

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

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Shiur #11: HESEIBA AND CHERUT (PART TWO)

The previous shiur addressed the issue of *heseiba* which may not generate *cherut*. Perhaps modern-day *heseiba* does not generate actual experience of freedom but – at least according to the Shulchan Arukh — it is still mandated.

We might explain this phenomenon of *cherut*-less *heseiba* in three ways. Firstly, we may acknowledge the actual establishment of *heseiba* as a *takkana* (institution) of *Chazal*. Once they institutionalize it as part of the evening ritual, it cannot be waived even if it no longer services *cherut*. We do not have much record of an actual *takkana*; the mishna (10:1) merely states in passing that even a poor person must perform *heseiba*. This mishna and the ensuing gemara detail the application of *heseiba*, but no gemara ever articulates, in so many words, that one is obligated to recline while eating at the Seder, which would have indicated an actual legislation.

A second solution may be to claim that even if our own natural eating habits do not favor *heseiba* as a comfortable position, we are still enjoined to sit that way and attune ourselves to latent *cherut*, which may no longer be common but is still accessible. True, our natural behavior does not include *heseiba*; nevertheless, though it may demand greater imaginative effort to draw a sense of freedom from a reclined eating posture nowadays, we are still required to do so.

Yet another approach would attribute *heseiba* to an entirely different source. The beginning of Beshalach describes the initial departure from Egypt and the start of the desert journey. The verse (Shemot 13:18) states: "*Va-yasev Elokim et ha-am derekh ha-midbar Yam Suf,*" which literally means that G-d redirected (the same root and conjugation as *heseiba*) the people on a detour through the desert, in the direction of Yam Suf. This more easterly route, as opposed to the straight northern route, was primarily intended to avoid the militant Pelishtim who threatened to launch a war which the people were not yet prepared for. *Chazal*, however, discern in this *pasuk* an allusion to the royal treatment which our nation began to receive at that point. On their road to

selection at Sinai, the Chosen People benefited from divine escorts (the Pillar of Fire and Clouds of Glory) and *Ha-kadosh Barukh Hu* provided feasts, including meals eaten while reclining. The reclining position is stunning evidence of the lightning-fast liberation that the Jews enjoyed after two centuries of bondage. The Midrash (Shemot Rabba 20:18) concludes that, for this reason, we are instructed to perform *heseiba* as well.

This source for *heseiba* may justify its performance in a modern *cherut*-less context. We do not - through our *heseiba* - seek to generate *cherut*. However, we do commemorate the original experience of our ancestors with an experience that is historically evocative, albeit personally outdated. Just as they reclined, we must, even if it does not trigger *cherut*.

The question of how to justify modern-day *heseiba* and the source and reason for *heseiba* may relate in a fascinating fashion to a separate structural question. The Brisker Rav examines whether *Chazal* instituted *heseiba* as a style of eating or merely as an added element. Namely, did they restructure the manner in which we are meant to eat, demanding not merely ingestion but reclining? Or did they merely demand that IN ADDITION to eating and drinking we are instructed to recline?

Rav Velvel addresses several interesting consequences of this structural issue. Both the Rambam and the Me'iri extend *heseiba* beyond the four *kosot* (cups) of wine and matza; the Rambam advocates *heseiba* for the entire meal, while the Me'iri extends it even further, suggesting it as the posture for the entire evening-even for the non-eating narrative sections of the haggada. These expansions of *heseiba* clearly indicate that it was included as an add-on, rather than being inserted in an attempt to redefine the preferred manner of eating. Had the latter been the case, it could not possibly extend beyond the halakhically ordained food, nor could it have applied to phases of the *Seder* which do not include eating.

Tosafot in *Pesachim* (108a) pose a question which the Brisker Rav associates with his query: if a person mistakenly eats matza or drinks a *kos* of wine without *heseiba*, would he at least have fulfilled the eating aspect of the mitzva (without succeeding at *heseiba*), or would he be forced to eat a second portion of matza or drink a second *kos* of wine? Presumably, if *heseiba* were an add-on, its non-performance should not hamstring the base mitzva of matza or wine. However, if *Chazal* restructured the mitzva of eating to include a certain posture, we may claim that in the absence of this newly required element, the act of eating itself remains deficient.

Perhaps the question of eating *maror* while reclining may be affected by the Brisker Rav's question. The Gemara (108a) clearly states that *maror* does not require *heseiba*, since it is eaten in memory of suffering and should not be accompanied by symbols of freedom; would *heseiba* actually 'ruin' the

experience of *maror*, perhaps requiring a second attempt at eating *maror* properly? The Bet Yosef specifically claims that *heseiba* does not disqualify one's eating *maror* – implying that a legitimate question may have been raised regarding the detrimental impact of *heseiba* upon *maror*. The Tur (O.C. 475) cites a question in the name of his brother, Rabbeinu Yechi'el: should *Korekh*, the matza-and-*maror* sandwich, be eaten while reclining? As *Korekh* includes matza, which alone warrants *heseiba*, presumably the entire question is based upon the potential deleterious impact of *heseiba* upon *maror*. Perhaps he is concerned that a reclining position may wreck the experience of *maror*.

The potential harmful impact of *heseiba* upon *maror* may indicate that *heseiba* forms an integral element of the act of eating. Had it merely served as a subsidiary accompaniment, it would not hamper the basic act of eating *maror*. Certainly, *maror* would not be disqualified by someone who listens to upbeat music while eating; even though he may compromise the spirit of the experience, the fundamental activity is unaffected. However if *heseiba* reconfigures the type of eating, it may preclude the fulfillment of the mitzva of *maror*, which cannot be EATEN in an ecstatic fashion.

It is intriguing to consider the correlation between the source of *heseiba* and the Brisker Rav's question regarding its structural dynamic. Assuming *Chazal* merely introduced *heseiba* to induce *cherut*, we can easily imagine its remaining external to the actual activity of EATING. *Chazal* demanded that WHILE we EAT, we should indulge in postures which generate and reflect liberty. Alternatively, we can easily envision a *heseiba* which becomes incorporated into the act of eating. However, if *heseiba* were instituted in memory of the original festive meal which *Ha-kadosh Barukh Hu* afforded us, it would likely constitute an essential component of our eating. Just as the original generation experienced a distinctly redemptive form of *se'uda*, so may we be instructed to recreate that form of eating. Quite possibly, the question of source is related to the issue of function.