

# Insights into Halacha

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*(PhiloTorah editor's notes in green)*

## Havdala for Shabbat Chazon

The main problem is that the very essence of Havdala is ending Shabbat, resulting in the fact that it is actually recited during CHOL, weekday. That is fine for an ordinary week, but Motza'ei Shabbat Chazon is halachically part and parcel not only of the Nine Days, but actually considered SHAVUA SHECHAL BO TISH'A B'AV. This means that even S'fardim, who are generally lenient with the Three Weeks and Nine Days restrictions, are still required to keep them during the week of Tish'a b'Av. And one of these restrictions prohibits drinking wine, the mainstay of Havdala. So how are we supposed to synthesize making Havdala while not transgressing this restriction?

### Just Drink It!

The first approach to this problem is the Shulchan Aruch's. He maintains that whoever makes the Havdala should just drink the wine himself. The GR"A explains this position (and is later echoed by the Mishna B'rura) that Havdala is no worse than a Seudat Mitzva; just as at a Seudat

Mitzva (such as a Brit) one may drink the wine even if it falls out during the week of Tish'a b'Av, so too with Havdala. They add that, according to the Shulchan Aruch, these restrictions were never intended to negate a Mitzva. This ruling is accepted and followed by S'fardic Jewry, and their psak is to drink the Havdala wine of Shabbat Chazon.

*Non-alcoholic grape juice would not be any more preferential for Havdala for havdala of Shabbat Chazon. The Shulchan Aruch mentions that any wine, including freshly-made wine is forbidden. The Mishna B'rura explains that even though it is sweet and weak, and could not be used as a libation in the Beit HaMikdash, it is still forbidden because the accepted restriction does not differentiate, but rather is to refrain from all types of wine. Since this weak beverage is still considered 'wine', we do not drink it during the Nine Days. The same would apply to our ubiquitous grape juice, which is still considered a type of wine. Therefore, halachically, using it for Havdala is no more of a solution than drinking wine.*

### Child Care

The Rama's opinion is a bit more complicated. He maintains that it is preferable to find a child and let him drink the Havdala wine. That way, the one who actually makes the Havdala does not have to transgress this prohibition. He concludes, however, that ME'IKAR HADIN the Shulchan Aruch is correct, and if one cannot find a child to drink the wine, then an adult may do so.

But one detail the Rama does not mention is how old this child should be. The Magen Avraham qualifies the Rama's ruling. He explains that the child must not be old enough to be able to mourn the destruction of the Beit HaMikdash, for if a child is able to understand and properly mourn, there is no halachic advantage gained by having him drink the wine. Additionally, the child must be old enough to understand the need to make a bracha before drinking, for, if not, the Havdala would end up being a B'RACHA L'VATALA, in vain, unless an adult drinks the wine. So basically, to fulfill the Rama's ruling, ideally, L'CHATCHILA, the child must be in the ballpark of 6 to 9 years old; otherwise, it would be preferable for an adult to drink it. This ruling is followed by most mainstream Ashkenazic authorities, including the Magen Avraham, Chayei Adam, Kitzur Shulchan Aruch, and Mishna Berura.

## **Can You Beer It?**

However, there is a third opinion, that of the Aruch HaShulchan. He maintains that the best solution to our concern is to make Havdala on Motza'ei Shabbat Chazon using beer instead of wine. Since beer is cited throughout the ages as a CHAMAR MEDINA, a 'drink of the land' on which Havdala is permitted to be made, it would therefore be the simplest resolution to our problem.

However, many authorities remain hesitant to rely on this L'MAASEH. The reason for this is that there is no clear-cut delineation of what CHAMAR MEDINA actually is or how to properly define it, resulting in different poskim having very different understandings of its parameters.

For example, many authorities maintain that one may only rely on using CHAMAR MEDINA if wine cannot be found anywhere in the city. Others maintain that it must be a popular drink that people would always serve at a proper meal.

*Aruch HaShulchan maintains that even if wine is available, as long as beer is very popular drink, one may make Havdala with it. Teshuvos V'Hanhagos implies similarly but argues that nowadays beer would no longer fit the bill, but tea and coffee would.*

A different definition cited is that it must be a drink that one would serve to honor someone. Others define it as a drink that can be intoxicating, making having alcoholic content a prerequisite. Another view is that it must be a drink that has inherent importance. Others say it refers to a drink that one has an affection for or affinity to drinking.

Although our ubiquitous beer fits many of these definitions, still the Magen Avraham and Vilna Gaon ruled that in Ashkenaz, beer has lost its status of CHAMAR MEDINA. Also,

due to the whole MACHLOKET regarding defining CHAMAR MEDINA, as well as the fact that many authorities rule that if wine is available, it trumps beer for Havdala, consequently, many poskim are hesitant about fulfilling the mitzva of Havdala with beer in this day and age. Additionally, based on how beer is viewed nowadays, and especially in Eretz Yisrael, several poskim, including the Chazon Ish, rule that beer would no longer be considered CHAMAR MEDINA.

Conversely, many contemporary authorities do indeed confirm beer as CHAMAR MEDINA, even nowadays; yet, they still generally maintain wine's superiority for Havdala.

## What To Drink?

So now that we explained that there is a three-way MACHLOKET, what's the bottom line?

Generally speaking, S'fardim follow the ruling of the Shulchan Aruch and the adult who makes the Havdala should drink the wine. Most mainstream Ashkenazim follow the Rama's psak and try to find a child in the proper age range (approx. 6-9). If one cannot be found, then an adult should drink the wine. Yet, surprisingly, several contemporary Ashkenazic poskim, including Rav Yosef Chaim Sonnenfeld, the Chazon Ish, and Rav Shlomo Zalman Auerbach,

held that it is preferable to follow the ruling of the Shulchan Aruch and an adult should rather drink the wine than a child (*and rather than using CHAMAR MEDINA*).

But what of the Aruch HaShulchan's beer solution? Certainly the authorities mentioned previously who allow beer's use for Havdala year-round would permit one to do so Motza'ei Shabbat Chazon as well. Rav Dovid Feinstein zt"l is quoted as maintaining beer's actual preference for Havdala on Motza'ei Shabbat Chazon. Indeed, this author has likewise heard from Rav Efraim Greenblatt zt"l (the renowned Rivivos Efrayim) that one may make Havdala with beer on Motza'ei Shabbat Chazon with no compunction.

In somewhat of a contrast, mv"r Rav Yaakov Blau zt"l told this author that although he personally held that it was preferable for an adult to drink the Havdala wine, nonetheless, he gave dispensation to one who was accustomed to making Havdala on beer, or one whose minhag was to do so on Motza'ei Shabbat Chazon, to continue doing so, even in Eretz Yisrael. Rav Shlomo Zalman Auerbach zt"l held similarly.

Interestingly, it is reported that the Bobover Rebbe zy"va, would make Havdala on Motza'ei Shabbat Chazon on wine and drink it himself, but when Tish'a b'Av would fall out on Motza'ei

Shabbat, on that Motza'ei Tish'a b'Av he would make that Havdala specifically on beer.

However one ends up making Havdala [make sure to discuss this with your local rabbinic advisor in advance], it is important for us all to remember that these restrictions were instituted by our Rabbanim as a public show of mourning during the most devastating time period on the timeline of the Jewish year. Our goal should be to utilize these restrictions as a catalyst for inspiration towards Teshuva. It is worthwhile to do so, as well. As the Gemara relates, everyone who observes and properly demonstrates their personal mourning over the destruction of Yerushalayim will merit seeing its rejoicing.

*Rabbi Spitz's footnotes are very extensive. The ones I decide to include are few among the many. If you want more than this PhiloTorah column provides, click on the website, find the topic and do some more reading.*

*For any questions, comments or for the full Mareh Mekomot / sources, please email the author: [yspitz@ohr.edu](mailto:yspitz@ohr.edu)*

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**Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.**

Rabbi Yehuda Spitz's English halacha sefer, "Food: A Halachic Analysis" (Mosaica/Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere.