

## HALAKHIC ASPECTS OF THE HAGGADA

The numerous *mitzvot* pertaining to the Pesach Seder reflect the final conclusions of many multi-faceted controversies regarding the essence of these *mitzvot*. That the present customs have been widely established and universally accepted does not preclude the existence of differing opinions regarding the philosophical bases of these *mitzvot* and their manifestations in practice. Just as our understanding and appreciation of the performance of a *mitzva* is enhanced by a better knowledge of the כוונה, intention behind the act, so too would we benefit in the depth of our understanding by studying the varying other opinions and the lessons they come to teach.

### THE FOUR CUPS

Unique to the Pesach Seder is the role played by the *mitzvot* of the Four Cups of wine. Though wine plays a central role in numerous other *mitzvot*, the Four Cups represent a qualitative as well as quantitative difference in both purpose and message.

The Brisker Rav identifies two aspects of this *mitzva*. In the first aspect, the Four Cups share a parallel purpose with the *mitzvot* of *Kiddush* and *Birkat Erusin*, the wedding ceremony, all of which are performed through wine. The wine on Pesach has four separate blessings, one for each of the four cups:

- a) *Kiddush*;
- b) at the conclusion of *Maggid*;
- c) *Birkat haMazon*;
- d) at the conclusion of *Hallel*.

*The Mishna Pesachim* mentions that, together with the fourth cup of wine, we should recite the *Birkat haShir*. Of the opinions in the Talmud regarding the identity of this *Birkat haShir*, one suggestion is *Nishmat kol Hai*. Based on this opinion, many individuals have adopted the custom of raising their glasses of wine throughout *Nishmat*, showing the connection between this prayer and the fourth cup.<sup>1</sup>

The second aspect of the wine describes the commemoration of our release from slavery. Four cups are notably more than the one cup which is taken on other occasions. This confirms our state of freedom. As free men, we may sit back, unencumbered by responsibility or subjugation to any other human, and perform the *mitzva* of the Four Cups at our leisure.

In order to fulfill our obligations of Pesach night, we must observe both aspects of this *mitzva*. These two aspects present additional *halakhic* considerations: In other cases where wine is taken in a כוס של ברכה, a cup over which a blessing is recited, one is not required to drink himself, but may be included under the blessing of the one who performs the *mitzva* (although it is preferable to drink himself). Nevertheless, on Pesach, due to the dual aspects of the Four Cups, every individual at the Seder must drink, himself. Furthermore, unlike other *mitzvot* done with wine, where the minimum required measure that one has to drink would be מלא לוגמו, a mouthful, on Pesach, the Four Cups must contain a minimum of רוב כוס for each of the four cups.

The dual nature of the *mitzva* according to the Brisker Rav also leads us to conclude that simply injecting the wine does not sufficiently fulfill the second

aspect. If one is to enjoy the wine like a free man, then its taste must be pleasing to him. He must choose a wine whose taste he finds enjoyable.<sup>2</sup> If he does not care for it, but drinks it only to fulfill the requirement of the Four Cups, he neglects the symbolism of freedom. All aspects of the *mitzva* must be considered in order to completely fulfill our obligation of these Four Cups of wine.

The Magen Avraham quotes two practices concerning the proper time for the drinking of the fourth cup. The first opinion says that the fourth cup is drunk at the conclusion of *Yishtabah*. Since *Nirtza*, the Conclusion section is only a *minhag*, and not part of the body of the Haggada text, therefore *Yishtabah* marks the end of the Haggada proper, and is the fitting time for the fourth and final cup.

A second opinion recommends that the fourth cup be drunk in the middle of the *Nirtza* section. The reason behind this is quite practical: Since we are prohibited from eating and drinking after the fourth cup, there is a reasonable concern that one might become thirsty after singing the songs at the end of the Seder. In order to spare us the discomfort of the thirst, and to ensure that we do not accidentally come to partake of any food or drink after the Conclusion, this second opinion recommends that the drinking of the fourth cup be delayed until halfway through *Nirtza*, when a substantial portion of the songs have been completed.<sup>3</sup>

The Rambam also enumerates two independent obligations regarding our celebration of freedom. In the first instance, we must emotionally and intellectually experience this feeling of freedom. This commandment is difficult to conceive of, as the obligation to sense an historic event is not something which can be readily fulfilled. Nonetheless, the Rambam points out that the biblical verse, ואתנו הוציא, מִמִּצְרַיִם, "and He brought us out from there", infers a first-hand relationship, however vicarious, which each of us should feel toward *Yetziat Mitzrayim*.

The Rambam also includes a rabbinic injunction which commands us to demonstrate this freedom. This is accomplished by drinking the Four Cups and by reclining as we drink and eat. This aspect of demonstrating freedom elaborates on the biblical commandment of experiencing our redemption. By demonstrating it, we both verify and internalize the experience and our relationship to it. The essential *mitzva* is the experience, and the rabbinic extension provides a vehicle by which that goal can be met. Therefore, if one neglects to recline while eating the matza or drinking the wine, he would not be obligated to eat or drink a second time. The absence of reclining does not disqualify the *mitzva* of eating matza since it is a separate obligation and not an aspect of the eating. The reclining is an independent *mitzva*, not an element of eating. The essence of its symbolism of freedom can be accomplished only during the eating of matza. Once the matza is already eaten (or the wine drunk) the opportunity to demonstrated freedom has passed. Nothing would be gained by eating the matza a second time while reclining.

In contradistinction to the Rambam, Tosafot maintains that *heseba* is not an independent *mitzva*. Rather, it is an essential aspect of the *mitzva* of matza. Therefore, if one neglects to recline while eating the matza or drinking the wine, he has not sufficiently fulfilled his requirements and must repeat the *mitzvot* while reclining.<sup>4</sup>

#### HAROSET

There are two opinions stated in *Pesachim 114* whether the dipping of the *marror* in the *haroset* is a rabbinic obligation or if it is done for hygienic purposes. The wine of the *haroset* would serve as an antiseptic of sorts for the *marror*. This is particularly understandable in light of the custom of using lettuce stocks or other such leafy vegetables which grow in the earth and are often susceptible to worms and insects. The wine would kill the parasites which may be in the *Marror*.

Should we choose to assume that the status of *haroset* is a *mitzva*, we must

address the question of the significance of the dipping. What exactly is the purpose for dipping the *marror* in the *haroset*? Three possible answers may be offered:

The first opinion views *haroset* as a symbol—a commemoration of the תּוֹמָה. The Jewish women sat under the “*tapuah*” trees and gave support and assurance to their husbands that they should not despair of the bondage and labor of Egypt. God had promised to redeem His people, and they should not lose hope. In biblical Hebrew, the term, “*tapuah*” refers to a citrus fruit, not an apple as is commonly assumed. In view of this fact, the recipe for *haroset* should include in its ingredients some citrus fruit. The Gaonim add to this idea and suggest that the fruits that are mentioned in *Shir haShirim* should be used to make the *haroset*, namely pomegranates, figs, dates, nuts and almonds.

A second, more widely known opinion says that the *haroset* represents the mortar used in Egypt, זָכַר לַטֵּיט. *Haroset* resembles mortar and is a reminder of the slave labor of our ancestors in Egypt.

The third opinion views *haroset* as a זָכַר לְדָם, a memorial to the blood of the Jews that was spilled during the centuries of slavery in Egypt. This opinion says that the reddish color of the *haroset* (due to the wine with which it is made) will remind us of the blood and suffering of our ancestors in Egypt.

In consideration of the latter two opinions, that the *haroset* represents the mortar and the spilled blood, Tosafot suggests that in the preparation of the *haroset*, one should prepare it to be a thick paste initially, representing the mortar. Before the *marror* is dipped into the mixture, more red wine should be added to the *haroset* to make it more liquid, thereby symbolizing the spilled Jewish blood.

Though our custom is to dip the *marror* in the *haroset*, one should shake off the *haroset* from the *marror* before it is eaten. The *haroset* is not meant to mask the sharp taste of the *marror*, but only to neutralize some of its potentially hazardous effects. Is there, then, any *mitzva* of eating the *haroset* itself?

The Gemara does not clearly state any ruling regarding the *mitzva* content of *haroset*. The Rambam, however, explains in his commentary to the Mishna that, since Rav Elazar ben Rav Tzadok is of the opinion that dipping the *marror* in the *haroset* is a *mitzva*, it therefore follows, that the eating of the *haroset* is also a *mitzva*. Our Haggada does not include any blessing to recite over *haroset*. This indicates that we have accepted the view of the other Tannaim that this does not constitute a separate *mitzva* and therefore does not require a special blessing. Its purpose may, in fact, revert back to the second opinion stated in Pesachim, that the role of *haroset* is simply for hygienic motives.

In the Mishneh Torah, however, the Rambam changes his opinion and accepts the view that *haroset* does constitute a *mitzva* even though no *berakha* is recited. From the commentary, the Mordekhai, one can see that his opinion was that a *kezayit* of *haroset* must be eaten. He assumes that Hillel “used to sandwich them together and eat them”, refers to one *kezayit* of matza, one *kezayit* of *marror* and one *kezayit* of *haroset*. The *Korban Pesach* was never eaten as part of the sandwich.

The Talmud states that the eating of *marror* today is only *zekher leMikdash*. Rabbenu Asher raises the following question: if this is the case, then we may ask why a minimum requirement of a *kezayit* is relevant. If the eating of *marror* is meant to inspire our remembrance of the *Beit haMikdash* could it not as effectively be accomplished with less than a *kezayit*?

The Rosh rejects this suggestion, pointing to the wording of the blessing which HaZa”L instituted on *marror*. The term, על אכילת מרור, regarding the eating of *marror*, is used, indicating that the eating must be of minimum amount to qualify as “eating”. A *kezayit* is the general measurement used in such *halakhot*. If the eating of *marror* were solely for the purpose of *zekher leMikdash*, then no blessing whatsoever would be required. No blessing is pronounced over *Korekh*, the sand-

wich, either, as no blessings are pronounced over *mitzvot* which are merely manifested by actions, but are not necessarily fulfilled by actions. In order for a blessing to be established on a *mitzva*, a מעשה מצוה, an act of *mitzva* is required.<sup>5</sup> If the *mitzva* is fulfilled by מחשבה, thought, which does not constitute action per se, then no blessing is recited.

If the eating of *marror* were simply to fulfill the precept of *zekher leMikdash*, then the eating itself would be only a physical method to elicit a mental response. Eating alone does not accomplish *zekher leMikdash*, but is a reminder for us to remember the *marror* which was eaten during the time of the Temple. This remembering alone fulfills the *mitzva*, therefore no blessing would be recited, as no מעשה מצוה would have been done.

However, we assume that *zekher leMikdash* is merely the consideration which prompted HaZa"l to institute this rabbinic *mitzva* of today. This provides us with the vehicle by which we can fulfill our obligation to remember the Temple. When this is accomplished, by means of the eating of *marror*, then and only then can we recite the blessing over *marror*, על אכילת מרור, regarding the eating of *marror*.

#### NOTES

1. The תוספות points out that one who comes late to shul and wishes to say שמונה עשרה with the congregation, must first say: ברוך שאמר and אשרי and not merely conclude דומיה with תשובה.
2. Rabbi Joseph B. Soloveitchik maintains that someone who does not enjoy wine should drink grape juice instead, in order to fulfill this *mitzva*. Rabbi Moshe Feinstein maintains that if one individual does not like wine, "בטלה דעתו אצל כל אדם", his opinion is discounted in light of the majority tastes, and he must have wine to fulfill the *mitzva*, even if he does not enjoy it.
3. *Nirtza* is not considered to be a הפסק between the completion of the Seder and the drinking of the fourth cup (should it be drunk part way through *Nirtza*). *Nirtza* is a homogeneous element of the שבח of God as included in the Haggada. Similarly, in the *Birkat haMazon* in the הרהטן section, which is an appendix to the body of *Birkat haMazon*, does not interfere and is not a הפסק before the final הנהגת בורא פרי האדמה which follows. It is an extension of *Birkat haMazon* and therefore is not a הפסק.
4. According to the Tosafot, one would be required to repeat the blessings as well when repeating the *mitzvot*. However, we take into consideration the ruling of the ראב"י who insists that *heseba* is not required today as it is no longer indicative of nobility as it once was. In consideration of both these opinions, we would require the repetition of the *mitzva*, but without repeating the blessings.
5. In opposition to this halakha, the Magen Avraham states that when one moves into a new house that already has a mezuza, he should recite the blessing, "ילדור בבית שיש בו מוזה". We do not accept this ruling; since no מעשה מצוה is done, no blessing is recited.