

The Performing Kiddush Prior to Tekiyas Shofar Puzzle

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Picture, if you will, the hallowed halls of almost any Yeshivah, almost anywhere in the world, on Rosh Hashanah morning. As the strains of Shiras Chanah conclude, followed by the post-Haftarah brachos, there suddenly is a loud bang on the Bimah and the Gabbai calls out “Kiddush!” Most of those assembled take a break for a quick Kiddush and then return for the day’s main Mitzvah - the Tekiyas Shofar, the Blowing of the Shofar. The recitings of ‘Lamnatzeach’ soon reach a crescendo, not unlike a deafening roar, as the congregation eagerly anticipates and prepares for the Shofar Blowing.

Although this is indeed the common custom in almost every Yeshivah, curiously, the idea of making Kiddush and eating prior to the main Mitzvah of the day is considered an anathema to some. In fact, the Matteh Efraim, who is considered the authority on issues relating to the Yomim Nora'im, writes that it is actually prohibited to eat before Tekiyas Shofar, barring if one is weak, and, even only then, a small ‘Te'imah', tasting of food, in private, is allowed.[1] If so, why do so many make Kiddush[2] and eat before Tekiyas Shofar?

Missing an Action

The notion of not eating prior to the performance of a day’s specific Mitzvah is first mentioned by the Mishnah in Shabbos (Ch. 1: Mishnah 2) regarding doing specific actions, including eating, close to the Zman (time) of Tefillas Minchah, as one might continue his actions and unwittingly miss davening due to his negligence ('peshia'). The Gemara in Brachos (4b) remarks similarly by Zman Krias Shema of Maariv, as well as before Shacharis (ad loc. 10b). We find that the main codifiers of halachah, the Shulchan Aruch and Rema, additionally invoke this ‘no eating before Mitzvah’ rule by certain Mitzvos, including Bedikas Chometz before Pesach, waving the Arbah Minim on Sukkos, and the reading of the Megillah on Purim.[3]

Hashmatas Hashofar?

Yet, noticeably absent from this list is Tekiyas Shofar. In fact, the Hisorerus Teshuvah and Kaf Hachaim opine that perhaps Tekiyas Shofar's omission from this list of Mitzvos that one may not eat prior to performing is the reason why many do indeed eat before Shofar blowing.[4] If it is not specifically mentioned, perhaps it is indeed permitted.

On the other hand, several authorities reject such a notion, as there are other important Mitzvos not explicitly listed that should seemingly be included. Moreover, if a Rabbinic Mitzvah such as Megillah reading is included, then certainly, the Biblical Tekiyas Shofar would be as well. They therefore conclude that the rule does indeed apply to all such Mitzvos, and it must be that the Shulchan Aruch only enumerated it several times, as he must have felt no need to spell it out explicitly by every such Mitzvah.[5]

Additionally, although Tekiyas Shofar is peculiarly not mentioned on the 'no eating before Mitzvah' list by the Gemara, or later codifiers, it still is expressly mentioned by Chazal - in the Tosefta (Shabbos Ch. 4: 4), and cited lemaaseh by the Mogen Avrohom in Hilchos Megillah (692: 7). In fact many later authorities, including the Beis Meir, Rav Akiva Eiger, the Maharam A"sh, the Beis Yitzchok, the Shaarei Teshuva, Matteh Efraim, Maharsham, Butchatcher Rav, Levushei Mordechai, and Mishnah Berurah (albeit in Hilchos Megillah),[6] all practically rule that indeed this ruling equally applies to Shofar Blowing.

Moreover, it is known that at a time when a cholera epidemic was raging, Rav Akiva Eiger made a Takkanah that everyone should make Kiddush and eat before Mussaf, but only after Tekiyas Shofar.[7] It seems that even in those trying times, he was still reluctant to allow his community to make Kiddush before Shofar Blowing.

If so, why do so many make Kiddush and eat before Tekiyas Shofar? Indeed, this is not a new issue, as we find that both the Sedei Chemed and Katzeh Hamatteh asked this very same question on this minhag of the masses over a hundred years ago.[8]

Yet, we find several solutions given by contemporary authorities to resolve this apparent enigma.

'Te'imah B'alma'

One approach, that of Rav Tzvi Pesach Frank and Rav Moshe Sternbuch,[9] is that even regarding the Mitzvah of Lulav, which is one of the cases from which the rule concerning Rosh Hashanah is gleaned, although, as mentioned previously, eating is not allowed, nevertheless me'ikar hadin, Te'imah', tasting, is permitted le'ais hatzorech, in time of need, before the waving of the Lulav.[10] As mentioned previously, the same should hold true on Rosh Hashanah.

There is a well-known halachah that one is not allowed to fast on Rosh Hashanah (barring certain specific circumstances). Although it is a Day of Judgment, and there are opinions of the Gaonim that do permit one to fast, nevertheless the halachah is that Rosh Hashanah is also a festive Yom Tov and we must honor it properly. In fact, the Yerushalmi (Rosh Hashanah Ch. 1: Halachah 3) mentions that we must eat, drink, and be mesamayach on Rosh Hashanah.[11] This includes partaking of fine delicacies, as it is written in the Sefer Nechemiah (Ch. 8: 10) regarding Rosh Hashanah that everyone should "Eat fatty foods and drink sweet drinks...for this day is holy".

Although several authorities maintain that Rosh Hashanah is different than other Yomim Tovim in one regard, that one may indeed halachically fast until past Chatzos Hayom (Halachic midday) if immersed in prayer,[12] nevertheless, with Tefillos in many Kehillos, and especially Yeshivos, lasting until well past Chatzos, to fast that long would be considered a lack of 'Oneg Yom Tov', as well as enough of Tzorech (halachic need) to eat at least something to have strength,; thereby making a 'Te'imah' apropos. Accordingly, one with a long davening ahead may make Kiddush and eat before Tekiyas Shofar, as long as it is a quick Kiddush break and not an official Seudah.

According to this understanding, Rav Akiva Eiger's Takkanah would not contradict this approach, as his directives to avoid the cholera outbreak was to eat a full 'Seudas Boker', morning meal, and not just a quick Kiddush. Therefore, he made sure that a full Seudah would be permitted only after the first sets of Tekiyas Shofar.

Might of the Masses

A second approach, given by the Minchas Yitzchok and Tzitz Eliezer, as well as Rav Moshe Sternbuch,[13] explains that the issue with eating before performing a Mitzvah is that one will become preoccupied with his actions and may unwittingly miss out on performing the Mitzvah. This

is known as 'peshia', negligence. Yet, we find halachic precedent in certain cases, where one may eat prior to performing a Mitzvah, if he is b'rabbim, amongst others doing the same actions.[14] In such a case, where he is part of a crowd eating, we are not worried that he will not actually perform The Mitzvah, as 'rabbim medachrin haddadi', the masses will remind each other. In fact, the Mishnah Berurah invokes this rule regarding learning before Maariv, that one may do so if he is davening b'rabbim.

This should apply as well to Tekiyas Shofar. Since everyone making Kiddush together is 'in the same boat', they collectively will ascertain that none of them will miss the Shofar Blowing. Ergo, it should be permitted. Accordingly, Rav Akiva Eiger's Takkanah would not be problematic, as in his case everyone went back to their individual homes to eat a 'Seudas Boker', and they would have lost out on this special dispensation of the rabbim.

Additionally, the Tekiyas Shofar is part and parcel (in fact, the main Mitzvah) of the Seder Hayom of Rosh Hashanah, which the Torah refers to as 'Yom Teruah, The Day of the Shofar Blast': how is it possible to be negligent and miss it altogether?[15]

An alternate, yet similar solution was posited by the Hisorerus Teshuvah, that 'Aimas HaDin', fear of judgment, should be sufficient to overrule potential negligence. That is why, he explains, this issue is not explicitly mentioned regarding Tekiyas Shofar, as opposed to other Mitzvos and other Yomim Tovim.[16][17]

Rav Henkin's Hora'ah

However, even with the various reasons elucidating this minhag of the masses, we find that many contemporary Gedolim were reluctant to rely on them. It is told that the Chazon Ish would not make Kiddush before Tekiyas Shofar, and neither would his brother-in-law, the Steipler Gaon, even when he was very weak. Similarly, both Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Elyashiv only allowed a Kiddush dispensation prior to Shofar blowing in cases of 'tzorech gadol, great need'. [18] This is seconded by Rav Ovadiah Yosef and Rav Mordechai Eliyahu, as 'the Sefardic minhag is not to eat until after Mussaf'. [19] But the Posek in recent times who was the most vociferous in his opposition to this minhag was Rav Yosef Eliyahu Henkin.

Rav Henkin wrote several responsa on this topic,[20] rejecting all notions and rationales to the contrary, concluding that there is no halachic justification for such a custom, and calling it a “ta’us gamur, complete mistake”; he printed his ruling annually in his authoritative Ezras Torah Calendar. Additionally, it is known that he would admonish and exhort anyone who would visit him during Elul that they must not eat before Tekiyas Shofar. It is reported that after Rav Aharon Kotler’s passing, Rav Henkin asked Rav Schneur Kotler, his son and successor as Rosh Yeshivah of Beis Medrash Gavoah in Lakewood, to change the yeshivah’s minhag to not allow Kiddush before Tekiyas Shofar.[21] In fact, this is one of his rulings for which he was most known.

Yeshivish Tradition

On the other hand, and whichever rationale they are following notwithstanding, what is known is that Yeshivos worldwide have been following the minhag of making Kiddush prior to Tekiyas Shofar for quite a few generations, as this was the definitive common custom throughout Lithuania (Lita), in the great Yeshivos of Kelm, Slabodka, Mir, and Telz, and according to Rav Mordechai Gifter, was the custom of Rav Yisroel Salanter.[22]

To sum up the matter, and although this dilemma is quite complicated, one must ascertain from his knowledgeable halachic authority, as well as taking his personal situation, strength level, and minhag into account, as to what to do on Rosh Hashanah morning.[23]

Postscript: One interesting upshot of this machlokes seems to be the recent proliferation of Vasikin Minyanim on Rosh Hashanah. In this way, it is possible to daven all of Shacharis and Mussaf and still be able to make Kiddush after completing davening but still before Chatzos, as well as gain all the spiritual benefits of ‘Davening Haneitz’.[24] A seemingly excellent way to avoid spiritual conflict on the Day of Judgment, all the while literally fulfilling the Rambam’s famous dictum (Hilchos Teshuvah Ch. 3: 4) of ‘Uru Yesheinim Mi’shnascham, Wake up you slumberers, from your sleep’, for the clarion call of the Shofar.

The author wishes to acknowledge R’ Zvi Ryzman’s excellent treatment of this topic in Ratz Katzvi (B’Maagalei Hashanah vol. 1: 2) as it contains a wealth of information.

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[1] Matteh Efraim (588: 2). See also Elef Hamagen (ad loc. 20) and Katzeh Hamatteh (ad loc. 4).

[2] Although this author has heard of some (see Minhag Yisroel Torah, Orach Chaim 585: 3) who eat without making Kiddush prior to Tekiyas Shofar, as they maintain that they are following the shittah of the Rashal (cited by the Ateres Zekeinim Orach Chaim 89: 3, Prishah ad loc. 6, and Ba'er Heitiv ad loc. 12), Ikrei HaDa"t (Ikrei Dinim 13: 3) and Maharsham (Daas Torah, Orach Chaim 286: 3), who hold that there is no Chiyuv of Kiddush before Mussaf [see also Zichron Yehuda (pg. 42b s.v. amar; new print pg. 97: 196) citing that the Maharam Ash invoked this to allow drinking (but not eating) before Tekiyas Shofar], nevertheless, it seems that the general halachic consensus follows those who hold Kiddush is already mandated after Shacharis. See Bach (Orach Chaim 286), Mogein Avrohom (ad loc. 1), Elyah Rabbah (ad loc. 9), Shulchan Aruch Harav (ad loc. 4), Rav Akiva Eiger (Psakim V'Takanos Rav Akiva Eiger 20), Chasam Sofer (Shu"t Yoreh Deah 7: 2), Matteh Efraim (585: 2), Beis Yitzchok (Shu"t Yoreh Deah, Kuntress Acharon to Orach Chaim 18), Mishnah Berurah (286: 7), Shu"t Shevet Halevi (vol. 4: 54: 3), Sha'arim Metzuyanim B'Halachah (129: 26 s.v. u'mi), and Yalkut Yosef (Kitzur Shulchan Aruch, Orach Chaim 585: 11). Therefore, it seems that lema'aseh, if one will eat before Tekiyas Shofar, even a 'Te'imah', it is preferable that he make Kiddush first.

[3] Shulchan Aruch (Orach Chaim 232: 2; 235: 2; 431: 2; 652: 2) and Rema (692: 4; citing the Terumas Hadeshen 109, that certainly Mikra Megillah would share the same status as Tefillah in this aspect, that one may not sit down to a Seudah before its recital. Although regarding eating prior to the waving the Arbah Minim on Sukkos is cited in the Gemara (Sukkah 38a), there it refers to the need to stop eating when the Arbah Minim become available, but does not explicitly mention that it is outright assur to eat before waving. Yet, the Shulchan Aruch gleans from the Gemara, and rules accordingly, that achilah is indeed assur prior to the na'anuim. The Rokeach (353; cited in Shu"t

Ba'er Sarim vol. 1: 45, 3) explains that (aside for issues of possible peshia) not eating prior to performing Mitzvos shows how beloved these Mitzvos are to us.

[4] Kaf Hachaim (Orach Chaim 585: 26). A similar assessment is given by the Hisorerus Teshuva (Shu"t vol. 1: 225; new print Orach Chaim 374), but offers different solutions (see next footnote and footnote 15). However, it must be noted that the Kaf Hachaim only invokes such a hetter for one who is "tash ko'ach v'aino yachol lihiyos b'taanis ad tzais Beis Haknesses", and only for 'achilas araei'. In fact, in Orach Chaim 588: 11 he actually only cites the Matteh Efraim's shittah lemaaseh, with a note to see what he wrote previously (Orach Chaim 585: 26) as a possible leniency.

[5] See Shu"t Sheilas Ya'avetz (vol. 1: 40 s.v. mikol makom) and Moadei HaGra"ch (417, pg. 191) who understand the Shulchan Aruch's omissions this way, as do the many poskim who rule stringently here (see next footnote). On the other hand, for an opposing view, see Shu"t Hisorerus Teshuva (new print ibid.) who compiles the original responses given to his difficulty with why the klal is not explicitly mentioned by Tekiyas Shofar [as his letter was originally published in Kovetz Tel Talpiyos (Cheshvan 5661, Machberes 9, Mischtav 3: 18) and Kovetz Vayilaket Yosef (5661, 3rd Year, Kuntress 2: 10) and several responses were given including the Mogen Avrohom's citing of the Tosefta] and rejects them, as why would the Magen Avrohom not cite the Tosefta in Hilchos Shofar, but rather only in Hilchos Lulav? Additionally, he mentions that other poskim invoke this klal by other Mitzvos, including the Mogen Avrohom regarding Ner Chanukah (Orach Chaim 672: 5) and Nachalas Tzvi regarding Bris Milah (Yoreh Deah 262: 1). In his opinion, all of this proves that the opposite is true - that said prohibition should not technically apply by Tekiyas Shofar.

[6] Beis Meir (beg. Orach Chaim 652), Rav Akiva Eiger (Haghos R' Akiva Eiger to Ateres Zekeinim, Orach Chaim 589: 3 and Psakim V'Takanos Rav Akiva Eiger 20), Maharam A"sh (cited in Zichron Yehuda pg. 42b s.v. amar; new print pg. 97: 196), the Beis Yitzchok (Shu"t Yoreh Deah, Kuntress Acharon to Orach Chaim 18), the Shaarei Teshuva (Orach Chaim 584: end 3), Matteh Efraim (588: 2), Maharsham (Shu"t vol. 1: 1 s.v. uv'ikar), Butchatcher Rav (Orach Chaim 589: 3), Levushei Mordechai (Shu"t Orach Chaim, Mahadura Kamma end 65 s.v. um"sh), and Mishnah Berurah (692: 15). Furthermore, from the lashon of the sheilah and teshuvah of the Shevus Yaakov (Shu"t vol. 1: 28) it seems that he held that there was no hetter to eat prior to Tekiyas Shofar. As an aside, this

understanding was actually predated by the Ritva and the Rashba (Sukkah 38a s.v. uriminhu), who seems to be the only Rishonim who explicitly mention that this din would apply to Shofar as well.

[7] Psakim V'Takanos Rav Akiva Eiger (20; cited in full in Shu"t Tzitz Eliezer vol. 20: 23). It seems that Rav Eiger was of the opinion that it is preferable to make Kiddush (obviously B'shaas Hadchak) between Tekiyos D'Meyushav and Tekiyos D'Me'umad than before the Tekiyos, even though that technically it is forbidden to make a hefsek between them [see Shulchan Aruch (Orach Chaim 592: 3) based on the Rif (Rosh Hashanah 11a of his folios), Rosh (ad loc. Ch. 4: 12; quoting the 'Reish Mesivta') and Rambam (Hilchos Shofar Ch. 3: 11)]. This is an opinion shared by several later authorities including the Butchatcher Rav (Eishel Avrohom, Orach Chaim 589: 3), Rav Yosef Eliyahu Henkin (Teshuvos Ibra 39: 1 and 2 and in his posthumously published Shu"t Gevuros Eliyahu vol. 1: 158 and 159), and Rav Shlomo Zalman Auerbach (Halichos Shlomo, Moadim vol. 1, Rosh Hashanah Ch. 2; 1 -3; however, he would only use this hetter when extremely weak, on the second day, and with hearing the Brachos of Shofar again in a different, somewhat later minyan).

[8] Sdei Chemed (Ma'areches Rosh Hashanah 2: 31; cited in Nishmas Avrohom vol. 1 - Orach Chaim 585: 1), and Katzeh Hamatteh (588: 4). However, they come to vastly different conclusions. The Sdei Chemed, after seeing a Gadol - a certain Rav Shimshon, allowing Kiddush prior to Tekiyas Shofar, concludes that 'these Ashkenazim' must have what to rely upon and apparently this is a justifiable minhag. On the other hand, and quite conversely, the Katzeh Hamatteh concludes "ain lahem al mah sheyismachu... v'raui v'nachon levattel minhag zeh". Other authorities who wrote that they cannot comprehend the common minhag of eating before Tekiyas Shofar include the Maharam Ash (cited in Zichron Yehuda pg. 42b s.v. amar; new print pg. 97: 196) and the Levushei Mordechai (Shu"t Orach Chaim, Mahadura Kamma end 65 s.v. um"sh)

[9] Mikra'ei Kodesh (Yamim Nora'im 29), Moadim U'Zmanim (vol. 1: 4 s.v. amnam and v'ha'ikar), and Shu"t Teshuvos V'Hanhagos (vol. 5: 179). Rav Shlomo Zalman Auerbach (Halichos Shlomo ibid.) and the Tzitz Eliezer (Shu"t vol. 7: 32) also cite this as a justification for the common minhag.

[10] See Mogen Avrohom (652: 4), Bikkurei Yaakov (ad loc. 5), Chayei Adam (vol. 2, 148: 16), Matteh Efraim (651 - 659: 10 and 588: 2), Erech Shai (ad loc.), Kitzur Shulchan Aruch (137: 5), Aruch Hashulchan (Orach Chaim 652: 5; he adds that since the Rif and Rambam both unexplainably

skip this halachah, “ain lehachmir bazeh harbeh”), Mishnah Berurah (652: 7; who adds that one should only be meikel “l'tzorech gadol”), and Shu”t Yabia Omer (vol. 5, Orach Chaim 22 s.v. mikol; who proves that most Acharonim are indeed mattir ‘Tei’mah’ me’ikar hadin prior to the Mitzvos of Lulav and Shofar). Although several authorities are actually machmir with even ‘Tei’mah’ before waving the Arbah Minim [as the Mogein Avraham was undecided, and the Elyah Rabbah (ad loc. 5) ruled to be machmir, as did the Maharam Ash (Zichron Yehuda ibid.) and Beis Yitzchok (ibid.; who was even machmir regarding drinking - unless one is extremely weak), and the Besamim Rosh (Shu”t 74) wrote very strongly against even ‘Tei’mah’ prior to Lulav, although acceding that me’ikar hadin it is muttar], nevertheless, Rav Yaakov Emden (Shu”t Sheilas Ya’avetz ibid.) writes that for all of these Mitzvos, not partaking of a ‘Tei’mah’ beforehand is an inyan of ‘Zerizus’, not an actual issur, and only applicable for those who are able to. He adds that if someone is weak, it is not even Middas Chassidus to abstain from a ‘Tei’mah’, and especially if not doing so he will not be able to daven and learn properly. It is important to note that even regarding Lulav, the poskim hold that one need only wait until Chatzos to eat if a Lulav is unavailable (Orach Chaim 652). See also Shaarei Teshuva (Orach Chaim 584: end 3) who explicitly makes this Chatzos comparison to Tekiyas Shofar. Additionally, the Chasam Sofer (Shu”t Yoreh Deah 7: 2) famously ruled for a Chazzan who was weak and needed to eat, that he should make Kiddush before Tekiyas Shofar.

[11] See Tur / Shulchan Aruch and Mishnah Berurah (Orach Chaim 597: 1), Chayei Adam (vol. 2, 139: 11), Shu”t Sha’agas Aryeh (101), Shu”t Chasam Sofer (Orach Chaim 168), and mv”r Rav Yosef Yitzchok Lerner’s excellent, award-winning Shemiras HaGuf V’Hanefesh (vol. 2: Ch. 137) at length. Although there are shittos in the Gaonim that one may fast on Rosh Hashanah [see Mordechai (Rosh Hashana Ch. 1: 708 at length, and Yoma Ch.1: 723), Rosh (at the very end of Maseches Rosh Hashanah), Terumas Hadeshen (Shu”t 278), and Beis Yosef (Orach Chaim 597)], this is not the normative halachah. In fact, the Yerushalmi mentions that we must eat, drink, and be mesamayach on Rosh Hashanah. See also the Rogatchover Gaon’s Shu”t Tzafnas Pane’ach (in the Divrei Torah between volumes 2 & 3) for a fascinating and deep hesber to answer up the shittos of those Gaonim who maintain that one may indeed fast on Rosh Hashanah. This was addressed in a previous article titled “(Not) To Eat Fish on Rosh Hashana’.

[12] “Tefillos, Tekiyos, U’Piyutim”. See Ateres Zekeinim (Orach Chaim 597: 1), Matteh Efraim (ad loc. 2), and Mishnah Berurah (ad loc. 2). This is also implied by the Rema (Orach Chaim 584: 1), citing the Maharil (Seder Mussaf shel Rosh Hashanah).

[13] Shu”t Minchas Yitzchok (vol. 5: 101, 1), Shu”t Tzitz Eliezer (vol. 6: 67, 2; see also vol. 8: 21; vol. 20: 23), Moadim U’Zmanim (vol. 1: 4 s.v. v’haikar nireh), and Shu”t Teshuvos V’Hanhagos (vol. 4: 137). However, the Minchos Yitzchok concedes that it is proper that Kiddush should be made b’tzinah.

[14] See Mogen Avrohom (Orach Chaim 232: 8) citing the Mahari Weil (Hilchos Pesach), Machatzis Hashekel (ad loc. s.v. aval), Pri Megadim (Eishel Avrohom ad loc.), Aruch Hashulchan (ad loc. 16; ‘u’b’vaday sevara gedolah hi’), and Mishnah Berurah (668: end 16 s.v. mah). Although there the Mishnah Berurah seems to imply that such a hetter is merely a limud zechus, nevertheless, in Shaar Hatziyun (235: 19), he explicitly invokes this klal lechatchilah regarding davening Maariv b’tzibbur (and in 232: 11 he heavily implies that eating and learning before davening should have the same din). Thanks are due to Rav Aryeh Zilberstein for pointing this important Shaar Hatziyun out to this author.

[15] Moadim U’Zmanim (vol. 1: 4 s.v. v’nireh ode), quoting precedent from Tosafos (Sukkah 38a s.v. mafsikim) regarding stopping a seudah for Kiddush Hayom, and the Mishnah Berurah (652: end 7), citing the Chasam Sofer (Haghos Chasam Sofer ad loc. s.v. b’MG”A), regarding eating before waving the Lulav if going somewhere where it is certain to be available. Rav Shlomo Zalman Auerbach (Tikunim U’Miluim to Shemiras Shabbos Kehilchasah, vol. 2 Ch. 52: 52; cited in Ratz Katzvi, B’Maagalei Hashanah vol. 1, 2: 12) cites similarly regarding those who break for Kiddush on Rosh Hashanah and Simchas Torah, that they are being somech ‘sheyeish zman kavua letefillah’.

[16] Shu”t Hisorerus Teshuvah (ibid.). He adds another possible reason, explaining that in the times of the Beis Hamikdash, Beis Din would wait for witnesses of the New Moon to proclaim Rosh Hashanah (as the first day of Rosh Hashanah is always Rosh Chodesh Tishrei). Only after Rosh Chodesh was proclaimed would they blow the Shofar. Therefore, on the expected date, until the witnesses would arrive they would keep the Yom Tov m’safek. That means they would have had a safek if they are allowed to eat. If it is Yom Tov, they have a Chiyuv Seudah. But, on the other hand,

they cannot blow the Shofar until the day is definitively proclaimed as Rosh Hashanah. Is it possible that all of Klal Yisroel fasted on a day that most likely would have been a Yom Tov? Certainly not! Therefore, he concludes that it must be that Chazal were never gozer against eating before Tekiyas Shofar, and this is another reason why the masses make Kiddush prior to Shofar blowing.

[17] An additional theory posited by R' Zvi Ryzman in his Ratz Katzvi (B'Maagalei Hashanah vol. 1, 2: 13) is based on the Sfas Emes (Rosh Hashanah 649 s.v. R"H), who famously maintains that Tekiyas Shofar is essentially considered an actual Tefillah [he is also medayek it from Rashi (Rosh Hashanah 26b s.v. kimah)]. Therefore once one starts davening, the Shofar blowing should be considered part of his davening, not a new Mitzvah, quite unlike the other Mitzvos listed with the eating restriction. Therefore, once one is osek b'Mitzvah (in this case Tefillah), he should no longer be choshesh for potential negligence while he is still in the midst of performing it.

[18] Chazon Ish (cited in Mo'adim U'Zmanim ibid. s.v. v'shamaati; but he writes that the Chazon Ish was choshesh for a different reason - that the Kohanim would no longer be halachically allowed to Duchan after eating and drinking and did not want to miss the zechus of Birchas Kohanim on the Yom HaDin; see also Chut Shani, Rosh Hashanah 584), Steipler Gaon (cited in Orchos Rabbeinu vol. 2, pg. 181; new print vol. 2, pg. 225: 1), Rav Shlomo Zalman Auerbach (Halichos Shlomo ibid.), and Rav Yosef Shalom Elyashiv (Kovetz Teshuvos vol. 3: 89 and Ashrei Halsh, Orach Chaim vol. 3, pg. 97: 180).

[19] See Sdei Chemed (Ma'areches Rosh Hashanah ibid.), Shu"t Shemesh U'Magein (vol. 3: 23 and 57, 4), Chazon Ovadiah (Rosh Hashanah pg. 112 s.v. u'mah), Darchei Halachah glosses to the Kitzur Shulchan Aruch (129: 28; 'only a zakein or choleh'), and Yalkut Yosef (Kitzur Shulchan Aruch, Orach Chaim 584: 10 and 11).

[20] Kovetz Hapardes (Year 44, Choveres 1), Kovetz Noam (vol. 16, pg. 111), Lev Ibra (pg. 48), Teshuvos Ibra (33: 1 and 2), in his annual Ezras Torah Luach (Rosh Hashanah), and in his posthumously published Shu"t Gevuros Eliyahu (Orach Chaim 158, 159, and 160). Other contemporary poskim who concur that one may not eat before Tekiyas Shofar include the Shaarim Metzuyanim B'Halachah ('u'mi she'aino chalash assur al pi hadin le'echol kodem shkiyam Mitzvas Shofar'), and the Ba'er Sarim (Shu"t vol. 1: 45).

[21] These anecdotes highlighting the strength of Rav Henkin's opposition to making Kiddush before Tekiyas Shofar are cited in Yeshurun (vol. 20, pg. 160, footnote 148), in an article by his great-grandson Rabbi Eitam Henkin. See also Shu"t Bnei Banim (vol. 1: 14 and 15 and vol. 2, pg. 233 s.v. n.b.) from Rav Henkin's grandson, Rav Yehuda Hertzl Henkin.

[22] See Rav Gifter's letter to Rav Henkin (printed in Shu"t Gevuros Eliyahu, Orach Chaim 160), asking him to retract his position, or at least lessen the strength of his opposition due to this mesorah [Rav Henkin categorically refused; see his answer ad loc.], as well as Shu"t Teshuvos V'Hanhagos (vol. 5: 179). This minhag of Kiddush prior to Shofar Blowing is referred to as 'minhag Bnei Yeshivos' by many contemporary poskim in their respective responae. See also Moadei HaGra"ch (416; pg. 190; see also Doleh U'Mashkeh pg. 215) where Rav Chaim Kanievsky replied simply 'yesh makilin'.

[23] It is important to note that this whole debate is regarding men who have an actual Chiyuv of Tekiyas Shofar M'deoraysa. Women, on the other hand, who are technically patur as it is a Mitzvas Asei Shehazman Geramma (see Shulchan Aruch, Orach Chaim 589: 3; based on the Mishnah in Kiddushin 29a), do not need to wait for Tekiyas Shofar to eat on Rosh Hashanah, especially if it is hard for them to do so. See Chayei Adam (vol. 2: 141: end 7), Orchos Chaim (Orach Chaim 589: 3), Eishel Avrohom (Butchatch, Orach Chaim 589: 3), and Kitzur Shulchan Aruch (129: end 19).

[24] See Gemara Brachos 9b, that one who is 'somech Geulah L'Tefillah im haneitz' will not get harmed the entire day. Additionally, due to the issue of sleeping on Rosh Hashanah [see Rema (end Orach Chaim 584: 2, citing a Yerushalmi (that we currently do not have); and main commentaries ad loc, including the Chayei Adam (vol. 2: 139: 11), Matteh Efraim (598: 1), and Mishnah Berurah (583: 9)], several authorities, including the Matteh Efraim (584: 1), and Ben Ish Chai (Year 1 Parshas Nitzavim 11), maintain that it is therefore preferable to arise before daybreak on Rosh Hashanah. [For an alternate view, see Halichos Shlomo (Moadim vol. 1, Rosh Hashanah Ch. 1: 23).] For more on the topic of the permissibility of sleeping on Rosh Hashanah, see Rabbi Eliezer Brodt's excellent ma'marim in Kovetz Ohr Yisroel (vol. 29; 5763) and Yeshurun (vol. 11; 5763).

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.

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