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Phrase-by-Phrase English Translation
Explanations and Summaries
Indexes of Sources & Subjects

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A NOTE ON METHODOLOGY

The Nature of this Work

This volume presents an original English elucidation and commentary, prepared through a combination of advanced language and translation technology and human editorial oversight. The methods employed were carefully configured to adhere to Orthodox Jewish *hashkafa* and to preserve fidelity to the original Hebrew text. Even so, this edition does not carry the authority of a translation prepared and certified by a full team of rabbinic scholars.

Usage and Limitations

This translation is intended as a tool to help advanced learners access the depth of the original work. It is **not** intended to replace the original Hebrew source, nor to serve as a substitute for study under a qualified teacher.

Because the nuance of Torah study often transcends any single method of preparation, we ask the reader to keep two things in mind:

1. **Verification:** Any novel insight, ruling, or conclusion drawn from this translation should be checked against the original Hebrew.
2. **Consultation:** All practical questions or derived lessons should be discussed with and verified by a qualified rabbinic authority before being relied upon.

The goal of this edition is to make these teachings accessible to a wider audience, but the responsibility for accurate understanding and practical application remains with the reader.



Dedication

This volume is respectfully dedicated to the enduring legacy of Rabbi Moshe Sofer, the Chasam Sofer, whose Torah stands as a pillar of *mesorah*, illuminating the Jewish people with clarity, courage, and unwavering fidelity to *halachah*.



This Kornitzer Edition of the *Shailos u'Teshuvos Chasam Sofer*, presenting the original Hebrew text together with faithful annotation and elucidated English, is offered with humility and gratitude, to broaden access to his sacred teachings while preserving their integrity and sanctity.



It is sponsored by the Kornitzer family, direct descendants of the Chasam Sofer, as an expression of thanksgiving to Hashem for the privilege of transmitting his Torah and ensuring that his voice continues to be studied and lived in every generation.



May the merit of learning this *sefer* bring blessing to all who engage with it, and may we soon merit, with the coming of *Moshiach*, to hear new *chiddushim* in Torah from the Chasam Sofer himself. And may this work serve toward fulfilling the longing so often expressed by the Lubavitcher Rebbe—that through the spread of Torah we hasten the true and complete *Geulah*, and *Moshiach* will come speedily in our days, ממש.



תשובה 142

Marriage During Hagbalah Days of Sefirah

Family Law > Laws of Marriage • *Laws of the Jewish Calendar > Laws of Counting the Omer*

Summary

Correspondent and Context: This teshuvah is addressed to Rabbi Zalman Leib Grinsfeld, Av Beis Din of Serdahel, today Dunajská Streda in Slovakia. The Chasam Sofer says that many questions burden him. The letter's bearer can confirm this, so he answers briefly.

The Question (Sha'ila): The question concerns a man who has not fulfilled *pru u'rvu* and cannot delay. May he marry during the three days of Hagbalah, Sivan 3–5? Some communities observed Sefirah mourning restrictions then. The issue is whether the local ban applies when no conflicting wedding practice occurs that year.

The Ruling (Teshuvah): The Chasam Sofer allows room for leniency, with conditions. R' Meshulam's proclamation addressed a large community that held weddings on dates permitted by two conflicting Sefirah customs. In a small community, weddings at both sets of dates may not occur in one year. The concern may therefore be absent, especially for a man who has not fulfilled *pru u'rvu*. However, the officiant and participants may not have attended a wedding on Rosh Chodesh Iyar or Lag BaOmer that year, even elsewhere. If R' David Deutsch had already prohibited the wedding there, the Chasam Sofer withdraws.

Shulchan Aruch Background: Shulchan Aruch, Orach Chaim 493, discusses Sefirah mourning customs. The Rema permits everything from Lag BaOmer onward, though some communities observed a later mourning period before Shavuos. The Chasam Sofer compares this case to the prayer-time discussion in the Tur and Beis Yosef, Siman 233. That discussion forbids one person from following two incompatible leniencies.

Key Disputes (Machlokes): The dispute concerns different Sefirah mourning calendars. The Chasam Sofer distinguishes personal *tartei d'sasrei* from communal *lo sisgodedu*. The first means one person follows incompatible leniencies. The second means opposing practices exist within one community. The groom has not personally followed both leniencies. If the community has not held weddings at both sets of dates that year, there is also no communal division. He also treats haircuts and marriages as separate practices. R' Meshulam's proclamation addressed conflicting wedding dates, not a conflict between weddings and haircuts.

Life and peace to the sharp and renowned rabbi, the great luminary, his honor, our teacher Rabbi Zalman Leib Segal, Av Beis Din of the holy community of [S.H.]:

The pleasant preciousness of his beloved letter I received through the bearer of this letter. And since many matters in various subjects have burdened me, as the bearer of this letter will attest on my behalf, therefore I cannot produce an extensive written response that would satisfy his fine [exacting] mind. And I will speak briefly regarding marriages during the three days of Hagbalah (these are Sivan 3–5, when Israel prepared to receive the Torah) **for one who has not yet fulfilled [the mitzvah of] procreation and time is pressing for him. My eyes have seen the wording of the proclamation that was announced here [in Pressburg] in the name of the Gaon, our teacher, Rabbi Meshulam of blessed memory.** This refers to R' Meshulam Igra, who served as rabbi of Pressburg before the Chasam Sofer. **And there it states: "Since they practiced here to conduct marriages on Rosh Chodesh Iyar, and on Lag BaOmer, and they also conduct marriages during the three days of Hagbalah.** These dates combine marriage leniencies from two conflicting Sefirah customs. **And this should not be done, for it constitutes two contra-**

הַחַיִּים וְשָׁלוֹם לִיד הָרַב הֶחָרוּץ הַמְפֻרְסָם המאה"ג כש"ת מוֹרֵנוּ הָרַב זַלְמָן לֵיב סג"ל אַב בֵּית דִּין דִּקְהִלַּת קֹדֶשׁ ס"ה:

נֹעַם יְקָרַת מִכְתָּבוֹ הָאָהוּב עָלַי קִבַּלְתִּי עַל יְדֵי מוֹסֵר כְּתָב זֶה וְהִיוֹת כִּי כִּתְרוּנִי רַבִּים בְּעִנְיָנִים שׁוֹנִים כַּאֲשֶׁר יָעִיד עָלַי מוֹסֵר כְּתָב זֶה עַל כֵּן לֹא אוּכַל לָצֵאת בַּכּוֹתֶבֶת הַגָּסָה דְּמִיתְבָא דַּעְתֵּיהּ הַיָּפָה וְאוֹמַר בְּקִצּוּר עַל דְּבַר נִישּׂוּאִין בִּשְׁלֹשָׁה יְמֵי הַגְּבָלָה לְמִי שֶׁלֹּא קִיֵּם פְּרִיָּה וּרְבִיָּה וְהַזְּמַן דָּחוּק לוֹ עֵינַי רָאוּ לְשׁוֹן הַכְּרוֹז שֶׁהָכְרַז פֹּה מִשְּׁמָא דְּהַגָּאוֹן מוֹרֵנוּ הָרַב מְשֻׁלָּם זצ"ל וְשָׁם נֶאֱמַר יַעַן כִּי נָהֲגוּ פֹּה לַעֲשׂוֹת נִישּׂוּאִין בְּרֹאשׁ חֹדֶשׁ אִיָּיר וְל"ג בָּעוֹמֶר וְגַם עוֹשִׂין נִישּׂוּאִין בִּשְׁלֹשָׁה יְמֵי הַגְּבָלָה וְכֵן לֹא יֵעָשֶׂה דַּהֲוָה לֵיהּ תַּרְתֵּי דְּסָתְרֵי עַל כֵּן מִכָּאן וָאֵילָךְ יִהְיֶה לְחֹק הַקְּבוּעַ לֶאֱסֹר הַנִּישּׂוּאִין בִּשְׁלֹשָׁה יְמֵי הַגְּבָלָה וְהַנִּרְאֶה מִדְּבָרִים הַלָּלוּ שֶׁלֹּא

dictory [practices].” “Therefore, from now onward it shall be an established rule to prohibit marriages during the three days of Hagbalah.” And it appears from these words that he only objected to the fact that they practiced marrying in the same year at both times, and it constituted two contradictory [practices] simultaneously. As is understood, in a large community such as here [in Pressburg], may God bless them, it occurs every single year that two marriages [take place] at the two [contradictory] times, as his honor knows that this is indeed the case. But perhaps in a small locale where marriages are infrequent, and if a wedding occurs on Rosh Chodesh Iyar, it will not occur during the days of Hagbalah [in the same year]. And as the bearer of this letter told me, that for several years there were no marriages in his town during those days. This supports leniency because the two practices did not occur together. **If so, there is no contradictory [practice] here simultaneously. Perhaps there is not so much objection.** The decree may not apply because the conflicting practices are absent.

הִקְפִּיד אֶלָּא עַל שֶׁנָּהֲגוּ לִישָּׂא בְּשָׁנָה אַחַת בִּשְׁנֵי הַזְּמַנִּים וַהֲוֵה תַּרְתֵּי דְּסָתְרֵי אַהֲדָדֵי בְּפַעַם אַחַת כַּמּוּבָן דִּבְקְהִלָּה גְּדוֹלָה כְּמוֹ בְּכָאן ה' יְבָרֵכֵם יֵאָרַע בְּכָל שָׁנָה וְשָׁנָה תְּרֵי נִישׂוּאִין בִּשְׁנֵי הַזְּמַנִּים כַּאֲשֶׁר מַעֲלַת כְּבוֹד תּוֹרָתוֹ יוֹדֵעַ שֶׁכֵּן הוּא בֶּאֱמֶת אֲבָל אֶפְשָׁר בַּאֲתַר קָטָן שֶׁהַנִּישׂוּאִין הֵם לְקַמְצִין וְאִם יֵאָרַע חֲתֻנָּה בְּרֹאשׁ חֹדֶשׁ אִיָּיר לֹא יֵאָרַע בִּימֵי הַגְּבָלָה וְכַאֲשֶׁר אָמַר לִי מוֹסֵר כְּתָב זֶה שֶׁכַּמָּה שָׁנִים לֹא הָיָה נִישׂוּאִין בְּעִירוֹ בְּאוֹתָן הַיָּמִים אִם כֵּן אֵין כָּאן תַּרְתֵּי דְּסָתְרֵי בְּפַעַם אַחַת אֶפְשָׁר שֶׁאֵין קְפִידָא כָּל כָּךְ:

And even though regarding the Mincha prayer and the Maariv prayer, [1] **[where] “whoever follows either master has acted properly,” etc.** R’ Yehudah ends Mincha time at **plag ha-mincha** and permits Maariv afterward. The Chachamim allow Mincha until sunset. The Gemara permits following either view. **The Rishonim wrote that one must always follow one of them consistently. And on the day when one prayed Mincha while there is still much daylight nevertheless, he should not pray Maariv until nightfall, since he once prayed Mincha close to sunset** (that earlier Mincha treated the time after **plag ha-mincha** as Mincha time. Praying Maariv then would contradict it) **as explained in the Tur and Beis Yosef, Siman 233. And what they practice leniently nowadays** (this refers to the common practice of praying Maariv early despite sometimes praying Mincha late) **that is, for prayer we are lenient and we rely on the approach of Rabbeinu Tam. But for other matters, no. Nevertheless, it appears that is, [the prohibition is] for one individual to adopt two contradictory leniencies.** The **tartei d’sasrei** principle is primarily about personal inconsistency: the same person following two mutually exclusive opinions. **But here, this one who marries during the three days of Hagbalah has not contradicted himself, since he never married a woman on Rosh Chodesh Iyar.** Any contradiction would therefore exist only at the communal level. **Rather, [the only possible concern would be] because of “lo sisgodedu,” where half [of the community] rules [one way], etc. Lo sisgodedu** forbids opposing practices within one community. **And this does not apply since now, here, there is no one who ruled this way.** There is currently no opposing ruling in this community. **And there is no contradiction at all and no deviation on account of dispute. So it appeared to me at first glance. However, accordingly, the one who officiates the marriage or one of the participants of the chuppah from among those who were at another chuppah this year on Rosh Chodesh Iyar or**

וְאַף עַל גַּב דִּלְעִנְיַן תְּפִלַּת הַמִּנְחָה וּתְפִלַּת הָעֲרֵב דְּעָבֵד כְּמַר עָבֵד וכו' כָּתְבוּ הָרֹאשׁוֹנִים שֶׁלְּעוֹלָם צָרִיךְ לִנְהֹג כְּחַד מִינַּייהוּ וּבְאוֹתוֹ הַיּוֹם שֶׁהִתְפַּלֵּל מִנְחָה בְּעוֹד יוֹם גָּדוֹל מִכָּל מָקוֹם לֹא יִתְפַּלֵּל עַרְבִית עַד הַלַּיְלָה כֵּיוָן שֶׁכְּבָר פַּעַם אַחַת הִתְפַּלֵּל מִנְחָה סָמוּךְ לַשְּׁקִיעָה כַּמְבֹאָר בַּטּוּר וּבֵית יוֹסֵף סִיְמָן רל"ג וּמַה שֶּׁנּוֹהֲגִין לְהָקֵל עַכְשָׁיו הַיְינוּ לְעִנְיַן תְּפִלָּה מְקִלִּינַן וְסוֹמְכִין עַל שִׁיטַת ר"ת אֲבָל בִּשְׁאָרֵי מִילֵי לֹא מִכָּל מָקוֹם הָא נִרְאֶה הַיְינוּ לְעִנְיַן לְמֶעְבַּד חַד גַּבְרָא תְּרֵי קוּלֵי דְּסָתְרֵי אַהֲדָדֵי אֲבָל הָכָא הֲרֵי זֶה הַנּוֹשֵׂא אִשָּׁה בִּשְׁלֹשָׁה יְמֵי הַגְּבָלָה לֹא סָתַר עַצְמוֹ שֶׁמֵּעוֹלָם לֹא נָשָׂא אִשָּׁה בְּרֹאשׁ חֹדֶשׁ אִיָּיר רַק מִשּׁוּם לֹא תִתְגֹּדְדוּ דִּפְלַג מוֹרִין וכו' וְזֶה לֹא שַׁיָּךְ שֶׁהֲרֵי הַשְׁתָּא הָכָא לֵיכָא מִי שֶׁהוֹרָה כָּךְ וְלֹא סָתְרֵי כְּלָל וְלֹא שְׁנוּי מִפְּנֵי הַמַּחֲלֹקֶת כֵּן הָיָה נִרְאֶה לִי לְכְאוֹרָה אֶלָּא לְפִי זֶה לֹא יִהְיֶה הַמְסַדֵּר קִדּוּשִׁין אוֹ אֶחָד מִבְּנֵי הַחֻפָּה מֵאוֹתָן שֶׁהָיוּ בַּחֻפָּה אַחֶרֶת בָּזֶה הַשָּׁנָה בְּיוֹם רֹאשׁ חֹדֶשׁ אִיָּיר אוֹ ל"ג בָּעוֹמֶר אֶפִלּוּ בְּעִיר אַחֶרֶת דַּהֲווּ תַּרְתֵּי דְּסָתְרֵי אַהֲדָדֵי כָּל זֶה כָּתַבְתִּי לְפִי מַה שֶּׁכָּתַב פר"מ נ"י שֶׁבָּנָה סְפֵיקוֹ עַל אִיסּוּר הַגָּאוֹן מהו' מְשֻׁלָּם זצ"ל וְשָׁם לֹא הִזְכִּיר רַק שֶׁסּוֹתְרִים אַהֲדָדֵי בְּנִישׂוּאִין

[1] Berachos 27a — The Gemara rules regarding the dispute between R’ Yehudah and the Chachamim about the latest time for the Mincha prayer: דְּעָבֵד כְּמַר עָבֵד וּדְעָבֵד כְּמַר עָבֵד (“whoever follows either master has acted properly”). The Tur and Beis Yosef in Siman 233 discuss the requirement to be consistent and not adopt contradictory positions on different occasions.

כַּנִּזְכָּר לְעֵיל וּמִשָּׁם יֵשׁ לִלְמֹד דְּתִסְפֹּרֶת וְנִישׂוּאִין אֵין סְתִירָה זֶה לָזֶה דְּאִי לָאו הָכִי בָּטְלוּ כָּל דְּבָרָיו דַּהֲרֵי עַל כָּל פָּנִים בְּכָל גְּלִילוֹתֵינוּ נוֹהֲגִין הֶתֵּר תִּסְפֹּרֶת בְּיוֹם רֹאשׁ חֹדֶשׁ אִיָּיר וְל"ג בָּעוֹמֶר וְנוֹהֲגִין אִיסּוּר בִּשְׁלֹשָׁה יְמֵי הַגְּבָלָה אִם כֵּן הַנּוֹשֵׂא אִשָּׁה בִּשְׁלֹשָׁה יְמֵי הַגְּבָלָה הָוָה לֵיהּ כְּחָתָן בֵּין הָאֲבֵלִים שֶׁהֲרֵי נָהֲגוּ כּוּלֵי עָלְמָא שֶׁלֹּא לְהִסְתַּפֵּר אַדְּ מִלְּשׁוֹן הַגָּאוֹן זצ"ל נִרְאֶה דְּמֵהַתְּסְפֹּרֶת לֹא הָוָה קָשֶׁה לֵיהּ מִידִי וְאֶפְשָׁר מִשּׁוּם דְּנִישׂוּאִין הָוָה מִצְוָה וְלִפְעָמִים הַזְּמַן דָּחוּק כְּמוֹ בְּעוּבְדָא דִּלְפָנֵינוּ וְאַף עַל גַּב דְּמִלְּשׁוֹן הַטּוּר מַשְׁמַע דְּחֹמֶר מִנָּהָג אִיסּוּר נִישׂוּאִין פָּשְׁטָה טְפֵי בְּכָל הָעוֹלָם יוֹתֵר מִמִּנְהָג תִּסְפֹּרֶת מִכָּל מָקוֹם לֹא פָּשְׁטָה אֶלָּא עַד ל"ג וּמִנָּהָג אַשְׁכְּנַזִים מִל"ג וְאֵילָךְ אֵינָנוּ מִנְהָג קָבוּעַ כָּל כָּךְ וְהוֹאִיל וְהוּא מִצְוָה אֶפְשָׁר שֶׁלֹּא הֶחְמִירוּ וַהֲרֵי קָמָן דְּעַד הַגָּאוֹן הֵקִילוּ פֹּה בְּנִישׂוּאִין אֲפִילוּ בְּתַרְתֵּי דְּסָתְרֵי אַהֲדֵדֵי וְכֵן בְּכַמָּה וְרֹב מְקוֹמוֹת וּבְתִסְפֹּרֶת הֶחְמִירוּ עַל כֵּן הָיָה נִרְאֶה דְּמִתְּסְפֹּרֶת לְנִישׂוּאִין לֵיכָא מִשּׁוּם לֹא תִתְגֹּדְדוּ רַק מִשּׁוּם סְתִירָה דְּנִישׂוּאִין עַצְמָן אִם כֵּן שַׁפִּיר יֵשׁ לוֹמַר כֵּיוָן שֶׁבְּאוֹתוֹ הַשָּׁנָה לֹא הָיָה נִישׂוּאִין בָּעִיר בְּאוֹתוֹ הַזְּמַן אֶפְשָׁר לְהָקֵל:

Lag BaOmer, even in another city, for that would constitute two contradictory [practices]. Such a person would personally take part in both conflicting wedding practices. **All this I wrote according to what his exalted honor, may his light shine, wrote,** (the abbreviation פר"מ is a respectful reference to the questioner, R' Zalman Leib) **who built his doubt upon the prohibition of the Gaon, our teacher, R' Meshulam of blessed memory. And there [in the proclamation] he only mentioned that they contradict each other regarding marriages, as mentioned above. And from there one can learn that haircuts and marriages are not contradictory to each other. For if not, all his words would be nullified, since in any event, in all our regions they practice the permissibility of haircuts on Rosh Chodesh Iyar and Lag BaOmer, and they practice the prohibition [of haircuts] during the three days of Hagbalah. If so, one who marries during the three days of Hagbalah would be like a groom among mourners! since everyone practices not to take haircuts [during those days].** If haircuts and marriages formed one category, his wedding would conflict with the community's mourning practice. **But from the language of the Gaon of blessed memory, it appears that from the haircut [custom] he had no difficulty at all.** This shows that haircuts and marriages are separate categories. **And perhaps because marriage is a mitzvah and sometimes time is pressing, as in the case before us.** [2] **And even though from the language of the Tur it seems that the stringency of the custom prohibiting marriages spread more throughout the world more than the haircut custom. Nevertheless, it only spread until Lag [BaOmer]. And the Ashkenazi custom from Lag [BaOmer] onward is not so firmly established.** This refers to the Ashkenazi practice of observing mourning after Lag BaOmer. **And since [marriage] is a mitzvah, perhaps they did not adopt a stringency. And behold, it is before us that until the Gaon [R' Meshulam issued his proclamation] they were lenient here regarding marriages even with two contradictory [practices simultaneously]. And similarly in many and most places. But regarding haircuts, they were stringent.** This supports treating haircuts and marriages as separate categories. **Therefore, it appeared that from haircuts to marriages there is no issue of "lo sisgodedu." Only because of the contradiction of marriages themselves** The concern arises only when a community holds weddings at both sets of dates in one year. **If so, it is well to say since in that year there were no marriages in the city at that [contradictory] time it is possible to be lenient.** No wedding had occurred there on Rosh Chodesh Iyar or Lag BaOmer that year.

אַדְּ כָּל זֶה אִי לֹא נוֹדַע בְּוַדַּאי שֶׁכְּבָר נֶאֱסַר מֵהָרַב הַגָּאוֹן מַר דָּוִד דַּיְיטְש נ"י בְּהֵיוֹתוֹ שָׁם אַדְּ אִם הַגָּאוֹן אוֹסְרוֹ אֵין בֵּית דִּין יָכוֹל לְבַטֵּל וְיִהְיֶה יָדִי מְסֻלֶּקֶת מִזֶּה וּפר"מ כְּחָפְצוֹ יַעֲשֶׂה וּסְפֵיקָא בָּזֶה

However, all this [applies only] if it is not known with certainty that it was already prohibited by the rabbi, the Gaon, R' David Deutsch (R' David Deutsch was a contemporary halachic authority) **when he was there [in your community].** If R' David Deutsch had already prohibited it there, his ruling would remain binding. **But if the Gaon prohibits it, no court can nullify [his ruling].** Based on the princi-

[2] Tur, Orach Chaim 493 — where the Tur discusses the mourning customs of the Omer period. The Tur's formulation indicates that the custom prohibiting marriages during Sefirah was more universally accepted than the custom prohibiting haircuts. The Rema (SA OC 493:1) codifies the Ashkenazi custom: מִיהוּ מִל"ג בָּעוֹמֶר וְאֵילָךְ הַכֹּל שָׁרֵי — "However, from Lag BaOmer onward, everything is permitted."

ple that one beis din cannot overturn the ruling of another unless it is greater in wisdom and number. **And my hand would be removed from this. And [the honored rabbi] may do as he wishes. And in doubt on this matter, [one may rule] leniently, as explained in the later authorities.** Doubtful cases regarding customs of mourning during Sefirah are treated leniently. **All this I wrote in great haste. And if his great mind does not agree with everything I wrote, let him not rely on any of the above. The words of the signatory. Pressburg, [Iyar] 5578 (1818) of the minor era. Moshe the humble, Sofer, of Frankfurt am Main.**

לְהָקֵל כַּמְבֹאָר בָּאַחֲרוֹנִים כָּל זֶה כָּתַבְתִּי בְּנִחִיצָה רַבָּה וְאִם אֵין דַּעְתּוֹ הַגְּדוֹלָה יַסְכִּים לְכָל מַה שֶּׁכָּתַבְתִּי אַל יִסְמֹךְ עַל שׁוּם דָּבָר הַנִּזְכָּר לְעֵיל דִּבְרֵי הַבָּא עַל הֶחָתוּם. פְּרֶעשְׁבּוּרְג ב' לְמִנְיַן בְּנֵי יִשְׂרָאֵל תקע"ח לִפְרָט קָטָן מֹשֶׁה הַקָּטָן סוֹפֵר מִפְּרַנְקְפוּרְט דְּמַיִין:

תשובה 143

Half-Shekel Age, Omer, Chadash, and Shehecheyanu

Laws of the Jewish Calendar > Laws of Kiddush and Havdalah

Summary

Correspondent and Context: This teshuvah is addressed to Rabbi Sinai of Kobin, his brother-in-law Rabbi Moshe Ullman, and the Chasam Sofer's student Rabbi Akiva. The closing says that the Chasam Sofer wrote it in Frankfurt am Main, before he became rabbi of Pressburg. He answers several questions from the group.

The Questions (Sha'ila): The teshuvah addresses five questions: (1) Does Rashi contradict himself by limiting the half-shekel obligation to age twenty in one place but including all who crossed the sea in another? (2) If *chadash* did not apply before Israel entered Eretz Yisrael, could grain from that earlier period be used for the *omer*? (3) Can the Magen Avraham's reading of "moshvoseichem" fit R' Tam's view that the *omer* was offered in the wilderness? (4) Why does flour need a sacred vessel to receive *kedushas haguf*, while an animal does not? (5) May a chazzan recite *shehecheyanu* during kiddush in the synagogue and again at home?

The Ruling (Teshuvah): (1) Rashi on 21b explains only "all who pass through the sea." On 46b he reads this together with "the counted ones," so the obligation begins at twenty. Tosfos reject this reading and appear to begin the obligation at thirteen. (2) The Chasam Sofer first shows that the questioner's premise could instead prove that *chadash* applied to earlier grain. More fundamentally, exemption from *chadash* does not itself disqualify grain from the *omer*. A separate verse excludes grain from *chutz la'aretz*. (3) The *Tanna Kamma* accepts R' Akiva's reading but applies "every place" only to Eretz Yisrael produce taken abroad. Other *poskim* may still reject R' Akiva's separate view about the wilderness offerings. (4) Flour receives *kedushas haguf* only in a sacred vessel. An animal can receive it through speech. (5) The chazzan intends not to fulfill his obligation in the synagogue. He may then fulfill it at home while preserving the synagogue enactment.

Shulchan Aruch Background: Siman 694 concerns the Purim half-shekel custom. Siman 489 concerns counting the *omer* and the laws of *chadash*. Siman 469 discusses designating food for Pesach and whether the designation creates sanctity. Siman 60 discusses intent for mitzvos. Siman 271 discusses kiddush and whether the Friday night prayer fulfills it.

Key Disputes (Machlokes): Main disputes include: the Bartenura and Tosfos Yom Tov on the age for giving the half-shekel; R' Akiva and R' Yishmael on "moshvoseichem"; the *Tanna Kamma* and R' Eliezer on where *chadash* applies; other *poskim* on how to rule in the Menachos dispute about the wilderness offerings; and the Ran and Tosfos on whether synagogue kiddush continues when no guests are present.

Peace and all good to my dear friend, the righteous rabbi, our teacher Rabbi Sinai, may he live. And to his brother-in-law, my dear friend, the rabbinical scholar, our teacher Rabbi Moshe Ullman. And to the young scholar, my sharp student, our teacher Rabbi Akiva, may he live. Who [await a response] at the holy community of Kobin, may God protect it.

שָׁלוֹם וְכָל טוּב לִידִיד נַפְשִׁי הָרַב הַצַּדִּיק מוֹרֵנוּ הָרַב סִינַי נ"י וּלְגִיסוֹ יְדִיד נַפְשִׁי הָרַבָּנִי מוֹרֵנוּ הָרַב מֹשֶׁה אוּלְמָאן וּלְהָאַבְרֵךְ תַּלְמִידִי הֶחָרִיף מוֹרֵנוּ הָרַב עֲקִיבָא נ"י אֲשֶׁר מְצַפֶּ"ה לִקְהִלַּת קֹדֶשׁ קוֹבִין יָגֵן עָלֶיהָ אֱלֹהִים:

מַה שֶּׁהִקְשָׁה אַפֵּירוּשׁ רַשְׁ"י בְּמְנָחוֹת מ"ו עַמּוּד ב' דִּיבּוּר הַמַּתְחִיל שֶׁאֵינוֹ שׁוֹקֵל חוֹטֵא דְּכָל הָרָאוּי לִפְקוֹד קָאָמַר הַיְינוּ מִבֶּן כ' וְכוּ' וְסוֹתֵר עַצְמוֹ לְמַה שֶּׁפֵּירֵשׁ הוּא עַצְמוֹ לְעֵיל בְּמְנָחוֹת כ"א עַמּוּד ב' כְּהַיְרוּשַׁלְמִי דִּשְׁקָלִים דְּרַבִּי יוֹחָנָן בֶּן זַכַּאי סוֹבֵר כָּל הָעוֹבֵר בְּיַם סוּף אֵלּוּ דְּבָרָיו דְּפֵאֵר רוּם מַעֲלָתוֹ וַאֲנָא תְּיוּבְתָּא לָא חָזֵינָא דְּבְדַף כ"א לֹא פֵּירֵשׁ אֶלָּא רִישָׁא דִּקְרָא כָּל הָעוֹבֵר בְּיַם סוּף אֲבָל עַל הַפְּקוּדִים מַאי עָבִיד לֵיהּ וְהֵיא קוּשְׁיַת תּוֹסָפוֹת שָׁם דִּיבּוּר הַמַּתְחִיל כָּל כֹּהֵן וְכוּ' בְּסוֹף הַדִּבּוּר וְנִדְחֲקוּ בָּזֶה וְיַעֲיֵן בִּיפֵּה מַרְאֶה בִּירוּשַׁלְמִי דִּשְׁקָלִים שֶׁנִּדְחַק עוֹד וְאָתֵי רַשְׁ"י לוֹמַר דְּאָתֵי לְהַשְׁווֹת דְּכָל הָעוֹבֵר בְּיַם סוּף יִתֵּן מַשָּׂעָה שֶׁרָאוּי סְתָם יִשְׂרָאֵל לַעֲבוֹר עַל הַפְּקוּדִים שֶׁהוּא מִבֶּן עֶשְׂרִים וָמַעְלָה וְתוֹסָפוֹת מֵאֲנוּ בָּזֶה נִרְאֶה דְּסָבְירָא לְהוּ שׁוֹקְלִין מִבֶּן שְׁלוֹשׁ עֶשְׂרֵה וְהוּא פְּלוּגְתַּת הָרַע"ב עִם תּוֹסָפוֹת יוֹם טוֹב פֶּרֶק קַמָּא דִּשְׁקָלִים וּרְמָזָה מָגֵן אַבְרָהָם סִימָן תרצ"ד סְעִיף קָטָן ג' וְעַיֵּין לֶחֶם שָׁמַיִם עַל מִשְׁנָה דִּשְׁקָלִים:

Regarding what he raised as a difficulty on Rashi's commentary on Menachos 46b. S.v. "one who does not give the shekel is a sinner." That [the verse] speaks of all who are fit to be counted [in the census]. Meaning from age twenty and above. Since the census counted only males from twenty years and up, according to Rashi, the shekel obligation likewise begins at twenty. **And [the questioner argues that] this contradicts what [Rashi] himself explained earlier. On Menachos 21b, according to the Yerushalmi in Shekalim. That R' Yochanan ben Zakkai holds [the obligation applies to] all who passed through the Sea of Reeds.** This seems to include those under twenty, creating the apparent contradiction. **These are his words — the words of his esteemed honor. But I do not see a contradiction. For on daf 21, [Rashi] only explained the first part of the verse: "all who pass through the sea." But regarding [the phrase] "upon the counted ones" — what does he [R' Yochanan ben Zakkai] do with it?** This phrase points to the census-age group. Rashi on 21b did not explain it. **And this is Tosfos' question there, s.v. "kol kohen," at the end of the passage. And they struggled with this. And see the Yefeh Mareh on the Yerushalmi in Shekalim, who struggled further [to resolve this]. And Rashi comes to say that [the verse] comes to equate [the two phrases]. That "all who pass through the sea shall give" — from the time that an ordinary Israelite is fit to be among "the counted ones." Which is from age twenty and above.** This resolves the apparent contradiction with Rashi on 21b. **And Tosfos rejected this [interpretation]. It appears that they hold one gives the shekel from age thirteen.** Thirteen is the general age of obligation for mitzvos. **And this is the dispute between the Bartenura and the Tosfos Yom Tov in the first chapter of [Mishnah] Shekalim. And the Magen Avraham alluded to this, siman 694, sub-section 3.**[1] **And see the Lechem Shamayim on the Mishnah in Shekalim.**

מַה שֶּׁהִקְשָׁה אֲהַתּוֹסָפוֹת רֹאשׁ הַשָּׁנָה י"ג עַמּוּד א' שֶׁהִקְשׁוּ אַהַשִּׁשָּׁה סִדְרֵי הָתָם דְּאָמַר קְצִירְכֶם וְלֹא קְצִיר נָכְרִים הָא אֶרֶץ יִשְׂרָאֵל מְחֻזֶּקֶת לָנוּ מֵאֲבוֹתֵינוּ וֶהֱוֵה לֵיהּ קְצִירְכֶם וְתֵירְצוּ דְּיֵשׁ לוֹ בְּמַה שֶּׁזָּרַע וְהִקְשָׁה מַעֲלָתוֹ דְּעַל כָּל פָּנִים כֵּיוָן שֶׁלֹּא נָהַג אִיסּוּר חָדָשׁ עַד בּוֹאָם לְאֶרֶץ יִשְׂרָאֵל וּכְמוֹ שֶׁכָּתַב פְּנֵי יְהוֹשֻׁעַ פֶּרֶק קַמָּא דְּקִידּוּשִׁין אִם כֵּן לֹא הֶוֵה מָצֵי לְמֵיתֵי מִינֵיהּ עֹמֶר כִּדְאָמְרִינַן רֵישׁ פֶּרֶק ר' יִשְׁמָעֵאל דְּלְמַאן דְּאָמַר אֵין חָדָשׁ נוֹהֵג בְּחוּץ לָאָרֶץ אֵין מְבִיאִין עֹמֶר

Regarding what he raised as a difficulty on Tosfos in Rosh Hashanah 13a.[2] **Where they [Tosfos] questioned the Gemara there, which says: "your harvest" — and not the harvest of gentiles. But Eretz Yisrael is held by us from our forefathers!** Because God promised the land to the Patriarchs, its crops should count as Israel's harvest. **And it should be [considered] "your harvest." And they answered that [the gentile] has [a claim of ownership] through what he sowed.** The gentile who sowed the grain still owns an interest in the crop. **And his honor raised a difficulty: in any case — since the prohibition of chadash did not apply until they came to Eretz Yisrael. Chadash** forbids eating new grain before the **omer** is offered. **As the Pnei Yehoshua wrote in the first chapter of Kiddushin.**[3] **If so, they could not have brought the omer offering from it.** Since **chadash**

[1] Magen Avraham 694:3 — The Magen Avraham records the practice of giving *machatzis hashekel* before Purim: "יש אומרים שיש ליתן קודם פורים מחצית מן המטבע הקבוע באותו מקום ובאותו זמן זכר למחצית השקל שהיו נותנין באדר." The Chasam Sofer sees in this passage an allusion to the dispute about the minimum age for the shekel obligation.

[2] Rosh Hashanah 13a — The Gemara discusses the principle that grain which reached a third of its growth before Rosh Hashanah is considered produce of the previous year: "וקים להו לרבנן דכל תבואה שנקצרה בחג, ביד״ע שהביאה שליש לפני ראש השנה." Tosfos there (s.v. "ve-lo") question the derivation of "ketzirchem" (your harvest) to exclude gentile harvest, asking: since Eretz Yisrael is in Israel's possession from the patriarchs, why should any produce there be considered "gentile harvest"?

[3] Pnei Yehoshua, Kiddushin 37b, s.v. "leima leih" — The Pnei Yehoshua discusses the concept of *bi'ah u-moshav* (entry and settlement) and its implications for the applicability of *chadash* before the Israelites' entry into Eretz Yisrael.

didn't apply to grain that grew before their entry, such grain should be ineligible for the **omer**. **As we say at the beginning of [the discussion in] the chapter "R' Yishmael."**[4] **According to the view that chadash does not apply outside Eretz Yisrael — one does not bring the omer from grain that is in chutz la'aretz.** The question assumes that grain exempt from **chadash** is also unfit for the **omer**. **And similarly here, one should not bring the omer from what grew during a time of exemption [from chadash]. And therefore they [the Israelites] must have been expert enough to know — which [grain] had not reached a third [of its growth] during the time of exemption and [only] grew to maturity during the time of obligation. These are his [the questioner's] words. And they are puzzling, with all due respect to his Torah [scholarship]. The Gemara says "your harvest" and not the harvest of a gentile.** The Gemara's exclusion is specifically about **ownership** — Jewish versus gentile. **But he [the questioner] says the Gemara's intent is — [to exclude] an Israelite's harvest that grew during a time of exemption.** The questioner reads this as a time-based exclusion rather than an ownership-based one. **This [produce that grew during exemption] is not excluded by the meaning of "your harvest." And if so, on the contrary — one can prove the opposite [of the questioner's assumption]. From the fact that the Gemara did not say this.** If such grain were unfit, the Gemara could have said so instead of citing "gentile harvest." **We derive that [the halacha is] not like the Pnei Yehoshua mentioned above.** The Gemara's silence suggests that **chadash** applied to grain already present when Israel entered. **Rather, [the prohibition of] chadash applied even to grain that grew before they came to the land. As Tosfos wrote in the name of the Yerushalmi.**[5] **That upon their entry [into the land], wheat that was stored in the attic from several years past became [subject to the prohibition of] chadash.**

מִתְבוּאָה שֶׁבְּחוּץ לָאָרֶץ וְהָכִי נָמֵי אֵין מְבִיאִין עֹמֶר מִמַּה שֶּׁגָּדַל בְּפָטוּר וְעַל כֵּן דֶּהֱוֶה בְּקִיאִים לֵידַע מַה שֶּׁלֹּא הֵבִיא שְׁלִישׁ בְּפָטוּר וְגָדַל בְּחִיוּב אֵלּוּ דְּבָרָיו וְהֵמָּה תְּמוּהִים בְּמָחִילַת כְּבוֹדוֹ תּוֹרָתוֹ שִׁשָּׁה סִדְרֵי אוֹמֵר קְצִירְכֶם וְלֹא קְצִיר נָכְרִי וְהוּא אָמַר כַּוָּנַת הַשִּׁשָּׁה סִדְרֵי הִיא קְצִיר יִשְׂרָאֵל שֶׁגָּדַל בְּפָטוּר זֶה לֹא אִימַּעוּט מִמַּשְׁמָעוּת קְצִירְכֶם וְאִם כֵּן אַדְרַבָּא יֵשׁ לְהוֹכִיחַ בְּהֵיפוּךְ מִדְּלֹא אָמַר הַשִּׁשָּׁה סִדְרֵי הָכִי שָׁמַע מִינָּה דְּלֹא כְּפָנֵי יְהוֹשֻׁעַ הַנִּזְכָּר לְעֵיל אֶלָּא הֶחָדָשׁ נָהַג אֲפִילּוּ בִּתְבוּאָה שֶׁגָּדְלָה טֶרֶם בּוֹאָם לָאָרֶץ וּכְמוֹ שֶׁכָּתְבוּ תּוֹסָפוֹת בְּשֵׁם יְרוּשַׁלְמִי שֶׁבְּבִיאָתָם נַעֲשׂוּ חָדָשׁ חִטִּין שֶׁבָּעֲלִיָּה מִכַּמָּה שָׁנִים שֶׁעָבְרוּ:

All this I wrote according to his [the questioner's] assumption. That any [grain] that grew during a time of exemption — one may not bring the omer from it. But I do not know where he derives this [assumption] from. For from the beginning of [the chapter] R' Yishmael there is no proof. That one does not bring the omer from chutz la'aretz — The Gemara does not derive [this] from logical reasoning [alone]. [That is, not from the argument that] since the prohibition of chadash does not apply there, [the grain] is not fit for the omer. Rather, regarding the prohibition of chadash, the verse states "moshvoseichem" [your dwelling places]. And similarly, regarding bringing the omer, the verse states: "from your dwelling places you shall bring."[6] **And therefore, whoever expounds "moshvoseichem" — regarding the prohibition of bread and parched grain — [as meaning] every place where you dwell —** (this is R' Akiva's interpretation, that "moshvoseichem" means uni-

כָּל זֶה כָּתַבְתִּי לְפִי הַנָּחָתוֹ דְּכָל שֶׁגָּדַל בְּפָטוּר אֵין מְבִיאִין מִמֶּנּוּ עֹמֶר אֲבָל לֹא יָדַעְתִּי מְנָא לֵיהּ הָא דְּמֵרֵישׁ פֶּרֶק ר' יִשְׁמָעֵאל אֵין רְאָיָה דְּאֵין מְבִיאִין עֹמֶר מֵחוּץ לָאָרֶץ לֹא מִסְבָּרָא מַפִּיק הַשִּׁשָּׁה סִדְרֵי מִדְּאֵין בּוֹ אִיסּוּר חָדָשׁ אֵין רָאוּי לְעֹמֶר אֶלָּא לְגַבֵּי אִיסּוּר חָדָשׁ כְּתִיב מוֹשְׁבוֹתֵיכֶם וְכֵן גַּבֵּי הֲבָאַת עֹמֶר כְּתִיב מִמּוֹשְׁבוֹתֵיכֶם תָּבִיאוּ וְאִם כֵּן מַאן דְּדָרֵשׁ מוֹשְׁבוֹתֵיכֶם גַּבֵּי אִיסּוּר לֶחֶם וְקָלִי בְּכָל מָקוֹם שֶׁאַתֶּם יוֹשְׁבִים הָכִי נָמֵי דְּרוֹשׁ מִמּוֹשְׁבֹתֵיכֶם תָּבִיאוּ מִכָּל מָקוֹם שֶׁאַתֶּם יוֹשְׁבִים תָּבִיאוּ אֲפִילּוּ מֵחוּץ לָאָרֶץ וּמַאן דְּדָרֵשׁ מוֹשְׁבֹתֵיכֶם דְּאִיסּוּר

[4]Menachos 84a — The Gemara states: "אֲבָל בָּאָרֶץ לָא פְּלִיגִי, דְּעוֹמֶר וּשְׁתֵּי הַלֶּחֶם מֵאָרֶץ – אִין, מֵחוּצָה לָאָרֶץ – לָא." R' Yosei bar R' Yehuda disagrees and says the *omer* may come from *chutz la'aretz*, deriving from "כָּל מָקוֹם שֶׁאַתֶּם יוֹשְׁבִין מִשְׁמַע ``מִמּוֹשְׁבֹתֵיכֶם''."

[5]Tosfos, Rosh Hashanah 13a — Tosfos cite the Yerushalmi's position that upon the Israelites' entry into Eretz Yisrael, all existing grain — even wheat stored for years — immediately became subject to the *chadash* prohibition.

[6]The verse in Vayikra 23:17 states "מִמּוֹשְׁבֹתֵיכֶם תָּבִיאוּ" regarding the *shtei ha-lechem* (two loaves), and the Gemara on Menachos 84a extends this derivation to the *omer* as well.

מִמּוֹשַׁב אֶרֶץ יִשְׂרָאֵל דַּוְקָא לְאַחַר יְרוּשָׁה וְיִשִּׁיבָה וְאִם כֵּן הָכִי נָמֵי יְפָרֵשׁ מִמּוֹשְׁבוֹתֵיכֶם תָּבִיאוּ מֵאֶרֶץ יִשְׂרָאֵל דַּוְקָא וְאִם כֵּן תִּינַח מֵחוּץ לָאָרֶץ אֲבָל מֵאֶרֶץ יִשְׂרָאֵל מִזְּמַן פָּטוּר לֹא שָׁמַעְנוּ שֶׁלֹּא יָבִיאוּ עֹמֶר אַדְרַבָּא יֵשׁ לְהוֹכִיחַ בְּהֵיפּוּךְ מִדְּאִיצְטְרִיךְ מִמּוֹשְׁבוֹתֵיכֶם תָּבִיאוּ לְמַעוֹטֵי תְּבוּאָה שֶׁבְּחוּץ לָאָרֶץ וְהָא לָמָּה לִי קְרָא תֵּיפּוֹק לֵיהּ דְּלָהָךְ מַאן דְּאָמַר אֵין חָדָשׁ נוֹהֵג בְּחוּץ לָאָרֶץ מִמּוֹשְׁבוֹתֵיכֶם גַּבֵּי לֶחֶם וְקָלִי וְכַרְמֶל אֶלָּא עַל כָּרְחָךְ אַף עַל גַּב דְּאֵין חָדָשׁ נוֹהֵג שָׁם הָוָה מָצֵי לְאֵיתוּיֵי עֹמֶר מִינֵּיהּ מִשּׁוּם הָכִי אִיצְטְרִיךְ מִמּוֹשְׁבוֹתֵיכֶם תָּבִיאוּ וְאִם כֵּן בְּגָדֵל בִּזְמַן פָּטוּר דְּלֵיכָא מִיעוּטָא אֵיכָא לְמֵימַר מַקְרִיבִים עֹמֶר מִמֶּנּוּ בִּשְׁעַת חִיּוּב וּמִשּׁוּם הָכִי הוּצְרַךְ הַשַּׁשָּׁה סִדְרֵי לְדִיּוּקָא מִקְּצִירְכֶם וְלֹא קְצִיר נָכְרִי וְעַל זֶה יָפֶה הִקְשׁוּ תּוֹסָפוֹת הָא אֶרֶץ יִשְׂרָאֵל מוּחֶזֶקֶת הִיא.

versally) **similarly expound "from your dwelling places you shall bring" — from every place where you dwell you shall bring — even from chutz la'aretz. And whoever expounds "moshvoseichem" of the prohibition — as specifically from the dwelling of Eretz Yisrael — [i.e.,] only after conquest and settlement.** This is R' Yishmael's interpretation. **Then he similarly interprets "from your dwelling places you shall bring" as from Eretz Yisrael specifically. So this resolves [the exclusion of grain] from chutz la'aretz.** The verse, not a rule about **chadash**, excludes grain from **chutz la'aretz**. **But from Eretz Yisrael, from a time of exemption — we have not heard that one should not bring the omer [from such grain].** There is no verse excluding grain that grew in Eretz Yisrael during a period when **chadash** did not yet apply. **On the contrary, one can prove the opposite. Since we need [the verse] "from your dwelling places you shall bring" to exclude grain from chutz la'aretz. But why do I need a verse? I could derive it [from logic alone]!** If exemption from **chadash** made grain unfit, no verse would be needed here. **Since according to the view that chadash does not apply in chutz la'aretz — [which is derived] from "moshvoseichem" regarding bread, parched grain, and fresh grain. Rather, we are compelled to conclude: even though chadash does not apply there [in chutz la'aretz] — one could potentially bring the omer from it. Therefore we need [the additional verse] "from your dwelling places you shall bring." And therefore, regarding [grain that] grew during a time of exemption — where there is no exclusionary verse — one can say that we bring the omer from it during the time of obligation. And therefore the Gemara needed to derive specifically — from "your harvest" and not the harvest of a gentile.** Because exemption alone does not disqualify grain, the Gemara needed "your harvest" to exclude gentile-owned grain. **And regarding this, Tosfos rightly posed their question: but Eretz Yisrael is [already] in our possession!**

וְעַל דְּבָרַת מָגֵן אַבְרָהָם סִימָן תפ"ט בְּסוֹפוֹ דְּאִיכָּא לְמֵימַר דְּתַנָּא קַמָּא דְּחָדָשׁ נַמֵּי סְבִירָא לֵיהּ כְּרַבִּי עֲקִיבָא דְּמוֹשְׁבֹתֵיכֶם בְּכָל מָקוֹם וְלֹא שֶׁאִיסּוּר תְּבוּאָה שֶׁבְּכָל מָקוֹם אֶלָּא פֵּירוֹת אֶרֶץ יִשְׂרָאֵל הַיּוֹצְאִים לְחוּץ לָאָרֶץ אֲסוּרִים בְּכָל מָקוֹם וְהוּקְשָׁה לְמַעְלָתוֹ הָא ר"ת כָּתַב בִּמְנָחוֹת מ"ה עַמּוּד ב' דְּלְרַבִּי עֲקִיבָא הִקְרִיבוּ עֹמֶר בַּמִּדְבָּר וְעַל כֵּן נוֹהֵג בְּחוּץ לָאָרֶץ אִי בָּעִית אֵימָא לֵיהּ מִמַּה שֶׁתַּגְרֵי נָכְרִים מָכְרוּ לָהֶם מִפֵּירוֹת אֶרֶץ יִשְׂרָאֵל אֲבָל שִׁינּוּי דְּחִיקָא לָא מְשַׁנְּיָא לֵיהּ דְּמָגֵן אַבְרָהָם לָא קָאָמַר

And regarding the words of the Magen Avraham, siman 489, at its end.[7] **That one can say the Tanna Kamma regarding [the dispute about] chadash also holds like R' Akiva.** The Magen Avraham says the **Tanna Kamma** in Kiddushin accepts R' Akiva's reading of "moshvoseichem." **That "moshvoseichem" [means] in every place. Not that the prohibition of grain [applies] in every place. Rather, [that] produce of Eretz Yisrael that goes out to chutz la'aretz is prohibited in every place.** The place of prohibition changes, but the grain must come from Eretz Yisrael. **And his honor found this difficult. Since R' Tam wrote on Menachos 45b —**[8] **that according to R' Akiva, they offered the omer in the wilderness. And therefore [chadash] applied in chutz la'aretz.** This seems to contradict the Magen Avraham's limited reading because the wilderness is outside Eretz Yisrael. **If you wish, I could answer him [the questioner]: That gentile merchants**

[7]Magen Avraham, end of siman 489 (sub-section 17 in standard editions) — The Magen Avraham discusses whether the *Tanna Kamma* of Kiddushin holds like R' Akiva that "moshvoseichem" means "in every place," but interprets this to refer to Eretz Yisrael produce exported to *chutz la'aretz* rather than to all produce universally.

[8]Menachos 45b — The Mishnah records the dispute: "דִּבְרֵי רַבִּי עֲקִיבָא. אָמַר רַבִּי שִׁמְעוֹן בֶּן נַנָּס: לֹא כִי, אֶלָּא הַכְּבָשִׂים מְעַכְּבִין אֶת הַלֶּחֶם." R' Tam, in Tosfos there (s.v. "karvu"), deduces from R' Akiva's position that the *omer* was offered in the wilderness, implying *chadash* applied outside Eretz Yisrael.

sold them from the produce of Eretz Yisrael. But a forced answer I would not give him. For the Magen Avraham does not say that R' Akiva holds like the Tanna Kamma of Kiddushin. Rather, the Tanna Kamma holds like R' Akiva. And the matter is [as follows]: in this dispute about "moshvoseichem" — where R' Yishmael and R' Akiva disagree regarding libations (nesachim). According to R' Yishmael — [moshvoseichem means] after conquest and settlement. The obligation applies only in Eretz Yisrael after the land was conquered and settled. **And according to R' Akiva — in every place, etc. In this [dispute], the halacha follows R' Akiva without doubt. That "moshvoseichem" [means] in every place. For the halacha follows R' Akiva against his [single] colleague.** The well-known rule is that in a dispute between R' Akiva and a single colleague, the halacha follows R' Akiva. **And regarding this, the Magen Avraham says: Both the Tanna Kamma and R' Eliezer hold — like this [interpretation of] R' Akiva, that "moshvoseichem" [means] in every place. But the Tanna Kamma applies it — to produce of Eretz Yisrael that went out to chutz la'aretz. And R' Eliezer applies it literally — that [chadash] should apply in every place. And in truth, according to R' Tam, regarding this very interpretation as well — R' Akiva and his disputant disagree in Menachos 45b.** R' Tam says R' Akiva holds that **chadash** applies everywhere. Other authorities dispute this. **And those poskim hold — that there the halacha follows R' Shimon ben Menasya.** These authorities rule like R' Shimon ben Menasya against R' Akiva. **And R' Shimon [son] of Rebbi and others dispute R' Akiva. And the halacha does not follow him [R' Akiva] against his colleagues.** The rule "halacha k'R' Akiva" applies only against a single colleague. When multiple authorities oppose him, R' Akiva's view does not automatically prevail. **Furthermore, R' Shimon [son of Rebbi] established the halacha in his language: "The halacha follows R' Shimon ben Menasya." Even though one does not [normally] learn halacha from the mouth of a student.** Still, R' Shimon's explicit ruling supports these **poskim**. **And the Rambam also ruled there like R' Akiva. Nevertheless, there is no difficulty with those [other] poskim on this matter. And the Magen Avraham advocated well on their behalf. And from the Gemara in Menachos 5b, it appears —**[9] **as though the Gemara is uncertain about this reasoning regarding R' Akiva. Whether "moshvos" [meaning] everywhere entails that chadash applies [everywhere] — or whether it refers to produce of Eretz Yisrael that went out to chutz la'aretz. Since [the Gemara] says there: "And according to R' Akiva too, let us challenge — that [the omer is unique in] that it permits chadash in chutz la'aretz."** The Gemara raises this as a potential challenge to a **kal va-chomer** argument. **"And even according to the view that chadash in chutz la'aretz [is derived from] another matter, etc."** This wording leaves open whether R' Akiva applies **chadash** to all grain abroad. **And this is difficult: we are dealing with R' Akiva's view!** If R' Akiva clearly applies **chadash** everywhere, the Gemara should have

רַבִּי עֲקִיבָא סְבִירָא לֵיהּ כְּתַנָּא קַמָּא דְּקִידּוּשִׁין אֶלָּא תַּנָּא קַמָּא סְבִירָא לֵיהּ כְּרַבִּי עֲקִיבָא וְהָעַנְיָן דְּבָהַאי פְּלוּגְתָּא דִּמוֹשְׁבֹתֵיכֶם דְּפְלִיגִי רַבִּי יִשְׁמָעֵאל וְרַבִּי עֲקִיבָא בִּנְסָכִים דְּלְרַבִּי יִשְׁמָעֵאל אַחַר יְרֻשָּׁה וִישִׁיבָה וּלְרַבִּי עֲקִיבָא בְּכָל מָקוֹם וכו' בְּהָא הֲלָכָה כְּרַבִּי עֲקִיבָא בְּלִי סָפֵק דְּמוֹשְׁבֹתֵיכֶם בְּכָל מָקוֹם דְּהֲלָכָה כְּרַבִּי עֲקִיבָא מְחֻבָּרוֹ וְעַל זֶה אָמַר מָגֵן אַבְרָהָם דְּתַנָּא קַמָּא וְרַבִּי אֱלִיעֶזֶר תַּרְוַיְיהוּ סְבִירָא לְהוּ כְּהַהִוא רַבִּי עֲקִיבָא דְּמוֹשְׁבֹתֵיכֶם בְּכָל מָקוֹם אֶלָּא תַּנָּא קַמָּא מוֹקֵי לֵיהּ בְּפֵירוֹת אֶרֶץ יִשְׂרָאֵל שֶׁיָּצְאוּ לְחוּץ לָאָרֶץ וְרַבִּי אֱלִיעֶזֶר מוֹקֵי לֵיהּ כְּפִשּׁוּטוֹ שֶׁיְּנָהוֹג בְּכָל מָקוֹם וּבֶאֱמֶת לְר"ת גַּם בְּפֵירוּשׁ זֶה פְּלִיגִי רַבִּי עֲקִיבָא וּמַחֲלוֹקְתּוֹ בְּמַנָּחוֹת מ"ה עַמּוּד ב' וְסָבְרָא לֵיהּ לְהָנָךְ פּוֹסְקִים דְּהָתָם הֲלָכָה כְּר"ש בֶּן מַנְסִיָא וְר"ש דְּרַבִּי פְּלִיגִי אַדְּרַבִּי עֲקִיבָא וְאֵין הֲלָכָה כְּמוֹתוֹ מֵחֲבֵרָיו וְעוֹד ר"ש קָבַע הֲלָכָה בִּלְשׁוֹנוֹ הֲלָכָה כְּר"ש בֶּן מַנְסִיָא אַף עַל פִּי שֶׁאֵין לְמִדִּין הֲלָכָה מִפִּי תַּלְמִיד וְרַמְבַּ"ם פָּסַק גַּם שָׁם כְּרַבִּי עֲקִיבָא מִכָּל מָקוֹם אֵין קְשָׁיָא עַל אִינָךְ פּוֹסְקִים בָּזֶה וְיָפֶה הֵמִילִּיץ הַמָּגֵן אַבְרָהָם בַּעֲדָם וּמִשְּׁשָׁה סְדָרֵי מְנָחוֹת ה' עַמּוּד ב' יֵרָאֶה כְּאִלּוּ הַשְּׁשָׁה סְדָרֵי מְסָפֵק בְּהַאי סְבָרָא לְרַבִּי עֲקִיבָא אִי מוֹשָׁבוֹת בְּכָל מָקוֹם יְנָהוֹג חָדָשׁ אוֹ קָאֵי עַל פֵּירוֹת אֶרֶץ יִשְׂרָאֵל שֶׁיָּצְאוּ לְחוּץ לָאָרֶץ מִדְּקָאָמַר הָתָם וּלְרַבִּי עֲקִיבָא נַמִּי לִפְרוֹךְ שֶׁכֵּן מַתֶּרֶת חָדָשׁ בְּחוּץ לָאָרֶץ וּלְמַאן דְּאָמַר נַמִּי חָדָשׁ בְּחוּץ לָאָרֶץ לְדָבָר אַחֵר וכו' וְקָשֶׁה הָא לְרַבִּי עֲקִיבָא קַיְימִינַן וְאִיהוּ דָּרַשׁ מוֹשְׁבֹתֵיכֶם בְּכָל מָקוֹם אֶלָּא עַל כָּרְחָךְ לְפָרֵשׁ בְּרַבִּי עֲקִיבָא כְּדָמָגֵן אַבְרָהָם בְּשֵׁם יְרוּשַׁלְמִי וּבְהָא פְּלִיגִי תַּנָּא קַמָּא וְרַבִּי אֱלִיעֶזֶר דְּקִידּוּשִׁין וְכִנָּוֵךְ לְעֵיל וְהַדְּבָרִים בְּרוּרִים בְּעֶזְרַת הַשֵּׁם יִתְבָּרַךְ:

[9] Menachos 5b — The Gemara states: "וְלֹר' עֲקִיבָא נַמִּי לִפְרוֹךְ שֶׁכֵּן מַתֶּרֶת חָדָשׁ בְּחוּצָה לָאָרֶץ, וּלְמַאן דְּאָמַר נַמִּי חָדָשׁ בְּחוּצָה לָאָרֶץ — לִדְבַר אַחֵר." The Gemara appears uncertain whether, according to R' Akiva, "moshvoseichem" necessarily means *chadash* applies universally or refers to exported Eretz Yisrael produce.

no doubt. **And he [R' Akiva] expounded "moshvoseichem" as "in every place." Rather, we are compelled to interpret R' Akiva's view — as the Magen Avraham [explains] in the name of the Yerushalmi.** R' Akiva may refer only to produce exported from Eretz Yisrael, not all grain abroad. **And regarding this [specific application], the Tanna Kamma and R' Eliezer of [the Mishnah in] Kiddushin disagree. And as mentioned above. And the matter is clear, with God's help.**

דִּבְרֵי מָגֵן אַבְרָהָם סִימָן תס"ט מִשְּׁבוּעוֹת י"א רוֹצֶה לוֹמַר שָׁם מְבֹאָר אֲפִלּוּ הִקְדִּישׁ סֹלֶת לְמִנְחָה מַמָּשׁ עֲדַיִן לֹא קָדַשׁ קְדֻשַּׁת הַגּוּף עַד דְּקָדַשׁ בִּכְלִי שָׁרֵת וְלֹא דָמֵי לְבַעַל חַי דְּלָא בָּעֵי כְּלִי דִּבְדִבּוּר בְּעָלְמָא נָחִית לֵיהּ קְדֻשַּׁת הַגּוּף דִּבְהָנֵי אֲפִלּוּ אָמַר לִדְמֵי נְסָכִים דְּלָא חָזֵי בְּהֵמָה מִכָּל מָקוֹם חָל עָלֶיהָ קְדֻשַּׁת הַגּוּף לְרַבָּנַן דְּרַבִּי שִׁמְעוֹן שֶׁכָּתַב תּוֹסָפוֹת בְּתְמוּרָה י"ט עַמּוּד ב' דִּיבּוּר הַמַּתְחִיל זֹאת אוֹמֶרֶת וכו' מַה שֶּׁאֵין כֵּן אוֹתָם שֶׁצְּרִיכִים קְדֻשַּׁת כְּלִי כְּגוֹן סֹלֶת לְמִנְחָה שֶׁאֲפִלּוּ מַקְדִּישׁ אוֹתָם לְדַחֲזֵי לֵיהּ דְּהַיְינוּ לְמִנְחָה לֹא קָדַשׁ קְדֻשַּׁת הַגּוּף עַד שֶׁהוּקְדַּשׁ בִּכְלִי וּמִכָּל שֶׁכֵּן חִטִּים וְדִבְרֵי מָגֵן אַבְרָהָם בְּרוּרִים:

The words of the Magen Avraham, siman 469, [referencing] Shevuos 11.[10] The question concerns the Magen Avraham's ruling that one may say, "These wheat are for Pesach." **He means to say [the following]. There [in Shevuos] it is explained: even if one sanctified flour for an actual mincha offering — it has not yet attained intrinsic sanctity (kedushas haguf). Until it is sanctified in a sacred vessel (kli shareis). And it is not comparable to a living animal. Which does not require a [sacred] vessel. For through mere verbal declaration, intrinsic sanctity descends upon it. For regarding these [animals], even if one said "[this animal is for] the monetary value of libations" — [a purpose] for which an animal is not [inherently] fit.** An animal cannot itself serve as a libation, so the designation does not fit it. **Nevertheless, intrinsic sanctity takes effect upon it. According to the Rabbanan who disagree with R' Shimon. As Tosfos wrote in Temurah 19b, s.v. "Zos omeres."**[11] **But those [offerings] that require sanctification via a vessel [are different]. Such as flour for a mincha. Even if one sanctifies them for what they are [inherently] fit for — namely, for a mincha offering — it does not attain intrinsic sanctity. Until it is sanctified in a [sacred] vessel. And all the more so wheat.** Wheat is even less ready than flour to receive **kedushas haguf**. **And the words of the Magen Avraham are clear.** Therefore, calling wheat "for Pesach" does not give it **kedushas haguf**.

וּמַה שֶּׁכָּתַב לְהַקְשׁוֹת עַל מִנְהָגֵינוּ דַּחֲזִינָא מֲתָא מְבָרְכִים שֶׁהֶחֱיָנוּ בְּקִדּוּשָׁא בְּיוֹם טוֹב בְּבֵית הַכְּנֶסֶת וְחוֹזְרִין וּמְבָרְכִין בְּבֵיתָם וְהֶוֵי כְּעֵין בְּרָכָה לְבַטָּלָה דְּהָכָא לָא שַׁיָּיךְ לְאַפּוֹקֵי בְּנֵי בֵיתָם יְדֵי חוֹבָה דְּשֶׁהֶחֱיָנוּ הֶוֵי בִּרְכַּת הַנֶּהֱנִין וְכֵיוָן שֶׁהוּא כְּבָר יָצָא בְּבֵית הַכְּנֶסֶת דַּאֲפִילּוּ אוֹמְרוֹ בַּשּׁוּק יוֹצֵא בּוֹ וַאֲפִילּוּ אוֹמְרוֹ בְּחוֹל וְכְמוֹ שֶׁכָּתְבוּ תּוֹסָפוֹת בְּסֻכָּה מ"ו דִּיבּוּר הַמַּתְחִיל נִכְנַס לֵישֵׁב בָּהּ וכו' אִם כֵּן שׁוּב אֵינוֹ מוֹצִיא בְּנֵי בֵיתוֹ אֶלָּא דִּבְרֵי מַעֲלָתוֹ וְגַם בְּעֵינַי יִפָּלֵא:

And regarding what he wrote to raise a difficulty about our custom. That the town chazzan recites shehecheyanu during kiddush on Yom Tov in the synagogue. And they go back and recite [shehecheyanu] again at home. And this appears to be like a blessing in vain. For here it is not relevant [to say the chazzan intends] to fulfill his household members' obligation. He cannot repeat the blessing merely to fulfill it for his family. **Since shehecheyanu is a birkas ha-nehenin (a blessing of benefit/enjoyment).** One who already fulfilled a blessing of enjoyment cannot repeat it solely for others. **And since he has already fulfilled his obligation in the synagogue — for even if one recites it [shehecheyanu] in the marketplace, one fulfills it. And even if one recites it on a weekday. As Tosfos wrote in Sukkah 46[a], s.v. "nichnas leishev bah."**[12] **Then he can no longer**

[10] Magen Avraham 469:2 — On the Shulchan Aruch's ruling that one may not say "this meat is for Pesach" (lest it appear he consecrated it), the MA notes: "אבל מותר לומר חטים אלו לפסח" — one may say "these wheat are for Pesach," since wheat cannot attain *kedushas haguf* through verbal declaration. He references Shevuos 11 as the source for this distinction.

[11] Temurah 19b — The Gemara discusses the scope of *kedushas haguf* for animals. Tosfos s.v. "Zos omeres" explain that according to the Rabbanan (who disagree with R' Shimon), even if one designates an animal for a purpose for which animals are not inherently suited (such as libations), *kedushas haguf* takes effect — because animals achieve intrinsic sanctity through verbal declaration alone.

[12] Sukkah 46a — The Mishnah discusses the blessings on the *sukkah*: "נִכְנַס לֵישֵׁב בָּהּ, אוֹמֵר: אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ לֵישֵׁב בַּסּוּכָּה." Tosfos s.v. "nichnas leishev bah" discuss the *shehecheyanu* blessing, explaining that it can be recited even outside the context of the specific mitzvah performance — even in the marketplace or on a weekday.

fulfill his household members' obligation. Because he already fulfilled his obligation, he cannot repeat this type of blessing for his family. **These are his honor's words. And in my eyes too it is wondrous [i.e., the question is valid].**

אַךְ אָמַרְתִּי כִּי הַשָּׁלִיחַ צִבּוּר מְכַוֵּן בַּתְּחִלָּה שֶׁלֹּא לָצֵאת בְּשֶׁהֶחֱיָנוּ דְּבֵית הַכְּנֶסֶת וְאֵינֶנּוּ מְבָרֵךְ אֶלָּא שֶׁלֹּא לְבַטֵּל תַּקָּנָה רִאשׁוֹנָה הַקְּבוּעָה אֲבָל לֹא לָצֵאת בּוֹ וּמִמֵּילָא אֵינוֹ יוֹצֵא יְדֵי חוֹבָה וְחוֹזֵר וּמְבָרֵךְ בְּבֵיתוֹ וּכְמוֹ שֶׁכָּתַב מָגֵן אַבְרָהָם סִימָן תפ"ט סָעִיף קָטָן ז' וְיָדוּעַ דִּלְעִנְיַן כַּוָּנָה אֵין חִלּוּק בֵּין מִצְוֹת לִבְרָכַת הַנֶּהֱנִין כְּמוֹכָח מִמַּה שֶׁכָּתְבוּ וְהָאֲרִיכוּ הַפּוֹסְקִים וְרַבֵּינוּ יוֹנָה מִכֻּלָּם גַּבֵּי פָּתַח בַּחֲמָרָא וְסַיֵּים בְּשִׁכְרָא עַיֵּין שָׁם וְאִם כֵּן כִּי הֵיכָא בִּסְפִירַת עוֹמֶר אִם מְכַוֵּן שֶׁלֹּא לָצֵאת מְהַנֵּי וְהָכִי נָמֵי דְּכַוָּתֵיהּ וְאַף עַל גַּב דְּבִמְצָוָה דְּרַבָּנָן סְפִירַת הָעוֹמֶר לֹא בָּעֵי כַּוָּנָה כְּמוֹ שֶׁכָּתַב מָגֵן אַבְרָהָם סִימָן ס' סָעִיף קָטָן ג' בְּמְכַוֵּן שֶׁלֹּא לָצֵאת גָּרַע טְפֵי וּבָזֶה נִדְחֶה נָמֵי דִּבְרֵי דְּגוּל מֵרְבָבָה סִימָן רע"א דְּאֵין אָנוּ מְכַוְּנִים לָצֵאת בְּקִדּוּשׁ בַּתְּפִלָּה:

But I said that the shliach tzibbur (prayer leader) intends from the beginning — not to fulfill his obligation with the shehecheyanu in the synagogue. And he only recites [the blessing] so as not to nullify the original established enactment. But not to fulfill his obligation through it. And consequently he does not fulfill his obligation. And he goes back and recites [shehecheyanu] at home. As the Magen Avraham wrote, siman 489, sub-section 7.[13] The Magen Avraham gives a parallel case involving intent not to fulfill **sefiras ha-omer**. **And it is known that regarding intention (kavvanah), there is no distinction between mitzvos and blessings of enjoyment. As is evident from what the poskim wrote at length — and Rabbeinu Yonah among them — regarding [one who] began [a blessing] over wine and concluded [with the blessing] over beer.** This case shows that intention also matters for blessings of enjoyment. **See there. And if so, just as with counting the omer — if one intends not to fulfill [one's obligation], it is effective [at preventing fulfillment]. Similarly here too [in our case]. And even though for a rabbinic mitzvah — [such as] counting the omer [in our era] — kavvanah is not required [to fulfill one's obligation]. As the Magen Avraham wrote, siman 60, sub-section 3.**[14] **When one specifically intends not to fulfill [the obligation], it is even more effective [at preventing fulfillment].** Lack of intent differs from intent not to fulfill. The latter prevents fulfillment even for a rabbinic mitzvah. **And with this, the words of the Dagul Merevavah, siman 271, are also refuted.**[15] **That we do not intend to fulfill [the obligation of] kiddush through the [Shabbos evening] prayer [recitation].** Specific intent not to fulfill also affects whether the Friday night prayer fulfills kiddush.

וּבְשׁוּ"ת שָׁב יַעֲקֹב חֵלֶק אוֹרַח חַיִּים סִימָן י"ד רָצָה לְהוֹכִיחַ נֶגֶד הר"ן דְּסָבִירָא לֵיהּ דְּקִידּוּשָׁא בְּבֵית הַכְּנֶסֶת תַּקָּנָה קְבוּעָה הִיא בְּכָל מָקוֹם דְּלֵיתָא מִלְּשׁוֹן הַשִּׁשָּׁה סְדָרִי אוֹתָם בְּנֵי אָדָם שֶׁקִּדְּשׁוּ בְּבֵית הַכְּנֶסֶת מַשְׁמַע אִיכָּא דּוּכְתָא דְּלָא מְקַדְּשִׁין בְּבֵית הַכְּנֶסֶת דְּלָא נִתְפַּשְׁטָה הַתַּקָּנָה בְּכָל מָקוֹם וַאֲנִי אוֹמֵר אִי כְּדִבְרֵי הַגָּאוֹן הָוָה לֵיהּ לְמֵימַר אוֹתָם בֵּית הַכְּנֶסֶת שֶׁמְּקַדְּשִׁין בָּהֶם וְלֹא אוֹתָם

And in the responsa Shav Yaakov, Orach Chaim section, siman 14 —[16] **he [the Shav Yaakov] sought to prove against the Ran. Who holds that kiddush in the synagogue is a fixed, established enactment in every place. That this is not so [i.e., the Shav Yaakov argues the Ran is wrong]. From the language of the Gemara: "those people who made kiddush in the synagogue."**[17] **This implies that there are places where they do not make kiddush in the synagogue.** The word "those" suggests that not everyone did this. **That the enactment was not disseminated everywhere. And I say: If according to the words of the Gaon [the Shav Yaakov] — [The Gemara] should**

[13] Magen Avraham 489:7 — The Magen Avraham discusses the case of one who counted the *omer* during twilight (*bein ha-shemashos*) and intended to count again after nightfall. He applies the principle that specific intent not to fulfill one's obligation is effective even when *kavvanah* is not generally required.

[14] Magen Avraham 60:3 — On the Shulchan Aruch's ruling "יש אומרים שאין מצות צריכות כוונה," the MA discusses when *kavvanah* is and is not required for mitzvos, including the distinction between *de-oraisa* and *de-rabbanan* obligations.

[15] Dagul Merevavah, siman 271 — On the Shulchan Aruch's laws of kiddush, the Dagul Merevavah addresses whether the mention of kiddush in the Friday night *amidah* constitutes fulfillment of the kiddush obligation. He argues that since we do not intend to fulfill kiddush through the prayer, it does not count.

[16] Teshuvos Shav Yaakov, Orach Chaim, siman 14.

[17] Pesachim 100b–101a — The Gemara discusses: "אוֹתָם בְּנֵי אָדָם שֶׁקִּדְּשׁוּ בְּבֵית הַכְּנֶסֶת" — "those people who made kiddush in the synagogue" — and the dispute between Rav and Shmuel regarding whether they fulfill the requirement of *kiddush bi-makom se'udah*.

have said "those synagogues where they make kiddush in them." If practices differed by location, the Gemara would have distinguished between synagogues. **And not "those people who make kiddush in the synagogue." But the truth shows its path. That the enactment spread everywhere [as the Ran maintains]. And there were merely people who wanted to fulfill their household members' obligation [at home]. And according to Rav, [after hearing kiddush in shul,] they could not [effectively] fulfill [their household's] obligation. Because they had already heard [kiddush] in the synagogue. Even though regarding blessings over mitzvos, even one who has already fulfilled his obligation can help others fulfill theirs. Nevertheless, ab initio it is not proper to do so without compulsion or necessity. Therefore, they [those with families] would intend not to fulfill their obligation in the synagogue. And they are "people who did not [effectively] make kiddush in the synagogue." But those who have no household members [to fulfill obligations for] — and they intend to fulfill their obligation in the synagogue. They are "those who made kiddush in the synagogue." And regarding them, Rav and Shmuel disagree.** Rav and Shmuel dispute whether this group fulfilled kiddush in the synagogue. **And throughout, the enactment spread everywhere. And as for Tosfos wanting to say — that nowadays, since there are no guests [staying] in the synagogue — it would be a blessing in vain.** The original purpose of kiddush in shul was for travelers who ate and slept there. **[This is] not because they hold that the enactment was not [universally] established from the beginning. Rather, even though it was established from the beginning — it is not comparable to the chazzan's repetition of the amidah prayer. Which the Ran cites [as a precedent].** The Ran compares synagogue kiddush to the chazzan's repetition, which remains in force. **Because there [in the repetition of the amidah], it is not a blessing in vain. For "would that one would pray all day long!"** Prayer has value even when repeated. **But regarding the blessing of kiddush [it is different]. And nevertheless, [the practice is justified] as I wrote — that [the chazzan] should intend not to fulfill his obligation [in shul].** His synagogue blessing maintains the enactment. His home blessing fulfills his own obligation. **[See above, siman 21.][18] What appears correct in my humble opinion I have written in haste. The words of the indebted one, Moshe the humble, Sofer, from Frankfurt am Main.**

בְּנֵי אָדָם שֶׁמְּקַדְּשִׁין בְּבֵית הַכְּנֶסֶת אֲבָל הָאֱמֶת יוֹרֶה דַּרְכּוֹ דְּפָשְׁטָה הַתַּקָּנָה בְּכָל מָקוֹם וְרַק הָיוּ בְּנֵי אָדָם שֶׁרָצוּ לְהוֹצִיא בְּנֵי בֵיתָם יְדֵי חוֹבָה וּלְרַב לֹא הֲווֹ מָצֵי לְאַפּוֹקֵי יְדֵי חוֹבָה מִפְּנֵי שֶׁכְּבָר שָׁמְעוּ בְּבֵית הַכְּנֶסֶת אַף עַל גַּב דְּבִרְכַּת הַמִּצְוֹת אַף עַל גַּב שֶׁיָּצָא מוֹצִיא מִכָּל מָקוֹם לְכַתְּחִלָּה לֹא שַׁפִּיר דָּמֵי לְמֵיעַבַד הָכִי בְּלֹא אוֹנֶס וְהֶכְרֵחַ עַל כֵּן הָיוּ מְכַוְּנִים שֶׁלֹּא לָצֵאת בְּבֵית הַכְּנֶסֶת וְהֵם אֲנָשִׁים שֶׁלֹּא קִדְּשׁוּ בְּבֵית הַכְּנֶסֶת אַךְ אוֹתָם שֶׁאֵין לָהֶם בְּנֵי בַיִת וְהֵם מְכַוְּנִים לָצֵאת יְדֵי חוֹבָה בְּבֵית הַכְּנֶסֶת וְהֵם אוֹתָם שֶׁקִּדְּשׁוּ בְּבֵית הַכְּנֶסֶת וַעֲלֵיהֶם פְּלִיגִי רַב וּשְׁמוּאֵל וּלְעוֹלָם פָּשְׁטָה הַתַּקָּנָה בְּכָל מָקוֹם וְהָא דְּרָצוּ תּוֹסָפוֹת לוֹמַר בַּזְּמַן הַזֶּה דְּלֵיכָא אוֹרְחִין בְּבֵית הַכְּנֶסֶת הֲוֵי בְּרָכָה לְבַטָּלָה לֹא מְשׁוּם דְּסָבְרָא לְהוּ דְּהַתַּקָּנָה לֹא הֲוֵי קְבוּעָה מִתְּחִלָּה אֶלָּא אַף עַל גַּב דַּהֲוֵי קָבוּעַ מִתְּחִלָּה לֹא דָּמֵי לַחֲזָרַת שְׁלִיחַ צִבּוּר הַתְּפִלָּה דְּמַיְּתֵי ר"ן מִשּׁוּם דְּהָתָם אֵין בְּרָכָה לְבַטָּלָה דְּהַלְוַאי שֶׁיִּתְפַּלֵּל כָּל הַיּוֹם מַה שֶּׁאֵין כֵּן בִּבְרָכָה דְּקִידּוּשׁ וּמִכָּל מָקוֹם הֲרֵי כְּמוֹ שֶׁכָּתַבְתִּי שֶׁיִּתְכַּוֵּן שֶׁלֹּא לָצֵאת [עַיֵּין לְעֵיל סִימָן כ"א] הַנִּרְאֶה לַעֲנִיּוּת דַּעְתִּי כָּתַבְתִּי בְּחִפָּזוֹן דִּבְרֵי הַבַּעַל חוֹב מֹשֶׁה הַקָּטָן סוֹפֵר מִפְּרַנְקְפוּרְט דְּמַיִין:

[18]This refers to an earlier teshuvah in this collection (Chasam Sofer, Orach Chaim, Teshuvah 21) where the topic of kiddush in the synagogue is also discussed.