

PESACH *TO GO*

5766

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BeVirchat Chag Kasher VeSameach,

Rabbi Kenneth Brander

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PESACH TO GO 5766

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*Special thanks to, S.O.Y., Rabbi Joshua Flug, Rabbi Marc Spivak
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The Nine Aspects Of The Haggada

HaRav Joseph B. Soloveitchik

The Haggada is based upon and revolves around the section in the Torah known as the "Arami Oved Avi" portion, which appears at the beginning of Sidrat Ki Tavo (Devarim 26). This is the passage that each Jew recited upon bringing the first fruits, the Bikkurim, to the Temple in Jerusalem. It is clear from the Talmud in Pesachim 116a, and the Rambam's codification in Hilkhos Hametz u'Matza 7:1, 7:4, that the recitation of this passage is essential to the fulfillment of the mitzva of Sippur Yetziat Mitzrayim. Why in fact do our sages choose this passage as the focal point of the Haggada?

We must conclude that each Jew, in addition to offering the first fruits, was commanded to fulfill the mitzva of Sippur Yetziat Mitzrayim. Thus there are two times during the year that the Jew must relate the Story of the Exodus from Egypt; at the Havaat Bikkurim and on the night of the Seder.

The Torah presented us with the text for the Havaat Bikkurim. However, with regards to the Seder night all that we find in the Torah is the general commandment: "You shall tell your son on that day, saying, this is done (the Pesach observance) because of what the Eternal did for me when I came out of Egypt" (Shemot 13:8). A specific text is not mandated. ChaZa"L, however, concluded that the "Arami Oved Avi" text which fulfilled the requirement of Sippur at the bringing of the Bikkurim, would also be appropriate at the Seder.

The use of a common text indicates that the seemingly distinct rituals, in fact, have a common theme or purpose. That purpose is to give thanks and express gratitude to the Almighty. Both recitations are acts of Hakkarat haTov to the Eternal.

The essence of the Seder, and hence that of Sippur Yetziat Mitzrayim, is the expression of gratitude to the Almighty on the great liberation and miracles that he wrought for us in Egypt. As the Rambam states in Sefer haMitzvot: "We are commanded to tell the story at the beginning of the fifteenth of Nissan... and we are to thank Him for all the goodness He has bestowed upon us" (Mitzva 157). On the Seder night at the climax of Maggid we say: "Therefore we are obligated to thank and praise... exalt and revere Him who performed all those miracles and for us."

Similarly, the act of Havaat Bikkurim is an expression of thanksgiving and gratitude to the Almighty for granting the farmer and the people this holy land and its abundance after a history of wandering and suffering. The Jew recognizes that this land has come to him and his nation through a chain of miraculous and divinely ordained episodes throughout history. Therefore, the Arami Oved Avi passage contains a short synopsis of early history, with an emphasis on the enslavement in Egypt, the Exodus and the entry into the Land of Israel. The Jew, when bringing the Bikkurim states (Devarim 26:3): "I say today before the Lord, your God...". However, the Targum of Yonatan Ben Uziel translates: "I will give gratitude and praise this day to the Lord...". The passage was understood by ChaZa"L as a statement of thanksgiving and gratitude to the Almighty. (In fact, from this comment of the Targum it is possible to suggest that the word Haggada does not only imply the idea of "telling," but also the notion of thanksgiving and gratitude.)

1) Let us now analyze some of the various aspects of the Haggada. It will help us to begin with a comparison of the Sippur Yetziat Mitzrayim that the Jew engages in at the Havaat haBikkurim and that of the Seder night. The common feature and first aspect of Sippur Yetziat Mitzrayim on both these occasions is the Sippur. We read and tell a story. This recitation must consist of the

biblical text of the Arami Oved Avi passage. In a word, we engage in Mikra. In this respect the Havaat Bikkurim and the Seder night are identical.

2) At this stage, however, the two rituals part company. In the act of Havaat Bikkurim, the Torah only required that a text be recited. There is no requirement that it be translated or elaborated upon. In contrast, on the Seder night there are additional demands. The Mitzva of Sippur Yetziat Mitzrayim at the Seder is basically an act of Talmud Torah. Talmud Torah involves within it elaboration and exegesis. The Mishna in Pesachim (10:4) mandates: "And he explains and elaborates from Arami Oved Avi until he concludes the whole portion." The Mishna speaks of "Limud," which involves translation, asking of questions and conceptualization. In fact, the core of Maggid is a systematic exegesis and discussion of every word of the Arami Oved Avi passage. We engage in a Torah sheBaal Peh analysis, of a Torah sheBikhtav text.

This analysis utilizes all the elements that comprise Torah sheBaal Peh. For our purposes these elements may be subdivided into three different areas. The first is Midrash. This refers to the exegesis of biblical verses in accordance with the hermeneutical rules set down by our sages (e.g. the Thirteen Middot of Rabbi Yishmael, the Thirty-two Middot of Rabbi Eliezer).

The second category is Mishna. This refers to the set laws and statements cited in the Mishnayot and Memrot.

Finally, we have Gemara, which refers to halakhic analysis and conceptualization. Rashi in various places in the Talmud translates Gemara as – the Sevarot – the logical basis for the laws of the Mishna. However, the most full and eloquent definition is given by Rambam in Hilkhot Talmud Torah (1:11): "And one is obligated to apportion his time of study, so that he spends one third of his time studying Torah sheBikhtav, another third, Torah sheBaal Peh, and one third in understanding and trying to see the development from one step to another from beginning to end, and he should compare cases and derive one idea from another; these elements are called Gemara."

In the Haggada we find that all three areas of the oral law are used and applied. Firstly, we have

Midrash. As was quoted above, the Arami Oved Avi passage is interpreted and explained through the different devices of Midrash. Secondly, the Haggada includes a number of passages of Mishna, of set halakhot and statements. Examples include the passage taken from the Mishna in Pesachim (10:5) "Rabban Gamliel used to say, anyone who has not said these three things at Passover has not fulfilled his obligation, etc.," and the response to the wise son "And you shall even tell him, (all the halakhot including) "We do not eat any food after the eating of the Afikoman," which is a law found in the Mishna in Pesachim (10:8). Finally, the Haggada contains elements of "Gemara," of logical deductions and inferences. An example of this is the passage "Therefore, it is our duty to thank, praise..." which is a logical conclusion based upon the reading of the immediately preceding Halakhot (i.e. Pesach, Matza and Marror). Thus the Haggada not only involves Mikra, but also Limud. In fact the word Haggada and its root "Haged" imply not only telling, but also an act of study and Talmud Torah, as we find prior to Matan Torah when the Almighty commands Moshe, "Thus shall you say to the House of Yaakov and tell (vetaggid) to the Children of Israel" (Shemot 19:3).

3) It is not enough, however, for the Jew to be a student the night of the Seder; he must also become a teacher. This reflects the third aspect of the Haggada–Masora. The Jew must teach his children and others about the glorious event that occurred in Egypt long ago. The Haggada, before the passage about the four sons, included the portion "Blessed be the Omnipotent. Blessed be He who hath given the Torah to his people Israel. Blessed be He, etc." What, in fact, is this passage? In a word, it is a short version of Birkat haTorah –the blessing made on the Torah. If we carefully examine the Torah blessings, in general, we see that they, too, stress the aspect of Masora, the passing on of tradition. We state "And the house of Israel. And we and our children and our children's children should all be privileged to know your name, and be students of your Torah for its own sake." Moreover, at the close of the blessing we say, "Blessed by the Lord, who teaches Torah to His people, Israel." It is as if the Almighty himself becomes part of that Masora community. After this blessing, appears the passage about the four sons, which concretizes the notion of teach-

ing and passing on the Story of the Exodus to one's children each at his respective level.

4) The fourth aspect is the "question and answer" style dialogue that is found in parts of the Haggada. Why is it so crucial that the child ask questions; why do we prompt him? Simply put, Judaism insists that God reveals himself to the man who seeks after and thirsts for God. The verse in Devarim (4:29) reads: "But if you search there for the Lord your God, you will find him if only you will seek him with all your heart and soul." We want to initiate the child into the Masora community that seeks out the Almighty and yearns for his presence and illumination. We want the child to become a "Mevakesh Hashem"—"a seeker of God."

5) The fifth aspect of Sippur Yetziat Mitzrayim is the central role that the meal and food play at the Seder. The drama of Sippur Yetziat Mitzrayim begins with Kiddush and closes with Nishmat and Yishtabach after the meal. In fact, this is the reason that the Shulkhan Arukh, O.C. 472:1, is so careful in specifying that the Kiddush on the night of the fifteenth of Nissan should be recited after astronomical nightfall. (On other festivals, one may usher in the festival and recite Kiddush earlier when it is still daytime.) Kiddush is part of Sippur Yetziat Mitzrayim, and therefore, must take place on the night of the fifteenth proper. Kiddush the night of Pesach plays two roles. One is the normal role of Kiddush as the introduction of the festive meal as on every festival. Secondly, it is part of Sippur Yetziat Mitzrayim. Kiddush contains within it the statement "who has chosen us from all nations," which is identical to the third language of Geulat Mitzrayim found in Sidrat Va'era (6:7) "Velakachti": — "and shall take you unto me for a nation."

Moreover, there is another more basic reason for Kiddush playing a role in Sippur Yetziat Mitzrayim. Sippur Yetziat Mitzrayim contains within it two elements. One is the recitation of certain passages. Second, is the element of performing certain actions, eating of certain foods, etc. When one eats Matza, Marror, and Korban Pesach on the Seder night one fulfills these specific mitzvot. However, in addition, through the eating of these foods one is able to teach and convey the messages of Geulat Mitzrayim. They function as audio-visual aids in our educational

scheme, namely, the Seder. This is what Rabban Gamliel was trying to convey. (in the Mishna "Whoever has not said these three things has not fulfilled his obligation" 10:5, etc.) He wanted the Jew, before he partakes of the foods, to explain their significance and message, to all who are at this table. Sippur Yetziat Mitzrayim is a careful blend, then, of narrative, teaching and actions to get across a unified message.

Kiddush also opens the Seuda every Shabbat and festival. Kiddush puts the meal in a context of holiness, uplifting it from a mundane effort to satisfy biological needs to the realm of the sacred. The idea of "a meal before God" is a fundamental one in Judaism.

It is along these lines that our sages (Berakhot 55a) spoke of "an individual's table is an atonement for his sins" and "a dining table is similar to an altar."

6) As was previously stated, the Mikra Bikkurim involves praise and thanksgiving to the Almighty. However, this is an awareness that comes about indirectly. The farmer recites the Arami Oved Avi passage which in itself, when understood, expresses gratitude. It is almost a notion of "Kriyata zu Hilula (Megillah 14a)." The praise is implicit in the narration.

In contrast, on the night of the Seder we are enjoined not only to praise and give gratitude, but rather to break forth into spontaneous song — "Let us, therefore, sing a new song in his presence, Halleluya." The Jew's heart is overflowing with feelings of joy and thanksgiving. It is the night of the great romance between the Almighty and Knesset Yisrael—"I am to my beloved and my beloved is to me." It is these feelings that are expressed in the custom of reading the book of Shir haShirim the night of the Seder.

Philosophically, one can ask, who is lowly man that he should have the audacity to praise God? Is not man "dust and ashes"? How then does he have the right to praise the infinite being, the Almighty? The Halakha responds true, philosophically, there may be problems, however the Jew cannot contain himself. The Jew, on the night of the Seder, is overflowing with thanksgiving and song to God, and he cannot repress this authentic

need to express his gratitude to the Holy one, Blessed be He.

7) As the Jew approaches the Story of the Exodus, there may be a tendency to look at the event as remote and distant from the here and now. Therefore, the Haggada contains within it three passages that help us deal with this problem. First of all, before the recitation of the Arami Oved Avi passage, we say: "And if God had not taken our ancestors out of Egypt, we and our children and our children's children would still be enslaved in Egypt." We make a declaration of relevance. Why, in fact, are we discussing these events of history; what is their relevance to our present situation? And to this we respond that were it not for the redemption in Egypt, there would be no Jewish People today.

Secondly, before Hallel we recite that "in every generation a person should look upon himself as if he personally had come out of Egypt. Not our ancestors alone did the Holy One, blessed be He, redeem, but us also He redeemed with them." The events of Yetziat Mitzrayim are not only relevant to us, rather, we are actually re-experiencing history on the night of the Seder. It is a current as well as a historical event. This recognition enables us to recite Hallel and break forth into spontaneous song, because it is we who left Egypt as well.

Finally, we recite the "Vehi sheAmda" passage: "For not only one tyrant has risen up against us to destroy us, but in every generation tyrants have sought to destroy us and the Holy One, Blessed be He, delivered us from their hands." Not only do we relive the experience of Egypt, but also we realize that danger and annihilation threaten the Jewish people in every generation and locale. We move from the historical events to a better understanding of our current situation. The custom is that at this point in the Seder, one lifts up his cup of wine. Why is this done? The cup is the symbol of Jewish destiny and eternity - Netzach Yisrael, as the verse (Tehillim 116:13) "A cup of salvation I shall uplift, and call on the Almighty's name" indicates. At the Seder we speak of the relevance of historical events, the reliving of those events and the cycle of danger and redemption that is characteristic of Jewish history.

8) The Mishna in Pesachim (10:5) dictates "and he explains the Arami Oved Avi passage until he

completes it." However, in our Haggada we do not complete the passage in its totality. We do not recite and discuss the last verse and a half, which read: "He hath brought us into this place, and hath given us this land, a land flowing (with) milk and honey. And now, behold, I have brought the first of the fruits of the land which Thou hast given to me, O Lord..." (Devarim 26:9-10). The farmer bringing the Bikkurim would include these verses and then set down the fruits "before the Lord your God." It is understandable why the Haggada did not include the last verse that discusses the actual bringing of fruits, as that is out of place on the Seder night. However, why was the verse discussing the entry into the Land of Israel not included in our version of Haggada? A number of approaches exist to resolve this problem. First of all, if we included this reference to the Land of Israel, we would convey the impression that there are five languages or references of Geula and not four (as we maintain). We would include "veheveti" as one of the references of Geula, and ChaZa"L felt that this would not be appropriate on the Seder night. Why is this the case? Firstly, the four references of Geula that were stated by the Almighty to Moshe in Sidrat Vaera, were new ideas that had not been expressed to the Patriarchs. However, "veheveti", "and I shall bring you into the land..." was already promised to Avraham, Yitzchak and Yaakov in their respective Brit Avot. They were already promised that their descendants would inherit the Land of Israel. Secondly, although the Jewish people did enter into the Land of Israel subsequent to the Exodus from Egypt this was not the primary goal of Yetziat Mitzrayim. It was their destination but not their destiny. The direct goal of Yetziat Mitzrayim was the revelation at Sinai. The goal was the transformation of a subjugated people into "a nation of priests and a holy nation." It was not just to grant them political and economic freedom, but also to create a sacred people. Moshe, at the episode of the burning bush, asked the Almighty: "Who (am) I that I should go unto Pharaoh, and that I should bring forth the Children of Israel out of Egypt?" (Shemot 3:11). And the Almighty gives an answer that seems at first to be a bit difficult: "Certainly I will be with you and this shall be unto you the sign that I have sent you: When thou has brought forth the people out of Egypt they shall serve God upon this mountain." What was the Almighty saying to Moshe; how did this answer his query? The Almighty was

stating,— know, Moshe, that the purpose of Geulat Mitzrayim is not political and social freedom. For that task, I would not have picked you. I did not pick you to be a diplomat or a king or political leader. Rather, the purpose of the Exodus is to create a holy nation, to make them a Torah nation. For this purpose, God says, I need a Rebbe, a teacher and mentor who will lead and guide this people. And for this role, you are the best candidate. Pesach is the holiday of Yetziat Mitzrayim and leads into Shavuot and Matan Torah. These two festivals do not focus on the Land of Israel as a central theme. According to Rambam in Moreh Nevukhim (3:43), it is Succot, rather, that is the holiday which celebrates the Land of Israel.

Thirdly, it is possible to suggest that during the time the Temple still stood, the text of the Haggada did include the last verses relating to the entry into the Land of Israel. Upon the destruction of the Temple and the subsequent exile, ChaZa"L amended the text in order to conform

to the new reality in which Am Yisrael found itself.

9) Finally, on the night of the Seder, the Jew mentions all the wonderful things that the Almighty has done and is doing for him and his people. This, in fact, is the thrust of Birkat haMazon and, therefore, it also functions as part of Sippur Yetziat Mitzrayim (in addition to its role as Grace after the meal.) After discussing God's special relationship with the Jewish People we move to the Hallel haGadol, which contains a recognition of God's benevolence to the whole world. We recognize and express gratitude for this, as we state, "Who giveth food unto all flesh, for His kindness endures forever." This leads us to the climax of the Seder, "Nishmat", when we speak of the future, the Acharit haYamim, when all living beings shall give praise to the Almighty—Nishmat kol chai tevarekh..." These portions add a glorious eschatological dimension to the Shevach and Hoda' a sections that are so essential to the Haggada.

Passover And Human Diversity

Rabbi Dr. Norman Lamm

One of the most popular passages of the Haggadah is that of "The Four Sons." I have often wondered why I never met any of these four "in the flesh," as it were. Is there anyone so "wicked," so evil, that he has no redeeming feature whatsoever - even that of making the trains come on time? Is there a Wise Son who never committed a faux pas; who never uttered a foolish statement? Have we ever met a Pious Son who never sinned - in defiance of the verse in Kohelet (7:20) that "there is no man upon earth who [always] does good and never sins"? And the Son who does not know enough to ask - has he no modicum of intelligence at all?

After a few youthful years of having my curiosity seasonally piqued by this question, it occurred to me that these are archetypes, not four real, living, distinct individuals; indeed, it is extremely rare, indeed impossible, to find pure examples of these types in real life. Almost all people are composites of two or three or four - in fact, hundreds - of types of "sons," and in different proportions. Were they meant to represent real people, the Tradition would most likely have identified a representation for each of the Four Sons. Yet this is not the case, except for Haggadah artists throughout the ages whose fertile imaginations led them to identify and illuminate individual "real" people, as Wise or Wicked, Simple or Who does not know enough to ask, in their illustrations for the Haggadah.

In that case, the passage on The Four Sons reflects Judaism's acceptance of the human propensity for internal contradictions, inconsistency, ambivalence and paradox. This acknowledgment is more than a reluctant reconciliation with painful fact; it is, as well, a desideratum, a welcome aspect of human character. Furthermore, the selection of the Four Sons is not the only part of the Seder that reveals an understanding of ambivalence and paradox; another significant exam-

ple is the prevalence of the matzah, which is considered both a sign of freedom and a sign of servitude.

The complexity of human personality was clearly recognized by the Torah and the Sages throughout history. Thus, according to the Avot de-Rebbe Natan (I, chap. 37), man is like the beasts in three ways and like the angels in three other ways. He is partly an animal and partly a Divine Image. The moral drama of life is usually driven by the endless battle between a man's sense of righteousness and his concupiscence - his yetzer ha-tov and his yetzer ha-ra.

The Jerusalem Talmud records the law, which we follow to this day, that whoever sees large numbers of people massed together should recite the blessing, "Blessed be the One who is Wise over all secrets," for just as people's faces differ one from the other, so do their characters and opinions differ one from the other (J.T. Berachot 9:1, p. 13c). The "secret" is how people of such diverse qualities and outlooks can yet coexist as part of the same multitude.

In a sense, this individual differentness is surprising, given the doctrine of the creation of man in the Image of God. If we are all created in the Divine Image, should we not all be the same? The answer is that the unity of God is not merely a matter of number but also of utter uniqueness, and it is this quality that constitutes the essence of the Divine Image that we are bidden to reflect. Hence, we are each unique despite, or perhaps because, we are created in His Image. The Talmud explains (Sanhedrin 38a) that the variance of mankind is a manifestation of God's glory through His ability to create many varied images from one mold. Our differentness, then, is our glory, for it is the reflection of our creation in the Divine Image that is the source of the sacredness of our individuality.

Man's rich complexity, a composite that accounts for each human as distinct and different from every other human being, thus has the potential for his noblest achievements - as well as his most disgraceful failures.

Indeed, there are times that this inconsistency is startling in the boldness of its internal clash, and the psychological and spiritual consequences of such contradictions do not warrant any benevolent interpretation or apology. As the Rabbis taught, a sin "extinguishes" a Mitzvah, (Sotah 21a). Despicable conduct is not excusable by occasional or even frequent acts of goodness.

A dramatic example of the dangers of such inner dissonance is that of King Solomon. The Biblical Song of Songs, or Shir ha-Shirim, contains one verse (3:11) that disturbed the Rabbis. The verse reads: "Go forth, O daughters of Zion, and gaze upon King Solomon, even upon the crown with which his mother has crowned him on the day of his wedding and the gladness of his heart."

What is it that so intrigued the Sages? "We reviewed all of Scripture and could find no reference to a crown that Bat-Sheva made for Solomon," declares Rav Chanina bar Yitzchak in Shir ha-Shirim Rabbah 3. But if Scripture provides no details, the eminent commentator Rabbi Moshe Alshech points to the Oral Law, both Talmud (Sanhedrin 70b) and Midrash (Bamidbar Rabbah, 10), which offer them in abundance. According to these sources, "the day of his marriage" refers to the day King Solomon married the pagan daughter of the Egyptian Pharaoh. "The day of the happiness of his heart" refers to the day he dedicated the Holy Temple in Jerusalem.

What a remarkable - and disturbing - coincidence! The king violates the cardinal prohibition against intermarriage on the very same day that he presides over the culmination of the historic dedication of the Beit ha-Mikdash! To compound matters, the celebration of the wedding far exceeded that of the Temple's dedication, and Solomon overslept while all the people were awaiting him for the Temple service. His mother, upset by the sudden and uncharacteristic transgression by her royal son, punished him and bitterly reproached him with searing words of censure. Here Rabbi Alshech adds that this very

harsh rebuke was the "crown" she made for her son! "The day of painful and enforced awareness of his striking inconsistency was the gift his mother bestowed upon him.

While this account contains much aggadic hyperbole, the lesson is clear: If such glaring and calamitous disjunctiveness and inconstancy of character can afflict the Biblical personality hailed as the "wisest of all men" (see Kings 13:12), how much more so the rest of the human race!

The catastrophic inconsistency ascribed to King Solomon is shocking because of the dominating and charismatic personality of Solomon as depicted in the Tanach. The Talmud (Sukkah 52a) avers that the greater the man, the greater his yetzer ha-ra - his libidinous capacity and his powerful negative urges. Unfortunately, the type is all too common, a universal affliction, and is not at all restricted to eminences. Consider, for instance, the man who is generous, who helps and is courteous to friends, but is humiliating and abusive to his wife and children. Or the one who prays with great intensity, but has no compunctions about cheating from his employer or deceiving his customers. Or the person who eats kosher, but does not act, talk or sleep kosher. Regretfully, there is no dearth of illustrations of similar outrageous dissonance of character. In many such cases, the culprit possesses elements of each of the Four Sons, perhaps with the Rasha, or Wicked Son, predominating. We are all prone to inconsistency; it is universal and usually benevolent, but no one should quietly accept the kind of clash of attributes that bespeaks a horrendous violation of one's avowed principles. Magnanimity to the synagogue building fund does not excuse intermarriage, as Solomon's mother taught him. Each act stands on its own, and the owner of the fragmented character must wrestle with his spiritually split personality.

King Solomon wore many great crowns - those of royalty, wisdom, and power - but the most meaningful of all was the crown his mother gave him: her refusal to accept his weakness as incorrigible, his inconsistencies as unsolvable and his self-indulgences as excusable simply because he built the magnificent and Holy Temple in Jerusalem. It was the crown of rebuke by a wise mother to a beloved child whose superior wisdom failed him at the most critical time of his life. Bat-Sheva

taught us all that in raising children - even adult children! - we must be honest and unsparing in our criticism. Such reproach is what parents owe their children - provided, of course, that while we are angry we must not be hostile/harsh but not mean, hurting but not hating.

Equally if not more important is the mirror that she urges us to hold up before our own eyes so that we might learn for ourselves when inconstancy, although ubiquitous, is intolerable. Or, as the author of the Haggadah implies, each of us has a bit of the Rasha within himself or herself, but we must never let our own rish'ut get the best of us.

An Analysis Of Had Gadya

by Rabbi Kenneth Brander

One of the most dynamic experiences in the Jewish calendar is the Pesah Seder. It is multi-faceted and quite often intergenerational. Young children come to the Seder table equipped with curiosity, with Divrei Torah and prepared to sing, some for the first time, the Mah Nishtanah. Children learn from the wisdom of their parents and grandparents, and adults share with each other various insights concerning the Haggadah and the Egyptian experience. The Seder's verbal dialogue, is fostered by experiential elements integrated into the Haggadah script. The Seder is an experience which galvanizes our senses, causing us to reflect upon the pains of our servitude and the challenges of redemption.

The Seder is divided into fourteen sections. The final section is known as Nirtzah, which contains various songs and poems. Some focus on the miracles of redemption that have permeated Jewish history, others on the belief system basic to the Jewish people. One such poem has been the enigmatic poem of Had Gadya. It recounts the purchase of a lamb who is being pursued by various animals and forces of nature.

There are those who suggest that Had Gadya is inserted into the Seder experience in order to create excitement and keep the children awake and entertained.' This seems to suggest that Had Gadya is a meaningless poem whose purpose is to be a vehicle of amusement. Can such a perspective be substantiated? Would the authors/editors of the Haggadah, insert a "nursery rhyme" for sheer amusement purposes? Furthermore, if Had Gadya is merely an "attention grabber" for the children, it would have been more productive to insert it somewhere in the middle of Haggadah as it would re-energize them, encouraging the children to continue participating in the Haggadah experience. Additionally, in the responsa of R. Hayyim Yosef David Azulai² we are told that someone was mocking the Had Gadya poem and

was excommunicated. Rabbi Azulai defends the excommunication and considers it deserved:

This individual (who mocked Had Gadya) has ridiculed what has been the custom of tens of thousands of Jews in cities and suburbs of Poland and Germany. Included in these thousands of Jews (who recite the Had Gadya poem) are world Torah luminaries, of the highest level of holiness, as well as the scholars of every generation. Even today the Jewish people have not been orphaned and there are many Roshei Yeshiva and great scholars, may God continue to sustain them, who all recite the piyyut of Had Gadya. This person who ridiculed Had Gadya is a rasha for he mocks a myriad of Jews.

In this responsum Rabbi Azulai includes a discussion on the possible meaning behind Had Gadya.

There is no doubt that Had Gadya is not a meaningless poem. We have already been informed that the secrets behind many of these poems/prayers have been passed on (from one generation to another) and from one rabbi to another.

Indeed Maimonides³ indicates that while Rabbinic texts are not to be taken at face value, rather in fact they contain a deeper meaning.

The third category comprises.... so very few that it is almost incorrect to call it a category at all.... It consists of those men that have a clear conception of the greatness of the sages and of their surpassing intelligence, so that we find passages among their sayings that penetrate to the most profound truth. Although these men are but few and far between, their writings bear witness to their perfection, and to the fact that they have grasped the truth .. They also know that the sages were not making jokes. Thus it

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becomes obvious truth to them that in their sayings we have to distinguish open and hidden meanings. Any statement or passage of theirs (of the Rabbis) that contains an apparent impossibility can therefore only be an allusion and allegory. This is the practice of great scholars.

It is the purpose of this article to explore and clarify the role of Had Gadya within the Seder experience. In keeping with the tradition of the Seder we will pose four questions about the Had Gadya⁴ poem. When answered, our understanding of Had Gadya will hopefully, be substantially increased.

Question 1: What symbolic meanings can be inferred from the Had Gadya poem?

Question 2: The Talmud frowns upon Aramaic as a language of prayer:

One should never petition his/her needs in Aramaic and R. Yochanan said: When one petitions for his needs in Aramaic the ministering angels do not heed him, for they do not understand Aramaic⁵.

This idea is codified in the Shulhan Arukh:

When one prays as an individual (without a Minyan,) personal petitions may be requested in any language except Aramaic⁶.

Why is it that Had Gadya is the only complete passage in the Haggadah to be written and relegated to Aramaic? Does this carry any specific meaning?

Question 3: What is the theme of the final sections of the Haggadah - Hallel and Nirtzah?

Question 4: What function does Had Gadya play in developing those themes?

Let us explore these issues:

A. SYMBOLISM

At least a dozen commentators struggle to clarify and explain the symbolism behind Had Gadya.⁷ We will attempt to develop the approaches of

three of those commentators. While each approach is unique, they share one common denominator, focusing on the idea of redemption. This common thread is reflected in the large majority of approaches presented by the commentators.

For some the Had Gadya's symbolism elaborates the Jewish people's historical interaction with the world community and our ultimate redemption. Others view the symbolism of Had Gadya as stressing that communal redemption must be predicated upon personal salvation. For others Had Gadya is a review of the Passover Temple experience. Its utterance at the Seder then forces us in our diaspora existence to recommit ourselves towards a future lifestyle which is Jewishly whole; a lifestyle that will enable us to participate in the Temple service and the paschal sacrifice.

Approach 1 - Rav Yaakov Emden⁸ - "A Personal Odyssey of Self Development"

One Little Goat, One Little Goat That My Father Bought... The soul is compared to a small goat⁹. The soul is the dimension of the body that our father (God) in heaven has given us.

...For Two Zuzim...For R. Emden the word Zuzim is not a denomination of money, rather a plural form of Zuz, to move. According to Kabbalah the soul migrates twice before it reaches our body. Once from the heavenly world to the world of galgalim and then to our world and body.

Then came a CAT and ate the goat... The cat is an animal which will eat anything, whether it is good for it or not. Similarly in our infancy, we are undisciplined, we can become involved in habits, accustomed to desires which are damaging to our soul. "Tragic is a soul that is trapped in our undisciplined body". d'Za-bin Abba - which our father (God) entrusted to us.

One might think that being undisciplined as a child is acceptable for the child will soon grow up and the inappropriate behavior will give way to a more mature attitude.

Then came a DOG ...that ate the goat...If a child is not trained to embrace transcendental value it will grow up to be like a dog whose desires are never satiated. Our desires will continue

to run contrary to the ideals of the soul and will destroy the environment of our soul. "Woe is the soul which is housed in an unredeemed body". d'Za-bin Abba. - for our father (God) entrusted to us, with this precious commodity, the soul.

Perhaps as the child matures into an adult he will remember the covenant between God and the Jewish people causing a mending of the ways and a change in his gestalt.

Then came the STICK that beat the dog...that ate the goat ...If a child grows up with his desires unchallenged then these behaviors will become ingrained, "beaten in," to his psyche and his attitude will not change. These deviant behaviors will act like a weapon, a stick, beating and destroying the internal spirit of the soul. d'za-bin Abba - which our father (God) entrusted to us.

Then came a FIRE and burned the stick...that ate the goat...This behavior will continue and create "burning" passions and desires which will preclude any type of personal redemption. Fantasies and desires will burn a spiritual hole in the inner recesses of our self. Sinful desires will intensify until it will totally destroy the soul. d 'za-bin Abba - which our father (God) entrusted to us. Perhaps when we are senior in our years, our passions and behaviors which deviate from the norms/mores of Torah will automatically reform and allow our tormented soul to rise up from the shackles of impurity.

The WATER came and quenched the fire....that ate the goat...The soul will not automatically escape, for a person who has embraced a life style which is contrary to Torah values will have crushed and drowned the soul. dsza-bin Abba - which our father (God) entrusted to us.

Then came the OX which drank the water...that ate the goat...One must struggle to redeem oneself. One that does not and believes that it will happen on its own (automatically), is condemned to be considered a Shor Mu 'ad (an ox due to his consistently injurious behavior is considered a force of destruction and must be destroyed). An individual not willing to work on self-redemption will continue to "wallow" in behavior which will destroy the spirit of the soul. d 'Zabim Abba - which our father (God) entrusted to us.

Then came the SLAUGHTERER and slaughtered the ox...that ate the goat...Our Rabbis relate that with every sin a destructive force in the world is created.¹⁰ A lifestyle devoid of values, creates a slaughterer (destructive force) who will persecute and inflict punishment on those involved in sinful ways. These afflictions will torment the soul. d 'Za-bin Abba which our father (God) entrusted to us.

Then came The ANGEL OF DEATH and slew the slaughterer....that ate the goat... When the Angel of Death will remove the soul the deviant lifestyle will cause it to contain impurities "Woe is such a soul"! d'Za-bin Abba - which our father (God) entrusted to us.

Then came THE HOLY ONE, BLESSED BE HE, And Smote the Angel of Death...that ate the goat...When God examines "this soul" in heaven do not think that in God's presence the soul will automatically achieve purification.

For perfection of the soul and redemption of self can only be achieved in this world. It is in this world of experience that growth and self perfection may be achieved. Woe is the soul. that has not had the opportunity to struggle for greatness and to achieve perfection! d'Zabin Abba - Which our father (God) entrusted to us

Approach 2 - Rav Yonatan Eybeschuetz¹¹ - 'The Historical Saga of Jewish People'.

One Little Goat, One Little Goat That My Father Bought... The Jewish people are the lamb that God, our father, has bonded with.

...For Two Zuzim... Through two experiences Abraham's God has shown the eternal bond between Him and the Jewish people. They are: the Brit Ben ha'Betarim, the covenant of the pieces, which signifies that the destiny of the Jewish people is guided directly by God (1Malah Min ha Mazal); and the miraculous birth of Yitzhak to Abraham and Sarah highlighting the fact that the fate of the Jewish people will always defy nature and logic (1Malah Min ha 'Tevah).

Then came a CAT and ate the goat... This refers to the enslavement of the Jewish people by Pharaoh. The Talmud records that cats do not recognize their masters,¹² which typifies Pharaoh who

did not recognize God. As the verse states: "And Pharaoh said: 'Who is the Lord that I should obey his voice... I know not the Lord'"¹³

Then came a DOG...that ate the goat... This is Amalek. Like a dog who knows his owner,¹⁴ Amalek, through the miracles of Egypt, knew God. Nevertheless, Amalek rebelled against God by attacking the Jewish people. Their knowledge of God makes this rebellion worse than that of the Egyptian oppressors. Any nation bent on terrorizing/destroying the Jewish people is viewed as the physical/philosophical offspring of Amalek."¹⁵

Then came the STICK that beat the dog...that ate the goat ... This is the staff of Moshe. When lifted towards heaven (signifying the commitment to the bond between God and the Jewish people) the Amalakites, oppressors of the Jewish people, were defeated.

Then came a FIRE and burned the stick...that ate the goat... The commitment symbolized through the staff to God was further developed through Moshe by creating a structure for the Jew to bond with God, the mishkan. This ideal was fully developed after the Jewish people captured/settled the land of Israel by Shlomo building a permanent structure, the Beit ha 'Mikdash. However, all of this was destroyed with the fires of Nebuchadnezzar, who caused the Temple and Jerusalem to be razed and the Holy Ark and its contents to be buried.

The WATER came and quenched the fire...that ate the goat... Within Rabbinic literature water is symbolic of Torah.¹⁶ After the destruction of the first Temple, the charismatic leadership of Ezra created a new commitment to the values of Torah, its observance and study. Many important legislations were established by his court including: the mitzvah to study/read Torah regularly, formalized prayer, and the establishment of various laws to protect the sanctity of the Shabbat spirit¹⁷. The commitment of those who returned with Ezra to Israel to rebuild Israel and the Temple represents the water (commitment to Torah) which finally doused the fire of destruction which occurred seventy years earlier.

Then came the OX which drank the water....that ate the goat...Represents the Greek Hel-

lenists who, during the Second Temple period, forced the Jews to disavow any relationship with Jewish practice or God. They caused the fountains of Torah to dry up and insisted that Jews write on the horns of oxen that they are no longer committed to the God of Israel.¹⁸

Then came the SLAUGHTERER and slaughtered the ox...that ate the goat.. The Hasmonean family overthrew the Greek Hellenists and rededicated the Temple. The symbolism of a ritual slaughterer is used for it represents two components of the Hasmonean dynasty. First the courage of the Hasmoneans to defy the Greek Hellenists, overcoming religious tyranny. Second, the ritual task of a slaughterer may only be performed by a Jew.¹⁹ Born out of Hasmonean dynasty is Herod, a non Jewish servant of the family. Herod usurps the throne and in his disgust for Rabbinic leadership murders them all, except for Baba Ben Buta. The ritual slaughterer signifies that the Hasmonean dynasty did not include Herod's rule over the people for his rule is contrary to the mandate of Jewish law.

Then came the ANGEL OF DEATH and slew the slaughterer...that ate the goat...This is the Roman emperor Titus, who is held in contempt for destroying Jerusalem and the Second Temple, ultimately leading us to the present exile of the Jewish people. Titus is viewed as the Angel of Death for he was the initiator of our Diaspora experience, one that has taken the lives of millions of Jews.

Then came THE HOLY ONE, BLESSED BE HE, and smote the angel of death...that ate the goat... This is the commitment by God to reverse the actions of Titus. This commitment includes the establishing of a third and final commonwealth in Israel which will ultimately include the building of the Third Temple. This event will guarantee religious freedom and the ability for all Jews to live safely within the borders of Israel.

Approach 3 R . Moses Sofer (Hatam Sofer) "A Review of the Passover sacrificial laws in preparation for the Messianic Age".

One Little Goat, One Little Goat That My Father Bought... These represent the two goats brought by the congregation of Israel on the eve

of Pesah, the Paschal sacrifice and the Hagigah sacrifice.²⁰

.. **For Two Zuzim....**The Talmud relates that sacrificial offerings were normally purchased for two talents (zuzim) of silver.²¹

.. **Then came a CAT...**While each group was eating the Paschal sacrifice they would discuss the Egyptian experience and join in song to celebrate the redemption. The Talmud states that one who sees a cat in a dream will be involved in beautiful song²². Therefore to allude to this component of the experience the cat was used as a symbol of song by the author of Had Gadya.

Then came a DOG... The Paschal sacrifice could not be eaten after midnight, which is in the middle of the second third of the night. The Talmud relates that during this time period the dogs bark²³. The author is reminding us that the song and festive eating must be complete while the dog still barks.

Then came the STICK...A sign that the sacrifices were viewed by God with pleasure was indicated by smoke ascending from the altar in a stick shape fashion²⁴.

Then came a FIRE...Representing the heavenly fires receiving the "stick shape" smoke from the altar.

The WATER came and quenched the fire.... The rearrangement/removal of the ash on the altar (Trumat ha Deshen) was done on the morning of Passover. The priest that won the lottery to perform this first duty of the day would begin by approaching the kiyor (water of the laver), preparing for service by washing with water his hands and feet.

Then came the OX which drank the water.... On Passover day many of the Jewish people would enter the courtyard of the Temple waiting to offer sacrifice to God. The sacrifices were primarily oxen. The Mishnah²⁵ tells us that prior to sacrificing the animals they were given water to drink from golden Temple cups.²⁶ This event is symbolically mentioned in the above stanza.

Then came the SLAUGHTERER and Slaughtered the Ox...The Jewish people who participated in the sacrificial process.

Then came the ANGEL OF DEATH and slew the slaughterer...This is the nation of Edom (Rome) who took all of this away from us when they destroyed the Temple and Jerusalem.

Then came THE HOLY ONE, BLESSED BE HE, And Smote The Angel Of Death... Yet we have trust in God, who will destroy Edom and terminate the diaspora. This will once again enable us to worship, sing and prepare the Paschal sacrifice on the Temple mount.

B. ROLE OF HAD GADYA IN THE SEDER EXPERIENCE

The Haggadah is divided into three sections. The first section is recited prior to the Seder meal and focuses on the Egyptian servitude and our redemption from slavery. The first two psalms of Hallel are recited as part of this section. The second section of the Haggadah is juxtaposed to the Seder meal and confronts the experience of slavery and redemption by consuming various symbolic foodstuff, such as the eating of matzah, marror, haroset, the Hillel sandwich and for some, the consumption of a hard boiled egg. This section concludes with a meal and the Afikoman, a symbolic remembrance of the Paschal sacrifice. The Afikoman, like the Paschal sacrifice, must be consumed after one is satiated, must be eaten prior to midnight, and its taste must linger in our mouths throughout the night. The third and final section of the Seder which follows the meal, contains the final two components of the Seder, Hallel and Nirtzah. The Maharal, R. Judah Loew, explains²⁷ this section no longer focuses on the past redemption but looks to the final redemption, the coming of Messiah, the establishment of the third and final commonwealth and the rebuilding of the Beit hamikdash. Therefore, his final section begins with the pouring of a cup of wine reserved for Elijah who ushers Messiah into our world. Elijah is the emissary of the Messiah who Will bring the final redemption. As it states: "Behold I will send you, Elijah, the prophet before the coming of the great and dreadful day"²⁸

We open the door to welcome this event and recite the prayer of Shefokh Hamatkha, a prayer

consisting of four different verses, calling on God to destroy the Gentile nations which have persecuted the Jewish people throughout the Diaspora experience. As the Maharal²⁹ states, we request the arrival of Milhemet Gog u'Magog- the destruction of the nations oppressing the Jewish people. Following Shefokh Hamatkha, we continue with the final psalms of Hallel, a prayer which we began in magid but was interrupted by the eating of ritual foods and the Seder meal. It is important to note that on the first two nights of Passover there is a Rabbinic obligation to recite all the psalms which comprise Hallel.³⁰ The decision in the Mishnah³¹ to divide Hallel into two sections (pre/post meal) is significant. This division has led many to suggest that the Passover night obligation to recite Hallel is not fulfilled through the Seder. For the recitation of the Hallel psalms must be done in an uninterrupted sequential order and in the Haggadah psalms are interrupted by the meal. Many halakhic authorities³² urge both men and women to recite Hallel after the Ma'ariv service before the Seder to fulfill the halakhic requirement of reciting the Hallel psalms without interruption and with a blessing. However, halakhic authorities do not suggest that the Hallel in the Haggadah be arranged differently to allow its recitation in an uninterrupted form. This is consistent with the Maharal's conception of the Seder that all the Hallel psalms recited during magid are consistent with the theme of magid elaborating on the miracles of the Egyptian experience, while the Hallel psalms, left for after the meal focus on the future and final redemption. One only needs to read the Psalms of the Hallel section of Haggadah to realize that they all pray for, and elaborate upon the final redemption.

The final section of the Haggadah, Nirtzah, follows the psalms of Hallel. The Talmud asserts³³ that the fifteenth day of Nissan and the entire month is set aside in history as a day/time for redemption. In keeping with that tradition the poems of Az Rov Nissim and Ometz Gevuratekha relate the miracles which have been performed for the Jews throughout the ages on Pesah. They conclude with a prayer that this time period should usher in the final day of redemption. These poems are followed by Ki Lo Na'eh and Addir Hu which list the accolades of God, yet focus on the fact that God's name will only be complete when we have total sovereignty over our

own destiny enabling us to worship and serve God in our own land with the Temple rebuilt.

We then recite Ehad Mi Yode'a, which discusses the basic notions of Jewish faith. The principles enunciated in Ehad Mi Yode'a represent the ideals which unify God and the Jewish people, an act which will be complete in the Messianic era. Its insertion in this final section reflects the theme that redemption can only be speedily achieved when we are committed to the norms and mores of the Jewish tradition.³⁴ God's presence is visited upon us in direct proportion to our commitment to the values of the Jewish faith system.³⁵ Interestingly we find a custom that Ehad Mi Yode'a is sung to newlyweds on their first Shabbat together³⁶ Every marriage represents in miniature the larger hope of the cosmos which is an event of Messianic proportion which happens when there is a reunification of God and His chosen people; for God and the Jewish people are often referred to as each other's marriage partner.³⁷ (This is the reason we recite prayers for the redemption of Jewish people and for reunification with God within the marriage ceremony's Sheva Brakhot).

We then conclude with the poem of Had Gadya which on many levels reflects the idea of redemption. It closes the Pesah Seder because it is unique, not only because it highlights the rigors and commitments we must actualize in both our private and communal lives to achieve redemption, but because it is written in Aramaic. This language is not understood by the angels, only by God. Our future, which we have prayed for throughout Hallel and Nirtzah, is not to be secured by angels but rather by God. Therefore even Had Gadya's language stresses that God alone can hear our pleas and deliver us into redemption.

We can also understand the custom to recite Shir ha'Shirim after the Seder. The whole focus of Shir ha'Shirim is the love affair between God and the Jewish people. This relationship can only be fully actualized when we no longer live a Diaspora existence. Then the Jewish people will perform mitzvot within the palace of the king (Land of Israel), will be a true light unto the nations, and will gather daily to celebrate holidays in a rebuilt Temple engaging in song to God.

FOOTNOTES

- 1) See Encyclopedia Judaica, Vol. 7:1050: J.D. Eisenstein Ozar Perushim We-Ziyurim el Haggadah Shel Pesah (Israel, 1975).
- 2) She 'elot U-Teshuvot Chayim Sha 'al, Vol. 1, #28.
- 3) Introduction to the eleventh chapter of Sanhedrin Perek Helek, (page 121 in the Mosad Ha'Rav Kook edition).
- 4) Some suggest the Had Gadya (and Ehad Mi Yode'a) are sixteenth century piyyutim and have secular origins (See the Jewish Encyclopedia and the Encyclopedia Judaica s. v. Had Gadva as well as A. Scheiber, "The Hungarian Parallels of the Ehad Mi Yode'a" JQR 46 (1955/56). However this author has great difficulty with that. Refer to an article by Menachem Fuchs, in the periodical Osafot (5748) page 201 where he proves that earlier manuscripts of these poems have been found dating back to at least 1355 (if not earlier) which predate their secular counterparts.
- 5) Shabbat 12b.
- 6) Orah Hayyim 101:4.
- 7) For a list of commentaries on this poem see an article by A.M. Haberman, "Had Gadya" Alachanyim (Israel, 5721).
- 8) Based on commentary found in J. D. Eisenstein Ozar Perushim We-Zivurim el Haggadah Shel Pesah (Israel, 1975).
- 9) See R. Moses Alshekh commentary on Genesis (XXXV111:17); Esther Rabbah V11:11 s.v. b 'Hodesh ha'rihshon (Vilna Edition).
- 10) This is an idea discussed within Kabbalistic literature. For a development of this idea see R. Joseph Haim b. Elijah al Hakham, She 'elot u'Tshuvot Rav Pe 'alim (Vol. I, Orah Hayyim,, Sirnan One and Sod Yesharim, Siman One).
- 11) Sefer Ma 'arnar Yonatan (Jerusalem, 5746).
- 12) Horiyot 13a.
- 13) Exodus V:2.
- 14) Horiyot 13a.
- 15) This idea is espoused by Rabbi Joseph B. Soloveitchik, "Kol Dodi Dofek" b'Sod ha' Yahid v-ha-Yahad (Israel, 1976) footnote 23.
- 16) Ta'anit 7a.
- 17) Baba Kama 82a; Megillah 31b; Mishneh Torah Hilkhhot Tfillah (chap. I).
- 18) Midrash Tanhuma Parshat Tazriya, Siman 11.
- 19) Yoreh De'ah, Siman II:1.
- 20) Pesahim (Chapter VI:3) Mishneh Torah Hilkhhot Korban Pesah (X:12).
- 21) Hagigah 6a.
- 22) Berakhot 56b.
- 23) Berakhot 3a.
- 24) Shabbat 145b; Yoma 38a.
- 25) Tamid, Chapter III.
- 26) As the Mishnah states this did not only happen on Passover but on all the major holidays when the Jews would visit the Temple.
- 27) Divrei Negidim, Page 155.
- 28) Malakhi, 3:23.
- 29) Divrei Negidim, ibid.
- 30) Pesahim 9:3; Jerusalem Talmud Pesahim (5:5).
- 31) Pesahim 10:6.
- 32) Tosafot Berakhot, 14a, s.v. Yamim; R. Ovadiah Yosef, Yehavah Da'at (5:34).
- 33) Rosh Hashanah (11b).
- 34) Sanhedrin 98a.
- 35) For elaboration of this point see The Kuzari, Ma'mar Bet, Perek 24.
- 36) This is discussed in the Yeshiva University Haggadah. Additionally, modified forms of Ehad Mi Yode'a have found themselves as part of wedding celebrations in various cultures. See A. Scheiber "The Hungarian Parallels of the Ehad Mi Yode'a" JQR 46 (1955/56) p. 355.
- 37) Shir ha' Shirim

Experiencing Yetziat Mitzrayim Through The Seder

Rabbi Meir Goldwicht

The most difficult mitzvah on the night of the Seder, more difficult than any of the other mitzvot, is, as the Rambam says, is to truly feel as if we are leaving Mitzrayim, as if we are actually going from avdut to cheirut (Hilchot Chametz u'Matzah 7:6):

בכל דור ודור חייב אדם להראות את עצמו כאילו הוא בעצמו יצא עתה משעבוד מצרים, שנאמר 'ואותנו הוציא משם וגו'. ועל דבר זה צוה הקב"ה בתורה, 'וזכרת כי עבד היית, כלומר כאילו אתה בעצמך היית עבד ויצאת לחירות ונפדית.

This theme runs through the entire Haggadah. All of the meforshim of the Haggadah ask: Why don't we recite a beracha on sippur yetziat Mitzrayim at the beginning of the Seder as we do before every other mitzvah? Based on the comments of the Rambam, which is so central to the Seder, we can answer this question very simply. At the beginning of the Seder, we are obligated to feel as if we are still enslaved, a state that is certainly not conducive to reciting a beracha related to our geulah from Mitzrayim. The moment we finish saying "בצאת ישראל ממצרים," however, the point where we actually feel ourselves leaving Mitzrayim, we recite the beracha of:

אשר גאלנו וגאל את אבותינו ממצרים וכו' ונודה לך שיר חדש על גאלתנו ועל פדות נפשנו בא"ה גאל ישראל

The Chatam Sofer explains that this beracha is the beracha on sippur yetziat Mitzrayim. We do recite a beracha on sippur yetziat Mitzrayim, but the beracha is recited in the correct place and in the proper state-of-mind— cheirut.

Adapted from Rav Goldwicht's Weekly Sicha, available at YUTorah.org

This obligation to feel as if we ourselves left Mitzrayim also explains why we drink ארבע כוסות. The Rashbam (Pesachim 99b) explains that the four ארבע כוסות correspond to the four leshonot of geulah mentioned by galut Mitzrayim:

לכן אמר לבני ישראל אני ד' והוצאתי אתכם מתחת סבלת מצרים והצלתי אתכם מעבדתם וגאלתי אתכם בזרוע נטויה ובשפטים גדלים ולקחתי אתכם אל הארץ אשר נשאתי את ידי לתת אתה לאברהם ליצחק וליעקב ונתתי אתה לכם מורשה אני ד'

These leshonot of geulah correspond to the promises Hashem made to Avraham Avinu at the ברית בין הבתרים:

ויאמר לאברהם ידע תדע כי גר יהיה זרעך בארץ לא להם ועבדום וענו אתם ארבע מאות שנה וגם את הגוי אשר יעבדו דן אנכי ואחרי כן יצאו ברכש גדול

Hashem told Avraham Avinu that his descendants would be subject to three stages of galut. In the first stage, B'nei Yisrael would be strangers in a foreign land. In the second stage, B'nei Yisrael would be enslaved. In the third stage, B'nei Yisrael would be subject to עבודת פרך, work of affliction.

Yetziat Mitzrayim was the reversal of this process. The first of the ארבע כוסות corresponds to the first stage of geulah, our redemption from the afflictions of Mitzrayim: "והוצאתי אתכם מתחת סבלת מצרים." The עבודת פרך, the "וענו אותם," was lifted, but the עבדות remained. The second of the ארבע כוסות corresponds to the second stage of geulah, our redemption from slavery: "והצלתי אתכם מעבדתם." The עבדות, the "ועבדום," was lifted, but we remained in galut. The third of the ארבע כוסות corresponds to the third stage of geulah, our redemption from exile in a foreign land:

וגאלתי אתכם בורוע נטויה ובשפטים גדלים
We finally left galut. After geulah from the three-stage galut, we can experience the fourth geulah, corresponding to the fourth of the ארבע כוסות:

ולקחתי אתכם לי לעם וגוי' והבאתי אתכם אל הארץ וגוי'.

The ארבע כוסות also correspond to the four situations for which we are obligated to say birkat hagomel. The siman to remember these four people is:

י = יוצא מבית האסורים; ה = חולה שנתרפא; י = יורדי ים;
י = יוצא מבית האסורים; ה = חולה שנתרפא; י = יורדי ים;

When we left Mitzrayim we experienced all four of these situations, obligating us to say birkat hagomel for all four reasons. We fulfill these four obligations by drinking the ארבע כוסות, each of which is essentially a birkat hagomel.

הגאון מו"ר הרב שלמה זלמן אויערבאך זצ"ל asked why we drink four cups of wine as opposed to any other drink. The reason, he explained, is that when someone drinks orange juice, for example, he finishes the entire first cup, enjoying even the last drop. He manages to finish the entire second cup as well, albeit not as easily as the first cup. By the third cup he is already sick of orange juice, and he leaves over part of the cup; when it comes to the fourth cup, he can only drink part of it. With wine, on the other hand, each cup is better than the first. It is only fitting that wine, which gets better with each cup, is the proper beverage for the ארבע כוסות, each one of which represents a level of geulah that is better than the last:

והוצאתי והצלתי וגאלתי ולקחתי.

It is for this purpose—to demonstrate our current departure from Mitzrayim—that there is a minhag to put out the nicest dishes on the night of the Seder, demonstrating the fulfillment of Hashem's promise to Avraham Avinu, “ יצאו ברכוש גדול.” Another aspect of the table setting also demonstrates our transition from avdut to cheirut: there is a prevalent minhag to leave the table completely empty except for the Seder plate and silver cups of wine until “ בצאת ישראל ממצרים” is read; as soon as the paragraph is read, everything

is brought out to the table, showing that now, as we leave Mitzrayim, we possess this “רכוש גדול.”

The idea is that on the night of the Seder we must feel as if all that happened actually happened to us, re-experiencing as much of the galut and geulah as possible, allows us some insight into the idea of karpas. Why do we dip the karpas in saltwater? Galut Mitzrayim began because Yosef sold Yosef. The Torah tells us that after throwing Yosef into the pit, his brothers dipped his ketonet pasim in blood, leading their father to cry out, “טרורף טורף יוסף.” Rashi explains that the ketonet pasim was made of expensive wool, as the passuk says, “חור כרפס ותכלת” (Megillat Esther 1:6). The vegetable karpas symbolizes the fabric karpas, reminding us of the ketonet pasim. We therefore dip the karpas in saltwater, symbolizing the brothers' dipping of the ketonet pasim in blood and reminding ourselves how galut Mitzrayim began. (Rabbeinu Manoach on the Rambam (Hilchot Chametz u'Matzah 8:2) in fact writes that the minhag of dipping the karpas in saltwater is a remembrance of the ketonet pasim that Yaakov Avinu made for Yosef, which was the underlying cause of our ancestors' descent to Mitzrayim.)

This is also why we break the matzah (יחץ) immediately after eating the karpas. The breaking of the matzah represents the breaking up of the family of Yaakov, which set the galut in motion. Once we understand the reason for the galut, i.e. the machloket between the brothers that caused the breaking up of the family, we can begin Maggid, essentially testifying to הקב"ה that we accept upon ourselves to do as much as we can to bring everyone in Am Yisrael together. Therefore Maggid begins with the announcement of “ כל דיכפין " Let everyone who needs come and eat with us," inviting people who we wouldn't necessarily invite under normal circumstances to join us, or providing for those who don't have matzah or nice clothing for Yom Tov. Through this we show our willingness to help others shoulder their burdens. Immediately after יחץ, we begin to fix the rupture in the family of Am Yisrael by performing actions and making statements that express our togetherness. This includes bringing the ארבעה בנים together, not breaking the bones of the korban Pesach, and many other things.

Thus, at the end of the Haggadah, we arrive at the כוס של אליהו. In Tanach, Eliyahu is written without a ו (אליה) five times and Yaakov is written with a ו (יעקוב) five times. Rashi in Bechukotai (Vayikra 26:42) explains that Yaakov told Eliyahu that he would get his ו back when he would come to announce the geulah of Yaakov's children. Why did Yaakov take the letter ו specifically? Because ו represents chibur. This is why, whenever we deal with chibur between Jews, Eliyahu is present. This is why Eliyahu attends every brit milah, because brit milah creates a chibur between the generations. This is also why Eliyahu appears in many aggadot in Shas discussing Yerushalayim, because Yerushalayim is the place of chibur for all of Am Yisrael. So too, on the night of the Seder, we have a כוס של אליהו, which symbolizes our coming back together, our chibur,

fixing the split in the family that started galut Mitzrayim.

At the end of the Seder, after we have truly felt כאילו עתה יצא משעבוד מצרים, as the Rambam writes, we can say, "ונאמר לפניו שירה חדשה." How can we call this a שירה חדשה, when we sang the exact same song last year and the year before? This is the very point. We feel כאילו עתה יצא, and we can't help but spontaneously burst into songs of praise. For this reason, the Hallel of the night of the Seder is a Hallel said as a song, sung by people saved through the most miraculous of miracles from the most difficult and trying of circumstances. Such a Hallel is said while sitting, with an interruption in the middle to enjoy a festive meal, unlike the standard Hallel, because all of this is part and parcel of the gratitude we show הקב"ה.

Twelve Questions On Hallel On Leil HaSeder

Rabbi Dovid Hirsch

A close examination of the Hallel recited on the seder night reveals many unique qualities that distinguish it from the Hallel recited on other festivals. There are twelve questions one can ask regarding Hallel on the seder night.

1) The prayer of Hallel is usually preceded by a Beracha, for the halachah mandates the recitation of a Beracha before performing any mitzvah under the category of Bein Adam le-Makom (Rambam, Hilchot Berachot 11:2). Why then can no such Beracha be found in our Haggadah?

2) The Mishnah in Megillah 20b, which discusses the appropriate time to fulfill various mitzvot, includes the mitzvah of Hallel among those mitzvot that should be performed during the day. How then are we permitted to recite Hallel during the seder, which takes place at night?

3) Another characteristic unique to the Hallel on the seder night is that it is recited while sitting. This custom seems contrary to the general requirement to stand during the Hallel recitation, a requirement explicit in the Shulchan Aruch (Orach Chaim 422:4).

4) An additionally troubling source is the Gemara in Ta'anit 25b-26a, which mentions that in order to recite Hallel, one must be fully satiated. Considering this mandate, it seems odd that the beginning of Hallel would be placed at the end of Maggid, directly preceding the meal, when it will certainly be recited in a state of hunger and therefore lack this prerequisite.

5) There is an even more basic question that can be posed when considering the arrangement of the Hallel in the Haggadah. We find that the first half of the Hallel is recited before the meal, while the other half is not recited until after the completion of the meal. How are we allowed to inter-

rupt the recitation of Hallel with a lavish meal at the seder?

6) The need to associate the Hallel of the seder with cups of wine, namely the second and fourth cup, is yet another unique quality of this Hallel that demands an explanation.

7) Why is it that women are obligated to participate in this Hallel (See Shulchan Aruch, Orach Chaim 472:14), if they are generally exempt from positive commandments that are governed by time?

8) The decision to include the entire Hallel in the Haggadah, as opposed to a half Hallel seems puzzling when one reflects upon the distinctions that exist between the two versions of the prayer. For example, it is customary to recite only a half Hallel on the seventh day of Pesach because as the Gemara Megillah 10b says, "Ma'asei yadai tovim ba-yam ve-atem omrim shirah - My creations are drowning in the sea, and you are saying praise!?" The creations of Hashem, albeit the depraved Egyptians, were drowning following the miraculous splitting of the sea, and the Malachei ha-Shareit - Angels serving God were not allowed to sing the expected praise regarding the salvation of the Jewish people. It would therefore seem appropriate that we should similarly recite only a half Hallel at the seder in recognition of the Egyptians who were killed during the final plague, that of the First Born, and drowning in the sea. We clearly recognize the loss of Egyptian life, as the Abarbanel notes, through the removal of a drop of wine during the mention of each plague to indicate that the joy of our redemption is not complete due the affliction of the Egyptians. Why, then, is it the custom to recite the entire Hallel when commemorating this great miracle which involved the death of so many of God's creations?

9) It is well understood that the eating of the Afikoman should be completed before chatzot, for it commemorates the Pesach offering, which itself had to be finished before that time. There is a dispute between Tosafot and the Ran (Pesachim 27b Dapei Harif s.v. Garsinan) whether Hallel must also be completed before chatzot. They both agree that the recitation of Hallel is a rabbinic obligation. However, while the Ran assumes that the rabbis instituted chatzot as the final time to recite Hallel, Tosafot are of the opinion that it may be recited after chatzot. The Rambam, Sefer Hamitzvot, Aseh no. 157, implies that there is a Torah obligation to recite Hallel. Accordingly there should be a Torah mandated obligation to finish Hallel by chatzot. The Rama Orach Chaim 477:1, rules that it should be completed by chatzot. He gives no indication as to whether the obligation to complete Hallel before chatzot is a Torah obligation or a rabbinic ordinance, but based on the Rambam it is possible that he assumes it to be a Torah obligation. Assuming that there is a Torah obligation to recite Hallel before chatzot, one can ask: why should this particular requirement from the Pesach offering be extended to the Hallel recitation? What Biblical concept obligates the recitation of Hallel before chatzot?

10) The beginning of Hallel is preceded by a peculiar introduction, *Lefikach anachnu chayavim le-hodot le-hallel...* - Therefore, we are obligated to thank and praise Hashem. "Therefore" always serves as a bridge from one idea to its subsequent continuation. What is the continuation within the context of the Haggadah - between Maggid and Hallel?

11) An often overlooked obligation is that one must leave the matzah on the table for the completion of the Hallel. What is the need for such an obligation?

12) Finally, considering all of these unique characteristics of the Hallel of seder night, it would seem appropriate to include some reference to this unusual Hallel during the four questions, which are intended to bring our attention to the various unique qualities of the seder. Why do we find no mention of this unusual Hallel recitation in this part of the Haggadah?

There are two basic but very distinct approaches to resolve this series of intriguing questions. Each

approach can be used in its own right to answer many of the issues attached to the peculiar existence of Hallel within the Haggadah. However, it is only possible to answer all of these questions through the combination of these very different approaches.

The first of these approaches can be seen from Pesachim 36a, which explains *Lechem Oni* - the bread of affliction - as a reference to the matzah upon which we say many things. Rashi explains that these "many things" refer to the recital of Maggid and the full recitation of Hallel. Therefore, we should leave the matzah on the table for Hallel even after the completion of the meal. This indicates that Hallel is a component of the mitzvah to eat matzah on the night of the seder. [Rav Soloveitchik, zt"l noted that Ramban, *Milchamot Hashem*, Berachot 2b, is of the opinion that failure to mention pesach, matzah or maror, is a violation of the specific mitzvah that was neglected. Accordingly, if one did not mention matzah while reciting the Haggadah, he has not fulfilled the mitzvah of matzah properly. Rav Soloveitchik noted that based on the comments of the Ramban, the recitation of the Haggadah is a fulfillment of the mitzvah of matzah.] If this is in fact the case, it becomes apparent that the Hallel recited at the seder may not be subject to the technical conditions normally associated with standard Hallel recitation. For example, this particular Hallel recitation need not be preceded by a Beracha because the more general mitzvah of matzah is introduced by its own Beracha. Furthermore, the reason that Hallel must be recited at night now becomes clear; *Ba-erev tochlu matzot* - during the evening you shall eat matzot, for that is the appropriate time to fulfill the more general mitzvah of matzah of which Hallel is a part of. This similarly explains why this particular Hallel is recited while sitting, for that is the proper way to fulfill the broader mitzvah of matzah; *mesubim* - leaning comfortably.

Additionally, the apparent problem of interrupting the Hallel recitation with the meal can easily be explained if the Hallel is understood to be part of the mitzvah of matzah, and Hallel is subject to the guidelines and constraints of the established Pesach seder which continue throughout the meal. The guidelines of the seder include the presence of the four cups of wine, and, consequently, the Hallel must conform and combine

with this specific directive. The previously perplexing application of the deadline of the Afikoman to Hallel by the Rama, fits in beautifully with this approach that directly relates the Hallel to the matzah. Hallel must be finished before chatzot just like the matzah. It is therefore logical that if there is a Torah obligation to finish the Korban before chatzot, there is also a Torah obligation to finish Hallel before chatzot. Finally, it makes perfect sense that women should participate in the Hallel of the seder if it is indeed a component of the matzah. Women are certainly obligated to fulfill the mitzvah of matzah based on the Gemara in Pesachim 43b, Kol she-yeshno be-val tochal chametz yeshno be-achilat matzah - all who are obligated in the prohibition against eating chametz are obligated in the obligation of eating matzah. This also explains why we don't ask a separate question in the Mah Nishtana of "Why is this Hallel different from all other Hallel," because this Hallel is subsumed in the mitzvah of matzah which is already the subject of one of the four questions.

The second approach is based on Rav Hai Gaon, quoted by the Ran in Pesachim (26a Dapei ha-Rif s.v. Aval Rabbeinu Hai Gaon), who explains that there are actually three different types of Hallel. The first is the ritual recitation of the Hallel known as the Mitzvat Kriah which, according to the Ramban, Sefer haMitzvot, Shoresh no. 1, is our fulfillment of the obligation of Simchat Yom Tov. The second type of Hallel is Hallel recited on the commemoration of a miracle, such as the Hallel recited on Chanukah. The third type of Hallel is a spontaneous outburst of joyous and thankful song, Shirah. The Mishnah in Pesachim 116b explains, "Chayav adam lirot et atzmo ke-ilu hu yatza me-mitzraim -one is obligated to see himself as if he left Egypt." The Rambam has a slightly different version reading, "Chayav adam le-harot et atzmo ke-ilu hu yatza me-mitzraim - one is obligated to show himself as if he left Egypt." Because we are obligated on the night of the seder to view ourselves as if we are actually participating in the grand and miraculous Exodus, the Hallel of the seder, unlike the Hallel recited on other festivals, must fall into the latter of these categories. We can now begin to understand why this Hallel is so different than the one we are accustomed to and possesses so many unique qualities.

Rav Soloveitchik, zt"l, explained that the general reason that we recite Birchot ha-Mitzvot is to establish the proper frame of mind with which we must approach the fulfillment of God's commandments. In fact, the Beracha allows us to perform the mitzvah (see Rambam Hilchot Berachot 1:3). It follows, therefore, that this type of Hallel should not require a Beracha, for it is actually the sincerity of our mindset that initially motivated us to recite this spontaneous prayer. This also explains why this Hallel may be recited at night, for this emotional outburst is not limited to the technical time constraints normally associated with the ritual recitation of Hallel, but must be expressed at whatever time we become emotionally motivated. The Birkei Yosef ruled for this reason that although the Mishnah limits the time of Hallel to the daytime, a group of Jews who were saved from death while aboard a boat at sea were obligated to say Hallel immediately when they were saved, even though it was nighttime. Women would therefore also be obligated to sing this praise of Hashem if they too were saved directly by the miracle. Finally, with this new understanding of the Hallel of seder night, we can resolve the problem of reciting a full Hallel on a night that commemorates the destruction of God's creations. The principle of limiting our rejoicing while God's creations are being destroyed only applies when those rejoicing are not directly involved in the miracle, the sideline figures. For this reason, on the seventh day of Pesach, we only recite a half Hallel. However, on the seder night we are expected to feel as if we ourselves are personally being saved by the awesome plagues and miracles displayed during the process of our exodus from Egypt. Therefore, it would not be a violation but, on the contrary, an obligation to recite a full Hallel on that night, despite the fact that the Egyptians were being killed.

The Hallel that we recite on seder night is therefore categorically different than the Hallel that is normally recited. We are expected to not simply commemorate a great act of God which was performed in the past, but to allow ourselves to become enraptured in the seder so that we actually feel God's strong hand saving us in the present. The Ba'al ha-Maor writes that Hallel is intended to be said with a full stomach, and the Netziv writes that the real Hallel is the part following the meal, when one has been fully satiated. This Hal-

lel is that of Shirah and can only be recited after one has eaten. The two paragraphs recited prior to the meal function to establish the meal as a feast of Hoda'ah, thanking Hashem and giving recognition for taking us out of Egypt. The recitation of Hallel is performed after the meal.

This also explains the meaning of Lefikach anu chayavim le-hodot u-le-hallel. The Rambam connects the mitzvah of Sippur Yitziat Mitzraim with that of the recital of Hallel through the same word, "Lefikach" (Hilchot Chametz u-Matzah 8:4-5). The Netziv is of the opinion that Hallel re-

cited to commemorate a miracle such as Chanukah is only a rabbinic requirement. The Chatam Sofer holds that it is a Torah obligation to commemorate such a miracle. However, on the seder night we relive the experience, and, therefore, it is Hallel al ha-neis be-sha'at ha-neis -Hallel over a miracle during the occurrence of the miracle. The Netziv himself states that Hallel on the seder night is a Torah mandated obligation according to all halachic opinions. This is the meaning of Lefikach - because we relive this experience there is a Torah obligation to recite Hallel.

כח החסד והאמונה כהכנה לגאולה

Rabbi Baruch Simon

ברית של חסד קודם הגאולה

הנה מפורסמים המה דברי הבית הלוי בדרשותיו (דרוש טז) שביאר ענין מה שמתחילים הסדר בליל פסח באמירת כל דכפין, שהוא כדי להתחיל הסדר בענין של צדקה, כי ע"י מצות צדקה זוכים לגאולה אף אם אין זכאים, וכמו שכתב בלשונו הטהור: דעל כן יש לנו להקדים תחילה במצות צדקה שעל ידי זה נזכה לגאולה, וזהו אמרם כל דכפין ייתי וייכול השתא הכא לשנה הבאה בארעא דישראל, דעל ידי מצוה זו של צדקה נזכה לגאולה העתידה בקרוב, וכמאמר הכתוב (ישעיה נ, א) שמרו משפט ועשו צדקה כי קרובה ישועתי לבא וצדקתי להגלות.

ועל דרך זה מבאר החפץ חיים (בספרו עה"ת פרשת בשלח) על הפסוק (שמות טו, יג) נחית בחסדך עם זו גאלת, דהכוונה לברית של חסד שכרתו ישראל זה עם זה לעשות חסד אחד לשני כדי להביא הגאולה, כדאיתא בתנא דבי אליהו (פרק כג אות ט) שכשהיו ישראל במצרים נתקבצו כולם וישבו יחד, משום דהיו כולם באגודה אחת וכרתו ברית יחד שיעשו גמילות חסדים זה עם זה, וישמרו בלבם ברית אברהם יצחק ויעקב וכו'. וזהו שאמרו ישראל על הים, 'נחית בחסדך עם זו גאלת', דע"י מדת החסד והאחדות נחית עם זו לגאולתם.

ע"י עשיית חסד זה עם זה זכו לביות מצרים

ומצינו כדבר הזה גם בפרשת בא, איך שלא רק הגאולה עמצה היתה ע"י החסד והצדקה, אלא כל פרט ופרט בתהליך הגאולה, אף הוא נעשה בכח וזכות הצדקה והחסד שעשו ישראל בינם לבין עצמם.

דהנה הכתוב אומר (שמות יב, לה) ובני ישראל עשו כדבר משה וישאלו ממצרים כלי כסף וכלי זהב ושמלות, ויעוין ברש"י (ד"ה כדבר משה) שכתב לפרש שפסוק זה קאי אדלעיל, על מה שנאמר (יא, ב) דבר נא באזני האם וישאלו איש מאת רעהו ואשה מאת רעותה כלי כסף וכלי זהב, ויתן ה' את חן העם בעיני מצרים וגו'.

וכתב הגר"א בקול אליהו (פרשת בא) דצריך להבין מה חידש רש"י ז"ל בזה, הלא פשוט הוא שמה שנאמר 'עשו כדבר משה' הכוונה למה שציווה אותם לשאול כלי כסף וכלי

זהב מהמצריים. אמנם י"ל דכוונת רש"י ז"ל כך הוא, דהנה איתא במס' ב"ק (לו:): שור של ישראל שנגח שור של מצרי פטור, והטעם דכתיב (שמות כא, לה) וכי יגוף שור איש את שור רעהו, רעהו ולא של מצרים, א"כ כאן היה קשה לרש"י ז"ל איך נאמר לעיל 'דבר נא באזני העם וישאלו איש מאת רעהו' דהיינו מהמצריים, הא קי"ל דמצרי איננו בכלל רעהו, ועוד קשה הלא שם כתיב דבר נא ופירש רש"י ז"ל אין נא אלא לשון בקשה, ואינו מובן למה היה צריך לבקש לרכוש למו הון ושלל רב, אלא ע"כ צ"ל דלא היה ביכולתם לעשות כזאת אם לא אשר מקודם יכופו את יצרם לעשות חסד איש עם רעהו, ואזי עולם חסד יבנה, שעל ידי זה יתן ה' את חן העם בעיני מצרים וגו', ולפי זה קאי רעהו על ישראל ושפיר שייך בזה לשון בקשה. והשתא לפי זה מיושב דברי רש"י ז"ל כאן דכתיב ובני ישראל עשו כדבר משה שאמר להם במצרים וישאלו איש מאת רעהו, דהיינו שבני ישראל עשו חסד זה לזה ע"י שאלה, ועי"ז וישאלו ממצרים כלי כסף וגו' וה' נתן חן העם בעיני מצרים וישאלו, עכ"ל.

נמצינו למדים, כי בזכות מה שישראל עשו חסד זה עם זה, והיו שואלים חפצים זה לזה, בזכות זה זכו לביות מצרים, שנתן ה' חנם בעיני מצרים וישאלו כלי כסף וכלי זהב ושמלות. והלימוד מזה כמו שנתבאר, שלא רק הגאולה בכלליתה באה ע"י מדת החסד והאחווה, אלא גם פרטי הגאולה, וכמו כן גאולת הפרט, ג"כ באה ע"י מדת החסד והצדקה, וכל המרחם על הבריות מרחמין עליו מן השמים (שבת קנא:).

כח האמונה להחיש הגאולה

עוד מצינו בפרשת בא סגולה נוספת לקירוב הגאולה, והיא האמונה בה, דהנה כתיב (שמות יב, יא) וככה תאכלו אותו מתניכם חגורים ונעליכם ברגליכם ומקלכם בידיכם ואכלתם אותו בחפזון פסח הוא לה', וביאר בזה המהרי"ל דיסקין ז"ל: פ"א אף על פי שנאמר אני ולא שליח והי' להם שם גילוי שכינה כמו דאיתא בהגדה של פסח, וקיימא לן דכל היכא דאיכא גילוי שכינה אסור בנעילת הסנדל, כמו ביום כיפור (עיין ברכות), וכן איתא במד"ר פ' שמות (סוף פ' ב') של נעלך כל מקום שהשכינה נגלית אסור בנעילת הסנדל, וכן ביהושע של נעלך, וכן הכהנים לא שמשו במקדש אלא יחפים, אפילו הכי כאן שהיה להראות האמונה והבטחון שהם מזומנים לדרך כדפירש רש"י, ע"כ אני מוחל ומתיר להם, עכ"ל.

וההסבר בזה נראה פשוט, כי אמונה היא מלשון המשכה כמבואר בספרים (ע' ספר מלכי בקדש לרבינו יחיאל מיכל מזלאטשוב זצ"ל עמ' יא-יב), עד דרך הכתוב (אסתר ב, ז) ויהי אומן את הדסה, ועל כן נחוץ שקודם הגאולה יהיו חזקים ואיתנים באמונתם בה', ויהיו מראים אמונתם בפועל ממש, כדי להחיש עי"ז את הגאולה.

וכמו כן גם אנו, ע"י כח האמונה וכח החסד, שהם יסודות החיים, נזכה בעזרשי"ת לגאולה העתידה לבוא במהרה בימינו, ועוד בתוך הגלות נזכה על ידם לגאולה פרטית, כל אחד בנפשו הוא, להתקרב להשי"ת ולגאול נפשו מיד שאול, אמן.

וביתר הרחבה עיין בספר מעגלי צדק על סדר פסח להרה"ג ר' דוב צבי קרלנשטיין שליט"א (עמ' שסז) שכתב וז"ל והנה בשמות נאמר וככה תאכלו אותו מתניכם חגורים נעליכם ברגליכם ומקלכם בידכם וגו', ובגמ' יבמות (ו): איתא איזו היא מורא מקדש, לא יכנס אדם בהר הבית במקלו במנעלו ובפונדתו וכו', ופירש רש"י שם פונדתו הוא ארנקו, שאוזר בו מתניו, ולדברי המהרי"ל דיקסין מבואר הכתוב באופן נפלא, 'וככה תאכלו וגו' מתניכם חגורים נעליכם ברגליכם ומקלכם בידכם', היינו אף דהני תלתא מילי נאסרו מדין מורא, כדאיתא שם בגמ', עם כל זה לא ינהגו כן, אלא ישבו כמוכנים לצאת לדרך, ולכן מתניכם חגורים ונעליכם ברגליכם ומקלכם בידכם.

The Sanctity Of The Home – The Message Of The Korban Pesach

Rabbi Zvi Sobolofsky

The central feature of the seder night, the eating of the Korban Pesach, is no longer performed today in the absence of the Beit ha-Mikdash. Nevertheless, Chazal saw it necessary to institute many practices throughout the night to keep the memory of the Korban Pesach alive in our hearts. The eating of Korech zecher lemikdash, the eating of the Aphikoman zecher la-pesach and the constant pleas for Hashem to rebuild the Beit ha-Mikdash are integral to our seder. It is incumbent on us to develop a better understanding of the significance of the Korban Pesach to enable us to appreciate what we are missing. Although the actual Korban Pesach is no longer a part of our seder, we can still incorporate its message into our seder and into our lives.

Most of the halachot concerning the Korban Pesach appear in the verses in the beginning of chapter twelve in the book of Shemot. There is a recurring word throughout these verses, drawing our attention to its significance. The word Bayit - home - appears in various forms thirteen times in the section regarding the Korban Pesach. Everything about the Korban Pesach revolves around the house. From its blood being placed on the door of the house to its meat being eaten specifically in the house, the Korban Pesach is linked directly to the Bayit. Even the members of one's group who eat the Korban Pesach are preferably one's family members who are referred to as "Seh le-veit avot seh la-bayit" (Shemot 12:3). What is it about the mitzvah of Korban Pesach that causes the house to take such a significant role in its performance?

When we examine the details of the halachot concerning the Korban Pesach, we find parallels to other korbanot. The Korban Pesach must be eaten within a certain area. Similarly, other korbanot are limited as to where they may be eaten. If meat of the Korban Pesach is removed from its designated area it becomes unfit to be eaten just as meat from other korbanot becomes disqualified, upon being taken out of its halachik

boundaries. Although similar in this general halachah, there is a basic distinction between Korban Pesach and other korbanot in the specifics. The boundaries of other korbanot correspond to specific areas in the Beit ha-Mikdash. Korbanot of higher sanctity cannot be removed from the courtyard of the Beit ha-Mikdash. Those of lower sanctity become disqualified if taken out of Jerusalem which is considered to be an extension of the Beit ha-Mikdash. Although the Korban Pesach cannot be taken outside of its appropriate boundaries, it is unique that its halachik borders are the walls of one's house. What is the significance of substituting the walls of one's home for the walls of the Beit ha-Mikdash?

There is another area of halachah that the Korban Pesach and other korbanot appear to have in common. All grain offerings, with the exception of the loaves of bread brought on Shavuot and those in conjunction with a Korban Todah, may not be made from chametz. The Beit ha-Mikdash essentially is free of chametz the entire year. Obviously the Korban Pesach cannot be eaten with chametz, but the absolute separation between the Korban Pesach and chametz goes even further. The mitzvot concerning owning chametz on Pesach are primarily focused on the Bayit. The negative commandment of "shivat yamim se'or lo yimatzei be-vateichem" (Shemot 12:19), and the positive obligation of "ach ba-yom ha-rishon tashbitu se'or mi-bateichem" (ibid 15) explicitly mention the significance of removing chametz from the home. The entire area designated for the eating of Korban Pesach is given primary concern to rid it of chametz. Even the time for the removal of the chametz is linked to the Korban Pesach. Chazal interpret the phrase ach ba-yom ha-rishon, which is the time given for removing chametz, as exactly the same time one can begin to offer the Korban Pesach. It is inconceivable that after midday on erev Pesach one could still possess chametz, as the Torah prohibits offering the Korban Pesach if any members of its group owns chametz. Whereas for other

korbanot it is sufficient to keep chametz away from the actual preparation of these offerings of grain in the Beit ha-Mikdash, the prohibition of chametz together with the Korban Pesach permeates the entire house. What is it about the Korban Pesach that grants the home such a unique status in halachah?

A fascinating discussion occurs between Moshe and Pharaoh at the beginning of parshas Bo. After having experienced seven plagues, Pharaoh appears ready to give in to Moshe. Pharaoh asks Moshe to identify precisely who would be leaving Egypt to offer korbanot to Hashem in the desert as Moshe initially requested. Moshe responds that all the men, women and children must go. There will be no distinction between the young and the old. Pharaoh refuses and insists that only the men who would be involved in the offering of these korbanot may leave. What was at the root of this disagreement between Moshe and Pharaoh?

From his vantage point, Pharaoh was justified in his response. If Moshe wanted to offer korbanot it was quite understandable to insist that only the grown men who would actually be involved in their offering should be permitted to go. Pharaoh was familiar with religious worship. There was an entire culture in ancient Egypt which revolved around religious service. What Pharaoh failed to understand was the fundamentally different type of religion that was about to be born. To Pharaoh, religion was practiced in temples by designated priests. There was no room for women, children and the elderly in the religious practices of priests in temples removed from one's home. Pharaoh couldn't grasp how a religious experience could include all the members of one's family. Moshe responded that avodat Hashem is fundamentally different. The ultimate avodat Hashem will revolve around the home and family. Every man, woman and child will be actively involved in this avodah.

We also have a Beit ha-Mikdash with Cohanim. Our Beit ha-Mikdash, however, is supposed to serve as a model for avodat Hashem in each of our homes. If the kedushah and taharah of the Beit ha-Mikdash remain aloof from our homes and family units, then our religious experience has reverted back to that of the days of Pharaoh.

The transformation from religion centering on a distant temple to avodat Hashem in one's home occurred at yitziat Mitzraim. A slave has no control over his family life. Pharaoh had issued decrees interfering with the creation of families. At the time of yitziat Mitzraim the Jewish family unit emerged. Central to the celebration of Pesach is the dedication of one's home and family to avodat Hashem.

The Korban Pesach is the korban which expresses this concept. Everything revolves around the home. Mitzvot that are usually associated with the Beit ha-Mikdash are practiced in every Jewish house. Blood of korbanot which is usually placed on the altar was placed on the doorposts of the home during the night of Pesach in Egypt. The walls of one's home take on the halachic status of the Beit ha-Mikdash. Chametz must be removed from one's home just as chametz has no place in the Beit ha-Mikdash. During Pesach the home is transformed into a Mikdash signifying the dedication of home and family to their central role in avodat Hashem.

The climax of yitziat Mitzraim is reached at the end of Sefer Shemot when the Mishkan - Tabernacle - is completed. The promise of "ve-lakachti etchem li le-am -And I will take you to me for a people" (Shemot 6:7) has been fulfilled as the presence of Hashem is visibly present with the Jewish people. The concluding words of the book of Shemot describe the Glory of Hashem resting on "Beit Yisrael" or the house of Israel. No other term to describe the Jewish people at this time is more appropriate. The House of Israel made up of all the individual houses of Israel has come into existence.

As we prepare our homes for Pesach and as we gather around the seder table with our families, let us focus on dedicating our homes and families to Avodat Hashem. May we merit the presence of Hashem in our homes and in the collective home of the Jewish people. May we merit the rebuilding of the Beit ha-Mikdash, enabling its holiness to permeate each and every one of our homes. May the Cohanim doing Avodat Hashem in the Beit ha-Mikdash inspire each and every one of us to live up to our calling as "Mamlechet cohanim vegoy kadosh -a kingdom of priests and a holy nation" (Shemot 19:6).

Introduction To The Text And Structure Of The Haggadah

Rabbi Jeremy Wieder

Rambam states that there is a positive commandment to engage in discussing the events of yetziat mitzrayim on the night of the fifteenth of Nisan. There is no specific formula which must be recited in order to fulfill the mitzvah, but there are a number of elements which must be incorporated into the retelling in whatever shape and form it takes. They include: 1) To speak of the miracles that occurred in mitzrayim; 2) To begin the discussion with the abject physical situation of the Jews in mitzrayim/state of spiritual impoverishment of the Jewish people in its formative stages;⁵ and 3) To speak about the significance of the three foods eaten on the night of the fifteenth, i.e. the meat of the paschal sacrifice, the matzah, and the maror. Along with this, Rambam emphasizes that one must attempt engage the children in the discussion.⁶

There is, nevertheless, a long history to the idea of fixing a text of the “haggadah”. Many of the sections of the haggadah used today are already mentioned by the mishnah and some of them were can be shown to have been in use on the night of the fifteenth while the Second Temple was still standing and the qorban pesach was being brought. Almost all of the material existed already by the end of the period of the Tannaim, even if not all of it was being used on the night of the fifteenth.

We present here a brief overview of the origin of the various segments which comprise our haggadah.

⁵ This is an adoption of the geonic position to incorporate the opinions of both Rav and Shmuel as to the nature of the גנות in the mishnah’s “מתחיל בגנות” into the text of the haggadah.

⁶ Obviously, however, this cannot impede fulfillment of the mitzvah as one is obligated to perform it even if there are no children present.

Most, if not all, of the material has been distilled from Daniel Goldschmidt’s seminal work הגדה של פסח.

1) הא לחמא עניא

This introduction to the הגדה, which in our version contains three unrelated sentences, is not mentioned in the gemara;⁷ some early medieval collections contained one or two sentences only, or contained them in a different order. Many versions, including that of Rambam, contained an additional sentence at the beginning: בבהילו יצאנו ממצרים, “In haste we left Egypt”.

2) מה נשתנה

The Mishnah already speaks of the question of the מה נשתנה along with three answers, i.e. differences between the night of Pesach and other nights. From the mishnah it appears that the מה נשתנה was not the question of the child but rather that which a father would teach his child who was not astute enough to ask.⁸ This understanding is also clear from the gemara⁹ and during the geonic period as well.¹⁰ It is

⁷ The expression 'כל דכפין ייתי ויכול דצריך ייתי ויפסח' is quite similar to the invitation Rav Huna use to issue before every meal he would eat, 'כל דכפין ייתי ויכול' (Bavli *Ta'anit* 20b).

⁸ The text of the mishnah reads:
וכאן הבן שואל אביו ואם אין דעת בבן אביו מלמדו מה נשתנה הלילה
הזה מכל הלילות ...

⁹ The gemara, *Pesachim* 115b, cites that Abaye (as a child) asked Rabbah about something which was done in an odd fashion on the night of the seder and he responded: 'פטרתי מלומר מה נשתנה'. From Rabbah’s response, it is clear that it was his responsibility, not Abaye’s, to say the מה נשתנה for the benefit of the child

among the Rishonim that we first find the opinion that this is the question of the child, although the Tur and Shulchan Aruch (Orach Chayyim 473) adhere to the approach that the question is asked by the reciter of the haggadah in the absence of the child asking.¹¹

The mishnah records only three “questions” (i.e. differences) in response to the question of מה נשתנה,¹² the first relating to maror, the second to matzah and the third to the paschal sacrifice. As societal circumstances have changed (the absence of the qorban pesach; we no longer normally eat reclining on a bed or couch), the details of the responses changed.

מתחיל בגנות ומסיים בשבח 3)

The above statement is found in the mishnah. (Pesachim 10:4) Rav and Shmuel debate whether the גנות מתחלה עובדי עבודה זרה היו, or the physical state, עבדים היינו לפרעה, במצרים. The geonic practice eventually accepted both opinions and the text of our haggadah reflects this view.¹³

was not alert enough to ask; once Abaye demonstrated his awareness, the מה נשתנה became redundant.

¹⁰ גנוי שכטר, כרך ב' p. 180.

¹¹ See the *Ra'avayah* II, 163 and *Smag* #41 (positive commandments).

¹² The text of almost all of the manuscripts of the gemara and mishnah contain only the following three questions:

שבכל הלילות אנו מטבילין פעם אחת הלילה הזה שתי פעמים
שבכל הלילות אנו אוכלין חמץ ומצה הלילה הזה כולו מצה
שבכל הלילות אנו אוכלין בשר צלי שלוק ומבושל הלילה הזה כולו צלי

For a longer discussion of the individual statements, see Goldshmidt, pp. 10-13.

¹³ Goldschmidt suggests that these two segments are theoretically unnecessary since the core of the haggadah according to the next statement in the mishnah is the expounding on אבי אבד אבי (the passage which we might term as the “Torah’s Haggadah”), which itself begins with גנות and concludes with שבח. He theorizes that these two segments were originally alternative *haggadot* which the Amoraim wished to preserve along with the more standard midrash of ארמי אבד אבי; hence he views these as “introductions” to the midrash.

First we recite the passage of עבדים היינו which begins with an approximate quotation of the verse from Deuteronomy 6:21. The paragraph of עבדים היינו concludes with the idea that it is laudable to discuss the Exodus beyond the minimum requirement which leads us into the story of the Sages in Bnei Brak who exemplified this model behavior. The story in Bnei Brak is found nowhere else in Rabbinical literature, although it finds a striking echo in the last chapter of Tosefta Pischa in a story which occurred in Lod involving Rabban Gamliel and the elders.¹⁴

Next the section contains the mishnah from Berakhot (1:5) which discusses the obligation to mention the Exodus every evening (זכירת יציאת מצרים), a mitzvah closely related to the specific obligation to discuss the Exodus at length (סיפור יציאת מצרים).

Finally, we have the midrash of the four sons, which can be found outside the haggadah in two places with a number of variants, some major and some minor. Both the Mekhilta (Parshat Bo, #18) and the Yerushalmi (Pesachim 10:4) contain this tradition. Both of those versions use the word 'טיפש' instead of 'תם' and the order of the children as well as the verses cited for each child vary within the two.

It is unclear however, why this midrash is placed at this point in the Haggadah. It may be that it originated as midrash to Deuteronomy 6:21 (עבדים היינו), which is the verse which begins this section and hence was included at the end. The section of עבדים היינו concludes with passage from the Mekhilta which expounds on the last verse cited in the section on the four sons, although the necessity for its citation, too, is not clear.

The second version of מתחיל בגנות is considerably shorter; it contains only the verses from the book of Joshua which are Joshua’s retelling of the story of the Jewish people, including the Exodus and the entry into the land of Israel. Our haggadah ends its

¹⁴ Tosefta 10:12. The text reads:

מעשה ברבן גמליאל וזקנים שהיו מסובין בבית ביתוס בן זונין בלוד והיו עסוקין בהלכות הפסח כל הלילה עד קרות הגבר הגביהו מלפניהן ונועדו והלכו להן לבית המדרש.

citation of the passage with the Jews going down to Egypt. The next two verses deal, respectively, with the Exodus and the entry into the Land of Israel, both which constitute the *מסיים בשבה*. That we omit them is probably a reflection of the fact that the primary fulfillment of the obligation to begin with *גנות* and conclude with praise is fulfilled through the midrash of *ארמי עובד אבי*.¹⁵

4) The Midrash of *ארמי עובד אבי* and the additions to the Midrash

The mishnah (Pesachim 10:4) states:

דורש מארמי עובד אבי עד שיגמור כל הפרשה כולה.

The core of our haggadah consists of such a Midrash, although our text does not complete the entire text of the parshah, but stops right before the verse which speaks of God having brought us into the Land of Israel. It is safe to assume that before the destruction of the Second Temple and the subsequent exiling of much of the Jewish people that the midrash continued to expound the next several verses, but that this material was omitted when it was no longer relevant.¹⁶

The Midrash in this form is not known from any early tannaitic collections (i.e. the Sifra, Sifrei or Mekhilta), although a number of individual pieces can be found in the midreshei halakah collections we possess, either on *ארמי עובד אבי* or elsewhere.

After the midrash itself (which concludes with the Ten Plagues), there are a number of additions to the Midrash which are not found in the geonic works or in the haggadah text of Rambam. These include the midrash of the plagues that the Egyptians suffered at the splitting of the Red Sea and the poem of *דיינו* with its abridged version which follows it immediately. These “tosafot” were considered optional; however, even those whose haggadah did not contain them may have recited them. R. Avraham b. HaRambam testifies that his father (despite having excluded them from his haggadah) nonetheless recited them.

5) Rabban Gamliel's *שלשה דברים*

¹⁵ Goldshmidt, p. 17.

¹⁶ Ibid. p. 30.

The mishnah (Pesachim 10:5) cites a statement in the name of Rabban Gamliel that one who has not recited these three “words” or “items” has not fulfilled his “obligation”. Which “obligation”? The predominant view among the Rishonim is that the obligation referred to is that of *יציאת מצרים*.¹⁷ In accordance with this dictum, we recite the formulation of Rabban Gamliel's statement in the mishnah along with the expounding of the reason for each of the three commandments. The explanations found in our haggadah are taken from the mishnah, but appear slightly modified and expanded.

The three “items” of Rabban Gamliel are followed by the statement that every generation must view itself¹⁸ as if it was the generation of the Exodus and thus we are obligate to give praise to God for all of the miracles he wrought on our behalf. Most of the text of these two sections is found in the mishnah immediately following Rabban Gamliel's statement.¹⁹

6) Hallel and the *ברכת הגאולה*

The mishnah continues its discussion (Pesachim 10:6) with a debate between Beit Shammai and Beit Hillel as to how many paragraphs of the Hallel are to be recited before concluding the haggadah. Our text, not surprisingly, follows the opinion of Beit Hillel that we read the first two paragraphs. The mitzvah of *מגיד* concludes with *ברכת הגאולה*, “The Blessing of Redemption”; this, too, is found in the mishnah there where the basic form of the blessing is debated by the Tannaim.

7) *שפך המתך*

¹⁷ The Ramban? Raises the possibility that this refers to the mitzvot of eating matzah and maror (and pesach), but the placement in the haggadah certainly does not assume this position.

¹⁸ In many versions (including Maimonides') the word 'להראות', “to show”, appears instead of 'לראות' (“To view”). This reading is the origin of the Yemenite practice of physically re-enacting the Exodus by ..???

¹⁹ The words “בכל דור ודור ... ואותנו הוציא משם” are missing in a number of the early (*Eretz Yisrael*) manuscripts of the mishnah. Goldschmidt suggests that this line was probably inserted from some *baraita*. The verse cited to prove this obligation is missing in some witnesses (סדור ר' (סדור ר' הגדה של הרמב"ם) and the words beginning with 'לא את אבותינו' are not found in the mishnah at all.

Before beginning the second part of the hallel after the meal, we recite several verses in which we beseech God to punish our Gentile oppressors. This practice is found in all communities, although the specific verses vary. The practice is not mentioned in the gemara, nor by the Geonim, nor by a number of Rishonim. Its origin is probably in the early medieval period (? Middle Ages?) (10th or 11th century).²⁰

8) Conclusion of הלל and ברכת השיר

We then continue with the recitation of the הלל, until the end of Psalm 118. The mishnah states that upon the conclusion of the הלל we recite the ברכת השיר. What is the "ברכת השיר"? The Bavli records two opinions on the matter. R. Yehudah asserts that it refers to "יהללך" (the conclusion we usually recite at the end of the הלל) and R. Yohanan asserts that it refers to "נשמח כל חי". The predominant opinion among the Geonim and Rishonim is that the halakha follows Rav Yehudah; however, the text of our haggadah adopts the opinion of those who suggested reciting both. Many haggadot contain both concluding blessings (i.e. מלך מהלל בתשבוה and that of ישחבה); however the common practice is to recite only one of the two blessings to conclude the הלל.²¹

In between the two alternative "ברכות השיר" the practice is to recite the הלל הגדול, Psalms chapter 136 which contains the phrase 'כי לעולם חסדו' twenty-six times. The origin of this is in a baraita cited in Pesachim (118a) which states:

תנו רבנן רביעי גומר עליו את ההלל ואומר הלל הגדול
Our Rabbis have taught: On the fourth [cup of wine] one completes the Hallel and recites the Hallel haGadol.

9) Concluding פיוטים

The remainder of the seder consists of piyyutim most of which were not composed originally for the haggadah.²²

a) קרובה פסח is a קרובה²³ recited on שבת הגדול written by R. Yosef Tov Elem (11th century) which is first found in haggadot in the 14th century.

b) אז רוב נסים is a קרובה recited today on שבת הגדול (originally intended for Shabbat Parshat Bo) by Yanai (6th Cent.)

c) אומץ גבורותיך is a קרובה by HaKalir (6th-7th century) written for shacharit of Pesach.

d) כי לא נאה and אדיר הוא were songs not originally written for פסח but were songs which were sung on the festivals. The first connection to the night of the seder that can be traced for כי לא נאה is in the thirteenth century and אדיר הוא can first be found in the fourteenth.

e) The last two songs in the haggadah, אחד מי יודע and חד גדיא, which do not appear until at least the fifteenth century, appear to be modeled upon folk-songs.

With the advent of the printing press, and in more recent centuries with the widespread availability of printed books, major changes are no longer taking place in the text of the haggadah. Expansions on the text are done either orally or through commentaries. Once upon a time, the exhortation to be מרבה לספר ביציאת מצרים resulted in accretions to the text; today the text itself has become "canonized" (popularly speaking at least) and our being מרבה לספר ביציאת מצרים has been transformed into the exegesis of the text of our haggadot, the products of many centuries of the creativity of the Jewish people.

²⁰ Goldschmidt, pp. 61-64.

²¹ See משנה and the שלחן ערוך אורח חיים סימן ת"פ סעיף א' in ברורה סעיף קטן ה'.

²² Goldschmidt, pp. 96-8.

²³ A קרובה is a piyyut which was recited as part of the הזרת on special shabbatot. They can be found as part of the יוצרות which are still recited in some communities today on the shabbatot of the ד' פרשיות and שבת הגדול.

PESACH TO GO 5766

Contemporary Halachic Matters

By Rabbi Joshua Flug, author of the YUTorah Weekly Halacha Overview Yutorah.org/Halacha

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Mechirat Chametz: Theory and Practice

The Torah (Shemot 12:19 and 13:7) prohibits possession of chametz on Pesach. As such, there is a biblical requirement to dispose of all chametz in one's possession. As an alternative to the disposal of chametz, many people sell their chametz to a non-Jew (*mechirat chametz*) as a means of removing the chametz from their possession. They then reacquire the chametz after Pesach from the non-Jew. This article will explore the basis for *mechirat chametz* and the method of acquisition that is used both in the sale and the reacquisition.

Is *Mechirat Chametz* an Inappropriate Loophole?

A cursory examination of the *mechirat chametz* practice may lead one to the conclusion that *mechirat chametz* is merely a legal loophole. R. Yisrael Isserlin, *Terumat HaDeshen* 1:302, rules regarding the prohibition of charging interest on a loan (*ribbit*), that one should not seek out loopholes that avoid violation of a biblical prohibition. Ostensibly, one should apply the same logic to *mechirat chametz* and conclude that since the purpose of *mechirat chametz* is to avoid the biblical prohibition of owning chametz, *mechirat chametz* should be prohibited.

However, the comments of *Terumat HaDeshen* cannot possibly serve as the basis for prohibiting *mechirat chametz* because *Terumat HaDeshen* authored another responsum (1:120) which explicitly permits *mechirat chametz*, and this responsum serves as the basis for modern-day *mechirat chametz* (See *Beit Yosef, Orach Chaim* 448, and *Shulchan Aruch, Orach Chaim* 448:3). One must then ask: why isn't *mechirat chametz* a violation of the prohibition to create a legal loophole in order to avoid a biblical prohibition?

Perhaps the answer is based on the comments of *Shach, Yoreh Deah* 157:20. *Shach* explains that there are two types of legal loopholes. The first type of loophole is one where there are terms built

in to the transaction that serve to control the transaction and protect both parties from the inherent risk normally associated with such a transaction. The second type of loophole is one where the transaction is carried out normally with no special terms and both parties subject themselves to a certain element of risk. The first type of transaction is fictitious and is prohibited if the purpose is to prevent violation of a biblical prohibition. The second type of transaction is permitted because there are no false clauses in the transaction.

One can now suggest that the reason why *Terumat HaDeshen* permits *mechirat chametz* is because it belongs to the second category of transactions. *Mechirat chametz* (if done properly) is a transaction devoid of any false terms of sale. If the non-Jew decides to retain possession of the chametz after Pesach, he is legally entitled to do so. Similarly, if the seller of the chametz decides not to reacquire the chametz after Pesach, the non-Jew is legally bound to the sale and he has no legal claim to the money that is used for purchase of the chametz. Since both parties subject themselves to the normal risks associated with a transaction, the transaction is similar to the second category of loopholes and is permitted.

Terumat HaDeshen's opinion notwithstanding, some Acharonim prohibit all forms of legal loopholes when their purpose is to prevent violation of a biblical prohibition. R. Yosef D. Soloveitchik urged his followers to refrain from *mechirat chametz* on all types of *chametz* whose possession on Pesach entails a biblical prohibition (see *Nefesh HaRav* pg. 177). R. Alexander S. Shor, *B'chor Shor, Pesachim* 21a, agrees that one should not rely on any type of loophole to avoid a biblical prohibition. However, he suggests that since one can actually accomplish the biblical requirement to dispose of one's chametz by nullifying the chametz (*bittul chametz*), *mechirat chametz* is only necessary to accomplish the rabbinic requirement of totally removing chametz from one's possession. Since the loophole

of *mechirat chametz* only serves to avoid violation of a rabbinic prohibition, *B'chor Shor* permits *mechirat chametz*.

The Method of Transaction

In order to properly execute *mechirat chametz*, the transaction must be a halachically significant transaction. The Mishna, *Kiddushin* 26a, states that transactions of movable items must be performed by physically transferring possession of the item (*meshicha* or *hagba'ab*). A transaction cannot be completed by merely transferring money from the buyer to the seller. There is a dispute in the Gemara, *Bechorot* 13b, whether this is true for transactions between Jews and non-Jews. According to R. Yochanan the proper method of transaction between a Jew and a non-Jew is through physical transfer of possession of the item. However, according to Reish Lakish, the transaction is performed through monetary transfer. Tosafot, *Avodah Zarah* 71a, s.v. *Rav Ashi*, note that the final ruling is a matter of dispute. Rashi sides with the opinion of Reish Lakish and Rabbeinu Tam sides with the opinion of R. Yochanan. Tosafot add that in order to fulfill both opinions, one should perform both physical transfer of the item and monetary transfer when performing a transaction with a non-Jew that has ritual significance.

As such, *Mishna Berurah* 448:17, rules that when selling one's chametz, one should not only insist that the non-Jew pay for the chametz, but he should also take physical possession of the chametz. However, due to the large volume of chametz involved in a single sale, it is highly impractical to insist that the non-Jew take actual physical possession of all of the chametz. Therefore, *Mishna Berurah* 448:19, recommends combining monetary transfer with other forms of transaction. There are a few possible forms of transaction that may be used. First, the Gemara, *Bava Metziah* 74a, states that there are situations where one can enact a transaction by performing an action that local businessmen use to close a deal. One modern example is a handshake. Second, the Mishna, *Kiddushin* 26a, states that one can transfer movable items as part of a real estate transaction. Regarding *mechirat chametz*, *Mishna Berurah*, *ibid*, suggests selling or renting land as part of the sale, and including the chametz in the package. Third, *Mishna Berurah* 448:17 also recommends including *kinyan*

chalipin (barter transaction) as a means of transferring the chametz. This is accomplished by the non-Jew giving an item of his in exchange for the chametz.

The Reacquisition of the Chametz

Mishna Berurah, *Biur Halacha* 448:3, s.v. *B'Davar*, notes that common practice demands that the sale price of the chametz should reflect the value of the chametz. However, he adds that there is no requirement for the non-Jew to pay in full at the time of the sale. It is sufficient if he pays a down-payment at the time of the purchase and incurs the balance as debt.

While this solution is very practical in executing the initial transaction, it does complicate the reacquisition of the chametz after Pesach. If the non-Jew were to pay in full prior to Pesach, that money could be used to repurchase the chametz after Pesach. However, since common practice is that the non-Jew only pays a down-payment, there are insufficient funds in the down-payment to repurchase the chametz. It is also not possible to nullify the sale on grounds that the non-Jew failed to pay in full because nullification of the sale would retroactively place the chametz in possession of the Jew for the entirety of Pesach.

Therefore, there are two possible methods of reacquiring the chametz. The first option is to initiate a new sale that reacquires the chametz. The balance that the non-Jew owes is factored into this new sale. The second option is to seize the chametz in lieu of the debt incurred by the non-Jew. The advantage of this second option is that it doesn't require a new sale after Pesach. However, R. Shlomo Kluger, *HaElef Lecha Shlomo*, *Orach Chaim* no. 221, doesn't recommend such a practice. He suggests that seizure of property for defaulting on a payment is something that is normally done through *beit din*. Therefore, seizure of the chametz without a *beit din* would cast aspersions on the original sale. This view is also reflected in *Mishna Berurah*, *Biur Halacha* 448:3 s.v. *Mechira*. R. Kluger notes that if the non-Jew is not available after Pesach for the reacquisition of the chametz, a *beit din* may authorize seizure of the chametz as payment for the balance of the original sale.

The Mitzvah of *Eiruv Tavshilin*

It is well known that if Yom Tov occurs on a Friday, there is an obligation to establish an *eiruv tavshilin* prior to Yom Tov. This allows one to prepare food on Yom Tov that is going to be served on Shabbat. What is not as well known is the function and purpose of the *eiruv tavshilin* as well as the mechanism by which it operates. This article will explore these questions and provide modern-day practical applications.

Preparing non-Yom Tov food items on Yom Tov

The Torah (Shemot 12:16) permits *melacha* on Yom Tov for the purpose of *ochel nefesh* (food preparation). However, food preparation is only permitted if one intends to eat that food on Yom Tov. The Gemara, *Pesachim* 46b, cites a dispute between Rabbah and Rav Chisda whether one is culpable for baking on Yom Tov with intent to eat the food item after Yom Tov. Rav Chisda is of the opinion that one is culpable. Rabbah disagrees and maintains that one is not culpable because there is always the possibility that guests may come and the food will in fact be served on Yom Tov. This principle is known as *ho'il* (based on the term *ho'il umikla'ei lei orchim*, translated as "since there is a possibility of guests arriving"). Rabbah attempts to prove the principle of *ho'il* from the concept of *eiruv tavshilin*. If there is a concept of *ho'il*, one can understand why it is permitted to prepare food on Yom Tov that is going to be eaten on Shabbat. The concept of *ho'il* permits all food preparation on a biblical level even if one intends to eat the food item after Yom Tov. The prohibition of preparing food on Yom Tov with intent to eat it after Yom Tov is rabbinic in nature. However, the rabbi permitted food preparation for Shabbat if one establishes an *eiruv tavshilin*. Rav Chisda responds that the reason why *eiruv tavshilin* works is because on a biblical level one may in fact prepare food on Yom Tov for the purpose of eating it on Shabbat.

While Rabbah's opinion does seem to be the lenient opinion, Tosafot ad loc., s.v. *Rabbah*, note that the principle of *ho'il* does not apply if

there is no possibility of actually eating the food on Yom Tov. Therefore, any food that is prepared at the very end of Yom Tov is not subject to the leniencies of *ho'il*. *Magen Avraham* 527, suggests that according to Tosafot, it is prohibited to prepare food at the end of Yom Tov for the purpose of eating it on Shabbat even if one establishes an *eiruv tavshilin*. *Magen Avraham* further notes that many communities have the practice of accepting Shabbat early in this instance in order to avoid this problem.

How Does One Establish an *Eiruv Tavshilin*?

The Mishna, *Beitzah* 15b, records a dispute between *Beit Shammai* and *Beit Hillel* regarding the necessary components for an *eiruv tavshilin*. *Beit Shammai* require that two cooked items be set aside for the *eiruv* and *Beit Hillel* only require one cooked item. Rabbeinu Tam (cited in Tosafot *Beitzah* 17b s.v. *Amar Rava*) opines that while the opinion of *Beit Hillel* is accepted as normative, an *eiruv* of a cooked item is only sufficient for one who intends to cook on Yom Tov (for Shabbat) but does not intend to bake. If one intends to bake on Yom Tov, a baked item is required in addition to the cooked item. Rambam, *Hilchot Yom Tov*, Chapter 6, makes no mention of any requirement to incorporate a baked item into the *eiruv tavshilin*. *Shulchan Aruch, Orach Chaim* 527:2, rules that ideally one should use a cooked item and a baked item for the *eiruv tavshilin*. However, if only a cooked item was used it is permitted to bake.

The Purpose of *Eiruv Tavshilin*

The Gemara, *Beitzah* 15b, records a dispute between Rava and Rav Ashi regarding the purpose of *eiruv tavshilin*. Rava is of the opinion that the purpose of *eiruv tavshilin* is to ensure that there is specific food that is set aside for Shabbat. The concern is that all of the food will be eaten on Yom Tov, and the Shabbat meals will not be given the due honor that they deserve. Therefore,

the rabbis instituted that one must prepare a Shabbat meal (or a portion of a Shabbat meal) prior to Yom Tov and by doing so, everyone will be cognizant of the importance of honoring the Shabbat with meals that are appropriate. Rav Ashi disagrees and maintains that the purpose of *eiruv tavshilin* is to serve as a reminder that it is normally prohibited to prepare food on Yom Tov that is intended for after Yom Tov. The rabbis instituted the *eiruv tavshilin* as the only means of doing so. [See *Ba'al HaMa'or*, *Pesachim* 14b, who connects the dispute between Rava and Rav Ashi to the dispute between Rabbah and Rav Chisda.]

Rabbeinu Asher, *Beitzah* 2:1, notes that there is an important practical difference between the opinion of Rava and the opinion of Rav Ashi. According to Rava, since the purpose of *eiruv tavshilin* is to prepare properly for Shabbat, the *eiruv* must be established on Erev Yom Tov and may not be established prior to Erev Yom Tov. However, according to Rav Ashi, since the purpose of the *eiruv* is to provide a reminder, the *eiruv* may be established prior to Erev Yom Tov. Additionally, if on Sukkot, both the first days of Yom Tov and the last days require an *eiruv tavshilin*, one may establish one *eiruv* that will serve as the *eiruv* for the first and last days. *Shulchan Aruch* 527:14, rules that one should not establish an *eiruv tavshilin* prior to Erev Yom Tov *l'chatchilah* (*ab initio*). However, if this was done, it is permitted *b'dieved* (*ex post facto*).

Are Guests Required to Establish an *Eiruv Tavshilin*?

A guest staying at someone else's house or in a hotel generally does not prepare food on Yom Tov. Is he required to establish an *eiruv tavshilin*? There are two components to this question. First, while the guest does not intend to prepare any food, he (or his wife) is required to light Shabbat candles. Is an *eiruv tavshilin* required for the lighting of Shabbat candles? Second, may the guest rely on the *eiruv tavshilin* established by the host (or the hotel caterer)?

There is a dispute among the Rishonim as to whether an *eiruv tavshilin* is required for kindling a flame. Tosafot, *Beitzah* 22a, s.v. *UMadlikin*, note

that if one does not specifically designate the *eiruv tavshilin* to permit the lighting of candles (*l'adlukei shraga*), it is prohibited to light the Shabbat candles. *Beit Yosef*, *Orach Chaim* 527, notes that Rambam, *Hilchot Yom Tov* 6:8, does not require *eiruv tavshilin* in order to light the Shabbat candles. R. Mordechai Karmy, *Ma'amar Mordechai* 527:18, rules that if one is in a situation where he does not need to prepare any food on Yom Tov for Shabbat, he should establish an *eiruv tavshilin* without a *beracha* and this will allow him to light Shabbat candles according to all opinions.

Regarding a guest at someone else's house, the Gemara, *Beitzah* 16b, states that Shmuel used to establish an *eiruv tavshilin* on behalf of the entire city. However, this *eiruv* was only effective for those who weren't able to establish their own *eiruv*. Those who intentionally relied on his *eiruv* were not included. According to Rabbeinu Asher, *Beitzah* 2:2, one can never forgo the obligation of establishing an *eiruv* and rely on the *eiruv* of another individual. This opinion is codified by *Shulchan Aruch*, *Orach Chaim* 527:7.

R. Avraham David of Butchatch, *Eishel Avraham* 527:7, questions the limitations of relying on someone else's *eiruv*. Clearly, one household only establishes one *eiruv*. What is more questionable is a situation where a married couple stays at their parents for the duration of Yom Tov. Is this couple required to establish their own *eiruv* or should they rely on the *eiruv* of their parents? *Eishel Avraham* concludes that if the guests are eating together with the hosts they do not require their own *eiruv*. If a situation arises where the guests are eating separately from the host (or from other guests) then each group requires its own *eiruv*. Based on the various mitigating factors, R. Ovadia Yosef, *Chazon Ovadia*, *Hilchot Yom Tov*, *Hilchot Eiruv Tavshilin* no.3, concludes that a couple staying at their parents' home is not required to establish their own *eiruv* in order to light candles. *Piskei Teshuvot* 527:17, presents the opinion of some Acharonim that if the couple has their own private quarters, they should establish their own *eiruv* without reciting a *beracha*.

The Mitzvah of *Sippur Yetziat Mitzraim*

There are many mitzvot, practices, and traditions that relate to the first night of Pesach. The most central is the mitzvah of *sippur yetziat Mitzraim*, the recounting of the story of the exodus from Egypt. *Minchat Chinuch*, 21:1, asks a fundamental question regarding the mitzvah of *sippur yetziat Mitzraim*. The Mishna, *Berachot* 12b, as well as the Haggadah, record a dispute between Ben Zoma and Chachamim as to whether there is an obligation to mention the exodus from Egypt on a nightly basis (*zechirat yetziat Mitzraim*). Rambam, *Hilchot Keri'at Sh'ma* 1:3, rules in accordance with Ben Zoma that there is a mitzvah to mention the exodus on a nightly basis. If in fact there is such a mitzvah, what is added by having an additional mitzvah on the first night of Pesach of *sippur yetziat Mitzraim*; isn't there already a nightly obligation?

The Difference between Sippur and Zechirah

R. Chaim Soloveitchik, *Chidushei HaGrach al HaShas, Pesachim* 116a, answers that the mitzvah that exists throughout the year is a mitzvah of *zechirah*, mentioning the exodus from Egypt. The mitzvah on the first night of Pesach is a mitzvah of *sippur*, recounting the exodus from Egypt. R. Chaim states that this difference is manifest in three ways. First, the *Beraita* (quoted in *Pesachim* 116a) states that part of the requirement of *sippur yetziat Mitzraim* is that it must be in question and answer format. The extent of this requirement is such that even if a person is alone, he must ask questions of himself. R. Chaim notes that this requirement only applies to the mitzvah of *sippur yetziat Mitzraim*. It does not apply to the nightly mitzvah of *zechirat yetziat Mitzraim*. Second, the Mishna, *Pesachim* 116a, states that the story of the Exodus must start by mentioning the dishonorable events and end with the praiseworthy events. R. Chaim notes that this requirement is limited to the mitzvah of *sippur yetziat Mitzraim* and not the mitzvah of *zechirat yetziat Mitzraim*. Third, the Mishna, *Pesachim* 116a, states in the name of Rab-

ban Gamliel that in order to fulfill the mitzvah of *sippur yetziat Mitzraim*, one must mention the *korban pesach*, the *matzah* and the *maror* and how they relate to the story of the exodus from Egypt. There is no such requirement when fulfilling the nightly obligation to mention the exodus from Egypt.

R. Chaim's grandson, R. Yosef Dov Soloveitchik (quoted in *Hagadat Si'ach HaGrid* no. 27), adds one more fundamental difference between the mitzvah of *sippur yetziat Mitzraim* and the mitzvah of *zechirat yetziat Mitzraim*. The mitzvah of *sippur yetziat Mitzraim* not only requires one to recount the story of the exodus from Egypt, but requires that one also praise the Almighty for all of the miracles that were performed at the time. This is why *Hallel* is recited on the first night of Pesach. As such, *Hallel* is part of the mitzvah of *sippur yetziat Mitzraim*.

The *Tosefta, Pesachim* 10:8, states that there is a requirement to learn the laws of Pesach the entire first night of Pesach. [*Shulchan Aruch, Orach Chaim* 481:2, codifies this *Tosefta* and writes that one is not required to stay up the entire night, but should at least learn the laws of Pesach until sleep overcomes him.] R. Soloveitchik, *ibid*, no. 22, comments that the requirement to spend the night learning the laws of Pesach is part of the mitzvah of *sippur yetziat Mitzraim*. One can then add another distinction between the mitzvah of *sippur yetziat Mitzraim* and the mitzvah of *zechirat yetziat Mitzraim*. As opposed to the mitzvah of *zechirat yetziat Mitzraim*, the mitzvah of *sippur yetziat Mitzraim* requires that one familiarize oneself with the laws that relate to the mitzvot of the first night of Pesach.

A unique aspect of the *seder* is that one is required see oneself (*lirot et atzmo*) as if he was personally liberated from Egypt (Mishna, *Pesachim* 116b). Rambam, *Hilchot Chametz UMatzah* 7:6, writes that one must exhibit oneself (*l'harot et*

atzmo) as if he was liberated from Egypt. Rambam then writes (*ibid*, 7:7) that this is the reason why one eats in a reclined position (*haseibah*), and why one drinks four cups of wine on the first night of Pesach. One can argue that the requirement to exhibit oneself as if he was liberated is an independent fulfillment of the mitzvah of *pirsumei nissa*, publicizing the miracles. However, one can equally argue that publicizing the miracles of the night is an added fulfillment of the mitzvah of *sippur yetziat Mitzraim*. Whereas the mitzvah of *zechirat yetziat Mitzraim* only requires that one mention the exodus from Egypt, the mitzvah of *sippur yetziat Mitzraim* demands that one re-experience the exodus.

The Role of Children

An integral element of the mitzvah of *sippur yetziat Mitzraim* is the role of children. Rambam, *ibid*, 7:3, writes that one is required to make certain changes to the meal in order to elicit questions from the children. Rambam, *ibid*, 7:2, adds that even if the children do not ask any questions, there is a mitzvah to teach one's child about the events surrounding the exodus from Egypt.

The Gemara, *Pesachim* 109a, quotes R. Eliezer that one should grab the matzahs in order that the children don't sleep. Rashi, *ad loc.*, s.v. *Chotfin*, and Ra'avah, *Hilchot Chametz UMatzah* 7:3, interpret this to mean that the matzah should be eaten without delay in order that children should remain awake. Rambam, *ibid*, 7:3, states that R. Eliezer refers to the practice of stealing the *afikoman* in order that the children stay awake until the end of the meal.

There is another aspect of the mitzvah of *sippur yetziat Mitzraim* that seems to be at odds with Rashi's interpretation that the matzah should be eaten without delay. The Haggadah states that with regards to the mitzvah of recounting the exodus from Egypt, the more one adds in recounting the exodus from Egypt, the more praiseworthy he

is. The Haggadah supports this point by relating a story of five great sages who stayed up the entire night discussing the exodus from Egypt. Many commentaries (*Meyuchas LaRashbam ad loc.*, *Orchot Chaim ad loc.*, and *Kol Bo ad loc.*) ask, how can it be praiseworthy to spend more time recounting the exodus from Egypt; shouldn't the matzah be eaten without delay? They answer that the concept of spending additional time relating the story of the exodus from Egypt does not apply until after the matzah is eaten. The five great sages who spent the entire night discussing the exodus from Egypt only did so after they finished the *seder*.

Mishna Berurah, *Sha'ar HaTzi'un* 472:2, implies that there is a different answer implicit in the comments of R. Shimon Ben Tzemach (Rashbetz), *Ma'amar HaChametz* s.v. *Tanya*. Rashbetz writes that the children should be fed expeditiously. *Mishna Berurah* interprets this to mean that one does not have to perform the *seder* quickly. Rather one should make sure that the children eat earlier than the rest of the participants.

The practical difference between the two interpretations is whether one should perform the *seder* quickly and expound upon the exodus from Egypt after the *seder*, or whether one should expound upon the exodus from Egypt during the actual *seder* while providing the children with an abridged form of the *seder*. *Mishna Berurah* leans slightly towards the latter approach.

Both interpretations offer varied solutions as to how ensure that the children are active participants in the *seder*. They both agree that the participation of the children is of primary importance. Regardless of which approach one follows, one should ensure that the conversations and discussions surrounding the *seder* are age-appropriate to the participating children

The Mitzvah of Achilat Matzah

The Torah, in referring to the holiday of Pesach as *Chag HaMatzot*, highlights the centrality of the mitzvah of eating matzah on Pesach. Although the laws of preparing matzah are intricate, the laws of eating it are not. Rambam, *Hilchot Chametz UMatzah* 6:1, states that if one eats a *k'zayit* (an amount equivalent to the volume of an olive) of matzah, he has fulfilled the mitzvah. However, Rambam's statement only describes the minimum requirement in order to fulfill the mitzvah of eating matzah. When one incorporates the mitzvah of matzah into the *seder*, numerous complexities arise.

The Need for Three Matzahs

Most families have the tradition of placing three matzahs on the *seder* plate. What is the need for three matzahs? The Gemara, *Pesachim* 116a, derives from a verse (Devarim 16:3) referring to matzah as *lechem oni*, bread of poverty, that just as a poor person eats bread that is not whole, so too the matzah should be broken and not whole. R. Yitzchak Alfasi, *Pesachim* 25b, rules that because of this concept, the *seder* night serves as an exception to the rule of *lechem mishneh*, the rule that requires one to use two whole loaves for Shabbat and Festival meals. At the *seder*, one uses two matzahs, but one of them should be broken in order to fulfill the requirement of *lechem oni*. Rambam, *Hilchot Chametz UMatzah* 8:6, also concludes that only two matzahs are used, one whole and one broken.

However, Tosafot, *Pesachim* 116a, note that the requirement of *lechem oni*, does not impinge on the regular requirement to have two whole loaves at a Yom Tov meal. Therefore, there is a requirement to have three matzahs, two of which are used for *lechem mishneh*, and the third for *lechem oni*.

Shulchan Aruch, *Orach Chaim* 473:4, rules in accordance with the opinion of Tosafot, that three matzahs are required at the *seder*. However, the Vilna Gaon, *Biur HaGra*, ad loc., rules in accordance with the opinion of Rambam that only two matzahs are required. Furthermore, the Vilna Gaon adds that by

using three matzahs, one no longer fulfills the requirement of *lechem oni*. This is because the purpose of *lechem oni* is to have an inferior set of *lechem mishneh*. By having two whole matzahs plus a broken matzah, the set of *lechem mishneh* becomes superior to that of an ordinary Yom Tov meal. According to the logic of the Vilna Gaon, using three matzahs in order to fulfill both opinions is not an option, because by doing so one undermines the requirement of *lechem oni* according to Rambam. Most families have the tradition of using three matzahs. Nevertheless, some families use only two matzahs as per Rambam and the Vilna Gaon.

Which Matzah is Used to Fulfill the Mitzvah?

For those who use three matzahs, another issue arises. Rosh, *Pesachim* 10:30, writes that since there is a requirement to have two whole matzahs, the *beracha* of *hamotzi* is recited on the two whole matzahs. However, since the *beracha* of *al achilat matzah* is recited on the broken matzah, one would have to eat a *k'zayit* from the whole matzah as well as another *k'zayit* from the broken matzah. As *Mishna Berurah*, *Sha'ar HaTziun* 475:6, (based on *Bach* 475) explains, the requirement to eat *lechem oni* demands that one should fulfill the mitzvah using the broken matzah. However, since the whole matzah is on top, it is improper to bypass the whole matzah in order to eat the broken matzah. Therefore, one should eat both matzahs together and fulfill the mitzvah on both matzahs simultaneously.

Tur, *Orach Chaim* 475, quotes that there is an opinion that is the reverse of Rosh's opinion. This opinion maintains that the *hamotzi* is recited on the broken matzah, and *al achilat matzah* is recited on the whole matzah. *Tur* writes that in order to satisfy both opinions, one should eat both the whole matzah and the broken matzah together. *Perisha* 475:1, explains that ideally one should eat the matzah upon which the *beracha* of *al achilat matzah* is recited immediately after recitation of the *beracha*. Since there is a dispute as to which matzah that is, one should eat a *k'zayit* of each one at the same time.

R. Yechezkel Landau, *Tzelach, Pesachim* 115b, notes that the items that we use as the basis of our measurements have gotten smaller since the times of the Talmud. Therefore, one should assume that the *k'zayit* is twice the size of a normal olive. *Mishna Berura* 486:1, rules that one should follow this stringency for biblical mitzvot. Despite this stringency, many Poskim (see R. Shlomo Z. Grossman, *Siddur Pesach K'Hilchato* 8:3) note that one who eats two *k'zaytim* of matzah in order to eat the whole matzah and the broken matzah together, does not have to eat two *k'zaytim* of the larger size *k'zayit* but rather two of the smaller size and by doing so, one will inevitably will fulfill the stringency of R. Landau.

The Mitzvah of *Afikoman*

The Mishna, *Pesachim* 119b, states that one may not eat after eating the *korban pesach*. As Rashbam, ad loc., s.v. *k'gon*, explains, the *korban pesach* must be eaten by one who is satiated. Therefore, it is eaten at the end of the meal. The Mishna is teaching that not only must one eat the *korban pesach* at the end of the meal, but one may not eat afterwards in order that the taste of the *korban pesach* remains in one's mouth. This principle is known as *afikoman*.

The Gemara, ad loc., further states that the principle of *afikoman* applies to matzah as well and therefore one may not eat anything after eating the matzah at the end of the meal (known colloquially as the *afikoman*). Rashi, ad loc., s.v. *Ain*, notes that the *afikoman* is the primary matzah and serves as the matzah in which one fulfills the biblical obligation to eat matzah. However, Rosh, *Pesachim* 10:34, maintains that the mitzvah of matzah is fulfilled with the matzahs upon which one recites the *berachot*.

The most significant difference between Rashi's opinion and Rosh's opinion is the time in which one must eat the *afikoman*. The Gemara, *Pesachim* 120b, quotes a dispute between R. Elazar Ben Azariah and R. Akiva regarding the final time to eat the *korban pesach*. R. Elazar Ben Azariah is of the opinion that the final time is midnight. R. Akiva is of the opinion that the final time is dawn. The Gemara then quotes Rava who states that according to R. Elazar Ben Azariah, one who does not eat matzah until after midnight does not fulfill the mitzvah of matzah. Tosafot, ad loc., s.v. *Amar*, question whether the halacha follows R. Elazar Ben Azariah or R. Akiva. Rosh, *Pesachim* 10:38, notes that if one as-

sumes that the fulfillment of the mitzvah of matzah is performed through eating of the *afikoman*, one should be stringent as this is a matter of Torah law. He then writes that for this reason, Rabbeinu Tam was particularly careful to eat the *afikoman* before midnight.

R. Avraham Borenstein, *Teshuvot Avnei Nezer, Orach Chaim* 381, provides a novel approach to the concept of *afikoman*. R. Elazar Ben Azariah's opinion that one must eat the *korban pesach* before midnight is derived from *makkat bechorot*, the slaughter of the Egyptian first-born, which was exactly at midnight. *Avnei Nezer* suggests that according to R. Elazar Ben Azariah, one should ideally eat the *korban pesach* exactly at midnight. However, since it is impossible to perform such a feat, the formulation of the mitzvah was such that at midnight, the *korban pesach* should be the dominant food item in one's digestive system. Therefore, one must eat the *korban pesach* before midnight, and one may not eat anything else after eating the *korban pesach*. By refraining from eating after the *korban pesach*, the *korban pesach* becomes the dominant food as the taste of the *korban pesach* remains in one's mouth.

Based on this understanding of R. Elazar Ben Azariah's opinion, *Avnei Nezer* provides a simple solution for those who cannot finish the *seder* before midnight. Since the time of midnight is only significant in that the *afikoman* must play the dominant role in one's digestive system at midnight, one can simply eat matzah immediately prior to midnight and refrain from eating until midnight. In this way, the opinion of R. Elazar Ben Azariah is satisfied and one has fulfilled the mitzvah of matzah. Once midnight arrives, even R. Elazar Ben Azariah agrees that one may continue eating as the only critical time is midnight itself. After one finishes the meal, one then eats matzah again to satisfy the opinion of R. Akiva that one may eat the *afikoman* until dawn. One should not eat anything else after eating this second *afikoman*. [See *Ran, Pesachim* 27b, s.v. *Garsinan*, who notes that there are people who are meticulous to finish the fourth cup of wine before midnight.]

The Mitzvah of *Haseibah*

The Mishna, *Pesachim* 99b, states that there are certain activities at the *Seder* that must be performed in the reclined position. This is known as the mitzvah of *haseibah*. This article will discuss the nature of the mitzvah and the practical applications that emerge from this discussion.

Which Mitzvot Require *Haseibah*?

The Gemara, *Pesachim* 108b, states that the mitzvah of eating matzah requires *haseibah* and the mitzvah of *maror* does not require *haseibah*. With regards to the mitzvah of drinking four cups of wine, there is a dispute as to whether *haseibah* is required for the first two cups or the last two cups. The Gemara concludes that since there is a dispute, one should recline for all four cups. Rambam, *Hilchot Chametz U'Matzah* 7:8, states that one who reclines for all other eating and drinking activities of the evening is considered praiseworthy.

Rabbeinu Asher, *Pesachim* 10:20, rules that if *haseibah* is omitted from the eating of the matzah or from the drinking of the four cups of wine, the mitzvah must be performed again in a reclined position. Rabbeinu Asher notes that there is a reluctance to require repetition of drinking the third and fourth cups of wine because by doing so, it gives the impression that more than four cups of wine are required. That concern notwithstanding, Rabbeinu Asher concludes that if one omitted *haseibah* from the third and fourth cups, one should repeat drinking those cups in a reclined position. Rabbeinu Asher's opinion is codified by *Shulchan Aruch, Orach Chaim* 480:1.

Rama, *Orach Chaim* 472:7, presents a different approach to the situation where one omitted *haseibah* from the third or fourth cup of wine. Ra'aviah, no. 525, states that nowadays people do not normally eat in a reclined fashion and therefore the mitzvah of *haseibah* does not apply. While most Rishonim do not accept the opinion of Ra'aviah, Rama (based on *Agudah, Pesachim* 10:92) factors in the opinion of Ra'aviah in certain situations. There-

fore, in general, if one omits *haseibah*, that activity must be repeated. However, regarding the third and fourth cups, since there is a concern that repeating the third or fourth cup will give the impression that there is a requirement to drink more than four cups, one may rely on the opinion of Ra'aviah, and one should not repeat drinking the third or fourth cup.

Are Women Obligated to Recline?

There is another instance where Rama relies on the opinion of Ra'aviah. Rama, *Orach Chaim* 472:4, notes that although women should be obligated in the mitzvah of *haseibah*, the common practice of many women is to refrain from performing *haseibah*. Rama proposes that women rely on the opinion of Ra'aviah that nowadays the mitzvah of *haseibah* does not apply. One can question the Rama's ruling. If in fact, one can rely on the opinion of Ra'aviah, men should rely on this opinion as well. If one cannot rely on the Ra'aviah, why should women rely on this opinion?

It has been suggested that the answer lies in the nature of a woman's obligation in the mitzvah of *haseibah*. [See the article by R. Mordechai Willig in *Zichron HaRav* pp. 77-78. The suggestion is based on an idea developed by R. Moshe Soloveitchik, but the specific application to *haseibah* is from an unknown source.] *Haseibah*, like all other mitzvot performed at the *Seder*, is a *mitzvat aseh shehaz'man gerama* (time bound positive mitzvah). Women are normally exempt from *mitzvot aseh shehaz'man gerama*. However, there is a concept of *af hen bayu b'oto hanes* (women were also part of miracle, *Pesachim* 108b) which obligates women to observe all mitzvot that commemorate a miracle that women were a part of. Therefore, women are obligated to observe all of the mitzvot of the *Seder*. R. Moshe Soloveitchik opines that there are two aspects to the commemoration of a miracle. There is the *pirumei nissa* aspect, which serves to publicize the miracle. Additionally there is the *zecher lanes* aspect which serves to remember the miracle. The concept of *af*

ben hayu b'oto hanes only obligates women in the *pirsumei nissa* aspect, and not the *zecher lanes* aspect.

One can then explain that the dispute between Ra'aviah and the other Rishonim is based on the nature of *haseibab*. Ra'aviah is of the opinion that the purpose of *haseibab* is *pirsumei nissa*. Therefore, nowadays, since people do not eat in a reclined fashion, one cannot fulfill *pirsumei nissa*. The other Rishonim agree that one can no longer fulfill *pirsumei nissa*, but they maintain that there is a *zecher lanes* component to *haseibab*. By reclining, one remembers the miracle even though nowadays most people don't eat in a reclined fashion.

Now it is possible to understand the basis for women to rely on the opinion of Ra'aviah. A woman's obligation is limited to *pirsumei nissa*. She is exempt from the *zecher lanes* aspect of *haseibab*. Therefore, since nowadays, the *pirsumei nissa* aspect cannot be fulfilled, women are exempt from *haseibab*. However, men – who are still obligated in the *zecher lanes* aspect of *haseibab* – must still recline in order to remember the miracle.

Haseibab for Left-Handed Individuals

The Gemara, *ibid*, states that one cannot fulfill the mitzvah of *haseibab* by leaning forward or backward. Rather one must lean on one's side. The Gemara states further that if one leans on his right side it is not considered *haseibab*. Additionally there is a concern that leaning on one's right side may cause choking. Rashbam, *ad loc.*, s.v. *Haseibat*, explains that the reason why leaning on the right side is not considered *haseibab* is because it is difficult to eat with one's right hand while leaning to the right. Rashbam *ad loc.*, s.v. *Shema*, explains that the reason why leaning to the right presents a choking hazard is because leaning to the right causes the epiglottis to open, allowing food to enter the windpipe (see also Rashi, *ad loc.*, s.v. *Shema*).

R. Yisrael Isserelin, *Terumat HaDesben*, 1:136, discusses which side a left-handed individual should lean on. He notes that if the reason why one can't lean to the right is because it is difficult to eat while leaning on one's right, a left-handed individual – who eats with his left hand – should lean to his right. However, based on the concern for choking, it would be equally dangerous for a left-handed individual to lean on his right side. *Terumat HaDesben* concludes that the concern for danger overrides the concern that it is difficult to eat while leaning to the left. Therefore, a left handed individual should lean on his left side. This ruling is codified by Rama, *Orach Chaim* 472:3.

One can question this ruling. A left-handed individual who leans to his left cannot eat comfortably. As such, if he leans to his left, there should be no fulfillment of the mitzvah of *haseibab*. While there is a concern that leaning to the right presents a danger, leaning to the left ostensibly serves no purpose. If so, why didn't *Terumat HaDesben* simply rule that a left-handed individual is exempt from the mitzvah because the method in which he can fulfill the mitzvah presents a danger? [*Mishna Berurah*, *Biur Halacha*, 472:3 s.v. *V'Ain*, applies this logic to an amputee who doesn't have a right arm. The amputee cannot possibly eat while leaning on his left side and he is exempt from *haseibab*.]

Perhaps the answer is based on the aforementioned suggestion that there are two aspects to the mitzvah of *haseibab*. A left-handed individual cannot fulfill *pirsumei nissa* by reclining on his left side because it is uncomfortable for him to eat in that manner. However, reclining on his left side is preferable to eating in the upright position because he can still fulfill the *zecher lanes* aspect by reclining on his left side.

Understanding *Yom Tov Sheini Shel Galuyot*

The Gemara, *Beitzab* 4b, cites Abaye who states that the practice of observing an additional day of Yom Tov in the Diaspora (*Yom Tov Sheini Shel Galuyot*) originated in the times when *Beit Din* would establish the new month based on an eyewitness account of the new moon. It often took an extended period of time to communicate this message to the communities in the Diaspora. For this reason those communities observed an additional day of Yom Tov. Abaye notes that although nowadays, the new month is not established based on an eyewitness account, and the calendar is fixed and known to all, those in the Diaspora continue to observe an additional day of Yom Tov. This article will discuss two approaches to understand *Yom Tov Sheini Shel Galuyot* and the practical differences between the two approaches.

Yom Tov Sheini Shel Galuyot: Rabbinic Decree or *Minhag*?

The Gemara, *ibid*, quotes a dispute between Rav and Rav Asi as to whether the first day of Yom Tov and *Yom Tov Sheini Shel Galuyot* are considered one elongated day or two distinct days. Rashi *ad loc.*, explains that Rav, who holds that the two days of Yom Tov are two distinct days, is of the opinion that since both days cannot logically coexist, they are treated as two independent days. Rav Asi, who is of the opinion that both days are considered one elongated day, is of the opinion that the observance of *Yom Tov Sheini Shel Galuyot* nowadays is based on a rabbinic decree that defines the day as an extension of the first day of Yom Tov. The Gemara implies that one practical difference between Rav and Rav Asi is whether there is an obligation to recite *Havdalah* between the first day of Yom Tov and *Yom Tov Sheini Shel Galuyot*. If the two days are two independent days, there should be an obligation to recite *Havdalah*. If they are considered one elongated day, there is no obligation to recite *Havdalah*.

Rashba, *Beitzab* 4b, s.v. *V'Hashta*, notes that although we follow the opinion of Rav, we don't recite *Havdalah* between the two days of Yom Tov. He

explains that when the Gemara suggests *Havdalah* as a practical difference between the opinions of Rav and Rav Asi, it is following the opinion of R. Eliezer (*Eiruvim* 39a) that there is no concern of desecrating *Yom Tov Sheini Shel Galuyot* by treating *Yom Tov Sheini Shel Galuyot* as a day of doubt *vis-à-vis* the first day of Yom Tov. However, the normative opinion is that of the *Chachamim* who disagree with R. Eliezer and maintain that certain activities constitute a desecration of *Yom Tov Sheini Shel Galuyot*. Rashba maintains that reciting *Havdalah* on *Yom Tov Sheini Shel Galuyot* for the first day of Yom Tov would constitute a desecration of *Yom Tov Sheini Shel Galuyot*.

It is clear from Rav Asi's opinion that *Yom Tov Sheini Shel Galuyot* is considered a full-fledged rabbinic decree. There are two possible reasons why Rav disagrees. Perhaps he disagrees because he does not consider *Yom Tov Sheini Shel Galuyot* to be a rabbinic decree but rather an ancient *minhag* (tradition). Or perhaps he agrees fundamentally that it is considered a rabbinic decree. Rather, he disagrees on the grounds that the rabbinic decree was not formulated in manner that *Yom Tov Sheini Shel Galuyot* is considered an extension of the first day of Yom Tov.

This question seems to be the basis of a dispute between Rabbeinu Tam (cited in *Tosafot*, *Sukkah* 44b, s.v. *Kan*) and Ran, *Sukkah* 22a, s.v. *Itmar*. Rabbeinu Tam is of the opinion that *Yom Tov Sheini Shel Galuyot* is not based on a rabbinic decree but on a *minhag*. Ran disagrees and maintains that it is based on a rabbinic decree.

Ran questions Rabbeinu Tam's approach from the *beracha* recited on the matzah on *Yom Tov Sheini Shel Galuyot*. The *beracha* recited on the matzah on the second night of Yom Tov includes the term "*v'tzivanu*" (you commanded us). The Gemara, *Shabbat* 23a, states that it is appropriate to recite "*v'tzivanu*" on a rabbinic decree. Ran claims that it is not appropriate to recite "*v'tzivanu*" on a *minhag*.

In defense of Rabbeinu Tam, it should be noted the Gemara, *ibid*, states that the *berachot* recited on

Yom Tov Sheini Shel Galuyot are not necessarily warranted and the reason why they are recited is so that it does not lead to a desecration of Yom Tov. R. Ya'akov Y. Kanievski, *Kehillat Ya'akov*, *Berachot* no. 8, explains that the recitation of the *beracha* on matzah on *Yom Tov Sheini Shel Galuyot* is not reflective of any commandment of the mitzvah. Rather, the reason why one recites a *beracha* on *Yom Tov Sheini Shel Galuyot* is because the purpose of *Yom Tov Sheini Shel Galuyot* is to replicate the experience of the Jews in the Diaspora in times when they were actually in doubt as to which day was the authentic Yom Tov. In those times, they recited a *beracha* on the matzah on both of the days that they observed as Yom Tov. In trying to replicate that experience, we recite *berachot*. The *berachot* we recite are not *berachot* on the actual *mitzvot* that we fulfill, but rather have intrinsic significance in trying to replicate the experience of ancient times.

Practical Differences Between the Two Approaches

There are a few potential practical differences between the approach that *Yom Tov Sheini Shel Galuyot* is based on a rabbinic decree and the approach that *Yom Tov Sheini Shel Galuyot* is based on a *minhag*. First, there is a rule that a circumcision that is not performed on the eighth day may not be performed on Shabbat or Yom Tov. Rambam, *Hilchot Milah* 1:15, rules that a circumcision that cannot be performed on Shabbat or Yom Tov may be performed on *Yom Tov Sheini Shel Galuyot*. Rabbeinu Asher, *Teshuvot HaRosh* 26:6, prohibits a delayed circumcision on *Yom Tov Sheini Shel Galuyot*. [*Shulchan Aruch*, *Yoreh Deah* 266:8, rules in accordance with the opinion of Rabbeinu Asher. Shach, *Yoreh Deah* 266:8, rules in accordance with the opinion of Rambam.]

Perhaps the dispute between Rambam and Rabbeinu Asher is contingent on the nature of *Yom Tov Sheini Shel Galuyot*. If *Yom Tov Sheini Shel Galuyot* is based on a *minhag*, it is arguable that the biblical commandment to perform a timely circumcision (see *Teshuvot Noda B'Yehudah*, *Yoreh Deah* 2:166) overrides the *minhag* to refrain from *melacha* on *Yom Tov Sheini Shel Galuyot*. However, if *Yom Tov Sheini*

Shel Galuyot is based on a rabbinic decree, it is within rabbinic authority to suspend a biblical mitzvah when it interferes with the observance of a rabbinic decree (see *Yevamot* 90b).

Second, there is a lengthy discussion among the Poskim regarding a resident of the Diaspora who visits Israel on Yom Tov and plans to return after Yom Tov. *Mishna Berurah*, 496:18, notes that majority of the Acharonim rule that in such a situation, the resident of the Diaspora should observe two days of Yom Tov. *Mishna Berurah* references the opinion of R. Shneur Zalman of Liadi, *Shulchan Aruch HaRav*, *Orach Chaim* 496:11, who maintains that he should only observe one day of Yom Tov.

Perhaps the issue of whether a resident of the Diaspora who visits Israel should observe *Yom Tov Sheini Shel Galuyot* is contingent on the nature of *Yom Tov Sheini Shel Galuyot*. If *Yom Tov Sheini Shel Galuyot* is a rabbinic decree, it is likely that the decree is location-based so that those who are in Israel don't observe *Yom Tov Sheini Shel Galuyot* and those in the Diaspora observe *Yom Tov Sheini Shel Galuyot*. However, if *Yom Tov Sheini Shel Galuyot* is based on a *minhag*, the observance of *Yom Tov Sheini Shel Galuyot* is not based on location but on the individual. Like all *minhagim*, a person follows the practices of the place in which he resides even he visits another location (*Mishna Pesachim* 50a). Since all communities of the Diaspora have accepted the *minhag* of observing *Yom Tov Sheini Shel Galuyot*, all residents of those communities must also observe *Yom Tov Sheini Shel Galuyot*.

[R. Chaim Soloveitchik (cited in *Mesorah* Vol. VI pg. 18) is of the opinion that in principle one should only observe one day of Yom Tov. However, one should also follow the stringencies of the *minhag* of the place in which he resides. Therefore, his prayers should be that of weekday (or *Chol HaMoed*) and he should don *tefillin*. However, he should refrain from *melacha* in order to follow the *minhag* of the place in which he resides. This opinion is popularly known as "a day and a half."]

The Mitzvah of *Sefirat Ha'Omer*

The Torah (Vayikra 23:15) states that there is a mitzvah to count (the days and weeks) for a period of seven weeks in conjunction with the offering of the *korban ha'omer*. This counting is known as *sefirat ha'omer*. The Gemara, *Menachot* 66a, states that there is a mitzvah to count the days as well as the weeks. The Gemara then adds that Ameimar only counted days and not weeks for he held that counting nowadays is only done as a remembrance for the times when the *korban ha'omer* was offered. As Rashi explains, since nowadays there is no *korban ha'omer*, there is no biblical requirement to count. Therefore, Ameimar felt that it was sufficient to count the days and not the weeks as a remembrance of the times of the *Beit HaMikdash*. Rambam, *Hilchot Temidin UMusafin* 7:24, writes that the mitzvah of *sefirat ha'omer* applies in all times, implying that even nowadays there is a biblical obligation to count the days of the *omer*.

The Opinion of Bahag

Tosafot, *Menachot* 66a s.v. *Zecher*, cite *Ba'al Halachot Gedolot (Bahag)* who is of the opinion that if one skips a day of counting, he may no longer continue counting. This is based on the verse *temimot* (complete) used by the Torah to describe the counting process. Apparently *Bahag* is of the opinion that if one day is missed, the counting is incomplete. Tosafot disagree with the opinion of *Bahag* as does Rabbeinu Yitzchak (cited in *Rosh, Pesachim* 10:41). [See R. Ovadia Yosef, *Yabia Omer, Orach Chaim* 3:28, who quotes many other Rishonim who disagree with the opinion of *Bahag*.]

Shulchan Aruch, Orach Chaim 489:8, rules that if one skips an entire day of counting, one should continue counting without reciting a *beracha*. The reason one continues counting is because according to most Rishonim, there still exists an obligation to count, even if one day is skipped. However, one does not count with a *beracha* to show deference to the opinion of *Bahag* that one who skips a day is no

longer obligated to perform the mitzvah of *sefirat ha'omer*.

One can question whether the *Shulchan Aruch's* ruling is due to a bona fide concern for the opinion of *Bahag*, or whether it is a stringency similar to many other stringencies that we find in the area of *Hilchot Berachot*. R. Shlomo Z. Braun *She'arim Metzuyanim B'Halacha* 120:4, posits that *Shulchan Aruch's* ruling is only an added stringency. The reason why he rules this way is because one who skips a day still has the option to fulfill the mitzvah in its entirety by hearing the *beracha* from someone else, and then counting himself. R. Braun suggests that nowadays, people who skip a day assume that they are no longer obligated in the mitzvah and do not count altogether. Therefore, the losses of following this stringency outweigh the gains, and one should count with a *beracha* regardless of whether or not a day is skipped.

Despite, R. Braun's suggestion, *Mishna Berurah* 489:37, as well as contemporary Poskim (see R. Ovadia Yosef, *Yabia Omer, Orach Chaim* 3:28) assume that if one skips an entire day of counting, one can no longer recite a *beracha* on *sefirat ha'omer*. However, it should be noted that according to most Rishonim there still exists an absolute obligation to count every night, and the inability to recite a *beracha* should by no means deter one from fulfilling this mitzvah. [See also *Teshuvot Beit HaLevi* 1:39, who suggests that since there is a mitzvah to count weeks as well as days, if one skips a day of counting in the middle of a week, he may count with a *beracha* at the end of every week, as counting weeks constitutes a separate mitzvah. This suggestion was not adopted by *Mishna Berurah*.]

Rabbi Soloveitchik's Explanation

Rabbeinu Yitzchak, op. cit., implies that the reason behind *Bahag's* opinion is that he viewed the counting of all forty nine days as one elongated mitzvah. Therefore, if one skips one day of counting, the mitzvah is no longer complete and one can

no longer fulfill the mitzvah. R. Yosef D. Soloveitchik [cited in *Eretz HaTzvi* 3:6,7 and *Mesorah* 3 (5750) 35-38] suggests a different explanation to *Bahag's* opinion. The reason why one who skips a day of counting may not continue counting with a *beracha* is because *sefirat ha'omer* requires consecutiveness. One who has skipped a day of counting cannot consider himself as part of the count as his count lacks consecutiveness. Therefore, he can no longer fulfill the mitzvah of *sefirat ha'omer*.

R. Soloveitchik adds that based on this explanation one can understand an otherwise puzzling ruling of *Bahag*. *Bahag*, cited in *Tosafot*, op. cit, rules that if one neglects to count the *omer* at nighttime, one may count during the daytime, and continue counting the next night with a *beracha*. The implication is that one cannot fulfill the mitzvah by counting during the day. If so, why may one count the following night. Shouldn't a daytime count be considered as if one did not count at all?

R. Soloveitchik explains, by counting during the daytime one cannot fulfill the mitzvah of *sefirat ha'omer*. However, one who counts during the daytime can nevertheless consider that counting as consecutive to the previous day. Therefore, one can continue counting that night as the consecutiveness remains intact, despite his non-fulfillment of the mitzvah the previous day.

Based on his explanation of *Bahag's* opinion, R. Soloveitchik resolves one of the more famous questions regarding *sefirat ha'omer*. *Minchat Chinuch* no. 306, queries regarding a minor who counts every night and then becomes a bar-mitzvah. May he continue to count with a *beracha*, or perhaps since his counting as a minor was not obligatory, it is as if he skipped those days, and he may not count with a *beracha* according to *Bahag*. R. Soloveitchik suggests that since the opinion of *Bahag* is not contingent on fulfillment of the mitzvah, but rather on consecutiveness, it should not matter that the minor is not obligated to perform the mitzvah. Since he counted in actuality, his consecutiveness remains intact, and he may continue to count with a *beracha* as a bar-mitzvah.

R. Soloveitchik's explanation provides a resolution with regards to an *onen* (one who has lost an immediate relative that has not yet been buried). An *onen* is not only exempt from performing mitzvot, but he is prohibited from performing mitzvot in

order that he should be able to focus his attention on the burial of his relative. The question arises regarding an *onen* who will be exempt from mitzvot for one entire day during the period of *sefirat ha'omer*. Ostensibly, since he may not perform mitzvot, he may not count the *omer* and therefore, may not continue counting with a *beracha* even after the burial. This view is espoused by *Nahar Shalom* as cited by *Mishna Berurah*, *Bi'ur Halacha* 489:8 s.v. *B'lo*. R. Yechezkel Landau, *Teshuvot Noda B'Yehudah*, *Orach Chaim* 1:27, addresses this issue, and posits that with regard to the prohibition of the *onen* to perform mitzvot, one may rely on the opinion of R. Shlomo Luria, *Teshuvot Maharshal* no. 70 that an *onen* may perform certain mitzvot. Therefore, he may count as an *onen* without reciting a *beracha*. After the burial, he may continue counting with a *beracha*.

However, R. Landau notes that R. Luria's opinion is not universally accepted. Therefore, although there is room to permit relying on the opinion of R. Luria to count the *omer* as an *onen*, nevertheless, according to those who dissent, there is no fulfillment of the mitzvah altogether. One can then question whether counting as an *onen* will justify counting with a *beracha* after the burial. Nevertheless, according to R. Soloveitchik's opinion, even if there is no fulfillment of the mitzvah, one would be entitled to count the subsequent nights with a *beracha* as the *onen's* count would certainly satisfy the requirement for consecutiveness. Furthermore, one does not need to rely on the opinion of R. Luria, in order to continue counting with a *beracha* subsequent to the burial. One can simply count for non-mitzvah purposes, and this too will maintain the consecutiveness of the count

Writing on *Chol HaMoed*

Chol HaMoed is a hybrid of *chol* (ordinary weekday) and *moed* (holiday). Thus, *Shulchan Aruch, Orach Chaim* 330:1, begins the laws of *Chol HaMoed* by stating that on *Chol HaMoed* some *melachot* (actions prohibited on Shabbat and Yom Tov) are permitted and some *melachot* are prohibited. *Mishna Berurah* 330:1, notes that it is not the type of action that is performed that defines its permissibility. Rather, the context in which the *melacha* is performed defines whether it is permitted or prohibited. The act of writing is one of the prohibited *melachot* on Shabbat and Yom Tov, and therefore, is only permitted in those contexts where *melacha* is permitted.

Davar Ha'Aved

The Gemara, *Moed Katan* 12b, states that one may perform a *melacha* on *Chol HaMoed* if failure to perform the *melacha* will cause a loss. This principle is known as *davar ha'aved*. The Gemara states that a *melacha* performed to prevent a loss does not have to be performed in an unusual manner (*shinui*). Based on this principle, *Teshuvot HaRashba* 3:273, permits writing items that one may forget if he waits to record them until after Yom Tov. This leniency is cited as normative by *Mishna Berurah* 545:18.

Rashba limits this leniency to business transactions or mundane matters. He does not allow writing notes of *divrei Torah* that one heard over the course of *Chol HaMoed*. He claims that one should commit *divrei Torah* to memory, and therefore there is no need to write anything. Rabbeinu Yerucham 4:4, permits writing *divrei Torah* that one is concerned about forgetting "for there is no greater loss than this." *Shulchan Aruch, Orach Chaim* 545:9, codifies Rabbeinu Yerucham's opinion as normative. *Taz*, ad loc., adds that one should not hesitate to write *chidushei Torah* (Torah novellae) on *Chol HaMoed*, for even if he will be able to remember the ideas after Yom Tov, it will inevitably cause him a loss of time from his Torah learning.

Loss of time from Torah learning is also included in the principle of *davar ha'aved*.

Tzorech HaMoed

The Mishna, *Moed Katan* 11a, states that one may perform *melachot* that are *ma'aseh bedyot* (the work of an ordinary person) but not *ma'aseh uman* (the work of a craftsman). Rabbeinu Asher, *Moed Katan* 1:6, writes that *ma'aseh bedyot* is permitted for any private use as long as it is *tzorech hamoed*, for the purpose of the festival (*Chol HaMoed* or Yom Tov). If the *melacha* is performed for public use, if it is *tzorech hamoed*, a *ma'aseh uman* is permitted. If the *melacha* is being performed for public use after Yom Tov, only a *ma'aseh bedyot* is permitted.

Accordingly, *Shulchan Aruch, Orach Chaim* 545:1-2, writes that repair of the letters of a *sefer Torah* is prohibited as it is a *ma'aseh uman*. However, if there is no other *sefer Torah* available, it is permitted. This is because *ma'aseh uman* is permitted for public use on the festival. Rama, ad loc., adds that there is a dispute whether one may write for the purpose of public uses after Yom Tov. Rama concludes that it is permitted "in our handwriting that is not *ma'aseh uman*." *Mishna Berurah, Sha'ar HaTziun* 545:8, explains that Rama's leniency extends to cursive script (his example is Rashi script) as opposed to block letters.

Rama's leniency is also applied to writing for private use if it is *tzorech hamoed*. Rambam, *Hilchot Yom Tov* 7:14, writes that one may write personal letters on *Chol HaMoed* because these letters are generally written informally and are therefore considered *ma'aseh bedyot*. Rama, *Orach Chaim* 545:5, writes that although there are those who dispute Rambam's position, one may be lenient with our handwriting, as long as it is written in an unusual manner. *Magen Avraham* ad loc., writes that one should write the first line of the page on an angle and that would constitute writing in an unusual manner. [See *Mishna Berurah, Bi'ur Halacha* ad loc.,

who is reluctant to rely on Rama's leniency and suggests that one should refrain from writing unless there is a pressing need to do so (or it is a matter of *davar ha'aved*).]

Computers, Printers and Typewriters

Are computer printouts and typewritten material considered *ma'aseh uman* or *ma'aseh bedyot*? R. Yekutiel Farkas, *Chol Hamoed K'Hilchato* 6:89, notes that the action involved in producing a computer printout certainly requires less skill than handwriting. Yet, the result is more professional than an ordinary handwritten document. He suggests that the question of whether one follows the action or the result is the subject of a dispute between two Poskim. *Eshel Avraham* (Butchatch), *Tinyana* 545, writes that it is permitted to use a stamper on *Chol HaMoed* for *tzorech hamoed*. It is considered *ma'aseh bedyot* since any ordinary individual can operate a stamper. *Elijah Rabbah* 460:6, cites *Sefer Amrakel* that a stamp is considered *ma'aseh uman*. Ostensibly, *Sefer Amrakel* defines the level of craftsmanship by the finished product. R. Shlomo Z. Auerbach (cited in *Shemirat Shabbat K'Hilchata* ch. 66, note 209) permits computer printing when it is *tzorech hamoed*, and compares it to *Eshel Avraham's* leniency regarding stampers. R. Moshe Shternbuch, *Mo'adim UZemanim* 4:301, prohibits computer printing as it is considered *ma'aseh uman*.

Even according to those who prohibit computer printouts, there is room for leniency regarding producing images on the computer screen. Rama, *Orach Chaim* 545:7, writes that it is permitted to write in a manner that the writing will only last temporarily. For this reason, *Shemirat Shabbat K'Hilchata* 66:55, permits the use of a calculator on *Chol HaMoed*. The same logic should apply to computer screens and cellular phones.

R. Shlomo Z. Auerbach (cited in *Shemirat Shabbat K'Hilchata* ch. 66, note 211), adds that regarding computers there is an additional concern if one wants to save the information onto the computer. He claims that by adding information to the disk (or hard drive) one is improving the status of the disk, and this constitutes the *melacha* of *boneh*, building. However, he does permit saving the information in the case of *tzorech hamoed* or *davar ha'aved*. [One can then question the application of this ruling. If the computer is being used for non-*tzorech hamoed* purposes, not only saving the information is prohibited, but any use of the computer should be prohibited as well? Perhaps R. Auerbach distinguishes between activities that constitute *melacha de'oraita* on Shabbat, and those that don't. It is arguable that using a computer without saving the information does not constitute a *melacha de'oraita* on Shabbat, see R. Auerbach's *Minchat Shlomo* no. 9. Therefore, one may use the computer for non-*tzorech hamoed* purposes. Saving information to a disk, which constitutes a *melacha de'oraita* according to R. Auerbach, is prohibited for non-*tzorech hamoed* purposes.]

Minimizing the Labor Involved

Rama, *Orach Chaim* 534:1, writes that although one may perform *melacha* in the case of *davar ha'aved* in the usual manner, one should try to minimize the amount of labor involved in that activity. Therefore, it would seem that in cases of *davar ha'aved*, regardless of what position one takes on whether computers are better or worse than handwriting, one should seek out a medium that is the least labor intensive. This will usually be the medium which one normally uses in such a situation.

PESACH TO GO 5766

Daf Yomi Insights for the Dapim covered over Pesach

By Rabbi Daniel Z. Feldman, author of the YUTorah.org Daily Daf Yomi Program

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86a

Above the Shul

The Talmud (Pesachim 86a) discusses the status of the section above the Kodesh haKadoshim and introduces the general issue of the sanctity of roofs and upper areas above holy places. While the Talmud states the upper floors of the azarah were not sanctified, the Mordechai (Shabbat I, 228) writes, in the name of R. Meir, that the level above a shul should not be used for an undignified purpose on a regular basis. He notes two possible sources for this idea: the statement of the Talmud (Shabbat 11a) condemning the existence of structures higher than the shul, which is limited to structures that are put to use (according to some interpretations); and the statement of the Talmud (Pesachim, *ibid*) that the upper levels of the heikhal were sanctified, and the heikhal may be the best model for the synagogue, which is called “mikdash me’at”. This concept is recorded in Shulchan Arukh (O.C. 151:12), where it is stated that regular, undignified usage must be avoided, while other types of usage is an open question.

Poskim discuss the relevance of this idea to modern synagogues that have apartments above them. The Magen Avraham (150:2) notes that the practice has been to build such apartments, despite the Shulchan Arukh’s ruling. Several possible leniencies may be relevant:

a) In reference to the statement concerning structures higher than the shul, the Meiri (Shabbat 11a) writes that the only concern is regarding a structure that is high in order to be impressive. If the reason for the height is to allow for extra rooms, this would be permissible. It would emerge from his position (which is at variance with that of the Mordechai, cited above, and the Rosh, Shabbat, I, 23) that not only is it permitted to make use of the area higher than the shul, but that the utilitarian concern is itself a justification. This view would also seem to be consistent with the words of the Rambam (Hil. Tefilah 11:2).

b) R. Natan Gestetner (Resp. L’Horot Natan, I, 8) notes, in reference to the concern based on the comparison to the heikhal, that grounds for leni-

ency may exist if the above apartments are owned by different people than those involved with the shul. This is due to the principle of “ein adam oser davar sh’eino she’lo”, that one is unable to confer a status of “forbidden” (through intent) upon an object that is not his own.

c) He notes as well that the Rambam (Hil. Beit HaBechirah 6:7) rules simply that roofs and above regions are not sanctified, and makes no distinction between the azarah and the heikhal. The Tzlach (Pesachim 86a) explains his position as being that the only upper compartments that would be sanctified are those that open up into the heikhal itself. If so, the concept would be of limited practical relevance (see also Resp. D’var Yehoshua, II, 20:16).

d) The Rama (O.C. 151:12) quotes, in the name of the Mahari Veil, that the prohibition to make personal use of the roof of a synagogue would apply only to a situation where the building was originally constructed as a synagogue, and not in a situation where a pre-existing building was later utilized for that purpose. Further, the Taz (#4) adds that if an apartment was built at the same time, the area where it is located was perforce never sanctified. The Pri Megadim, Mishbetzot Zahav, 4, understands this to be a function of “t’nai”, conditional sanctification.

Nonetheless, the Magen Avraham (#18) recommends avoiding such an arrangement, and the Taz himself attributes great misfortune to residing above a synagogue. R. Gestetner (L’Horot Natan, I, 9), noting that some of the above leniencies only address one of the two issues, concludes that the safest approach is that the initial construction of a synagogue that will have personal usage above should be done without the intent of conferring the sanctity of a synagogue structure at all.

The Mishnah Berurah, in the Biur Halakhah, asserts that the Shulchan Arukh’s possibility that other types of usage (other than regular, undignified) may be permissible above a synagogue is only relevant to activities taking place inside of a room, and thus concealed from public view. However, on the roof, where activities are visible, there is greater stringency (as indicated by the Mishnah in Megillah 28, which he cites).

R. Shmuel Wosner (Resp. Shevet HaLevi, VI, 18; see also I, 27; IX, 28; X, 35) takes issue with this assumption, noting the Shulchan Arukh's sourcing in the words of the Mordechai, which compared the synagogue to the heikhal. The Maharit (Responsa, Y.D., 4) challenged the Mordechai, assuming that the heikhal was uniquely affected by Scriptural decree (gezerat ha-katuv). In any event, in the case of the heikhal an attic was more sanctified than the roof, which only had sanctity on a lower level, comparable to the rest of the Holy City. He concludes that undignified activity is prohibited objectively, regardless of visibility.

In another responsum (V, 21) R. Wosner adds to the analysis by positing the question of how sanctity would attach to the roof of the azarah. He considers two possibilities: a) that at the time of the initial sanctification of the azarah, the air above it was explicitly included; b) the airspace was never explicitly sanctified, but draws sanctity from being exposed to the azarah. He suggests that this issue is implicit in a dispute between the Ra'avad and Tosafot. The Ra'avad (in the end of the first chapter of Massekhet Tamid) writes that the area above the roof of the azarah, that is considered unsanctified, is only treated as such as far as what was in place during the initial sanctification (which then stopped at the roof). However, something built afterwards would be inserting itself into a continually sanctified area. Tosafot (Makkot 12a), however, were of the opinion that even something built later would not be considered sanctified.

(See also Resp. Minchat Yitzchak IV, 43 and VII, 8; Resp. Maharsham, I, 35, Resp. Imrei Yosher, II, 12; Resp. Divrei Chaim O.C. 3; Resp. Beit Yitzchak, Y.D. II, kuntres acharon 1:5; Resp. Beit Shlomo, O.C. I, 28; Resp. Levushei Mordechai, 4:5; Beit HaOtzar, I, 22:23.)

87b

Accepting Lashon Hara

The Talmud makes reference to a correlate prohibition of lashon hara, known as kabalat, or "receiving" lashon hara. (Pesachim 87b and 118a; see Rambam, Sefer HaMitzvot 181 and Hil. Sanhedrin 21:7; Sefer HaChinukh, 74; Sha'arei Teshuvah,

303:211.) However, this application requires some definition, as it is rare that the listener will be warned in advance that he is about to be told lashon hara. (As to the question of the necessity of avoiding the physical act of listening, see Mishpetei HaTorah p.221, n. 27).

The nature of this definition is the topic of dispute among later authorities. R. Yisrael Meir Kagan, in his classic treatise on the laws of lashon hara, Chafetz Chayim (Klal 6, ch. 10) rules on this question in a far-reaching manner. It is granted that one may protect himself and others by taking into consideration the possibility that the information is true. Beyond the needs of protection, though, the listener must remain internally convinced that the information is false.

A contemporary author of responsa, R. Moshe Shternbuch, questioned the feasibility of such a position (Responsa Teshuvot V'Hanhagot, I, 555). The Torah has been placed in the realm of human beings; it is unlikely that mortals can exert such active control over their recognition of a well-known associate's credibility. If a trustworthy individual conveys an item of news, the listener knows with near-certainty that the item is genuine.

Rather, suggests R. Shternbuch, it must be assumed that the prohibition of kabalat lashon hara is relevant not to internal perceptions but to actions. The imperative would be to guarantee that one's behavior toward the subject not change as a consequence of the shared information. The mental acceptance, though, would be understood to be unavoidable and forgivable.

It appears that the center of this dispute is a fundamental question as to the nature of Lashon Hara as a prohibition. One view may be that the transgression is one of personality traits, an exhortation not to exhibit or indulge in the unsavory characteristics of a gossip. Another view, possibly hesitant to assign a prohibition in the realm of character, would understand Lashon Hara to be directed at an action, i.e., the conveying of information that has the potential to harm.

The Chafetz Chayim seems to be reasoning from the perspective of character traits. The vice of gossip is a shared experience; the listener and the speaker play equal roles. That granted, if the prohibition of kabalat lashon hara teaches that

lashon hara must not be allowed to "succeed", the responsibility becomes the halting of the process in its tracks. Thus, even on a mental level, the gossip must not be accepted at all.

R. Shternbuch, however, may be interpreting the prohibition as action focused, forbidding harmful speech. Thus, the responsibility not to receive lashon hara would translate into the listener ensuring that no damage ensues as a result of hearing the information.

An interesting hypothetical posited by R. Yechezkel Michaelson (*Responsa Tirosh ViYitzhar*, 57) may also be indicative of the above analysis. What reaction would be required, he asks, of someone approached with an offer of gossip, when the prospective listener, unbeknownst to the speaker, is actually the subject of the gossip. R. Michaelson apparently assumes that the subject is too gentle to inform the speaker of this fact, and thus allots two options to the subject. One approach would be to treat the offer like any other invitation to lashon hara, and firmly decline to participate.

The other possibility would be to assume that the potential for harm in this case is limited, as the listener is also the subject. Thus, it might be advantageous to listen silently to the information, and thus acquire the Heavenly praise the Talmud ascribes to those who "are insulted and do not insult in return, hear their disgrace and do not respond." It would seem, again, that the two possibilities are dependant on the above question.

Advantageous Exile?

The Talmud states that the purpose of sending the Jews into exile was to increase the number of converts. While this may convey the impression that the exile is thus possessed of an advantage over a non-exilic state, the Maharam Shick (*Bereishit* 28:1-4) explains the matter differently. He observes that a large flame is able to give heat from farther away, while a small flame needs to be brought closer to give warmth. Thus, had the Jews been worthy, they would presumably have been able to have the same impact on the world while still

maintaining their presence in the land of Israel (see also his comments to Esther, 3:8, printed in the volume to Shemot.)

88a

All for the Children

The Tosafot (Pesachim 88a, s.v. seh) maintain that even though it is forbidden to actively feed a minor prohibited foods (*Yevamot* 114a), it can be permitted in an instance where the motivation is the education (*chinukh*) of the child (the subject is feeding from the korban Pesach outside of its counted members). The ramifications of this idea, which is cited by the Magen Avraham (O.C. 343), are discussed widely by Poskim.

R. Yitzchak Blazer (*Resp. Pri Yitzchak*, II, 13; see also I, 11) emphasizes that this license is extended only because the action is beneficial to the child; an action meant to service an adult would not be covered by this principle.

R. Tzvi Pesach Frank (*Resp. Har Tzvi*, Y.D. 234) discusses this Tosafot in considering whether it is appropriate for a teacher of children to write the letters indicating "b'ezrat Hashem" on a blackboard, which would later be erased, due to the educational value. He begins the discussion by noting that strictly speaking, there is no prohibition to erase those letters, and avoiding doing so would be only an extra act of piety (*hiddur*). In light of Tosafot allowing a biblical violation for the purposes of education, this would certainly be permitted.

However, he goes on to note two differences between the situation in Tosafot and the subject he is discussing: a) in Tosafot, the transgression is performed by the child, while in the latter case the undesirable act is performed by the teacher; b) in the case of Tosafot, the act itself is also the instrument of education, while the erasing provides no educational value.

[Distinction a), however, seems somewhat difficult to understand, in light of the fact that Tosafot's initial question was not based on the child's transgression but on the separate transgression of feeding a child prohibited substances. Further, as that prohibition itself is presumably connected to the obligation of proper education, it may be that it is only that prohibition that is suspended for educational needs, as opposed to others. That, however, may be R. Frank's point: that only a prohibition committed by the child, thus creating a related prohibition of "feeding" upon the adult, is subject to this license.]

R. Frank continues to note what he feels is a more relevant source, the halakhah that a child is taught berakhot in their complete text, even though by reciting them a berakhah l'vatalah is created (Rambam, Hil. Berakhot 1:15, and Shulchan Arukh, O.C. 215:3). The Mishnah Berurah (#14, and Sha'ar HaTziyyun, 13) notes that even the adult teacher is permitted to pronounce the berakhah. However, as he points out, the second difference mentioned above would appear to apply here as well.

R. Natan Gestetner (Resp. L'Horot Natan, XII, 49) builds on the idea in Tosafot to allow a child to recite a berakhah on lighting Chanukah candles, even though it would technically be a berakhah l'vatalah, as the child would fulfill the actual obligation through the father's lighting. See also Resp. Chatam Sofer, VI, 13, and Resp. L'Horot Natan, VI, 21.

R. Shlomo Fisher (Beit Yishai, 34) brings a different perspective to the statement of Tosafot by noting that the education involved would seem to be counterproductive, as there is no mitzvah involved in feeding from the korban Pesach outside of its counted members. He explains that the obligation of chinukh in regards to Korban Pesach is fundamentally different than with other mitzvot. In the case of other mitzvot, the notion of chinukh causes a child to be included within an obligation from which he would normally be exempt. In the case of Korban Pesach, however, the nature of the chinukh is that the father is obligated to extend the minui to the child as well, who normally could eat without minui (see Nedarim 36a, and Ran; see also, for another perspective, Moadim U'Zmanim, III, 237).

88b

Elevation Through Negation

The Talmud relates a case in which the skins from the korban Pesach of five different groups became mixed together, and it was discovered that one of the five has a disqualifying blemish. The ruling is that all five must be burned (although the groups are exempt from having to make up the obligation on Pesach Sheini, for technical reasons).

This passage figures prominently in discussions of halakhic authorities in considering the question of the power of "bitul" to grant positive status. It is understood that in certain cases, a majority (rov) of a permitted substance can overwhelm a lesser amount of prohibited substance and make the entire unit permitted. However, the possibility of using the same process not only to cancel a negative but to grant an affirmative status is the topic of some debate.

R. Akiva Eiger (Responsa, 14) discusses this question in regards to tzitzit, in a situation where a string that was not made with the necessary proper intent (l'shmah) is mixed in with many others that were properly made. Based on the above passage, he rules that bitul cannot confer positive status (in that case, the status of a valid korban Pesach) and is ineffective in making that string "l'shmah". (See also his glosses to Shulchan Arukh, O.C., 11:1, where he pursues a different line of reasoning). Similarly, he writes, a mixture of chametz and matzah, with a majority of the latter, can become permissible to eat on Pesach, but not valid to fulfill the obligation of eating matzah. (This is also the view of the Minchat Chinukh, 10:6; See, however, R. Yosef Engel, Beit HaOtzar II, 18:9, who suggests a proof to the opposite position.)

The Responsa Oneg Yom Tov (O.C., 4) goes further in explaining the Talmud's passage. Not only does korban Pesach status not attach, but even to permit consumption as food is impossible, because, as sanctified material, the animals would have to go through the entire korban process to be permissible to eat. Since the animal was disqualified throughout, this process is ineffective in permitting it at all.

The Chavvat Da'at (Y.D. 101:5) offers another reason why the rule of "bittul" is not implemented. In his understanding, the skin represents an independently significant unit (chatikhah hariuyah l'hitkabbed) and is thus ineligible for bittul. R. Elazar Moshe Horvitz (glosses to Pesachim), however, rejects this possibility, noting that at least parts of the animal should not receive that designation. The Resp. Torat Chesed (I:47) takes issue with the Chavvat Da'at for a number of other reasons, and offers his own approach as to why bittul is ineffective in the case of Pesach. (See also Resp. Shevet HaLevi, III, 104.)

The Resp. L'Horot Natan (I, 2) after a lengthy analysis, concludes that tzitzit in the above case cannot acquire the status of "l'shmah" through bittul. See also Resp. Meishiv Davar, O.C. 34, who distinguishes between cases in which validity would be necessary for all the parts of a given unit (such as the Divine Name written in a Torah scroll, when it may not have been written with the proper intent) and instances in which each individual part can be looked at by itself and stand alone, presumed to be valid (such as matzah baked without intent of l'shmah, mixed in with those that were). (See also Ohr Sameach, Tzitzit 1:11, and Hil Ma'achalot Asurot, ch. 15.)

89

The Nature of Minui

The Talmud (Pesachim 89b) relates that if one sells his olah, or any other korban shelamim, the sale does not take effect. Rashi explains that the reference is to one who wishes to transfer the atonement of the olah to another. This is ineffective, as the korban is only offered on behalf of its original ba'alim.

This is true in spite of the fact that the Talmud (Bava Kama 76a) identifies sacrifices offered on the altar as continuing to be "the ox of Reuven", i.e., the property of the individual ba'al. The Tosafot (Bava Kama 79a) explain this to mean that the korban is brought to atone for the ba'alim, is slaughtered on their behalf, and thus their name is attached. Thus, the association with the ba'alim is not monetary ownership to be transferred, but

rather a spiritual connection, that is by definition not transferable.

The nature of the association between the ba'alim and the korban, as noted above, is relevant to a question many authorities consider in regard to korban Pesach. To be a part of a given chaburah for that purpose, one must become a member through "minui". The nature of minui, however, seems to be an open question: it may refer to a simple verbal declaration of intent, or it may require a more formal acquisition of monetary rights, or kinyan, in the korban.

Tosafot (Pesachim 89b, s.v. v'zeh) implies that it would be impossible to include anyone in the chaburah of a korban Pesach after the hekdesch (dedication), unless the hekdesch was broadly phrased to include those who would come along afterward.

The Resp. L'Horot Natan (I, 24) explains this idea as reflecting the fact that there are two components to the obligation of korban Pesach: offering the sacrifice, and eating from it. If the only purpose of minui were to make one eligible for eating, this would apparently suffice with a verbal declaration after the hekdesch. The aspect of joining in the sacrifice, however, would require involvement at the time of hekdesch.

The Imrei Binah (Pesach, 2, s.v. v'ktzat), writes that an indication that minui requires monetary ownership can be found in the verse (Shemot 12:21), "miskhu u'k'chu" ("draw forth or buy for yourselves"). L'Horot Natan, however, questions this proof, noting that the verse may be taken as addressing only the head of each group, who must actually be the animal. The members, however, may not be addressed by this instruction. He concludes his discussion, though, by bringing support to the idea that minui does require a kinyan. (See also R. Avraham Loftiber, Zera Avraham, 6:9).

90b

Calling it a Day Halfway

The Talmud teaches that all who need immersion (tevilah) for purification may do so during the

day, with the exceptions of the nidah and the yoledet, who immerse at night. The Talmud provides Scriptural basis for this.

R. Herschel Schachter (B'Ikvei haTzon 38:7), citing R. Soloveitchik, explains this distinction as a function of the proper application of the principle of "miktzat ha-yom k'kulo" (a part of the day is considered as the whole day; Moed Katan 19b), which allows the last day of the process to "end" while it is still daytime. This principle is only relevant to a process that requires actions over a period of time, and not merely the passage of time itself. Since that action can be done during the last day with time remaining, the process can be said to be complete. However, if all that is required is for the day to pass, then it is necessary for the entire day to pass.

This distinction is relevant to the application within the sphere of aveilut (mourning) as well. Miktzat ha-yom k'kulo is applicable to shivah and to shloshim, but not to the twelve month mourning period for a parent. This is due to the fact that the first two are accompanied by active practices of grief. The last, however, is merely a term of abstinence from certain expressions of joy, and thus is not subject to miktzat ha-yom k'kulo.

As R. Schachter notes as well (ibid, 17), the application of miktzat ha-yom k'kulo to issues of mourning and impurity as opposed to, for example, Shabbat and Yom Tov, can be explained by two other attributes of miktzat ha-yom k'kulo: a) it is utilized only for areas that contain undesirable aspects to them, rather than those of holiness and happiness (Gilyonei HaShas, Nazir 5b, citing Rama MiFanu), and b) miktzat ha-yom k'kulo is not applied to calendaric dates, but only to individual countings that are superimposed upon the calendar.

91a

Jewish Jails

The Talmud (Pesachim 91a) makes reference to a "jail run by the Jews". The role imprisonment plays within the halakhic system is a subject of some debate. Rashi interprets the above references

as being one of two possible scenarios: a) compelling one to end an inappropriate marriage; b) preventing someone who has struck another from escaping before the consequences of the incident have been determined. As R. Moshe Tzuril (Otzerot HaTorah, I, pp. 568-9) emphasizes, Rashi is not considering the possibility of prison as a punishment, but only as a temporary measure serving an immediate purpose, which is consistent as well with the Torah's references to a "mishmar" (see Vayikra 24:12, Bamidbar 15:34).

R. Tzuril dismisses the possibility that a source for Jewish imprisonment as punishment can be found in the book of Ezra (7:21). There, the King Artaxerxes command the assistance of the people in ascending to the land of Israel, and says that all who do not cooperate should be punished in various ways, including "l'esurin", which seems to be a reference to imprisonment. R. Tzuril notes two refutations to this source: a) the initiative was from the Persian King, not from Ezra; b) the reference may actually be not to imprisonment but to holding someone in one place in order to receive corporal punishment, as indicated by Rashi (Moed Katan 16a).

While the Rambam (Hil. Sanhedrin 24:9) does explicitly identify "imprisonment in a jail", R. Tzuril points out that the context of his words is extraordinary, extrajudicial measures (beit din makkin v'onshin sh'lo min ha-din) which are by definition limited and uncharacteristic.

The author of the Responsa Tzitz Eliezer, R. Eliezer Yehudah Waldenberg, in an article printed in the journal T'chukah (pp. 28-40) considers the viability of imprisonment within a Jewish judicial system. He notes that the Talmud (Sanhedrin 81b) talks of placing certain offenders who cannot be dealt with by the penalties described in the Torah into a "kipah". In this confinement, measures were taken to indirectly cause the death of the criminal. However, one of the instances mentioned there does not include that detail. This omission continues in the codification of the Rambam. R. Waldenberg understands this, together with other sources, to mean that there is basis for imprisonment as punishment in and of itself, not only as a method to facilitate other types of punishment. This is also the position of R. Yehoshua Menachem Ehrenberg (Resp. D'var Yehoshua, III, Even HaEzer, 31).

91b

Women, Matzah, and More

The Talmud teaches that despite the fact that eating matzah would appear to be a “mitzvat aseh she’ha’zman grama”, women are nonetheless obligated in the mitzvah, as a consequence of the scriptural linkage (heikesh) between the prohibition of eating chametz and the obligation to eat matzah. Thus, all who are prohibited to eat chametz are likewise obligated to eat matzah on the first night of Pesach.

(In an extremely lengthy responsum, R. Yehoshua Menachem Ehrenberg, Resp. D’var Yehoshua, II, 136, considers the possibility that this principle works in both directions, thus also exempting from the obligation of matzah those who eat chametz on Pesach. The halakhic relevance of such a statement would be predicated on another novel idea: that one can leave the category of “those who are prohibited in eating chametz” by abandoning personal commitment to that precept. If so, this may impact the question of how to apportion limited rations of matzah, when some parties involved consume chametz on Pesach. However, the conclusion of his discussion was lost and is not printed in his Responsa.)

Rashi (s.v. *ela*) assumes that the obligation of maror would go along with matzah, and thus women are obligated in that as well. It appears that the Rambam agrees that women are obligated in maror, but from the linkage to korban Pesach, in which they are also obligated (see his comments in Hil. Chametz U’Matzah 7:12; Hil. Korban Pesach 1:1 and 8:2; Hil. Avodah Zarah, 12:3) (See also Mo’adim U’Zmanim, I, 185, in footnote).

Some achronim (Maharam Shick Al HaMitzvot, 21; see also Maharal of Prague, Gevurot Hashem, ch. 48, p. 196) feel that the obligation of matzah brings with it the obligation of hagadah as well, as a consequence of “lechem oni” being interpreted as “lechem sh’onin alav devarim harbeh- bread upon which many things are said.” (Pesachim 36a). Other reasons to include women in this obligation, despite its being a mitzvat aseh she’ha’zman

grama (as the Minchat Chinukh, 21, challenges the view of the Sefer HaChinukh, obligating women), include linking the hagadah to the four cups (see Tosafot, Sukkah 38a, s.v. *mi sh’hayah*) in which women are obligated (Pesachim 108a).

92

Insisting on Rabbinical Law

The Talmud (Pesachim 92a) teaches that the Rabbis insisted on obedience to their laws even if it interferes with a positive commandment, but not if it would incur the punishment of karet. In general, the Talmud appears to send mixed messages as to the stringency of rabbinical laws. On the one hand, the general rule seems to be that rabbinical law is more leniently applied than Torah law, as seen in the context of safek (indeterminate circumstances) and other areas. On the other hand, the Talmud states in several places that the Rabbis “strengthened their words more than words of Torah”, and in Berakhot 4b we are told a particularly harsh warning, that one who violates rabbinical law is deserving of the death penalty. As the Talmud explains, this severity emanates from the greater likelihood that the law under discussion will be treated lightly, which is also the reason given as to why the Rabbis at times strengthened their laws more than those of the Torah. However, it remains unclear when this attitude is applied. The Muncaczer Rebbe (Resp. Minchat Elazar, III, 38) suggests that the guiding issue is whether or not the rabbinical law in discussion has any source or *asmakhta* in biblical law. If it does, then no strengthening is needed or appropriate. If, however, the law is a wholly rabbinic innovation, extra support becomes necessary. (The actual application of that distinction is still complex and requires further elaboration, and that is the topic of the rest of the responsum.)

93

Growing Up Between the Passovers

The Talmud (Pesachim 93a) poses a question as to the nature of Pesach Sheini, when those who were unable to participate in the korban Pesach at its appropriate time have the opportunity to make up the obligation. The inquiry is whether this constitutes an independent festival, or an extension of the first Pesach that serves as a makeup. Those affected by the question, the Talmud notes, includes a convert who becomes Jewish in between the two occasions, or a minor who reaches adulthood during that time, both of whom were exempt from mitzvot during the first Pesach.

However, this question is posed as well in the Sifre (B'ha'alotekha, 13), where only the case of the convert is mentioned as a possible ramification, and not that of the minor. The Netziv, in his commentary to the Sifre, explains that this actually represents a third view, to distinguish between the case of the convert and that of the minor. The convert was not Jewish during the first Pesach and thus was completely removed from obligation. The child, however, was included as a Jew in the obligation, enough so to impose a responsibility to bring the korban when it became possible, on the 14th of Iyyar.

As R. Herschel Schachter (Eretz HaTzvi, 83) notes, this type of structure is relevant also to a child who becomes an adult in the middle of the thirty-day period of mourning. The Rosh (end of Massekhet Moed Katan) quotes the Maharam Rotenberg as obligating full mourning practices under the category of "sh'muah k'rovah" (one who hears of the death of a relative within thirty days of the event). The Rosh himself disagrees with this ruling. Apparently, the Maharam Rotenberg's reasoning is as above: the end of the burial, which begins the shivah period, applied to the child as well, but didn't take effect until he achieved majority.

R. Schachter discusses other aspects of the theory throughout that essay, including another example from this daf (93b). The definition of one who is considered "far away" for the purposes of korban Pesach is determined based on one who is too far

to walk, starting after sunrise, getting to Yerushalayim on time. Thus, even though the actual time for the mitzvah is not until chatzot, the period establishing the obligation begins earlier. (See also B'Ikvei HaTzon, p. 121.)

93/94

Halakhic Night

The determination of "night" in halakhah is a topic that is highly complex and controversial. It is understood that the shift from day to night is a process, thus complicating the issue of pinpointing a moment of transition; further, much disagreement exists as to the identification of the markers of the process; and, as well, different areas of halakhah may use different definitions. (For example, kodashim may use a different standard; see Tosafot, Zevachim 56a, s.v. minayin, and Chiddushei Chatam Sofer, Sukkah 38a, s.v. mi.)

Much of the debate has centered around the resolution of two statements attributed by the Talmud to R. Yehudah. In Shabbat 34b, the period of bein ha-sh'mashot (in between sh'kia and tzet hakokhavim) is identified by R. Yehudah as three quarters of a mil. If a mil is understood to be 18 minutes (a questionable assertion, as will be discussed later), then it emerges that tzet hakokhavim is 13½ minutes after sh'kia. However, a different impression comes from Pesachim 94a. There, in a discussion concerning the dimensions of the Earth, R. Yehudah states that in between sh'kia and tzet hakokhavim there are four mil. Again assuming an 18 minute mil, that would result in a bein ha-sh'mashot of 72 minutes; quite a difference from the first statement.

The resolution of this contradiction is at the root of a major dispute associated, on the one side, with the geonim and the Vilna Gaon (Gra), and on the other side, with Rabbeinu Tam. According to the first school of thought, of which the geonim (See Resp. Maharam Alashkar, 96, citing R. Sherira Gaon and R. Hai Gaon) and the Gra (see Biur to Shulchan Arukh, 261:2) represent different versions, the statement in Pesachim is not applicable to the halakhah in these cases. Thus, ¾

of a mil after shkia is tzet hakokhavim, and the time in between is bein hashmashot.

Rabbeinu Tam (see Tosafot, Berakhot 2b, s.v. dilma; Shabbat 35a, s.v. trei; Pesachim 94a, s.v. R. Yehudah), however, resolves the issue differently. In his assessment, there are actually two points called sh'kia. The first sh'kia takes place when the sun begins to sink beneath the horizon. The second sh'kia refers to the point once the sun has already sunk. The four mil period refers to the time in between the first sh'kia and tzet, while the $\frac{3}{4}$ mil period is the time from the second sh'kia until tzet. (A third opinion exists, as well; see Sefer Yereim, 274).

Powerful support exists for both sides. On the one hand, the position of the geonim is effectively expressed by the Gra's statement that Rabbeinu Tam cannot be right because ha-chush makhchish, "one's senses contradict it": a glance outside the window will verify that it is pitch black long before four mil have passed from the time of sh'kia. Indeed, much of k'lal Yisrael in modern times has accepted the position of the ge'onim.

However, Rabbeinu Tam's position also comes with much support, as it is actually the view of many other rishonim as well, up to and including the Shulchan Arukh (Orach Chaim 261:2) and the Rama (see also Magen Avraham, 331:2, and Resp. Chatam Sofer, O.C. 80.). Thus, many are machmir to not end Shabbat until "Rabbeinu Tam z'man", a practice advocated by R. Moshe Feinstein (Resp. Iggerot Moshe, Orach Chaim IV, 64) and considered normative by communities such as Satmar (see Resp. Divrei Yoel, 18). On the other hand, R. Herschel Schachter and R. Mordechai Willig (see Am Mordechai to Berakhot, 2) consider the view of the geonim to be dominant.

That position, though, also has issues of "chush" to be explained, although they are not as stark as those confronting Rabbeinu Tam, and are to some extent already addressed by the Gra himself. If one assumes the period of bein hashmashot to be $\frac{3}{4}$ of a mil, and if that is understood to mean 13 $\frac{1}{2}$ minutes, it does not seem to be the case that darkness has already descended once that much time has passed since sh'kia. The Gra thus notes that this measurement is not meant to apply to every part of the world, but only to Israel and Babylonia (which share the same latitude). However, R.

Yechiel Michel Tukichinsky, in his Bein HaShmashot, notes that even in Jerusalem, stars are not visible until about 22 minutes after shkia. R. Yehudah Levi (Z'manei HaYom B'Halakhah) observes that there is a difference in this area between the trained eye and the untrained eye. In Jerusalem (during the month of Nissan) an expert can discern three stars after about 15 minutes, a time not significantly different from $\frac{3}{4}$ of a mil.

It is noteworthy that identifying the exact moment of "night" has two types of ramifications. One the one hand, it indicates when the date, or day of the week, has shifted to the following one. In addition, it also tells when it is "night" for the purposes of halakhah. Thus, when Bein HaShmashot is identified by the gemara (Shabbat 34b) as being a safek, the connotation would appear to be that there are two undetermined aspects: whether or not it is night, and whether or not the day has changed.

The Radbaz (Responsa, 1442) brings this understanding into a resolution of an apparent contradiction in the words of the Rambam. In Hilkhos Shabbat (5:4) he writes that due to the indeterminate nature of Bein HaShmashot, one may not work on Friday night after sh'kia. However, in Hilkhos Kiddush HaChodesh (2:9) he rules that despite the fact that sanctifying the new month can only take place during the day, after sh'kia is still acceptable within that definition. The Radbaz thus asserts that perhaps the two issues in defining night are independent of each other. Thus, Friday can [possibly] switch over to Shabbat, while still maintaining the character of "day". (For other resolutions to this problem, see Chavatzet HaSharon al HaTorah, Bereishit, p. 8).

R. Moshe Shternbuch (Moadim U'Zmanim, II, 155, fn. 1) considers the question of those parts of the world where darkness never actually sets in. He suggests that the day changes at whichever point the distance between those places and the sun is the greatest, but that halakhic "night" does not take effect at all. Thus, one living in those areas would be unable to fulfill any mitzvot dependant on night. He does consider, without a conclusion, that k'riat shma might be an exception, as the controlling terminology is not "day" and "night" but rather "lying down" and "rising".

PESACH TO GO 5766

Interactive Family Seder Programs

To help you inspire and enrich Pesach for your children and grandchildren

Sefirah Chart

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כל דכפין: Pesach Hospitality

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Red Sea Split

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Pesach Profiles:

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Teach Your Children Well: The Mitzvah of Maggid

Of all the mitzvot of the Pesach Seder the hardest one to do well is teaching the story of Yitziyat Mitzrayim (Exodus). After all, the only real challenge to eating matzah and marror (bitter herbs) and drinking wine, is ingesting the requisite amounts in a short period of time- chew, slurp, swallow, and you're done. But how does one fulfill the mitzvah of Maggid (telling and relating story of the Exodus)? Is it sufficient to read the Haggadah text? Is success measured by managing to say every word before the family rebels and demands a little food? Parents whose kids receive a Jewish education are faced with an additional hurdle: how can they teach their children about Pesach when the little ones have been learning about the holiday in school since Purim? On this website we'll provide suggestions for how to observe this mitzvah and at the same time help Pesach celebrants fulfill the Mishnah's instruction:

בכל דור ודור חייב אדם לראות את עצמו כאילו הוא יצא ממצרים

In every generation the individual has the obligation of feeling that he himself left Egypt (Mishnah Pesachim 10:5).

I have been running interactive Pesach sedarim for eight years and I've established two rules for achieving a successful Maggid. Firstly, cater the lessons and activities to the ages and personalities of the participants at the seder. As a parent, you know exactly what the midrash of the four sons is talking about: each child is different and requires a distinct message; each child responds to a different approach. My first recommendation for building an interesting seder, therefore, is know your audience. What works for my 11 and 9 year olds might not work for your 6 or 16 year olds. Secondly, use what you have and what you know. Although the traditional seder is conducted around the dining room table, there's no reason why you shouldn't use your home's other rooms, hallways - even the bathroom! in the service of telling the Pesach story. If you have a porch, a backyard, a stairway- get your family and guests off their chairs and moving around the house- moving them will engage them. Use objects in your house, and most importantly use the people who will be at your seder. The only one who gets to relax at the seder is the one who's spent the day cooking. Everybody else, including guests, can be put to work discussing, acting and thinking.

On this website you will find a range of developed ideas which you can use or adapt for your own seder. There are also plenty of little things you can do to enrich the seder: make מן (manna) out of meringues, spread them on a bath-towel on the floor and invite the kids to collect them; sing דִּינֵי in stages: as you move around the house doing different activities, sing the appropriate lines of the song; when talking about Egypt have the kids change out of their festival clothes into raggedy ones (or pajamas) and have them sit on the floor- this works to tremendous effect. The "Sefirah Chart" described here is not intended for the actual seder. As well, you will find on this website a shiur about the Haggadah, "Pesach Hospitality", to help you teach the text at the seder.

Finally, recognize that a good seder requires planning and preparation. Don't wait until the last minute, but put together your props, plays and ideas days in advance. With a little effort and imagination you can have a meaningful and memorable seder. Your kids will be involved and challenged, and they'll forget to ask "is it time for dinner yet?"

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Sefirah Chart

A Sefirah chart hung in a prominent spot is a useful tool for remembering to count Sefirat HaOmer (Counting of the Omer). Making an elaborate one is also a good activity for erev Pesach (Passover eve). Here are two ideas for making a chart.

Firstly, use large numbers that the kids can color in during the daily count - the kids can take turns and alternate colors.

Secondly, add a little text to the boxes. Since Sefirah leads to the holiday of Shavuot, prepare for Matan Torah (Receiving of the Torah) every night by learning about what it takes to be a Torah scholar. The Mishnah in the sixth chapter of Avot (Ethics of the Fathers) lists 48 attributes necessary to mastering Torah. Every night of Sefirah count as a family, and then sit down and learn about one of those qualities. There are plenty of commentaries on Pirkei Avot to assist you.

Of course, you'll have to find something additional to learn on the 49th night - try Rabbi Yose ben Kisma's declaration about living in a place of Torah, from the same chapter in Avot.

Best of all, if you count with your family - you'll never forget Sefirah, the one whose turn it is to color will certainly remember!

		
עריכת שפתים	שמיעת האוזן	בתלמוד

כל דכפין

Pesach Hospitality

Every Jewish holiday has its themes, ideas that are emphasized at a specific time in the calendar but are in fact relevant throughout the entire year. The call to repentance is sounded on Rosh HaShana and Yom Kippur, but surely refraining from sin is encouraged at any time. Shavuot commemorates the receiving of the Torah. Nevertheless, Jews study Torah every single day. Hospitality is an age old Jewish practice, yet it only finds formal expression on Pesach. At the beginning of the seder we read these sentences. What place does this invitation have at the Pesach seder?

הא לחמא עניא די אכלו אבהתנא בארעא דמצרים. כל דכפין ייתי
ויכל, כל דצריך ייתי ויפסח. השתא הכא לשנה הבאה בארעא
דישראל, השתא עבדי לשנה הבאה בני חורין.

This is the bread of affliction which our fathers ate in the land of Egypt. Let all who are hungry come and eat; let all who are in need come and observe the Pesach. This year we are here - next year in land of Israel. This year we are slaves - next year we'll be free men.

On Sukkot, when the family is all seated comfortably in the Sukkah, we don't open the door and declare that anyone without their own booth can enter ours. On Rosh HaShanah, as the holiday begins we do not state "We're about to dip our apples into honey- whoever can't afford this treat can come on in!" And at no Shabbat meal do we officially invite those who might be alone to join us at our table. What is the particular connection between the holiday of Pesach and the generosity of hospitality?

Here is a statement about hospitality appearing in the Gemara, which appears to be the source of the Haggadah's invitation but which does not make any reference to our holiday.

תענית כ: כי הוה (רב הונא) כרך ריפתא הוה פתח לבביה ואמר:
"כל מאן דצריך ליתי וליכול!"

When he (Rav Huna) had a meal, he would open his door wide and declare, "Whoever is in need let him come and eat."

I will suggest three answers to our question. The first one explains that Pesach is a celebration of freedom and luxury. The idea is explored by Rav Soloveitchik of the 20th century.

ר' יוסף דוב הלוי סאלאווייציק מהגדה של פסח : שיח הגרי"ד יש לעיין למה מתחילים את ההגדה בהא לחמא עניא העוסקת בהכנסת אורחים דזה ודאי דמצות הכנסת אורחים מצוה גדולה היא אבל לכאורה אין לה ענין להגדה... ונראה לומר דהנה עבד אינו יכול להכניס אורחים דהא קי"ל (פסחים פ"ח:) מה שקנה העבד קנה רבו, ואין לעבד נכסים וגם אין לו בית, ולכן מתחילים את ההגדה בהכנסת אורחים ואומרים כל דכפין ייתי ויכול דזהו דרך חירות, להראות שאין אנו עבדים אלא בני חורין, שאנו מכניסים אורחים.

We should consider why we start the Haggadah with "This is the bread of affliction" which deals with hospitality. After all, the mitzvah of hospitality is very great but does not appear to have any connection to the Haggadah... We might say that a slave cannot host guests as the Talmud establishes (Pesachim 88b): whatever a slave acquires belongs to his master. A slave has no possessions or even a house. We therefore begin the Haggadah by inviting guests to illustrate that we are not slaves but free men who can welcome guests.

We could add that a slave is too poor to share his meager meals with others. We however who are free have plenty of wealth to spread around. A second approach to this question relates to the Biblical way of celebrating this holiday which was to bring a special sacrifice and to partake of its meat. This ritual was known as "Korban Pesach" - the Pesach sacrifice, and all Jews were required to participate in this holiday meal which was the main part of the Pesach celebration. In fact, the Torah goes so far as to say that he who does not join in this mitzvah will be "cut off" from the nation (Bemidbar 9:13). This emphasis is due to the fact that the holiday of Pesach is critical to Jewish identity as it marks the start of Israel's relationship to God. People who neglect this mitzvah are separating themselves from the nation. Perhaps the desire to see all members of Israel included in the mitzvah of Korban Pesach, led to the invitation for anybody without a place to come commemorate the salvation with other Jews.

A third answer to the presence of hospitality addresses a major theme of this holiday. The Torah refers to the exodus from Egypt time and again when warning Israel not to take advantage of the foreigner. Here are two of these statements.

שמות כב: כ וגר ל א תונה ול א תלחצנו פי גרים הייתם בארץ
מצרים :

You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt.

שמות כג: ט וגר לא תלחץ ואתם ידעתם את נפש הגר כי גרים
הייתם בארץ מצרים :

You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.

With these instructions the Torah is telling us more than simply reminding us of the value of empathy - be nice because you would have appreciated a little kindness when you were in Egypt. The Torah is teaching us to be God-like: God stood up for Israel in the face of Egyptian oppression, similarly - you take care of the disadvantaged. Make sure not to abuse the weak. This is connected to a broader theme within Judaism: human beings should learn morality from the way that God interacts with the world, and imitate Him. Imitatio dei is the classical term for this.

סוטה יד. אמר רבי חמא ברבי חנינא, מאי דכתיב: (דברים יג)
אחרי ה' אלקיכם תלכו? וכי אפשר לו לאדם להלך אחר שכינה?
והלא כבר נאמר: (דברים ד) כי ה' אלקיך אש אוכלה הוא! אלא
להלך אחר מדותיו של הקב"ה, מה הוא מלביש ערומים, דכתיב:
(בראשית ג) ויעש ה' אלקים לאדם ולאשתו כתנות עור וילבישם,
אף אתה הלבש ערומים; הקב"ה ביקר חולים, דכתיב: (בראשית
יח) וירא אליו ה' באלוני ממרא, אף אתה בקר חולים; הקב"ה
ניחם אבלים, דכתיב: (בראשית כה) ויהי אחרי מות אברהם ויברך
אלקים את יצחק בנו, אף אתה נחם אבלים; הקב"ה קבר מתים,
דכתיב: (דברים לד) ויקבר אותו בגיא, אף אתה קבור מתים.

Rabbi Hama son Rav Hanina said: What does the text mean by "You shall walk after the Lord your God?"(Devarim 13:5) Is it, then possible for a human being to walk after the Shechinah; for has it not been said "For the Lord your God is a devouring fire?" (Devarim 4:24) But the meaning is to walk after the attributes of the Holy One blessed be He. As He clothes the naked, for it is written "And the Lord God made for Adam and for his wife coats of skin, and clothed them" (Bereishit 3:21) so do you also clothe the naked. The Holy One blessed be He visited the sick, for it is written, "And the Lord appeared to him by the oaks of Mamre" (Bereishit 18:1) so do you also visit the sick. The Holy One blessed be He, comforted mourners, for it is written, "And it

came to pass after the death of Avraham, that God blessed Yitzchak his son" (Bereishit 25:11), so do you also comfort mourners. The Holy One blessed be He, buried the dead, for it is written, "And he buried him in the valley" (Devarim 34:6), so you also bury the dead.

The Egyptian experience teaches us that God looks after the under-dog, so on the holiday commemorating those events we invite people who may be lacking means or opportunity to have their own seder.

All three approaches to the question of hospitality on Pesach contribute to the overall messages of the holiday: as free men we can afford to have guests; every Jewish household should make sure that no lonely person is left out of this important ceremony; being God-like means providing for the people who might not have their own place to celebrate Pesach. Yet what emerges from this analysis is that the theme of hospitality provides meaning exclusively for the host and not for the guest. While the host is giving and imitating God, the guest is receiving and not being God-like at all. Does Pesach hold an equally important message for the takers?

Indeed it does: the message of gratitude. A substantial part of the Pesach Haggadah is concerned with thanking God for the grace He extended to our ancestors in Egypt. From the early part of the seder when we declare "Had God not brought our fathers out of Egypt, we would still be subjects there", to "Blessed is He who keeps His promise to Israel" and the blessing before the second cup of wine: "It is our duty to thank, to praise, to pay tribute, to glorify, to exalt, to acclaim, to bless, to esteem, and to honor the one who did all these miracles for our fathers and for us," the Haggadah provides a lesson in saying thank-you. The songs of 'Dayeinu' and 'Hallel' contribute to the demand that we not take for granted God's salvation of the Jews.

There is another remarkable example of gratitude connected to the Pesach story which appears in Sefer Devarim (Deuteronomy).

דברים כג: ח לא תתעב אדמי כי אחיך הוא לא תתעב מצרי כי גר
היית בארצו :

You shall not abhor the Edomite for he is your brother; you shall not abhor an Egyptian because you were strangers in his land.

What is the Torah talking about here? Jewish culture spends an inordinate amount of time recalling the slavery in Egypt. We mention the redemption every single day in morning prayers, in the Kiddush of Shabbat and holidays, and of course on the Pesach holiday. The Egyptians enslaved Israel for over 200 years - of course we were

strangers in their land! Why is this a reason not to hate them? Rashi, the 11th century commentator, explains:

מצרי לא תתעב רש"י (ר' שלמה בן יצחק מאה ה' 11) לדברים כג: ח
מכל וכל, אף על פי שזרקו זכוריהם ליאור. מה טעם, שהיו לכם
אכסניא בשעת הדחק.

You shall not abhor the Egyptian at all even though they cast your male infants into the Nile. What is the reason? For they were your hosts in a time of need.

Rashi is referring to the story of Ya'akov and Yosef which comprises the last third of Sefer Bereishit. Due to a famine in the land of Canaan, the entire family of Ya'akov descended to Egypt and were given refuge there. What the Torah is telling us here is nothing short of astounding - despite the fact that the Egyptians oppressed Israel, beat and killed them, we must not forget that they were also hospitable to us at one point. And clearly, if we must be grateful to the Egyptians in spite of their later behavior, gratitude towards other less abusive people, and certainly towards God, should be more forthcoming. This is the message for the guest on Pesach, one who might view himself as a taker: saying thank-you is not an easy task, but recognizing the good somebody does is no less important than actually doing that good.

Finally, here are some words of advice from the Gemara about being a guest.

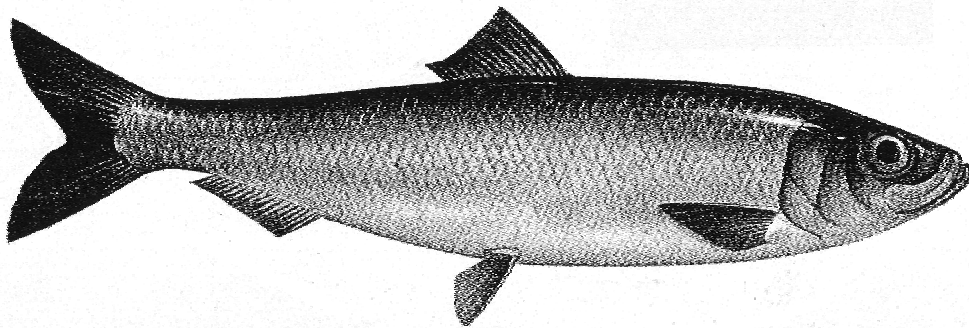
ברכות נח. אורח טוב מהו אומר - כמה טרחות טרח בעל הבית
בשבילי, כמה בשר הביא לפני, כמה יין הביא לפני, כמה גלוסקאות
הביא לפני, וכל מה שטרח - לא טרח אלא בשבילי. אבל אורח רע
מהו אומר - מה טורח טרח בעל הבית זה? פת אחת אכלתי, חתיכה
אחת אכלתי, כוס אחד שתיתי, כל טורח שטרח בעל הבית זה - לא
טרח אלא בשביל אשתו ובניו.

What does a good guest say? "How much trouble my host has taken for me! How much meat he has set before me! How much wine he has set before me! How many cakes he has set before me! And all the trouble he has taken was only for my sake!" But what does a bad guest say? "How much after all has my host put himself out? I have eaten one piece of bread, I have eaten one slice of meat, I have drunk one cup of wine! All the trouble which my host has taken was only for the sake of his wife and his children!"

People say that it is harder to receive than to give and that may be so, but Pesach teaches that whatever side one finds oneself on, the holiday has a poignant message to offer.

Red Sea Split

The most dramatic detail of the Pesach story is of course, the splitting of Yam Suf (the Red Sea). You can act this out in your house with minimal preparation. The best place to recreate the splitting of the sea is in a narrow area like a stairway or a corridor (a doorway will work too). At one end of this space hang the sea in a way that it can be moved aside for your Israelites to pass through. Tie a string across the space and hang a blue tablecloth, bed sheet or long flowing scarves on the string. Use hooks or safety pins so that the cloth can be pulled aside easily. Before you hang it up, decorate your blue background with pictures of fish and other sea animals. Place the sea-scape at the end of the hall or at the top of the stairs (not the bottom- you'll want to descend into the sea) and cover the walls with more fish, octopi, toy boats or whatever you happen to have in the house that seems sea or beach-like. If you're not artistic, download pictures of fish from the internet. Here's a herring to get you started.



Really do it up- hang things from the ceiling: one year I blew up a bunch of blue balloons and drew fish on them. Cover light bulbs with blue plastic to get an eerie effect. We got lucky years ago and found a shower curtain with a sea scene on it, so we hang that at the top of our stairs.

Position your family at the near end of the sea and talk about ים סוף (the Red Sea). Why does God create such a miracle for B'nei Yisrael - wouldn't it have been easier simply to bring boats to get them across the water? Why doesn't God pick up the nation and place them on the other shore to get them away from the Egyptians, that way He wouldn't have to drown them? Read the midrash about the angels singing and discuss its philosophical implications- don't we sing and dance on Purim and celebrate the downfall of Haman? What does the verse from Mishlei (Proverbs) mean about not rejoicing when an enemy suffers?

ילקוט שמעוני תורה פרשת בשלח רמז רלג אמר רבי שמואל בר
נחמני מאי דכתיב ולא קרב זה אל זה כל הלילה בקשו מלאכי השרת
לומר שירה לפני הקב"ה אמר להם הקב"ה מעשה ידי טובעים בים
ואתם אומרים שירה לפני :

משלי כד : יז בנפל אויבך אל תשמח ובפשלו אל יגל לבך :



Pull the sea aside and enter the sea. My oldest son always complains that our sea is inaccurate because the water parted in the middle and our sea all goes to one side, more like Joshua splitting the Jordan. So, if you want to be more accurate - hang your sea in two parts and go between them. When you're in the sea sing the two lines of Dayeinu relating to the experience. What does the song mean that it would have been enough had God split the sea but hadn't taken the nation through on dry land? What would have been the point of that? Sing and discuss (שירת הים Song of the Sea).

Take your family through the sea and have them discover gold and other treasures that have washed up on the opposite shore from the Egyptian cavalry. Leave the fish decorations up for the whole holiday - why not?



Pesach Profiles: Passover Personalities Plays

To liven up the seder try putting on a play. I prefer to work out a script before hand, but improvisation also has its merits. You can decide whether to employ your children as actors or to let them be members of the audience, if you feel they'll be too self conscious to perform. Recognize that kids will pay much greater attention to a play or a puppet show than to the sounds of adults reading from a Haggadah. This is a good opportunity to press your adult guests into service. Speak with them before the seder about participating and show them their lines - the number and intensity of rehearsals is up to you. Provide costumes and props. Have fun. The two scenes I present here involved four guests who were at last year's seder - luckily, they were all game (one of them affected a Yiddish accent for his role). At the end of each scene I involved the children by inviting them to interact with the characters.

Where Are They Now?

Pesach Profiles

by Jonathan Mishkin

Act I: Shifra and Puah. Set up your living room like a television studio talk show: desk and chair for the host, two chairs for your guests, glasses of water on a low table, fake cameras in the corners.

Douglas: Hello, good evening and welcome to the show "Where Are They Now?" I'm your host Moishe Douglas and we're devoting tonight's show to Pesach people. These are people you read about in the **הומש** who participated in the story of **יציאת מצרים** years ago in some small way but are now largely neglected. Well, we intend to find out "Where Are They Now" and in the process find out a little inside information on their role in Jewish history. So now, please welcome our first guests: **שפרה** and **פועה**.

שפרה: Hello, Moishe

פועה: Yes, hello.

Douglas: **שפרה**, **פועה** we thank you for joining us on our show. Why don't we begin by discussing your connection to the Pesach story?

שפרה: Well, you see, פועה and I were midwives in גושן, that's in Egypt you know.

Douglas: Midwives?

שפרה: Yes, you know, we helped women to have babies.

פועה: This is in the days before major hospitals, no anesthetics, no epidurals.

Douglas: And what exactly was your job?

פועה: Mainly to yell "Push!" I can yell "Push" in three different languages.

Douglas: Go on.

שפרה: Well, when we started our career, it was pretty easy going. Sure, we'd get called out in the middle of the night, or wherever we'd happen to be. One time I was at a play - Anthony and Cleopatra - and the usher came up in the middle of the first act and told me there was a nervous husband in the lobby.

פועה: But we didn't mind, you know. Really it was the best possible job you could have.

Douglas: Really? What made it so special?

פועה: Every day, we witnessed the miracle of childbirth. Every day we helped little babies into the world and taught them to breathe their first breath. Can you think of anything more wonderful than that?

שפרה: But the good times didn't last long.

Douglas: How so?

שפרה: One day we came to work and there was a notice that the king wanted to see us at the palace.

פועה: We were very nervous, you know, because we had never been to the Egyptian side of town before.

Douglas: What do you mean?

שפרה: Well, we were only midwives for the Jewish women and not for the Egyptian women. It was a whole union thing. We got lower wages of course, because the Jewish women were slaves and they didn't have a lot of money to pay us.

פועה: Also, we were trained differently. For example, when our women were in pain, we helped them pray to אלהים, the true God of אברהם, יצחק and יעקב. Whereas the Egyptian women prayed to Ra or Ishtar or somebody. And of course, I would never be much use to Egyptian women.

Douglas: Why's that?

פועה: Because I don't know how to say "Push" in hieroglyphic.

Douglas: Let's get back to the story. Why did פרעה want to see you?

שפרה: He was a very bad man, that פרעה. I knew it was going to be trouble as soon as we entered the room. He had a mustache which he kept twirling. Then he commands us to kneel before him, which we did, and he says in a big booming voice (I think he was acting): "I am now commanding you something very important which is for the benefit of the state!"

פועה: We weren't stupid. We knew that that meant, for his benefit, and not for ours or our people.

שפרה: Right, so he tells us that every time we help a Jewish woman have a baby, we have to kill the baby if it's a boy, and let the child live if it's a girl. Can you imagine such a thing?

פועה: He was really a fool, you know, because here he's talking to two women whose whole lives are the celebration of life and he's telling us to now become killers.

שפרה: Yeah, if he was smart he would have sent some of his soldiers to accompany us every time we went to a home birth (of course in those days there was only home births) and to order them to kill the boys.

פועה: I know why he didn't do that.

שפרה: You do?

פועה: Sure, it's because men always faint if they're in the same room as a woman giving birth.

Douglas: What did you tell פרעה ?

שפרה: What could we tell him? We nodded dumbly and said we would do whatever he said.

פועה: It's okay to lie in such a circumstance.

Douglas: But what did you actually do?

פועה: Nothing. We continued to do our jobs the same way as before. We were a little more cautious. Sometimes when we went to do a delivery we wore disguises. I used to dress up like **שר האופים** - you know, with baskets on my head.

Douglas: Did you ever get caught?

שפרה: I'll tell you one terrible story that happened when I was on duty. I got called late one night to help a woman with her baby. I knew this woman, already - she'd already had four children that I'd delivered - all girls. I was somewhat conflicted when I came up to their hut. On the one hand, I wanted them to have a boy, you know - to carry on the family name; but on the other hand, I knew that baby boys were in great danger. Sure enough it was a little baby boy. And it was the strangest thing - this baby didn't cry at all when he was born - just looked straight up at me when I was cleaning him off. At first I checked to make sure he was breathing OK, and he was, and of course I knew that he wasn't really looking at me. But it was the lack of crying that I didn't understand. I handed the baby to his father, a man with an unusual name - **אליועני** which means "God is my eyes" and the father was so happy to have a son. Just then the door burst open and two of **פרעה**'s storm troopers burst in. The mother started screaming and **אליועני** did, I guess, the first thing that came into his head - he jumped up on the table, holding the baby close to his chest. One of the soldiers reached down and grabbed the leg of the table and flipped it over. **אליועני** fell down and that tiny baby landed on the floor. The other soldier picked it up like a doll and they left. The parents never saw the child again. And you know something - during the whole time, that baby (who never got a name) didn't cry. Not once.

Douglas: My goodness, that is one horrible story. But tell me something: how did the soldiers know there was a new baby in the house if didn't cry?

שפרה: [pause] This is something that has haunted me all of these years. I keep asking myself if perhaps they followed me from my house because they knew that usually when I went out - it was to help a mother.

פועה: No, dear - you can't blame yourself. We all know who the evil ones were and who the good ones were.

שפרה: We were good, weren't we?

פועה: Are you kidding, we were the best!

Douglas: Well, I'm sure that many Jewish boys owe their lives to you two.

פועה: Yes, I don't like to brag. But every year we have a reunion of all the boys I saved. Last year there were 316 boys - well, they're not boys anymore - they're men. And they came with their wives and their children and many of them had grandchildren and even great-grandchildren. One of my boys even brought his pet parrot, although I can't take credit for his life. So you see, we are responsible for thousands and thousands of Jewish lives.

שפרה: For all the thousands of Jewish lives that פרעה took, we gave back thousands to the Jewish people.

Douglas: I'm not surprised that all your boys keep in touch with you. Just one more question before we go to a commercial break. What are you two women doing now?

שפרה: Well, I'm retired. So mostly I crochet, and recently I've gotten into Sudoku.

Douglas: And how about you, פועה, are you still a midwife?

פועה: No, I gave that up years ago and went to medical school. After seven years of training and thousands of dollars in medical school costs, I'm now an obstetrician.

Douglas: Ladies, I thank you very much for being on our show. But before we say goodbye - are there any questions for our guests from the studio audience?

Act II: Amram and Yocheved

Douglas: Welcome back to the show. We'd like to introduce you to our next guests. You know sometimes, a person's fame is derived not from anything that he has done in his life, but because he's related to somebody famous. For example, nobody knows who "נון" is, but if you say, "I'd like you to meet נון, he's יהושע's father" then it becomes clear. Well, the two people who are coming out now are somewhat like that. They're a married couple who are best known as somebody's parents. Please, give a warm "Where Are They Now?" welcome to עמרם and יוכבד.

עמרם : Thank-you, thank-you very much.

יוכבד : We're certainly overjoyed to be here.

עמרם : Yeah, you know, we don't get a lot of attention, ourselves. It's always the kids that people want to talk to.

יוכבד : Don't get us wrong, we're very proud of our kids: **משה**, **אהרן** and **מרים**. It's just that whenever a reporter comes by the house or the phone rings, it's always for one of the kids.

עמרם : It's nice to get a little attention of our own, that's all we're saying.

יוכבד : You know, Moishe - Oh! Moishe! Just like my boy! He was the first one to have that name, you know. Anyway, it's no big universal secret that Jewish mothers are proud of their kids. My three could have turned out to be a butcher, a baker and a candle stick maker and that would have been fine with me. The fact that my **משה** spent 40 years talking with God, and my **אהרן** was the **כהן גדול** and my **מרים** - really a lovely girl, you know- a prophetess and a musician. I've been the envy of Jewish mothers everywhere. But, still, I try to be humble.

עמרם : Let me tell you something about raising kids. You got kids, Moishe?
Douglas: Uh, yes, I have kids.

עמרם : Let me tell you something about raising kids. It's all about discipline. You want your kids to turn out good? - You got to make sure they behave, do their homework on time, clean up after themselves. Take my boy **משה**, for example - do you think he would have been able to keep up with all the dictation from God and all the studying if he hadn't learned discipline in the home?

Douglas: Well surely **משה** left home when he was only 3 months old?!

עמרם : Even as a baby, a boy has to be taught - go to sleep on time, don't cry too much. But that's not even the point here. See, **משה** wasn't in our house much, it's true - but during his formative years he was under the tutelage of his brother **אהרן** - and **אהרן**, that was a son who learned well at his father's knee.

Douglas: Yes, why don't we talk about **אהרן** for a minute? Is it true that he was a pacifist, always trying to avoid a fight?

יוכבד : Oh, yes that's quite true. In fact, dear - do you mind if I tell them about THE fight that we had?

עמרם : Oh, why not?

יוכבד : Well, you all know about how I put משה in the little תיבה and put him in the river. But nobody knows about the quarrels עמרם and I had over doing that.

Douglas: I don't understand... עמרם - you're not mentioned anywhere in the story about the תיבה?

עמרם : That's right! Because I didn't want any part of it. I was opposed to the whole thing. It was daft, I tell you! Daft!

יוכבד : It's three thousand years later, and he still can't admit that he was wrong. Go ahead, tell them what you wanted to do.

עמרם : So, you all know the beginning of the story - משה was just a baby then. Of course, we didn't call him משה - that was the name that בת פרעה gave him.

Douglas: What did you call him?

יוכבד : We called him Yekutiel. Anyway, after פרעה's decree came out ordering all new born boys to be thrown into the river I knew what we had to do. We had to pass him off as an Egyptian baby in order to save his life. If the soldiers thought he was Egyptian, they wouldn't kill him. I wanted to sneak over to the Egyptian neighborhood late one night and leave him in their orphanage. Some nice Egyptian couple would adopt him and he would at least live a life of privilege.

עמרם : It would have been better to teach him how to swim! That way - when they threw him into the Nile he would have been OK - not like making him a cursed Egyptian.

Douglas: I'm not sure I understand - עמרם, why exactly were you against יוכבד's plan to save משה's life?

עמרם : Are you serious? Look, do I have to spell it out for you? We Jews are a holy nation! The descendants of prophets - אברהם, יצחק and יעקב aren't just names to us you know - these are people who walked with God, who talked with God. We have a holy mission in this world - to teach everybody that there is just one God and He cares about us and what we do here on earth. Now how can you take a holy Jewish baby and take all that away from him? And just let those Egyptians turn him into a polytheist - they believe the river is a god, the sun is a god, they probably believe a chocolate chip cookie is a god! It's criminal!

Douglas: What then was your plan to save משה?

יוכבד: He wanted to fight them.

Douglas: To fight them? To fight whom?

יוכבד : He wanted to fight the Egyptian soldiers.

Douglas: All of them?

עמרם : No, not all of them! Just the ones who came to the house. I'd seen too many Jews just give in to the Egyptians, practically give up their kids without a peep. Well, I stockpiled a whole lot of weapons - swords, knives, rocks, and I got my brothers **חברון** and **עזיאל** to help me too (**יצהר** was too sickly). Bring 'em on, I said - let them try to take my son - I'd show them a thing or two about Jewish pride.

יוכבד : Well, naturally, I couldn't allow this kind of thing. I had two other kids to think of also. And I knew that if **עמרם** succeeded in killing a few Egyptians, they'd just send others and then we'd really get it. We fought and fought over the matter. And then one night as we were arguing, little **אהרן**, all of three years old says "**אבא**, Mommy - I have an idea - why don't we compromise? I know a way that we can hide baby Yekutiel and still keep him from the Egyptians." See, he came up with the whole **תיבה** idea - little **אהרן** figured out how to save my son.

עמרם : Of course, the boy still ended up being raised an Egyptian - by the top Egyptian family, no less!

יוכבד : Oh, hush! He turned out alright - wouldn't you say? Naturally, our daughter **מרים** wanted to participate too, so we thought of a job for her to do. All in all, it was a real family experience.

עמרם : It was the scariest thing that ever happened to us, is what it was!

יוכבד : What about being chased by the Egyptian army?

עמרם : Yeah, that was scary too. But like I said before, it all boils down to discipline. I taught **אהרן** to think methodically and rationally, like that. In a way, you could say that the **תיבה** plan was kind of my idea...

יוכבד : Sure it was, dear... we'll let you have all the credit.

Douglas: Well, folks this certainly has been quite enlightening. But before we go, let's just open this up to the audience and see if there are any questions for our guests.