HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

160 - WINE AND SEDER NIGHT

PART 1 - ELIYAHU AND THE QUEST FOR THE 5TH CUP

OU ISRAEL CENTER - WINTER 2020

The association of wine with Seder night is deep and resonant. Although the Torah links Pesach, Matza and Maror with the narrating of the Haggada, wine became intrinsically connected with the Seder from the time of the Second Temple, and perhaps before. A number of fascinating halachic questions are connected with wine at the Seder, including:

- What is the nature of the 5th cup and why is it connected with Eliyahu?
- What is the hashkafic purpose and function of drinking wine at the Seder?
- Is it permitted to use grape juice at the Seder?
- Is there a preference for red or white wine?
- What is the hashkafic connection of wine and blood?
- Can one say hatov vehametiv at the Seder?
- What should people do if wine makes them sick?

A] 4 OR 5 CUPS?

- The Torah does NOT mention the drinking of wine on Seder night. This mitzva first appears in the Mishna.

A1] 4 CUPS - ORIGINS AND MEANING

The Mishna requires every Jew to drink 4 cups of wine on Seder night. This includes even the poorest people, who are supported by the soup-kitchen!

The Talmud Yerushalmi gives 4 reasons why there are 4 cups of wine at the Seder:
(i) Corresponding to the 4 expressions of redemption in Shemot.
(ii) Corresponding to the 4 cups placed into the hand of Paro in Bereishit.
(iii) Corresponding to the 4 kingdoms to which the Jews were exiled - Bavel, Persia, Greece and Rome.
(iv) Corresponding to the 4 cups of punishment for the enemies of Yisrael and the 4 cups of consolation for Yisrael.

- For many of the ‘Fours’ at the Seder, there is a hidden Fifth! This clearly applies to the first reason given.¹

¹ Some later mefarshim also refer to a 5th exile/redemption, either including Egypt at the beginning of the list or Gog & Magog/Mashiach at the end.

To download more source sheets and audio shiurim visit www.rabbimanning.com
Here, the four expressions of redemption are followed by a fifth dealing with bringing the people to Eretz Yisrael.

The four verses that we expound during Magid at the Seder are ALSO followed by a parallel fifth verse, which records how God gave us Eretz Yisrael. This last verse does not however figure in the Haggada.

Each of the 4 cups connects to a mitzva at the Seder. We make kiddush on the first and recite the Haggada on the second. The third is for bircat hamazon and the fourth seems to have two recitations connected with it - Hallel and Bircat Hashir.

The Gemara clarifies that Bircat Hashir is either lukkvh (ending with הָלָלִין), or הָלָלִין הָגָדֹל (ending with הָלָלִין הָגָדֹל). Our minhag is to do both (but ending with only one beracha - see below). The Gemara then brings another opinion - of R. Tarfon - that the fourth cup has yet another recitation connected with it - Hallel HaGadol.

A2] AN ALTERNATIVE TEXT - ENTER THE 5TH CUP!

• The first hint of a problem in our printed Talmud is the insistence by Rashi and Tosafot that the text should read 4 and NOT 5 cups!

Rashi points out that the correct girsa is ‘fourth’ but does not say what the incorrect one is!

Tosafot identify that there is an alternative girsa which reads ‘fifth’, and rejects this on the basis that there should be a prohibition to drink wine after the regulatory four cups so as not to lose the taste of the Akifkoman.

In fact, most of the Geonim had a different text in the Talmud for the opinion of R. Tarfon. According to them, Hallel HaGadol was said on a FIFTH cup! This is also the text used by the Rif and Rabbeinu Chananel (11C N. Africa).
In fact, the print of Rabbeinu Chananel in our Gemara shows that the original text read ‘fifth’, and was corrected in the printed version to read ‘fourth’ on the assumption that ‘fifth’ must have been a copying error!

• The standard text of ‘fourth cup’ - in Rashi, Rashbam and Tosafot - became the ‘accepted’ version in the Ashkenazi community.

The Gemara rules that one can drink extra wine between the first and second cups, but not between the third and fourth.

There is a down-side to drinking extra wine, which is the concern of ‘mosif al hakosot’ - adding to the cups. Here the Rosh discusses what to do if one drank the cups without leaning. On the one hand, maybe one should drink again to fulfil the requirement of leaning. On the other hand, this could appear to be adding to the 4 cups, so maybe one should rely on the position of the Ravya that leaning is not required today.

Other Rishonim bring the reason of the Yerushalmi - in case one became drunk from the extra wine! This could interfere with the mitzva to say Hallel and even the ongoing mitzva through the night to discuss Yetziat Mitzrayim.

A3] IS THE 5TH CUP AN OPTION OR A MITZVA?

The Rosh quotes both textual versions - fourth and fifth cup. He rejects the suggestion that the fifth cup is optional on the basis of the wording in the Gemara, and concludes that those who quote the ‘fifth cup’ understand it to be obligatory. Nevertheless, he rules that the Ashkenazi minhag is to have 4 cups only. He also quotes (and rejects) a suggestion that the fifth cup could be an option for those who are still thirsty for more wine at the end of the Seder!

The Ravad actually had a variant text in the Yerushalmi that R. Tarfon would pour the fifth cup specifically for the fifth expression of geula - veheveiti - on the return to Eretz Yisrael!

And in his comments on the Ba’al Hameor, the Ravad defends the practice of the fifth cup - specifically relating it to the fifth expression of ‘veheveiti’. He strongly promotes the minhag and understands that it would be acceptable, even according to the Mishna itself, which simply states not to have LESS than four cups.
The Ran (14C Spain) learns that the proper approach is to have the fifth cup, at least as an option, and possibly as a mitzva in its ideal form. Interestingly, he also seeks to read this into the wording of the Rambam!

- Rav Menachem Kasher\(^4\) raises the possibility that this machloket of 4 or 5 cups could have been a dispute between the two major Yeshivot in Bavel - Sura and Pumpedita, although he rejects this and proposes that BOTH Yeshivot used 5 cups\(^5\).
- Other commentators suggest that all Sedarim in Eretz Yisrael during Temple times may have used 5 cups, based on the 5th expression of redemption. But after the Churban, as the reality of exile sunk in, the 5th cup was dropped by some, but kept by others.

A4] THE RAMBAM RULES - POUR A 5TH CUP BUT DON'T DRINK IT

The Rambam appears to rule a compromise position. Four cups are poured and drunk. A fifth cup should be poured (although is not obligatory like the other four), but is not drunk under any circumstances.

A5] A FURTHER COMPLICATION - HALLEL HAGADOL OR NISHMAT AND HOW MANY BERACHOT?

The Beit Yosef explains that, even though many of the Sefardi Rishonim DO mention the fifth cup, the minhag in Spain in his time was NOT to have this, since their text of the Talmud clearly referred to four only. Furthermore, even amongst those who made reference to a fifth cup, most did not see it as a mitzva, only an option.

4. In a lengthy essay appended to his Haggada, called “The Fifth Cup”.
5. This is difficult in light of the discussion in the Bavli about the dangers of ‘zugot’ - drinking an even number of cups.

To download more source sheets and audio shiurim visit www.rabbimanning.com
• The mefarshim debate whether one should end the Hallel (i) with the beracha ‘... melech mehulal betishbachot’ which is the normal ending for regular Hallel or (ii) with the beracha ‘... habocher beshirei zimra, melech E-l chei ha’olamim’, which is the normal ending for Nishmat/Yishtabach; or (iii) with two berachot.

• The normal Ashkenazi minhad is to say: Hallel, Yehalelucha (without a beracha), Hallel HaGadol (Teh. 136), Nishmat, Yishtabach, and end with the beracha ‘melech E-l chei ha’olamim’

• The normal Sefardi (and nusach Sefard) minhad is to say: Hallel, Hallel HaGadol (Teh. 136), Nishmat, Yishtabach (without a beracha at the end), Yehalelucha, and end with the beracha ‘melech mehulal betishbachot’.

• Clearly, if there were to be a 5th cup, this would enable a beracha to be made on each cup!

A6] THE SHULCHAN ARUCH

In the Shulchan Aruch, the Mechaber makes no mention of a 5th cup! The Rema rules that a fifth cup may be added and drunk by those that need it. If so, the Haggada is slightly adjusted so that Hallel HaGadol is said on this. There is NO suggestion in the Shulchan Aruch however that the 5th cup is a mitzva.

Most Acharonim rule that we do NOT drink a fifth cup - here from the Maharash (16C Poland).

• Rav Menachem Kasher (see also below) expresses great surprise that the position of so many Rishonim who either allow or mandate a 5th Cup could have been omitted from the Shulchan Aruch. Why would he simply follow the position of the Rashbam (and other Ashkenazi Rishonim), ignoring the dominant positions of the Rif, Rambam and Rosh!!

• Some suggest that the poskim did not want to burden the community to provide the poor with so much extra wine (5 cups on two nights of Seder), although the question on the Shulchan Aruch remains strong.

B] ELIYAHU AT THE SEDER

• The Cup of Eliyahu - now universally present at Ashkenazi and Sefardi (but not Yemenite) Sedarim - is NOT mentioned in the Gemara or mainstream Rishonim. Its earliest mention is in the writings of Rabbi Zelikman Binga, the son-in-law and student of the Maharil.

In his commentary to Pesachim he reports witnessing individuals pour a cup of wine at the Seder and refer to it as Eliyahu’s Cup. He concludes that the practice is related to our hope that Eliyahu will come to herald the arrival of Mashiach.

The Rema records the minhag to open the door and say ‘shefoch chamatcha’. with the confidence that we will merit the coming of Mashiach.

The Mishna Berura records here the minhag to pour a cup for Eliyahu as a hint to our confidence that Eliyahu will comea to herald Mashiach and the ultimate redemption.

6. Based on a machloket as to whether the halacha follows Rabbi Yehuda or Rabbi Yochanan as to the identity of Bircat Hashir, and a further machloket as to whether R. Yochanan requires both Nishmat and Yehalelucha or only Nishmat.

7. Either both berachot (Rashi) or a repeat of melech mehulal betishbachot (Rashbam).

8. Following the Levush and the Taz.

9. See Eliyahu HaNavi at the Seder, Rabbi Dr. Ari Zivotofsky. Available at https://outorah.org/p/33319/

10. 15C Germany. He was the author of the Minhagei Maharil Binga, the son-in-law and student of the Maharil (R. Yaakov Meolin) and son of the R. Menachem Tzion (Sefer Tziyoni).

11. Sec. 11; 5745 ed., p. 195

12. In the name of the R. Yisrael Brunna, 15C Germany, who was the first to record this minhag.

13. In fact the minhag of opening the door before Hallel may have ancient roots. The eating of the Korban Pesach had to be in one room and people were not allowed to leave. After it was finished, the doors were opened so that people could go up to their roofs to sing Hallel. Our door-opening ceremony may be a vestigial remain of this ancient practice. See also Josephus Antiquities of the Jews 18:2:2 where her writes: “As the Jews were celebrating the feast of unleavened bread, which we call the Passover, it was customary for the priests to open the temple-gates just after midnight.” Midnight was of course the end of the time (at least according to R. Eliezer) for eating the Korban Pesach.

To download more source sheets and audio shiurim visit www.rabbimanning.com
The link with the 5th cup - and the fifth expression of redemption (veheiveti) is clear. The 5th cup represents that hope for ultimate redemption, and thus morphed into the cup of Eliyahu.

Others bring in the name of the Vilna Gaon that the cup is called that of Eliyahu since he (as the Tishbi) will be able to resolve the machloket as to whether there should be four or five cups!

Eliyahu accused the Jewish people of breaking the brit with God.

Chazal understand that this statement by Eliyahu was unduly critical. As a consequence, God decreed that Eliyahu should present at every mila.

• It is not certain when the connection with Seder was made, but the link is obvious. The korban Pesach is dependant on mila and the blood of each is closely linked.

R. Moshe Hagiz (18C Eretz Yisrael) makes the connection very clearly - Eliyahu must be 'present' at every brit mila and every Seder to give testimony on behalf of the Jewish people of their commitment to the brit with God. But how 'present' is 'present'?!
The Aruch Hashulchan records a minhag to get up from the table when the door is opened and to say ‘Baruch Haba’ to Eliyahu. This is strengthens our confidence in the coming redemption!

• The Nodeh B’Yehudah used to “escort” Eliyahu down the steps of his house after the Seder, and the custom among Belz Chassidim is to accompany Eliyahu until the nearest shul.15

• The Lubavitcher Rebbe wrote that Eliyahu becomes one of those seated at the Seder table.16

• R. Sholom Dov Ber Schneersohn (the fifth Lubavitcher Rebbe) would add additional wine to the cup before pouring wine from Eliyahu’s Cup back into the bottle, since he was concerned that the wine in the cup was pagum i.e., the cup had been drunk from, invalidating the wine.17

C] DOES ANYONE DRINK 5 CUPS?

Following the Rambam18, many Yemenites drink five cups at the Seder.

The custom among several Chassidic groups, including Kotzk, Shochachov and Izbitz, is to drink five cups.

The Radzyner Haggada states that some drink a fifth cup, based on the position of the Maharal (but see below). The Radzyner minhag is to drink the fourth cup after Hallel and a fifth cup after “B’chatzi Halaylah.”

C1] THE CURIOUS CASE OF THE MAHARAL’S HAGGADA19

• A number of 20th century sources quote from the Maharal’s Haggada - Divrei Nagidim.

• It was published in manuscript in Warsaw in the early 20C, following discovery in an obscure French library - the Royal Library in Metz.

• The manuscript was apparently compiled by the son-in-law of the Maharal, R. Yitzchak Katz of Nikolzburg, based on material taught by the Maharal.

• It included the revelation that the Maharal drank a 5th cup at the Seder! This caused great excitement and led others to institute this practice, following the Maharal.

• The manuscript was found by R. Yehoshua Yudel Rosenberg of Warsaw. Born in 1859 in Poland, he served as a Rav and Dayan in Lublin and Warsaw. In 1902 he wrote an important and complex work on tractate Nedarim.

• In 1905 he published the Maharal Haggada based on the R. Katz manuscript.

• In 1909 R. Rosenberg published another book based on R. Katz’s long-lost manuscripts from Metz, this time about the Maharal’s creation of a ‘Golem’.

• In 1913 R. Rosenberg published another work - ‘The High Priest’s Choshen Mishpat’. This was apparently based on an autographed copy of a manuscript written by R. Manoach Hendel, a well-known student of the Maharal who died in 1612. Included in the manuscript was a story that R. Hendel said he had heard from the Maharal himself, about his involvement in the recovery of the twelve precious stones which had been a part of the Choshen Mishpat. Evidently the twelve precious jewels of the Choshen Mishpat had somehow made their way to England, where they were kept at the ‘Belmore Street Museum’ in London. In the year 1590, the Maharal discovered they had been stolen and went to London to locate them so that they could be returned to the museum for safekeeping. Once in London he pretended to be an antique collector, and in that guise met someone called Captain Wilson, who, as it turned out, was the thief who had stolen the Jewels. The Maharal offered to buy the stones from Wilson and they agreed on a price. They also agreed that the actual transaction would take place two weeks later to give the Maharal enough time to come up with the astronomical amount of money he needed to buy them. But the transaction never happened. During the proscribed two weeks the Maharal fomented such mayhem for Wilson through the medium of kabbalistic miracles, that once the two weeks were up a spooked Wilson agreed to give up the stones for nothing, and they were returned to the museum.
• The problem is that the story of the Choshen Mishpat had actually been written and published in 1899 by the author of the Sherlock Holmes mysteries, Sir Arthur Conan-Doyle, as a short story titled ‘The Jew’s Breastplate’. R. Rosenberg was presumably familiar with the story in Russian translation, and was certain that no one who read his Hebrew version, and later on his Yiddish version, would be remotely familiar with this obscure British piece of fiction. He never even bothered to change any of the names used by Conan-Doyle in the original version! All that changed in R. Rosenberg’s version was the main character in the story, who was no longer the first-person narrator, but instead was the Maharal.

• In fact, the entire backdrop to these manuscripts is fiction. There was never a Royal Library in Metz. Neither R. Yitzchak Katz nor R. Manoach Hendel left us with any manuscript material relating to the Maharal in the form claimed by R. Rosenberg. Of course, the Maharal may or may not have created a Golem, but R. Rosenberg’s stories about the mythical man-beast were creations of his literary imagination.

• In 1913, shortly after publishing his Choshen Mishpat forgery, R. Rosenberg moved from Poland to Toronto. In 1919 he moved to Montreal, where he became one of the most prominent rabbis in the city. He died in 1935.

• Rabbi Rosenberg never accepted that the Maharal Haggada was not authentic and, indeed, much of it is sourced in the writings of the Maharal. However, any innovative practices seen for the first time in the Haggada must be viewed with skepticism.

C2] RAV MENACHEM KASHER AND THE PUSH FOR THE 5TH CUP

• In light of the return to Eretz Yisrael, a number of Religious Zionist poskim, in particular Rav Goren and Rav Menachem Kasher, pushed to reinstate the drinking of the 5th cup. Here are the instructions from Rav Kasher’s Haggada.

After the establishment of the State of Israel in 1948, Rav Kasher unsuccessfully lobbied the Rabbanut to establish a fifth cup of wine at the Pesach Seder in order to reflect the completion of this final redemption. Thus far they have not been convinced but the debate continues ....