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Digest
Mishna Berura
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סימן רע"א סעיף א'

Halacha Highlight

Fulfilling the Biblical obligation to recite kiddush

Shulchan Aruch Siman 271 Seif 1

כשיבא לביתו ימהר לאכל מיד

When one returns home he should rush to eat quickly

Shulchan Aruch writes that when one returns home from the bais haknesses he should recite kiddush as quickly as possible. Mishnah Berurah (סק"ב) cites Rambam who explains that Biblically one is obligated to verbally declare the sanctity of Shabbos at its outset. The source for this ruling is the pasuk זכור את יום השבת לקדשו—recall the day of Shabbos to sanctify it. Chazal came along and instituted that this verbal sanctification should be done with a cup of wine. Magen Avrohom observes that according to Rambam one fulfills his Biblical obligation when he davens ma'ariv since he verbally declares the sanctity of Shabbos in the amidah. A practical application of this is that a child who has reached the age of chinuch who is Rabbinically obligated to recite kiddush may recite kiddush on behalf on an adult who has already davened since he only has the Rabbinic obligation to recite kiddush with a cup of wine.

Mishnah Berurah has many issues with Magen Avrohom's position about this matter. Primarily his opposition is based on Shulchan Aruch's ruling that one must have intent to fulfill a mitzvah – מצוות צריכות כוונה—and it is assumed that people do not intend to fulfill their obligation to recite kiddush when they recite the amidah since they intend to recite kiddush with a cup of wine at the outset of the meal. Therefore, he rules that a child who has reached the age of chinuch should not recite kiddush on behalf of an adult even if he already davened ma'ariv. Chasam Sofer (הגהותיו כאן) writes that l'chatchila one should not have in mind to fulfill his Biblical obligation to recite kiddush during davening. Teshuvas Shevet Halevi (ח"א סי' נ"ד) wonders whether this means that one should specifically have in mind that he does not want to fulfill his Biblical obligation when he davens or perhaps once Chazal enacted that one should recite kiddush with a cup of wine at the outset of the meal it is assumed that one does not intend to fulfill his Biblical obligation to recite kiddush.

Overview

Siman 271 Seif 1:

When a person returns home he should rush to eat immediately.

- In other words he should recite kiddush in order to recall Shabbos at its outset since the earlier it is recited the better. If one is not hungry he may wait until he is hungry to recite kiddush. However, if it is a matter of shalom bayis or if there are people who are hungry, one should not cause them to suffer so that one could fulfill the mitzvah in a better manner. (M.B. 1)
- It is preferred to read shema again if one is concerned that in the bais haknesses it was read too early. Rambam writes that there is a Biblical mitzvah to verbally sanctify the day and Rabbinically it should be done with a cup of wine. Magen Avrohom infers from this that the kiddush that is said in davening should satisfy one's Biblical obligation and therefore, if one is uncertain whether he recited kiddush he should not be obligated to repeat kiddush. A child who has reached the age of chinuch may recite kiddush for an adult who already davened. There are many issues with these applications since according to halacha intent is necessary to fulfill the mitzvah and generally people do not have in mind to fulfill their obligation with the kiddush that is recited in davening. Accordingly, one should not allow a child to recite kiddush for an adult who already davened. Kiddush during the day is certainly Rabbinic but it shares the same halachos as kiddush at night. If Yom Tov falls on erev Shabbos and one has only one cup of wine he should use it for Shabbos since that is a Biblical mitzvah and on Yom Tov he should recite kiddush on bread. (M.B. 2)