YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PESACH 5782**

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Dedicated in memory of HaRav HaGaon R. Chaim Heller *zt"l*,
whose *yahrzeit* falls on the 14th of Nissan,
by Vivian S. Singer.

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In memory of Pinhas ben Shalom (Paul) Cymbalista *z”l*, *niftar* 20 Nissan 5752.
Dedicated by his family.

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Dedicated in memory of Sidney Gontownik,
brother of Jerry Gontownik,
on the occasion of Sidney's upcoming twelfth *yahrzeit*,
on the 24th of Nissan. May his memory be for a blessing.
The Gontownik Family

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**In a Manner Expressive of Freedom: *Ma’aseh* (Action) and *Kiyyum* (Fulfillment) in the *Mitzvot* of Pesach**

**Rav Ezra Bick**

**Introduction**

This *shiur* will deal primarily with the *mitzvot* of the *seder* night, but first I wish to clarify two points.

First, generally speaking, a distinction must be made between a *halakha* and its reasons: The reasons for a mitzvamay be important and worthy (and many Jewish thinkers have dealt with them), but they are not necessary for the performance of the mitzva*.* One need not experience or remember the reasons for the mitzvain order to fulfill one's obligation.

As an illustration of this point, Rav Hai Gaon explains that the inner meaning of the mitzvaof blowing the shofar on Rosh Hashana relates to the story of the *Akeida*, but it is clear that a person fulfills the obligation even without contemplating the connection between the shofar and the ram that was sacrificed in place of Yitzchak. Why? Because the reasons for a mitzva, as important as they may be, are irrelevant on the "pure" halakhic plane.[[1]](#footnote-1)

Second, a distinction must be made between the "act [*ma'aseh*]of the mitzva*"* and the "fulfillment [*kiyyum*] of the mitzva" – that is to say, between the action performed in the framework of the mitzva and the content or goal of the mitzvaitself.

A good example of this distinction can be seen in the mitzva of circumcision: the mitzvaact is the cutting of the foreskin (over which one recites the blessing, "who has sanctified us with His commandments and commanded us about circumcision"), but there is an additional "fulfillment" of entering into the covenant of Avraham Avinu (over which one recites the blessing "to bring him into the covenant of the patriarch Avraham"). Admittedly, this distinction does not usually find practical expression; regarding most *mitzvot*,the act of the mitzvaand its fulfillment are identical. However, there are cases where this distinction has an effect, as we will see regarding the *mitzvot* of Pesach.

**The Reason for the Mitzva**

**“In a Manner Expressive of Freedom”: The Four Cups of Wine at the Seder**

The night of the *seder* is unique with regard to the distinction between a *halakha* and its reasons, as the halakhic requirements of the *seder* include conceptual aspects. While the tendency in most instances is to remove such matters from the definition of the mitzva and leave them exclusively on the conceptual level, on the night of the *seder*,we instead draw them in to the realm of halakhic obligation.

One of these conceptual elements is the goal of acting "in a manner expressive of freedom." This idea arises in several *mitzvot* of the night, including the eating of *matza* and the drinking of the four cups of wine. For example: In the time of *Chazal*,a distinction was made between "raw" wine, which had a strong taste, and "diluted" wine, which had water added in order to temper the flavor. The Gemara in *Pesachim* addresses whether raw wine may be used for the four cups that must be drunk at the *seder*:

If he drank them raw [undiluted], he has discharged [his duty]. Rava said: He has discharged [his duty] of wine, but he has not discharged [his duty] of [expressing his] freedom. (*Pesachim* 108b)

Raw wine is also wine, but it is not the wine of cultured people (in the time of *Chazal*).[[2]](#footnote-2) Thus, Rava argues that drinking such wine does not fulfill one’s obligation of drinking the four cups. Why? The Rambam[[3]](#footnote-3) emphasizes that there are two separate aspects of the mitzva: "four cups" and "a manner expressive of freedom"; with raw wine, one fulfills only the first aspect:

A person who drank these four cups from wine which was not mixed [with water] has fulfilled the obligation to drink four cups of wine, but has not fulfilled the obligation to do so in a manner expressive of freedom. (Rambam, *Hilkhot Chametz u-Matza* 7:9)

Following on the distinction between "four cups" and "freedom," the Griz, Rav Yitzchak Soloveitchik (in his novellae on the Rambam, *Hilkhot Chametz u-Matza* 7:7), explains that there are two different laws relating to the four cups: First, that the blessings recited on the night of the *seder* (*Kiddush*, the blessing of redemption, Grace after meals, and *Hallel*) must be recited over wine – just as *Kiddush* and *Havdala* are recited over wine every Shabbat. On the night of the *seder*,there are four blessings, and it therefore turns out that we drink four cups, one cup for each blessing. Second, that one drink "in a manner expressive of freedom" – i.e., a large amount of wine. This second aspect is unique to Pesach and does not necessitate specifically four cups; the main point is that one should drink a large amount of wine.

We see here a good application of the distinction between the "act of a mitzva" and the "fulfillment of a mitzva": Regarding the first aspect of the law of the "four cups," the act and the fulfillment are identical; both involve the drinking of wine. In contrast, regarding the second obligation – "in a manner expressive of freedom" – the act of the mitzva is the drinking, whereas the "fulfillment" is not the drinking itself, but the expression of freedom through *liberal* drinking. Since raw wine was not favored by free men in the time of *Chazal*, one who drinks raw wine discharges his duty of wine – with respect to the obligation to drink wine with each blessing – but does not discharge his duty of expressing his freedom.[[4]](#footnote-4)

**The Reasons for *Matza* and *Maror***

The idea that our obligations on the night of the *seder* go "beyond" the ordinary acts of a mitzva also arises in relation to the *mitzvot* of eating *matza* and *maror*: they must be not only imbibed but tasted. Once again, it is Rava who presents this idea:

Rava said: If one swallows *matza*, he discharges his duty; if he swallows *maror*, he does not discharge his duty. (*Pesachim* 115b)

Rashi and the Rashbam (ad loc, both s.v. *bala matza* and *bala maror*) disagree about the case of one who swallows *maror*, whether the text should read that he does *not* discharge his duty (as in our printed editions) or that he *does* discharge his duty. Thus, they disagree whether "it is impossible that he did not taste the taste of *maror*" (Rashi – and thus, he *has* discharged his duty) or whether "we need the taste of *maror*, and there is none" (Rashbam – and thus, he has *not* discharged his duty). Either way, they agree on the basic principle: In contrast to other *mitzvot* that involve eating, the mitzva of *maror* requires not only that one eat it, but also that he sense its bitter taste.

The Rashbam proposes a similar idea regarding the "taste of *matza*":

"If one swallows *matza*" – without chewing it, he discharges his duty, for he fulfilled "in the evening you shall eat unleavened bread," for it is eating. *Nevertheless, ideally we require the taste of matza.* (Rashbam, *Pesachim* 115b)

The Rashbam's source is in the Gemara in *Berakhot* (38b, in connection with the blessing recited over cooked vegetables), where it is stated that "we require the taste of *matza*" (and thus the *matza* may not be boiled); he proves from this statement that there is significance not only in eating the *matza*, but also in tasting it. Nevertheless, the Rashbam explicitly writes that tasting the *matza* is the optimal way of fulfilling the mitzva*,* but it is not indispensable.[[5]](#footnote-5)

The requirement of "the taste of *matza*" also arises in the context of the law that "one does not conclude after the Paschal [lamb] with an *afikoman*" (Mishna *Pesachim* 10:8). The Gemara there (120a) explains after a short discussion that the same law applies in our time: one may not eat any other food after eating the *matza* of "*afikoman*," which serves as a remembrance of the Paschal offering. Though there are others who adopted a different explanation, the *Ba'al ha-Ma'or* (*Pesachim* 26b in the pages of the Rif) argues[[6]](#footnote-6) that this law stems from the fact that there is a requirement of "the taste of *matza*" even with respect to the *matza* of *afikoman*.[[7]](#footnote-7)

To summarize: As with the four cups, so too with *matza* and *maror*, we find an extra requirement that goes beyond the "ordinary." Regarding the four cups, the requirement is to drink the wine "in a manner expressive of freedom," while regarding *matza* and *maror*, there is a special requirement that one sense the taste – in contrast to all other *mitzvot* that involve eating.

**Mentioning *Pesach*, *Matza* and *Maror***

Thus far, we have seen two instances on the *seder* night of a blurring between a mitzvaand its reasons. We now turn to the clearest example of this phenomenon, namely, the mention of "*pesach*, *matza*, and *maror*."

Rabban Gamliel used to say: Anyone who does not make mention of these three things on Passover does not discharge his duty. And these are they: The Paschal offering, *matza*, and *maror*. (Mishna *Pesachim* 10:5)

This law in itself is quite surprising. In a modern formulation, we might say as follows: If you did not offer a midrashic exposition, you have not discharged your duty.

Indeed, because of the exceptional nature of this duty, some *Rishonim* did not codify it. The Rambam did codify it, however, in the context of the obligation to retell the story of the exodus from Egypt:

Anyone who does not mention these three matters on the night of the fifteenth has not fulfilled his obligation. They are: the Paschal sacrifice, *matza*, and *maror*. (*Hilkhot Chametz u-Matza* 7:5)

The meaning of the phrase "does not discharge his duty" is unclear. The Ramban (*Milchamot Hashem*, *Berakhot* 2b) writes, on the one hand, that "he has not fulfilled his obligation in proper manner," but also emphasizes that this does not mean he has not fulfilled his obligation at all. As he puts it: "This does not mean that he must go back and eat again the Paschal offering, *matza*, and *maror*." In any case, it is clear that mentioning the Paschal offering, *matza*, and *maror* is part of the mitzva; even if we say this mention is not indispensable, it certainly involves a mitzva.

**The Mitzva of Relating the Story of the Exodus**

**Sharpening the Difficulty**

In all these examples, we see that on the night of the *seder*, the experiential aspects are part of the fulfillment of the mitzva: Regarding the wine, in addition to the requirement to drink it, the drinking must be done "in a manner expressive of freedom." Regarding the *maror* and *matza*, there is significance in their tastes – which are reminiscent, respectively, of the hard labor in Egypt and the redemption from it. And most of all, Rabban Gamliel rules that in order to fulfill one's obligation, one must also make a special statement of "the Paschal offering, *matza*, and *maror*."

The central point that ties all of these examples together is that without internalizing the content, without the experience, one does not fulfill his obligation on the night of the *seder*: With the wine and the *maror*, internalizing the content (by drinking the wine "in a manner expressive of freedom" and by sensing the bitter taste of the *maror*) is indispensable for fulfilling one's obligation, whereas with the *matza* and the recitation of the words of Rabban Gamliel, that internalization is required at least for the optimal fulfillment of the mitzva (even if it is not necessarily indispensable). Why?

**“A Man Must Present Himself”**

If we return to the Rambam in *Hilkhot Chametz u-Matza*, we see that the explanation for this is quite simple: the special requirement of internalizing the content, beyond the ordinary requirement of performing the "act of the mitzva," stems from the mitzva of relating the story of the exodus from Egypt.

Anyone who does not mention these three matters on the night of the fifteenth has not fulfilled his obligation. They are: the Paschal sacrifice, *matza*, and *maror*… These statements are all referred to as the Haggada. (*Hilkhot Chametz u-Matza* 7:5)

The mitzva of relating the story of the exodus does not only include speech; it also has a practical expression – acting "in a manner expressive of freedom" while drinking the four cups of wine and while reclining:

Therefore, when a person feasts on this night, he must eat and drink while he is reclining in the manner of free men… (*Hilkhot Chametz u-Matza* 7:7).

That is to say, drinking wine and reclining express the same "manner of freedom" that is obligated by the mitzvaof relating the story of the exodus – the Haggada. It also stands to reason that this is why special importance is attached to the experiences of the night, as expressed by "the taste of the *maror*" and "the taste of the *matza*" that we saw above.

The Rambam mentions another requirement in the framework of the mitzva of relating the story of the exodus:

In each and every generation, a person must present himself as if he, himself, has now left the slavery of Egypt…. (Rambam, *Hilkhot Chametz u-Matza* 7:6)

The question, of course, is: What does this requirement entail? The answer seems to be simple: The Rambam's ruling that "a person must present [*le-har'ot*] himself" indicates that the mitzvais not only to remember the exodus, but to live it. On this night, each person goes out from slavery to freedom.

In contrast to the Rambam's halakhic ruling that one must mention "the Paschal sacrifice, *matza*, and *maror*," the text of the Rambam's Haggada includes an addition at the beginning of this statement, following the Mishna in *Pesachim* (10:5):

Rabban Gamliel said: Anyone who does not mention these three matters on Pesach has not fulfilled his obligation: the Paschal sacrifice, *matza*, and *maror*. (Rambam, *Hilkhot Chametz u-Matza*, text of the Haggada)

In the Haggada, we cite not only the *halakh*a that one must mention "the Paschal sacrifice, *matza*, and *maror*," but also the introduction to it, namely, the words: "Rabban Gamliel used to say." Why?

The reason is that the mitzvais to live the exodus from Egypt. On this night, the Jew goes out from slavery to freedom. The mitzvato relate the story of the exodus goes beyond knowledge of the dry history, and includes a renewed experience of the exodus. This experience is not created through the reading of history books, but by way of a story: "Ask your father, and he will declare to you; your elders, and they will tell you" (*Devarim* 32:7). A person must know from where he comes and to where he is going. It is therefore important to emphasize that Rabban Gamliel said this: We act by virtue of the earlier generations and continue them. This is the central idea of the night of the *seder*.

**The Renewed Experience on the Night of the *Seder***

**“A Remembrance of the Exodus from Egypt”**

Now we can understand the difference between the telling of the story of the exodus from Egypt on Pesach, on the one hand, and on the other hand – the mitzva of remembering the exodus from Egypt every day, and in general, the rest of the *mitzvot* that serve as "a remembrance of the exodus from Egypt. Unlike the latter category, the night of the *seder* is not exclusively about remembrance.

Throughout the year, there is an obligation to remember our history – as on the festival of Sukkot, which mentions the exodus from Egypt: "That your generations may know that I made the children of Israel dwell in booths, when I brought them out of the land of Egypt" (*Vayikra* 23:43).[[8]](#footnote-8) But regarding the mitzvaof the Haggada and relating the story, we are not only remembering history; we are also engaged in a renewed experience of the exodus from the slavery of Egypt, as the Rambam rules: "In each and every generation, a person must *present himself* as if he, himself, has *now* left the slavery of Egypt" (Rambam, *Hilkhot Chametz u-Matza* 7:6). That is to say, we are dealing with an internalization of the exodus from Egypt – *now*.

This is the "fulfillment" of all the various reasons for *mitzvot* that we saw: the four cups, the taste of *maror*, the taste of *matza*, the Haggada – these are all "fulfillments" of the obligation to retell the story of the exodus from Egypt. The speech and the actions are meant to cause us to internalize the idea that the exodus is not something that happened a long time ago, but something that is happening right now: *We*were there, and therefore *our*lives were embittered, *we*were redeemed, and thus *we*went out to freedom.

Therefore, the various acts of eating are accompanied by taste: One should really feel that "they embittered their lives" (*Shemot* 1:14), which in essence are our lives. This is true also of the experience of redemption that occurs when we eat the *matza* and taste it. Of course, for the same reason, there is a special requirement of mentioning "the Paschal sacrifice, *matza*, and *maror*" – as part of the retelling of the story of the Haggada.[[9]](#footnote-9)

**The Redemption that Takes Place Every Year**

Understanding what happened in the exodus from Egypt is only the beginning, because slavery and freedom are experiences that everyone has all the time. Jean-Jacques Rousseau argued that "man is born free but everywhere is in chains" (*The Social Contract*, Book I , Chapter One), and thus he ignited the modern freedom movement that assumes that man is fundamentally born free and yet is shackled. Judaism, however, says the opposite: We were created enslaved, and only with a mighty hand and outstretched arm did God break the iron rods and redeem us from Egypt. In other words, a Jew's natural condition is slavery; were it not for God, the Torah, and miracles, he would not be free – and therefore, he needs to be newly liberated every year.

This is the uniqueness of Pesach as compared to the other festivals: Every year before Pesach, each and every one of us is a slave, just as our ancestors were slaves, and on the festival he is liberated anew, just as they were liberated. One must strongly internalize that we really came out of Egypt, and thus re-experience the redemption every year.

The renewed liberation begins with the statement that had we not been redeemed, we would still be slaves in Egypt; it intensifies with the eating of the *maror*, which has the taste of the bitterness of Egypt, and with the eating of the *matza*, which has the taste of God's redemption. A Jew eats both the bitterness of Egypt and the redemption so that the experience should be real, so that he will be truly free. The requirement that "the taste of the *matza* and the Paschal sacrifice be in his mouth" (*Tosafot*, *Pesachim* 120a, s.v. *maftirin*) stems from the fact that the desired fulfillment is not merely eating and chewing, but being free. This is achieved through the taste and through leaving it in one's mouth even after the meal.

Rabbi Yosef Soloveitchik used to say that the Haggada includes a retelling of the story of the exodus from Egypt by way of speech, and here, in the words of Rabban Gamliel, begins the retelling of the story of the exodus by way of actions. This is the additional and deeper level that we experience on the night of the *seder*, and this is the special nature of the experience of the Haggada of Pesach – to be redeemed every year anew.

(Translated by David Strauss)

1. In the same way, even in the (exceptional) cases where the Rambam brings a reason for a mitzva, he emphasizes the distinction between the mitzvaitself and the reason, which he calls an "allusion": "Even though the sounding of the *shofar* on Rosh Hashana is a decree, it contains an allusion. It is as if [the shofar's call] is saying: Wake up you sleepy ones from your sleep…" (*Hilkhot Teshuva* 3:4). [↑](#footnote-ref-1)
2. The reality today is different, and it is not clear that this detail of the *halakha* applies in our time. [↑](#footnote-ref-2)
3. The Rashbam (*Pesachim* 108b, s.v. *yedei cheirut*) similarly wrote that "this is not a complete mitzva," but he did not explain what he meant. [↑](#footnote-ref-3)
4. Thus we can understand the next line of the Gemara there: "If he drank them [all] at once, Rav said: He has discharged [his duty of drinking] wine, but he has not discharged [his duty of] four cups." [↑](#footnote-ref-4)
5. To explain this using the terminology of Brisk, it may be argued that the Rashbam maintains there must be a taste of *matza* in the object [*cheftza*], but there is no obligation falling upon the person [*gavra*] that he actually taste it (though it is preferable). [↑](#footnote-ref-5)
6. The Gemara states that the prohibition to eat something else after eating the *matza* is self-evident, and therefore it is not mentioned in the Mishna. It explains there that one may not eat after the *matza* of *afikoman* because "its taste is not strong." This argument, which is formulated in the negative, was adopted by the *Ba'al ha-Ma'or* in the positive. [↑](#footnote-ref-6)
7. There is a great controversy among the *Acharonim* regarding this *halakha*: In order to allow people to continue the meal even after midnight and still fulfill their obligation according to all opinions (regarding the latest time one can eat the *afikoman*), the *Avnei Nezer* proposed eating the *afikoman* before midnight, continuing the meal after midnight, and then eating an additional *afikoman* – with the stipulation that if the end of the time for eating the *afikoman* ends at midnight, he will fulfill his obligation with the first *afikoman*, and if it ends at dawn, he will fulfill it with the second *afikioman*. Rav Chayyim of Brisk maintained that this does not help, because in his opinion the taste of the matza must stay in his mouth until the morning, while according to this proposal, the taste of the first *afikoman* will certainly stay in his mouth only until midnight. [↑](#footnote-ref-7)
8. Admittedly, the *Bach* (OC 625:1) maintains that regarding the mitzvaof *sukka* as well, remembering the reason for the mitzva is part of its fulfillment – but his opinion has not been accepted. [↑](#footnote-ref-8)
9. For example, according to the Maharal, the Paschal offering expresses the selection of Israel. [↑](#footnote-ref-9)