

Feeling Freedom

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The four cups of wine that adorn our seder table each year represent a key element in our Pesach experience: freedom. Both men and women are required to drink the four cups, the daled kosot, which are patterned after the four descriptions of redemption at the beginning of Parshat Vaera:

6. Therefore say to the people of Israel, I am the Lord, and I will bring you out from under the burdens of the Egyptians, and I will rid you from their slavery, and I will redeem you with a outstretched arm, and with great judgments; 7. And I will take you to me for a people, and I will be to you a God; and you shall know that I am the Lord your God, who brings you out from under the burdens of the Egyptians.

Shemot 6:6-7

(ו) לכן אמר לבני ישראל אני ה'
והוצאתי אתכם מתחת סבלת מצרים
והצלתי אתכם מעבדתם וגאלתי אתכם
בזרוע נטויה ובשפטים גדלים: (ז)
ולקחתי אתכם לי לעם והייתי לכם
לאלהים וידעתם כי אני יקוק אלהיכם
המוציא אתכם מתחת סבלות מצרים:
שמות ו:ו-ז

These four appellations describe the four stages of our redemption from Egypt that we re-experience each year on the eve of the exodus, the night of the 15th of Nissan. Let us explore the nature of this mitzvah to drink four cups of wine, and understand its role in experiencing freedom at the Seder.

An interesting question is raised by Tosafot regarding the four cups:

From the language it seems somewhat that one doesn't give to his children and members of his household, but only to himself and he discharges their obligation with his, and this is logical, because why should the four cups be any different from kiddush of the entire year, when one discharges the obligation of others... Yet, from the Talmud it seems that each one requires four cups, as it states, 'everyone is obligated in four cups, both women and children, R' Yehuda commented, "what purpose is there for children to have wine?"' Seemingly, the Tanna Kamma requires cups even for the children. Yet one could deflect this proof [and explain] that it means that [the children] are obligated to hear the blessings on the four cups due to the requirement for Chinuch... And it seems that we should be strict and require four cups for each one.

Tosafot Pesachim 99b s.v. Lo Yifchtu Lo MeArba

מתוך הלשון משמע קצת שאין נותנין לבניו ולבני ביתו כי אם לעצמו והוא מוציא את כולם בשלו וסברא הוא דמאי שנא ארבע כוסות מקידוש דכל השנה שאחד מוציא את כולם... ומיהו בגמרא משמע שצריך כל אחד ארבע כוסות דקתני (שם) הכל חייבין בארבע כוסות אחד נשים ואחד תינוקות אמר רבי יהודה מה תועלת לתינוקות ביין משמע דלתנא קמא צריך כוס אף לתינוקות ויש לדחות דחייבין לשמוע ברכת ארבע כוסות קאמר ומשום חינוך... ונראה להחמיר ולהצריך ארבע כוסות לכל אחד
תוספות פסחים צט: ד"ה לא יפחתו

Tosafot wonders whether each person present at the table must drink their own four cups of wine. Perhaps it is sufficient to have one member of the Seder drink the cups at the appropriate junctures in the Haggadah and discharge the obligation of all those present at the table, as is our practice at kiddush every Shabbat, when one person recites kiddush for all the rest present. According to this view, the rest of the participants in the Seder would not be required to drink at all, just as those who listen to kiddush on Shabbat are not obligated to drink from the kiddush cup. Tosafot concludes that one should be stringent and require each person at the table to drink his or her own four cups of wine.

Upon reflection, the source of Tosafot's dilemma is unclear. What unresolved issue would determine whether each person must drink their own cups, and why did Tosafot rule that we must do so? Perhaps an exploration of the Rambam's opinion regarding the four cups can shed light on this question within Tosafot. Regarding the four cups, the Rambam codifies a unique law:

If he drank these four cups from wine that was not diluted, he fulfilled the obligation of four cups, but did not fulfill the obligation of freedom; if he drank four cups of diluted wine at one time, he fulfilled the obligation of freedom, but did not fulfill the obligation of four cups.

Rambam Hilchot Chametz Umatzah 7:9

שתה ארבעה כוסות אלו מיין שאינו
מזוג יצא ידי ארבעה כוסות ולא יצא
ידי הירות, שתה ארבעה כוסות מזוגין
בבת אחת יצא ידי הירות ולא יצא ידי
ארבעה כוסות
רמב"ם הלכות חמץ ומצה ז:ט

Rabbi Yitzchak Zev Halevi Soloveitchik (1886-1959), known as the Brisker Rav, notes that this passage is highly unusual. The Talmud teaches that if one drank the four cups in immediate succession one does not fulfill the Mitzvah, yet the Rambam indicates that in such a case the individual would, in fact, have fulfilled the Mitzvah on some level- a fulfillment of "freedom". Similarly, if one drank four cups in their proper order, but the wine was undiluted and unfit for use, according to the Rambam, one would still have fulfilled the Mitzvah on some level- a fulfillment of "four cups". The Brisker Rav demonstrates that according to the Rambam, there are two distinct aspects of the mitzvah of daled kosot: cheirut (freedom) and the order of four cups according to the Haggadah. The first aspect is reflected by drinking fine wine which demonstrates freedom, while the second simply requires that four berachot be arranged and recites according to four cups of wine in the haggadah. Each of these elements has its own distinct role in the mitzvah of daled kosot; hence, the Rambam suggests that one can fulfill one part of the mitzvah without the other.

Perhaps Tosafot concurs with the Rambam's analysis and understands that there are two aspects to the mitzvah, the drinking, which displays freedom, and the arrangement of the cups, the fulfillment of four cups. However, Tosafot is unsure as to which of these elements represents the basic, fundamental character of the mitzvah. This question may determine whether each person must drink the four cups or one could fulfill the mitzvah via the leader of the seder drinking the wine, as we will explore.¹⁶

¹⁶ The Brisker Rav does not follow this approach and assumes that the Rambam and Tosafot disagree. However, this analysis of Tosafot is based on a lecture by Rabbi Zalman Nechemia Goldberg, shlit"a, written and published by Rabbi Aryeh Korn in *Or Hamoadim*, pp.69-78.

The second aspect of daled kosot, the arrangement of the four berachot on four cups, is a recitation, similar to kiddush, in which listeners can fulfill their obligation simply by hearing the kiddush. This principle of equating listening to reciting is known as shomeah k'oneh, and it has drawn extensive attention in halachic literature. However, this notion is limited to a recitation but would not apply to an action, like drinking the wine, the first aspect of daled kosot. Enabling one to fulfill an action, a maaseh mitzvah, via someone else invokes a different principle, the rule of shlichut- agency- which allows someone else to act on my behalf and discharge my obligation.

Rabbi Aryeh Leib Hakohen Heller (1745-1813), in the Ketzot Hachoshen, his classic commentary on the Shulchan Aruch (Choshen Mishpat 182:1), defines the parameters of this key halachic concept based on the words of the Tosafot Rid (R' Yeshaya D'Trani, 12th-13th c.):

There are those who ask, if so, then for all mitzvot, agency should work and a person could say to his friend, sit in the succah for me, put on tefillin for me. And it is not so, for any mitzvah that the Torah requires one to do with his body, how can he fulfill this via an agent and [the sender] will do nothing?

Tosafot Rid, Kiddushin 42b

יש מקשים א"כ לכל דבר מצוה יועיל השליח
 ויאמר אדם לחבירו שב בסוכה בעבורי הנח
 תפילין בעבורי. ולא מילתא היא שהמצוה
 שחייבו המקום לעשות בגופו האיך יפטר הוא
 על ידי שלוחו והוא לא יעשה כלום.
תוספות רי"ד קידושין מב:

The Ketzot Hachoshen explains that any mitzvah whose fulfillment is in one's body would not be subject to the laws of shlichut, because shlichut does not transform the agent into the person of the sender. Only for those mitzvot that require an action can we invoke Shlichut because the action itself can be attributed to the sender. For example, one could have an agent put tefillin on his arm, as the action of putting on tefillin can be delegated to an agent. However, one could not fulfill the mitzvah of tefillin by putting tefillin on the arm of a shaliach because shlichut cannot relate to the body of the sender.

The aspect of daled kosot which requires drinking the wine to express freedom is clearly not subject to the principle of shlichut. A sense of emancipation demonstrated by enjoying a beverage cannot be transferred as it is a personal experience, not a detached action. Tosafot wonders whether the core of daled kosot is the recital of berachot that would be subject to fulfillment by listening, and the actual drinking is an ancillary aspect, or is the drinking, the experience of freedom, the key element, which could not transfer. Tosafot concludes that the basic character of the mitzvah of the four cups is the experience of freedom, and hence, each person must drink his or her own four cups.

This notion of freedom as the key to the mitzvah of the daled kosot is a central motif in the entire seder experience. In the Haggadah, we note that each year we are obligated to see ourselves as if we were freed from Egypt. The Rambam adds that we must not only experience but also demonstrate this freedom of the Exodus:

In every generation a person is obligated to show himself as if he himself left right now from the servitude in Egypt,

בכל דור ודור חייב אדם להראות את עצמו
 כאילו הוא בעצמו יצא עתה משעבוד מצרים

as it says in the Torah, "and He took us out from there"
Rambam Chametz U Matzah 7:6

שנאמר ואותנו הוציא משם וגו'
רמב"ם הלכות חמץ ומצה ז:ו

This, the Rambam adds, is the source for our custom to lean while eating and drinking at the Seder:

Therefore, when a person feasts on this night, one must eat and drink and recline in the manner of freedom.
Rambam Chametz U Matzah 7:7

לפיכך כשסועד אדם בלילה הזה צריך
לאכול ולשתות והוא מיסב דרך חירות
רמב"ם הלכות חמץ ומצה ז:ז

The mishna in Pirkei Avot adds a fascinating insight into the notion of freedom.

"Engraved on the tablets." Do not read it engraved, rather, emancipated as there is no free person other than one who studies Torah.
Avot 6:2

חרות על הלוחות אל תקרא חרות אלא חירות
שאינן לך בן חורין אלא מי שעוסק בתלמוד תורה
משנה אבות ו:ב

On the surface, this mishna is difficult to comprehend. What does emancipation have to do with the study of Torah? How does this verse demonstrate the principle that the mishna taught? Rabbi Aharon Soloveitchik (1917-2001) describes the Jewish notion of freedom in his book, *Logic of the Heart, Logic of the Mind* (pp.138-139):

The common understanding of freedom translates into the Hebrew term *cheirus haguf*, freedom of the body. The Torah, however, teaches and demands a higher level of liberty, namely, *cheirus hanefesh*, freedom of the soul. One who has attained *cheirus haguf*, although no longer subject to the will of others, is still enslaved by passions, whims and desires. On a physical level, one is only as free as one's addictions allow; is such a person truly liberated? The Torah, on the other hand, in cultivating *cheirus hanefesh*, commands discipline and self-control on a physical and intellectual level, which paradoxically nourishes freedom of the soul.

This teaches that one who drifts in the winds of societal fads is not truly emancipated. He is a slave to the trends and attitudes that surround him. In contrast, one who is connected to his inner soul is truly free.

The notion that freedom of the soul is true freedom can be understood with an idea of Rabbi Avraham Yitzchak Hakohen Kook (1865-1935). He observed that true freedom is the ability to connect to and experience one's self. A slave lacks freedom because he is inhibited from pursuing his personal calling, his unique destiny. In this light, emancipation is not a physical concept; it is a mindset. While in Egypt, the Jews were enslaved not only because of their physical labor, but in the way that they were not able to connect to themselves, to their heritage and their essence. The Egyptian exile shackled the Jewish people spiritually and they were unable to pursue their destiny. They were so broken, that when Moshe arrived to announce the impending redemption, they were unable to even listen to him.

When Hashem emancipated the Jews, He immediately brought them to Har Sinai to accept the Torah, at which time they achieved true freedom. They were able to live with the fullest freedom of the soul because their lives were connected to Torah, to Hashem, to their true selves. Each person has a divine spark that is the source of our spiritual freedom, and the Torah is the key to connect with that freedom.

Now we can better understand the mishna's description of freedom and engraving. Engraving is different from other forms of writing, in that the standard means of writing involves placing ink on paper. This bond of ink and paper is a close one, but the two substances do not form one organic whole. In contrast, letters which are engraved in stone are part and parcel of the material. The mishna indicates that our relationship to Torah is not a connection between two foreign substances like ink and parchment. Rather, it is similar to engraving, as every Jew is inherently connected to Torah. This is the source of our freedom, as one who studies Torah achieves freedom of the soul through his connection to his inner self, to his true identity and destiny.

At the Seder night, when we express our emancipation through drinking four cups of wine and other expressions of freedom, we are really celebrating freedom of the soul. We are toasting to the gift of our freedom, and to the hope that our people will soon fulfill the purpose of leaving Egypt, acceptance of the Torah. This gives us the greatest freedom, freedom of the soul.