

Eating Before Tekias Shofar: Revisiting the Custom of Yeshivos

There are so many sacred memories that stay with us from the special time that we spend in Yeshiva in Israel. I was privileged to spend one year at Yeshivas Reishis Yerushalayim, at that time located in the Old City of Yerushalayim. Of the many unique memories that stuck with me, I will never forget the moment that I first realized what was happening prior to *tekias shofar*. As the haftarah ended (I cannot recall if there was a *derasha* beforehand), the second-year boys began to place table cloths on our tables. Before I knew what happened, there were some of Brooklyn Bakery's (in Meah Shearim) most delicious cakes set in front of us. Kiddush was made and we partook. I thought: What a great idea!

The following year, as I returned home for the Yamim Noraim, the haftarah ended, the *derasha* was given, but no kiddush to follow. As my stomach growled in despondency, I began to wonder: Are we stricter than the yeshivas? Why can't we take a kiddush break before *tekias shofar* as well? So I would like to offer a few thoughts about the issue of eating before *tekias shofar*.

We find no shortage of *mitzvos* in which the rabbis were concerned about eating prior to performing them:

The Mishna in *Shabbos* 9b, states:

לא ישב אדם לפני הספר סמוך למנחה עד שיתפלל, לא יכנס אדם למרחץ ולא לבורסקי



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ולא לאכול ולא לדין. ואם התחילו אין מפסיקין. *A person should not sit before the barber, prior to mincha, nor go to the bathhouse, the tanner, to eat (a meal) or to court. If they began, they are not required to stop.*

The Gemara explains that the rabbis were concerned that these activities sometimes lasted for an extended period of time and while one is engaged in these activities, one may forget to recite the mincha prayers.

Regarding the taking of the lulav, the *Shulchan Aruch, Orach Chaim* 652:2, citing the Mishna, *Sukkah* 38a says:

אסור לאכול קודם שיטלנו ואם שכח ואכל ונזכר על שלחנו ביום הראשון שהוא מן התורה יפסיק, אפי' יש שהות ביום ליטול אחר שיאכל ומיום ראשון ואילך אם יש שהות ביום לא יפסיק; ואם לאו, יפסיק הגה: ואם התחיל לאכול יותר מחצי שעה קודם שהגיע זמן חיובו, אפי' ביום ראשון א"צ להפסיק בדאיכא שהות ביום (ר"ן פ' לולב הגזול).

It is prohibited to eat before taking [the lulav] and if one forgot and ate and remembered while eating, if it is the first day, where the obligation to take a lulav is biblical, one must stop eating, even if there is time to take it after the meal. After the first day, if there is time to take it after the meal, one is not required to

stop, and if not one must stop. [Glosses of Rema:] If one began to eat more than a half hour before the time of obligation, one is not required to stop even on the first day, provided that there is enough time in the day to perform the mitzvah [after the meal].

Perhaps even more poignantly, the *Rema, Orach Chaim* 692:4 (commenting on the *Shulchan Aruch's* ruling that a person unable to wait until after Megillah to eat, may hear the Megillah as early as *plag hamincha*):

אבל אסור לאכול קודם שישמע קריאת המגילה אפי' התענית קשה עליו (תה"ד סימן ק"ט).

But it is forbidden to eat prior to hearing the Megillah, even if one finds the fast difficult.

The reason why this last case is so crucial in relation to the other aforementioned examples is that one could make the following argument: Reading the Megillah is only a *mitzvah midivrei sofrim*, a mitzvah instituted by the rabbis, and yet we are so strict when it comes to eating beforehand. As such, we should certainly be strict when it comes to eating prior to

tekias shofar. Indeed, in discussing whether it is permissible to eat before the daytime reading of the Megillah, the *Mishna Berurah* 692:15, groups shofar together with Megillah and lulav, in prohibiting eating before the performance of these *mitzvos*:

ודע דכמו בלילה אסור לאכול קודם קריאתה
ה"ה ביום אפילו כבר התפלל אסור לאכול
קודם קריאתה וכמו לענין שופר ולולב.

And you should know, that just like it is forbidden to eat prior to its reading (Megillah) at night, the same would apply to the daytime, even if one prayed already, it is forbidden to eat before its reading just like shofar and lulav.

On the other hand, it is particularly interesting that while the *Shulchan Aruch* mentions a prohibition against eating prior to so many other *mitzvos*, we do not find any specific mention of a prohibition when it comes to *tekias shofar*. Instead, we are left to infer from the other examples we cited that the same law would apply.

This obvious omission was indeed noted by Rabbi Shimon Sofer in his *Hisorerus Teshuva* no. 225. If there is indeed a prohibition relating to eating prior to *tekias shofar*, why is there no mention of it in the Talmud, or the *Shulchan Aruch*, as there is by other *mitzvos*, such as those mentioned above?

According to the first approach, the permission to eat before *tekias shofar* is directly dependent upon whether or not true fear of judgment exists. If not, it is arguable that no such dispensation is granted. If it is the result of a calendaric rule, then it should remain intact, regardless of the overall feeling and mindset of the people.

His first suggestion is that due to the fear that people have of the Days of Awe and Judgment, they will surely be attentive as not to miss *tekias shofar*. He adds that we do find a precedent that the fear of judgment mitigates the rabbinic prohibition against reading by the light of a candle. The rabbi prohibited reading by the light of a candle on Shabbos out of concern that one might tilt the candle. [It is generally assumed that this prohibition does not apply to electric lighting (see *Beiur Halacha* 275:1 and *Yechaveh Da'as* 6:20).] The *Shulchan Aruch, Orach Chaim* 275:8 states:

נוהגים לקרות בליל יו"כ במחזורים, מפני
שאימת יוה"כ עליהם.

It is common practice to read from machzorim (by the lamp) on the eve of Yom Kippur, since the awe of judgment is upon them.

On Yom Kippur, one may read by the light of a candle and there is no concern for tilting the candle because the awe of the day will prevent a person from accidentally tilting the candle. Rabbi Sofer suggests that similar logic can be applied to eating before *tekias shofar*.

Rabbi Sofer offers a second reason to be lenient, one of lesser fame, based on the Mishna in *Rosh Hashana* 30a:

בראשונה היו מקבלין עדות החדש כל היום,
פעם אחת נשתהו העדים מלבוא, ונתקלקלו
הלויים בשירה. התקינו שלא יהו מקבלין אלא עד
המנחה.

At first, they accepted the testimony for the [new] month all day. One time, the witnesses delayed coming and the Leviim mistakenly sang the incorrect song. Therefore, they instituted that they should only accept [testimony] until [the time of] mincha.

The Mishna tells us of the procedure for *Kiddush hachodesh*. On the 30th day of the month, the Beis Din would wait to see if witnesses would come and declare the new month.

In the morning, to accompany the *tamid shel shachar*, the daily morning sacrifice, the Leviim would sing the weekday song (there was a song to accompany this sacrifice for every weekday and special ones for Shabbos and holidays). This was because the witnesses rarely came in the morning. Therefore, the rabbi never instituted the special song for Rosh Hashana along with the *tamid shel shachar*; only alongside the daily afternoon sacrifice. Nevertheless, until the day was declared as Rosh Hashana, they treated it as a regular weekday. The assumption was that eating was permitted until the witnesses came. If so, even though we now have a set calendar and we know when Rosh Hashana is, the allowance to eat is still intact. This, Rabbi Sofer suggests, is how the custom developed to allow eating prior to *tekias shofar*.

Perhaps there is an important practical difference between the two approaches of Rabbi Sofer. According to the first approach, it would seem that the permission to eat before *tekias shofar* is directly dependent upon whether or not true fear of judgment exists. If not, as may be the

case today, it is arguable that no such dispensation is granted. On the other hand, if it is the result of a calendaric rule, then it should remain intact even today, regardless of the overall feeling and mindset of the people.

Aside from the practical motivation behind making kiddush before *tekiyas shofar*, there is a halachic motivation to do so as well. On an ordinary yom tov, there is a prohibition against fasting. Included in the prohibition is waiting until after midday to eat. Generally, the Rosh Hashana prayers finish after midday. The solution to this problem is to have kiddush before *tekiyas shofar*.

Nevertheless, while it is prohibited to fast until midday on an ordinary yom tov, the same might not be true of Rosh Hashana. The prohibition against fasting on yom tov is a function of *simcha*, joy. Is Rosh Hashana a day of *simcha*? The Gemara, in explaining why we don't recite Hallel on Rosh Hashana states:

אמר רבי אבהו אמרו מלאכי השרת לפני הקב"ה רבש"ע מפני מה אין ישראל אומרים שירה לפניך בר"ה וביום הכפורים אמר להם אפשר מלך יושב על כסא דין וספרי חיים וספרי מתים פתוחין לפניו וישראל אומרים שירה.

R. Abahu said: The angels said before the Holy One Blessed be He, Master of the Universe, why don't the Jewish people recite Hallel before you on Rosh Hashana and Yom Kippur? He said to them, is it possible that the King is sitting on the seat of judgment and the books of life and

books of death are open before Him and the Jewish people should recite Hallel?

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Yet despite the lack of recitation of Hallel, the Rosh (*Rosh Hashana* 4:14) rules that it is prohibited to fast on Rosh Hashana. This ruling is codified in *Shulchan Aruch, Orach Chaim* 697:1. However, *Mishna Brurah* 697:2, notes that there is no requirement to eat before midday. This ruling seems to be a concession to the approach that Rosh Hashana is not a day of *simcha*, but rather a day characterized by "the books of life and death are opened before you." Ironically then, fear of judgment serves as a reason to permit having a kiddush, but also serves as a reason to permit not having a kiddush.

How do we balance the *simcha* of Rosh Hashana with the fear of judgment?: The *Tur* 581 mentions an interesting midrash:

ואוכלין ושותין ושמחים בר"ה לפי שידועין שהקב"ה יעשה להם נס.

They eat and drink and celebrate on Rosh Hashanah because they know that Hashem will make a miracle for them.

Even while we are entrenched in the prayers and seriousness of the day, we have the utmost confidence that Hashem wants so much to forgive us and grant us a good year ahead. In one moment we can tremble as we recite the words of *Unesaneh Tokef* and a moment later sing the triumphant

Responding to the Fear of Judgment

The fear of judgment is portrayed poignantly in the prayer *Unetaneh Tokef*, which (based on the Mishna, *Rosh HaShanah* 16a) compares us to a flock of sheep walking single file. The farmer counts each one and then every tenth is marked for a sacrifice. R. Yitzchak Blazer, *Kochvei Or* pg. 174, notes that if the marked sheep has any intelligence, he would jump into the river and wash off any marking that the farmer put on him. We too, enter the High Holiday season with the fear of judgment, the fear that a marking was placed on us. But we are intelligent enough to realize that we have the ability to wash off that marking through the process of teshuva.

Torah To Go Editors

tune of *Ain Kitzvah*. Our confidence in the justice of our judgment is the very reason to celebrate.

