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ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)  
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**TALMUDIC METHODOLOGY**  
**By Rav Moshe Taragin**

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**Shiur #10: *HESEIBA AND CHERUT***

The Pesach Seder experience challenges us not merely to recall the past events of our departure from Egypt or to capture in ritual the various memories of that great day; as the mishna (Pesachim 10:5) teaches, each Jew must recreate the imminent sense of liberation and imagine himself or herself as undergoing the same process of emancipation. The Torah gives us several mitzvot to help us reenact the Exodus, *Yetziat Mitzrayim*, and Chazal complement these mitzvot with several ideas of their own. One feature which Chazal knit into the fabric of the Seder is the mitzva of *heseiba*, reclining.

Presumably this practice elicits a personal attitude of *cherut*, sovereignty and freedom. By reclining during eating, a person demonstrates - to oneself as well as to others - his or her newfound state of liberty. In fact, the Rambam prefaces his description of *heseiba* with the aforementioned directive to recreate the Exodus experience. Evidently, *heseiba* undoes the rigid and controlled dining environment, displaying as well as generating autonomy.

If this were true, we might question the continuing relevance of *heseiba*. Most modern cultures do not view this form of eating as luxurious or royal; indeed, at a very practical level, many actually struggle to dine in this unorthodox fashion. In fact, some medieval commentators already regard *heseiba* as irrelevant and allow or even encourage its suspension. Both the Ra'avya (Chapter 525) and the Maharil (18:2) recognize the awkwardness of this form of eating and instruct us to eat and drink in our standard manner, but the Shulchan Arukh does not adopt their position and instead mandates standardized *heseiba* (see Orach Chayim 472). It appears that this debate, regarding a situation wherein *heseiba* may not necessarily convey liberty, is already found in the Gemara itself.

The first mishna of the tenth chapter of Pesachim describes the prohibitions of working and eating on *erev Pesach*. A certain degree of withdrawal creates both emotional anticipation and physical hunger to enhance one's eagerness for the Seder. The mishna concludes by declaring "even a poor

person (*ani*) must not eat (after a certain time on *erev Pesach*) until he has eaten with *heseiba*." There are several interpretations of this statement. Tosafot claim that one might have excluded an impoverished person from *heseiba* since he cannot truly experience freedom; thus, the mishna intends to discredit this idea and demand *heseiba* from rich and poor alike. Is this mishna outlining *heseiba* even for those who will not taste freedom? Or should we read the mishna as assuring us that even disadvantaged people can and should strive to taste freedom? The differing readings of the mishna would yield different impressions of a case of *heseiba* which cannot stimulate *cherut*.

A second example concerns women, who, according to the Gemara (108a), are excused from *heseiba* in the presence of their husbands. Would this not indicate that *heseiba* is only applicable if it creates a sense of independence, which may not emerge in the presence of a woman's husband (at least in past social settings)? Should this gemara not exonerate us from *heseiba* in the modern context, since we too may not sense liberty through reclining?

Several authorities offer different reasons to excuse women from *heseiba*; interestingly, it is not necessarily because women are incapable of experiencing *cherut* through *heseiba*. For example, the Or Zarua cites an opinion which exempts women since it would be disrespectful to their husbands. Even though a woman might not experience *cherut*, she would still be obligated if not for the 'insult' to her husband; concerned with this slight, Chazal never extend *heseiba* to women. Other opinions (see Rabbeinu Manoach in his commentary to the Rambam) exclude her since she is busy supplying the meal. It seems that her exclusion is based upon some more important value superseding the mitzva, rather than suspending the concept in the absence of *cherut*. The fact that the gemara demands *heseiba* from an *isha chashuva* – a notable woman – merely reinforces the uncertainty. Is she an exception because she is capable of sensing *cherut*, which is a precondition for an obligation of *heseiba*? Or is she included within the *heseiba* experience because her demeanor will not insult her husband?

Just as the mishna regarding an *ani* may be read in two different ways, so may this gemara; the question of non-*cherut heseiba* is not categorically solved by either of these sources.

The following gemara addresses a situation of a student in the presence of his rabbi. The gemara seems to present a dispute between Abbaye and his fellow students, on the one hand, who recline when they visit their rabbi, Rav; and Rav Yosef, on the other, who informs his students that it is unnecessary to do so. Rav's position is less revealing because presumably his students are able to achieve *cherut* in his presence; in fact, the same gemara obligates a child to perform *heseiba* in his father's presence, as the Rashbam explains, because the child is not that subservient to the parent. Rav's students are of a similar mentality and are able to experience freedom and therefore recline.

Rav Yosef's admonition is intriguing. When instructing his students, he does not claim that they SHOULD NOT recline out of respect to his station; instead, he tells them that THEY ARE NOT OBLIGATED, which implies that their submissive attitude may prevent the achievement of *cherut* and that they are therefore excused from *heseiba*. In Tur Orach Chayim 472, the Bet Yosef claims that if a rabbi exercises *mechila* and waives his honor – thereby absolving his students of the mitzva towards his master — they are obligated to recline. Apparently, he reads Rav Yosef's admonition as stemming from their mitzva to honor him; once this mitzva is cancelled, they are as obligated as every man in *heseiba*. Were the *heseiba* exemption based upon their inability to taste freedom in the presence of their rabbi, they might be absolved of *heseiba* even if their rabbi condones it; even if their halakhic obligation is suspended, they may still naturally feel uncomfortable in his presence. Of course, the counterclaim can always be raised: once the mitzva of honor has dissolved, the mentality of the students changes, and they are now rendered capable of actually sensing the perspective of *cherut*.

An interesting dispute among the Rishonim may shed some light on the basis of Rav Yosef's exemption. This dispute lies between those Rishonim who extend the exemption to ANY rabbi and those who limit it to a *rav muvhak* - the individual who has taught a person the majority of his Torah knowledge. If the exemption is based upon the formal obligation to honor one's rabbi, it would extend to all rabbis; indeed, in Hilkhot Talmud Torah (5:6), when the Rambam cites the prohibition to recline in the presence of a rabbi, he seems to apply this issur to all rabbis. If however, the clash between *heseiba* and the presence of a rabbi is not halakhic but existential (that *cherut* is not unachievable) it may only apply in the presence of a *rav muvhak*, whose company truly limits the freedom of his student's behavior.

The next shiur will, Iy"H, expand the discussion of *heseiba* which does not induce *cherut*.