabbi Yosef Dov Soloveitchik, in one of his famous *yahrtzeit* lectures (transcribed in *Shiurim Le-zekher Abba Mari*, vol. 2), suggests a different approach to explain Maimonides' distinction between *kiddush* and *havdala*. As Rabbi Soloveitchik demonstrates, reciting *kiddush* over a cup of wine serves an additional function beyond simply fulfilling the obligation of *kiddush*, namely, *kevi'ut se'uda* – lending formal context to one's meal. *Halakha* requires eating meals on Shabbat, and it is the *kiddush* recitation at the onset of one's meal that formally defines the subsequent eating as a formal, halakhic *se'uda* (meal). This element is absent in the context of *havdala*; leaving aside the issue of the precise halakhic nature of *melaveh malka* (the meal traditionally eaten on *Motza'ei Shabbat*), there is clearly no requirement to lend formal context to a meal after Shabbat by reciting a blessing over wine.

According to Rabbi Soloveitchik, this difference between the cup of wine used for *kiddush* and the cup used for *havdala* accounts for the distinction Maimonides draws between *kiddush* and *havdala* with regard to using the cup that had been used for *birkat ha-mazon*. He argues that the cup used for *birkat ha-mazon* serves to establish the conclusion of the meal, and in this sense is incorporated as part of the meal. This designation of the cup used for *birkat ha-mazon*, as part of the meal that has now concluded, is mutually exclusive to any other formal, halakhic designation. For this reason, *Halakha* does not allow using this cup for *kiddush*; once it has been formally incorporated into the context of the previous meal, it cannot then be formally incorporated into the next meal – the Shabbat meal – through its use for *kiddush*. But this problem does not arise when dealing with *havdala*. Since, as mentioned, the *havdala* cup is not formally incorporated into a halakhic framework of a meal, one may use for *havdala* the cup that had been designated for *birkat ha-mazon*. The problem, in Maimonides' view, arises only when the cup is being pulled into two disparate contexts. Using a cup for *havdala*, however, which does not constitute part of the halakhic framework of a meal, does not entail its designation as part of a separate context, and therefore the cup used for *birkat ha-mazon* may be used for *havdala*, as well.

In any event, according to both the *Chatam Sofer* and Rabbi Soloveitchik, we may differentiate between the *kiddush* cup and the *havdala* cup while accepting their equal status as components of the Torah obligation of "*Zakhor et yom ha-Shabbat le-kadesh.*" Thus, the distinction Maimonides draws between the two regarding the use of a cup that had been used for *birkat ha-mazon* should not compel us to reconsider his stance regarding the nature and stature of *havdala*.

Another indication that Maimonides perceived *havdala* as the post-Shabbat counterpart to *kiddush* arises from a ruling later in this same chapter (Hilkhos Shabbat 29:11). He writes that just as one may recite *kiddush* before sundown on Friday afternoon, before Shabbat would otherwise begin, so may one recite *havdala* a bit before sundown on Shabbat day, even though Shabbat has yet to come to an end. Rabbi Menachem Meiri (France, late 13th century), in his commentary to *Masekhet Berakhot* (27), raises the obvious difficulty of how one can declare the end of Shabbat before its actual departure. Before Shabbat, one is empowered to extend Shabbat into late Friday afternoon, and it is therefore readily understandable how *kiddush* can be recited before sundown. With regard to *havdala*, however, this seems difficult to explain. While this point still requires further clarification, the difficulty is at least mitigated somewhat – as the Meiri ultimately concludes – if we acknowledge a parallel of sorts between *kiddush* and *havdala*. If these two recitations sever similar functions, demarcating the day of Shabbat on either end, then it perhaps stands to reason that

just as *Halakha* allows some flexibility with regard to the *kiddush* recitation when Shabbat begins, so may one be flexible in his recitation of *havdala* as Shabbat comes to a close.

Several writers questioned the possibility of classifying *havdala* under the same category as *kiddush* in light of a *halakha* established in the Talmud (Pesachim 117b) requiring that the recitation of *kiddush* include a reference to the Exodus. Since Shabbat commemorates both the world's creation (as indicated in Shemot 20:11) and the Exodus from Egypt (as indicated in Devarim 5:15), *kiddush* must make mention of these two themes. Indeed, the text of our *kiddush* (as Maimonides presents in Hilkhot Shabbat 29:2) includes the expression "*zekher le'yetzi'at Mitzrayim*" – "commemorating the Exodus from Egypt." The text of *havdala*, however, makes no mention whatsoever of our nation's departure from Egypt. How, then, could Maimonides accord *havdala* the same status as *kiddush*?

Rabbi Yehoshua Neuwerth, author of the famous compendium of laws of Shabbat *Shemirat Shabbat Ke-hilkhata*, summarizes some of the answers that have been suggested to resolve this difficulty (vol. 2, chapter 58, note 18). He concludes his discussion by noting that Maimonides makes no mention of this requirement to include the Exodus as part of the text of *kiddush*. Although in prevalent editions of *Sefer Ha-mitzvot* one will, in fact, find mention of this requirement, this comment is omitted from Rabbi Chayim Heller's more recent and more authoritative edition of *Sefer Ha-mitzvot*. Rabbi Neuwerth adds that the *Sefer Ha-chinukh* (*mitzva* 31), in his presentation of this *mitzva*, appears to cite Maimonides virtually verbatim and omits any reference to such a requirement. It thus stands to reason that Maimonides, for one reason or another, ruled against the Gemara's statement that reference to the Exodus is indispensable for the recitation of *kiddush*.

This question concerning the origin and stature of *havdala* yields a number of other interesting ramifications. Most famously, perhaps, is the issue concerning women's inclusion in the obligation of *havdala*. The Talmud (Berakhot 20b) remarks that the obligation of *kiddush* applies equally to both men and women. If, as Maimonides' formulation implies, *havdala* and *kiddush* together comprise an integrated *mitzva* of "*Zakhor et yom ha-Shabbat*," then women would be obligated in *havdala* just as they are vis-à-vis *kiddush*. If, however, we relegate *havdala* to the status of rabbinic obligation, then we have no compelling indication as to whether it applies to women, as well. The halakhic authorities indeed address this issue at length. The *Shulchan Arukh* (O.C. 296:8) cites two views on the matter, and the Rama (in his glosses to the *Shulchan Arukh*) therefore concludes that a woman should preferably not recite *havdala*, and rather listen to its recitation from a man. If, however, no man is available to recite *havdala* on her behalf, she may – and indeed should – recite *havdala* herself (*Mishna Berura* 296:35).

Yet another instance where this issue will likely affect the *halakha* concerns a boy or girl (assuming women are included in the obligation) who becomes a *bar/bat mitzva* on Saturday night. The young man or woman was not obligated in *mitzvot* (at least not on the level of Torah obligation) at the onset of Shabbat, but once Shabbat comes to an end he/she now becomes fully obligated like all Jewish adults. Must the young man or woman recite *havdala*? Said otherwise, can the obligation of *havdala* exist independent of *kiddush*? Presumably, this would depend on the halakhic status of *havdala*. If, as Maimonides implies, *havdala* and *kiddush* together comprise the Torah obligation of "*Zakhor et yom ha-Shabbat le-kadesh*," then each would likely hinge on the other. Since the obligation is defined – as Maimonides writes – as sanctifying the day of Shabbat at either end, one who was not obligated in *mitzvot* when Shabbat began would not be obligated to recite *havdala* even if by that point he had become obligated. Indeed, several prominent 20th-century authorities, including Rabbi Tzvi Pesach Frank (*Har Tzvi*, O.C. 165) and Rabbi Betzalel Stern (*Be-tzel Ha-chokhma*, 1:72:3), arrived at this very conclusion.

Kiddush on Yom Tov

Finally, let us turn our attention to the issue of the *kiddush* recitation on Yom Tov, which Maimonides addresses later in this chapter: "Just as one recites *kiddush* on Shabbat eve and recites

havdala when Shabbat departs, so does one recite *kiddush* on the eve of festivals and recite *havdala* when a festival departs, for they are all the Sabbaths of the Lord" (Hilkhos Shabbat 1:18). A number of writers, including the *Minchat Chinukh* (Rabbi Yosef Babad, 19th century) and Rabbi Yosef Kapach, deduced from Maimonides' formulation that the *kiddush* recitation on Yom Tov is equivalent in stature to the *kiddush* recited on Shabbat. After all, Maimonides very clearly emphasized the point that Yom Tov, too, falls under the category of "the Sabbaths of the Lord," seemingly indicating that the imperative, "*Zakhor et yom ha-Shabbat le-kadesho*" applies equally to Yom Tov, as well. By contrast, the *Maggid Mishneh*, commenting on this passage, writes, "Know that *kiddush* on Yom Tov is not a Torah law." Somewhat surprisingly, the *Maggid Mishneh* makes no attempt to reconcile his definitive position with Maimonides' comments. He quite possibly interpreted Maimonides as affording *kiddush* on Yom Tov the status of a Torah obligation, and simply disputed his ruling.

Later in *Mishneh Torah* we come upon another passage that might shed light on this subject. In Hilkhos Avodat Kokhavim (12:3), Maimonides presents the rule exempting women from time-bound Torah obligations (*mitzvot aseï she-ha-zeman gerama*), and then proceeds to list the exceptions to this principle: "except for the day's *kiddush*, eating *matza* on the nights of Pesach..." The *Lechem Mishneh* (classic commentary to *Mishneh Torah* by Rabbi Avraham Di Boton, 16th century) cites a different edition in which the text reads, "except for *kiddush* of Shabbat and Yom Tov." According to this text, Maimonides includes the Yom Tov *kiddush* among his list of time-bound Torah obligations that apply to women, which would conclusively demonstrate that he considers *kiddush* on Yom Tov a Biblical imperative. Interestingly, the *Lechem Mishneh* dismisses this text in deference to the *Maggid Mishneh's* definitive ruling that this obligation is rabbinic in origin.

In what sense can we classify the festivals under the category of Shabbat? How can Maimonides claim that the term *Shabbat* – at least in the context of *kiddush* – refers to Yom Tov, as well?

Rabbi Kapach, in his commentary, elaborates on this point and suggests the following explanation. As we mentioned earlier, the Torah describes Shabbat observance as a commemoration of two events. Here in Parashat Yitro (20:11), Shabbat is depicted as a commemoration of the world's genesis, whereas in the Book of Devarim (5:15), Shabbat emerges as a reminder of the Exodus from Egypt. Rabbi Kapach contends that each of the two different types of "Shabbat" commemorates one of these two events. The "Shabbat" observed on the seventh day of the week, the day on which the Almighty ceased the process of creation, clearly serves as a reminder of God's role as Creator. The festivals, however, which Maimonides considers another form of "Shabbat," commemorate the Exodus from Egypt, as they celebrate historical events related – in one way or another – to *Yetzi'at Mitzrayim*. As Rabbi Kapach demonstrates from Maimonides' comments in an entirely different context, these two themes – creation and the Exodus – are very closely related. The primary message of the Exodus is the Almighty's unlimited control over nature and the universe generally. And in the *Guide for the Perplexed* (2:25), Maimonides very clearly associates this belief, in God's boundless power over nature, with the belief in His having created the world (as opposed to Aristotle's theory of the eternity of the universe):

If we were to accept the Eternity of the Universe as taught by Aristotle, that everything in the Universe is the result of fixed laws, that Nature does not change, and that there is nothing supernatural, we should necessarily be in opposition to the foundation of our religion, we should disbelieve all miracles and signs, and certainly reject all hopes and fears derived from Scripture... Accepting Creation, we find that miracles are possible, that Revelation is possible...

Aristotle's doctrine of the eternity of the universe means that the world exists independently of God, and is therefore outside the sphere of His power and dominion. Only the belief in God as Creator

allows for the notion manifest through *Yetzi'at Mitzrayim* – the concept of the Almighty's unlimited ability to overturn nature and directly intervene and even disrupt the natural course of world events.

In this sense, then, Shabbat – which commemorates genesis – and Yom Tov – which commemorates the Exodus – are indeed thematically related, as both underscore the theme of God as Creator and the consequent belief in His unrestrained power and dominion over the world's natural order.