

The Four Cups of Wine

of the Passover Seder

Jews worldwide drink four cups of wine at their Pesach Seder.

In this session, we will take an insider's look at this popular mitzvah by learning several Talmudic discussions relating to it. We will approach this analysis by asking some fundamental practical questions about how to properly fulfill the mitzvah of drinking the Four Cups. Examining these questions – with the help of some major Talmudic thinkers – will help us uncover the conceptual foundations of this mitzvah.

Our hope is that familiarizing ourselves with key sources about the Four Cups and the ideas underlying them will enrich our Seder night experience.

The following are some of the key questions this session will deal with:

- *Why do we drink four cups of wine on Pesach night?*
- *Who must drink the cups?*
- *How much must be drunk?*
- *Can you fulfill your obligation by drinking four cups of grape juice?*

We'll explore of the essence of the mitzvah of the 4 cups by seeing a disagreement between **Tosafos** and the **Rambam** which runs through many different laws of the 4 cups, as explained by one of the great Torah-giants of recent generations, the **Brisker Rov**, R' Yitchok Zev Soloveitchik. Understanding the reasoning behind each of their positions will allow us to get to the essence of the mitzvah, according to the Rambam and Tosafos respectively. This disagreement will have far-reaching consequences in many other halachic-elements of the mitzvah of the 4 cups.

1 – THE BASICS OF THE 4 CUPS

Before we delve in to understanding the parameters of the Mitzvah of the 4 Cups, let us take a look at our Haggadah and have a basic overview of what these cups are about:

Why Do We Drink the 4-Cups

Talmud Yerushalmi, Pesachim 10:1 – What do the Four Cups hint at?

<p>From where [in Tanach] do we find an allusion to the Four Cups [that the Sages enacted]?</p> <p>Rabbi Yochanan said, quoting Rabbi Benayah, that they correspond to the four stages of redemption: “Say, therefore, say to the people of Israel: I am the Lord. I will free you from the labors of the Egyptians and deliver you from their bondage. I will redeem you with an outstretched arm and through extraordinary chastisements. And I will take you to be My people, and I will be your God. And you shall know that I, the Lord, am your God who freed you from the labors of the Egyptians.” (Shmos 6:6-7).</p>	<p>מניין לארבעה כוסות? רבי יוחנן בשם ר' ר' בניה בנגד ארבע גאולות: "לָכֵן אָמַר לְבְנֵי־יִשְׂרָאֵל אֲנִי יְהוָה וְהוֹצֵאתִי אֶתְכֶם מִמִּצְרַיִם וְהַצַּלְתִּי אֶתְכֶם מֵעַבְדֹתֵם וְגֵאלְתִּי אֶתְכֶם בְּנֹרָע נְטוּיָה וּבְשִׁפְטִים גְּדֹלִים. וְלִקְחֹתִי אֶתְכֶם לִי לְעָם וְהָיִיתִי לְכֶם לֵאלֹהִים וַיִּדְעֻתֶם כִּי אֲנִי יְהוָה אֱלֹהֵיכֶם הַמּוֹצִיא אֶתְכֶם מִמִּצְרַיִם" (שמות ו:ו-ז) וְהוֹצֵאתִי וְהַצַּלְתִּי וְגֵאלְתִּי וְלִקְחֹתִי.</p>
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When do we drink the Four Cups?

The **first** is drunk after the blessing of Kiddush, praising God over choosing the People of Israel and giving us His holidays.

The **second** is drunk after the blessing (*Asher Ge'alanu*) that closes the Maggid section, where, after telling the story of the Exodus, we praise God for redeeming us.

The **third** is drunk after the blessing over the meal (Birkat Hamazon), praising God over the food he gives us, over the land of Israel and Jerusalem.

The **fourth** is drunk after the blessing that closes the Hallel, the chapters of Tehillim recited in order to praise God for the Exodus from Egypt.

Each one of the Four Cups thus fits the classic mold of a “cup of blessing.” We raise our cups as we recite these blessings of praise, and then we drink. Our Sages enacted that the four blessings of Seder Night are each accompanied by a cup of wine, just as the blessing is said with a cup of wine for Shabbat Kiddush and (though not obligatory) often after Birkat Hamazon. On Pesach night we praise God with raised cups four times.

We'll begin our exploration by observing a basic disagreement: *who's* obligated to drink the 4 cups??

2 – WHO DRINKS THE 4 CUPS?

Source 1. Mishnah Pesachim 99b – How much wine do we distribute to the poor for the Seder night?

<p>Even a poor Israelite should not eat without reclining. And they should not [give] him less than four cups of wine, even [coming] from the community food distribution.</p>	<p>וְאָפְלוּ עָנִי שְׂבִישְׂרָאֵל לֹא יֵאָכֵל עַד שְׁיִסֵּב. וְלֹא יִפְחָתוּ לוֹ מֵאַרְבַּע כּוֹסוֹת שֶׁל יַיִן, וְאָפְלוּ מִן הַתְּמַחוּי.</p>
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It is the community's collective responsibility to see to it that each and every Jewish household has the requisite amount of wine necessary to fulfill the mitzvah of the 4-cups. What needs to be clarified, though, is the following: is the "poor Israelite" mentioned in the Mishnah the representative of his family, or do the words "they should not give him" refer to each and every poor individual? Does the **head of the family** receive four cups from the community food distribution, or does each **individual family member**? Tosafos answers:

Source 2. Tosafot Pesachim 99b "*Lo Yifchitu Lo Me'arba Kosot*"

<p>The text of the Mishnah seems somewhat to imply that we do not give to the poor man's children and household – only to him [assuming that the Mishnah's "give him" refers to the one family representative], and through his drinking they all fulfill their obligation. This makes sense logically: For what is the difference between the Four Cups and Kiddush the rest of the year where one person makes Kiddush on behalf of everyone?...</p> <p>Nevertheless, there is a passage in the Gemara (Pesachim 108b) implying that every individual needs four cups, for we learn: "EVERYONE IS OBLIGATED IN THESE FOUR CUPS, BOTH WOMEN AND CHILDREN." SAID RABBI YEHUDAH, 'WHAT USE DO CHILDREN HAVE WITH WINE?'" This source implies that according to the first opinion [the rabbis that Rabbi Yehudah differs with], even children need [their own] cups. You could defer this proof by saying that when it says they are obligated it means that they must hear the blessing over the four cups, because of mitzvah education.</p>	<p>מתוך הלשון משמע קצת שאין נוהגין לבניו ולבני ביתו כי אם לעצמו והוא מוציא את כולם בשלו. וסברא הוא: דמאי שנה ארבע כוסות מקדוש דכל השנה שאחד מוציא את כולם ...</p> <p>ומיהו בגמרא משמע שצריך כל אחד ארבע כוסות, דקתני (פסחים קח:) "הכל חייבין בארבע כוסות אחד נשים ואחד תינוקות." אמר רבי יהודה, 'מה תועלת לתינוקות ביינו?' משמע דלתנא קמא צריך כוס אף לתינוקות. ויש לדחות דחייבין לשמוע ברפת ארבע כוסות קאמר, ומשום חנוף.</p>
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Tosafos' basic position is that one cup is sufficient for the entire family. Just as a single cup is enough for an entire family to fulfill the mitzvah of Kiddush, the same should be true for the Four Cups.

The Rambam, however, clearly differs with this approach:

Source 3. Rambam, Mishneh Torah Hilchot Chametz Umatzah 7:7

<p>Therefore when a person eats the meal of this night, he must eat and drink reclining in the manner of free men. And <i>each and every person, whether man or woman, is obligated to drink on this night four cups of wine</i> – no less. Even a poor person subsisting on charity must drink no less than four cups – each one measuring a quarter log (three oz., or eighty-six ml.).</p>	<p>לְפִיכֶם כְּשׁוֹעֵד אָדָם בְּלִילָה הַזֶּה, צָרִיךְ לְאָכַל וְלִשְׁתּוֹת וְהוּא מִסֵּב דְּרַךְ חֲרוּת. וְכָל אֶחָד וְאֶחָד, בֵּין אַנְשִׁים בֵּין נָשִׁים, חַיֵּב לִשְׁתּוֹת בְּלִילָה הַזֶּה, אַרְבָּעָה כּוֹסוֹת שֶׁל יַיִן-- אִין פּוֹחֲתִין מֵהֶן; וְאִפְלוּ עֲנֵי הַמִּתְפַּרְגֵּס מִן הַצְּדָקָה, לֹא יִפְחָתוּ לוֹ מֵאַרְבָּעָה כּוֹסוֹת: שְׁעוֹר כָּל כּוֹס מֵהֶן, רְבִיעִית.</p>
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According to the Rambam, the mitzvah is clearly *for each individual to drink four cups* of wine on the Seder night. Tosafot’s basic approach is that all those attending can fulfill the mitzvah by means of a single cup, so that only four cups are required for the entire evening. According to the Rambam, however, a five-person Seder would require a grand total of twenty cups of wine for the evening.

What are Tosafos and the Rambam arguing about exactly? What is the basis of their respective opinions??

Tosafot’s Approach – “Cup of Blessing”

In truth, Tosafos himself really addresses this question, in his words “...*for what is the difference between the Four Cups and Kiddush the rest of the year where one person makes Kiddush on behalf of everyone*”

Tosafos compares the mitzvah of the 4 cups to that of ‘Kiddush’. There are many circumstances in Jewish-living where we drink wine along with a mitzvah. For example;

1. with Kiddush and Havdalah;
2. after Birkat Hamazon (blessing after meals);
3. at a wedding when the groom betroths his bride by giving her a ring;
4. at Sheva Berachos (the seven blessings – the blessing over wine and an additional six) said under the canopy at a wedding and at festive meals the week after a wedding;
5. at a Bris Milah (circumcision); and
6. at a Pidyon Haben (redemption of the first born).

Each of these cups of wine is a rabbinic decree (though there is an opinion that wine for Kiddush is of biblical origin) referred to as a *kos shel berachah*, a cup of blessing. The basic idea behind a *kos shel bracha* is that we signify special occasions by drinking a cup of wine to accompany the mitzvah.¹ ***The basic emphasis of a kos shel bracha is not the wine itself, but, rather the event/mitzvah which one is participating in, which is accompanied by wine.*** For this reason, there’s no need for each individual to actually *drink* the wine, only, that there should *be* wine to mark the occasion. Therefore:

Just as on every Shabbat of the year one member of the household can make Kiddush over a cup of wine by which all those present fulfill their obligations, so the same is true for the Four Cups of Seder Night (one cup for Kiddush, and another three cups).

¹ See Levush, Orach Chaim 182:1

What does the Rambam say about this? Aren't the Four Cups considered "cups of blessing," as claimed by Tosafos?

In order to understand his position, let's see another Gemara which addresses more of the parameters of the mitzvah of the 4 cups:

3 – AN ADDITIONAL ELEMENT: 'FREEDOM'

The Gemara discusses 3 additional parameters of the mitzvah of the 4 cups:

Source 4. Gemara Pesachim 108b – 3 Basic Halachos

<p>❶ Said Rav Yehudah quoting Shmuel: These four cups must be well diluted². If he drank them undiluted, he has fulfilled his obligation...Rava said, "He has fulfilled his obligation of 'wine,' but not that of 'freedom.'"</p> <p>❷ If someone drank them all at once: Rav said that he has fulfilled [the requirement of] "wine," but has not fulfilled the requirement of Four Cups.</p> <p>❸ If one gave to his children and household to drink, he has fulfilled his obligation. Rav Nachman son of Yitzchak said: This is providing that he drank most of the cup.</p>	<p>אמר רב יהודה אמר שמואל: ארבעה כוסות הללו צריך שיהא בהן כדי מזיגת כוס יפה. שתאן חי יצא ... אמר רבא ידי יין יצא, ידי חירות לא יצא.</p> <p>שתאן בבת אחת: רב אמר ידי יין יצא ידי ארבעה כוסות לא יצא.</p> <p>השקה מהן לבניו ולבני ביתו יצא: אמר רב נחמן בר יצחק והוא דאשתי ריבא דכסא.</p>
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How the Rambam Explains the Gemara:

Source 5. Rambam, Mishneh Torah, Hilchot Chametz Umatzah 7:9

<p>❶ These four cups must be diluted so they are pleasant to drink, depending on the specific wine and the taste of the person drinking it. A person should not have less than one revi'is (see Source 4 above) of undiluted wine for all the cups together [the standard proportion of wine to water was one part wine to three parts water]. If he drank undiluted wine for these four cups, he has fulfilled the obligation of Four Cups but not that of "freedom." ❷ If, however, he drank four well-diluted cups all at once, he has fulfilled "freedom" but not Four Cups. ❸ And if he drank the majority of each of the cups, he has fulfilled his obligation.</p>	<p>ארבעה כוסות האלו--צריך למזג אותן, כדי שתהיה שתיה ערבה: הכל לפי היין, ולפי דעת השותה; ולא יפחת בארבעתן מרביעית יין חי. שתה ארבעה כוסות אלו מינו שאינו מזוג--יצא ידי ארבעה כוסות, ולא יצא ידי חרות; שתה ארבעה כוסות מזוגין בבת אחת--יצא ידי חרות, ולא יצא ידי ארבעה כוסות. ואם שתה מכל כוס מהן רבו, יצא.</p>
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² Note: Diluting wine is a practice that has varied throughout history. Very few people nowadays dilute their wine before they drink it. However, in Talmudic times, as in Greek and Roman times, wine was almost always diluted with water before drinking. There seems to have been a 180° turnabout on this issue; whereas it was then considered uncultured to drink undiluted wine, it is now considered uncultured to dilute wine. Furthermore, it is possible that during that period wine was made into an intense concentrate, and then diluted.

The Gemara, as well as how it is codified in the Rambam, seems to introduce a new element to the mitzvah of the 4 cups: **expression of 'freedom'**. This seems to be an additional element above and beyond the standard halacha of *kos shel bracha*. We'll soon see what this is all about.

Amazingly, Tosafos, in his commentary on this Gemara, seems to 'skirt the issue' of "*freedom*" almost altogether!!

How Tosafos Explains the Gemara:

❶ – Source 6. Tosafos Pesachim 108b “*Sheta'an Chai Yatza*”

<p>If one drinks it undiluted he fulfills his obligation – It seems [from here] that ideally one is required to dilute [the wine]. Similarly, in the Seventh Chapter of Berachos (50b), we find that all agree that one should not make a blessing over a "cup of blessing" until water is added.</p>	<p>שְׁתָּאן חַי יֵצֵא: מִשְׁמַע דְּלַכְתַּחֲלָה בְּעֵי מְזִיגָה וְכֵן בְּפֶרֶק שְׁלִישָׁה שְׁאֲכָלוּ (בְּרָכוֹת נ:) אֲמַרְיִן הַפֶּל מוֹדִים בְּכוֹס שֶׁל בְּרָכָה שְׂאִין מְבָרְכִין עָלָיו עַד שְׂיִתֵּן לְתוֹכוֹ מַיִם.</p>
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According to Tosafos, undiluted wine is simply *non-ideal*. Because the Four Cups are, essentially, four *kosot shel brachah*, "cups of blessing," the requirement of watering down the wine is ideal, but **non-essential**. The Talmud, according to Tosafos, refers to ideally diluted wine as "freedom." The ideal wine is the well-diluted wine that a free person would drink.

❷ - Source 7. Tosafot “*Yedei Yayin Yatza*”

<p>“He has fulfilled the requirement of ‘wine.’” The explanation of this is that he fulfills the requirement of being joyous on the holiday. [The reason this needed to be emphasized is that] you might have mistakenly thought that you do not fulfill the requirement of being joyous on the holiday unless you did it in the context of the Four Cups.</p>	<p>יְדֵי יַיִן יֵצֵא – פִּירוּשׁ: יְדֵי שְׂמֵחַת יוֹם טוֹב. דְּסִלְקָא דְעֵתָהּ הוּא אֵיל וְתִקְנֵנוּ ד' כּוֹסוֹת, לֹא נִפְיֵק מִיְדֵי שְׂמֵחַת יוֹם טוֹב אֶלָּא אִם כּוֹ יֵצֵא יְדֵי אֲרַבְעָה כּוֹסוֹת:</p>
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According to the Tosafos, the Gemara here teaches that someone who drinks four cups of wine one after the other does **not** fulfill the mitzvah of the Four Cups. However, he has enhanced his joy of the holiday through drinking wine, which is a separate mitzvah related to all the holidays where one feasts and is merry.

❸ - Source 8. Tosafot Pesachim 108b “*Ruba Dekasa*”– How much of each cup does Tosafot hold one must drink?

<p>“Most of the cup” – that is, a cheekful...However, ideally he should drink a quarter of a <i>log</i> (about three ounces or 86 ml).</p>	<p>"רובא דקסא" - הֵיִינוּ כְּמֵלֵא לוֹגְמִיו ... וּמִיָּהוּ, לְכַתְּחִלָּה צָרִיךְ לְשִׁתּוֹת רַבִּיעִית.</p>
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Tosafot understands that when the Talmud refers to the majority of the cup, it means the majority of a standard cup containing a *revi'is* – 3 ounces (according to the majority view), which is also referred to as a “cheekful.”

It emerges that in addition to their previous argument as to *who* has to drink the wine, Tosafos and the Rambam also disagree over *3 more* halachos!!

To summarize:

<u>Scenario</u>	TOSAFOS	RAMBAM
1. Who needs to drink the Four Cups?	All are able to fulfill their obligation through the head of the household.	Each individual must drink.
2. Undiluted wine: what's lacking?	Has not fulfilled the mitzvah of the 4 Cups in the <i>ideal</i> manner	Has not <i>at all</i> fulfilled the essential element of <i>freedom</i>
3. All cups consecutively: What's accomplished?	Rejoicing on the holiday.	Drinking four cups to express our <i>freedom</i> .
4. How much of the cup must you drink?	A cheekful.	The majority of the cup.

What's at the root all these disagreements!?!

The holy Brisker Rov, in a classic display of his amazing ability to cut to the core of seemingly complex Talmudic issues, explains the under-current of this disagreement, in an astoundingly beautiful manner:

4 – A FUNDAMENTAL DISPUTE

Source 9. Chidushei Maran Riz Halevi al HaRambam, Hilchot Chametz Umatzah 7:9

I heard from my father, my master and teacher, the great scholar, of blessed memory...that according to **Tosafos** even for the Four Cups, the main mitzvah is not drinking the cups, but the blessings over the cups. It is exactly like the Kiddush of all year round and other "cups of blessing"...So too, for the Four Cups, according to the letter of the law the amount that needs to be drunk is a cheekful, just like the cup of Kiddush... The same is true for all "cups of blessing"...

However, the **Rambam**...maintains that the amount of a cheekful is specific to Kiddush (and to other "cups of blessing"). But with regards to the Four Cups, one must drink the actual majority of a cup, and not just a cheekful.

On that which the Gemara says "If one drank them undiluted, he's fulfilled his obligation", Tosafos writes: "It seems (from this Gemara), that, ideally one needs to drink undiluted-wine, similar to that which it says elsewhere 'one may not make a blessing (Birkat MaMazon) on the cup/wine until he's diluted it with water...". We see from this Tosafos that even the halacha of diluting the wine is not due to any unique halachic status of the 4-cups, rather, this law is true of all 'cups of blessing', namely, that one may not make a blessing on a cup of blessing without first diluting the wine. The reasoning for this is simply because one should perform the mitzvah (of a cup of blessing) in the ideal manner.

However, the language of the Gemara simply does not sound like this. It says "he's not fulfilled the obligation of freedom", which sounds like there exists a unique halacha pertaining to the 4-cups! Perforce, Tosafos must hold that this simply means he's not fulfilled the mitzvah in the ideal manner, since undiluted wine is not as valued. Rather, to reiterate, Tosafos maintains that the 4 cups have the exact same halachic status of any other standard 'cup of blessing', only, that it is a more ideal way of performing the mitzvah by using undiluted wine.

However, the Rambam seems to hold differently. He writes: "*These 4 cups are required to be diluted, so that they'll be pleasant-tasting, each according to the wine, and according to the preferences of the drinker*". It seems from his wording that there exists a unique halacha of the 4 cups which requires them to be 'pleasant-tasting'. Moreover, it seems

שְׁמַעְתִּי מֵאָבִי אֲדוֹנֵי מוֹרֵי וְרַבֵּי הַגָּאוֹן זָכָר צַדִּיק לְבָרְכָה ... דְּסִבְרָא לִיהֵ לְהַתְּוֹסְפוֹת דְּגַם אַרְבַּע כּוֹסוֹת אֵין עֵיקָר הַמְצָנָה בְּשִׁתְיֵית הַכּוֹסוֹת, רַק בְּהַבְּרָכוֹת שְׁעַל הַכּוֹסוֹת וְהָי מִמֶּשׁ דּוֹגְמַת קִידוּשׁ דְּכָל הַשָּׁנָה וְכָל כּוֹסוֹת שְׁל בְּרָכָה ... גַּם גְּבִי אַרְבַּע כּוֹסוֹת עֵיקָר שִׁיעוֹר הַשִּׁתְיָה מְדִינָא הוּא מְלֵא לּוֹגְמִי כְּמוֹ גְּבִי כּוֹס שְׁל קִידוּשׁ ... וְהוּא הַדִּין כְּכָל כּוֹסוֹת שְׁל בְּרָכָה ...

אוּלָם הָרַמְבַּ"ם ... סִבְרָא לִיה דְּרַק גְּבִי קִידוּשׁ הוּא דְּהָי שִׁיעוֹר טְעִימָתוֹ מְלֵא לּוֹגְמִי, אֲכָל גְּבִי אַרְבַּע כּוֹסוֹת בְּעֵינָן דְּנָקָא רַבָּא דְּכֶסֶא וְלֹא מְלֵא לּוֹגְמִי

וְהִנֵּה בְּתוֹס' שֵׁם עַל הָא דְאִמַר שְׁתָּאן חֵי יֵצָא כְּתָבו וּז"ל מִשְׁמַע דְּלַכְתְּחִילָה בְּעֵי מְזִיגָה וְכֵן בִּפ' שְׁלֵשָׁה שְׁאֲכָלו אִמְרִינן הַכֵּל מוֹדִים בְּכּוֹס שֵׁל בְּרַכָּה שְׁאֵין מְבַרְכִין עֲלָיו עַד שִׁיתָן לְתוֹכוֹ מִים...וּשְׁמַעֵינן מְדַבְרֵי הַתּוֹס' דְּגַם לְעֵנִין מְזִיגָה לֹא נִאִמַר שׁוֹם דִּין מְחוּדָשׁ אַרְבַּע כּוֹסוֹת, רַק הוּא הַדִּין הָאִמּוֹר בְּכָל כּוֹסוֹת שֵׁל בְּרַכָּה דְאֵין מְבַרְכִין עֲלֵיהֶם עַד שִׁיתָן לְתוֹכוֹ מִים, וְיִסוּד הַטַּעַם בְּזֵה מְשׁוּם דְּבַעֲינָן מְצוּה מִן הַמּוֹבְחָר...וְזֵהוּ שֶׁהוֹקְשׁוּ מֵאַרְבַּע כּוֹסוֹת לְבְּרַכַּת הַמְזוּן.

וְלִכְאוּרָה לִישְׁנָא דְגַמ' לֹא מִשְׁמַע הֵכִי דְקָאִמַר יְדֵי חִירוֹת לֹא יֵצָא, מִשְׁמַע דְּהוּא דִּין מִיּוּחָד בְּד' כּוֹסוֹת! וְכַפֵּה"נ מְדַבְרֵי תּוֹס' דְּמִפְרָשֵׁי דְהָא דְקָאִמַר הַגַּמ' יְדֵי חִירוֹת לֹא יֵצָא לֹא דְהוּ עֵיקָר טַעַמָא דְּמִשׁו"ה בְּעֵינָן מְזִיגָה מְשׁוּם חִירוֹת, רַק דְּר"ל דְּלֹא עֵבִיד מְצוּה מִן הַמּוֹבְחָר, וּמְשׁוּם דְאֵין חֲשִׁיבוֹת אֲלֵא בֵּינן מְזוּג...וְהוּא עֲצָמוֹ הַדִּין הָאִמּוֹר בְּכָל כּוֹס שֵׁל בְּרַכָּה, וְעַכ"פ כֵּל עֲצָמוֹ הוּא רַק דִּין שֵׁל מְצוּה מִן הַמּוֹבְחָר כְּמוֹ בְּכָל כּוֹס שֵׁל בְּרַכָּה.

אוּלָם בְּרַמְבַּ"ם פ"ז מֵהַל' חו"מ ה"ט כְּתָב וּז"ל אַרְבַּע כּוֹסוֹת הָאֵלוֹ צָרִיךְ לְמְזוּג אוֹתָן כְּדֵי שְׁתִּהֵי עֲרִיבָה, הַכֵּל לְפִי הֵיין וְלִפֵּי דַעַת הַשׁוֹתָה עַכ"ל, וְכַפֵּה"נ מְלִשׁוֹנוֹ זֵה, הוּא זֵה דִּין מְסוּיִם בְּהַמְצוּה שֵׁל ד' כּוֹסוֹת בְּמְצוֹת שְׁתִּיתָן שְׁתִּהֵי שְׁתִּיה

from his words that this is not a halacha *in the wine* itself, but, rather the manner by which *the drinker himself*; that it should be pleasant to him, and in the way of ‘freedom’. We can see this from the Rambam’s words “*according to the wine, and according to the preferences of the drinker*”, i.e. the drinking should be done as an expression of freedom, each person according to his preferences.

According to what we’ve previously written about the dispute between the Rambam and Tosafos, this additional discrepancy can be well understood: According to Tosafos, the essence of the mitzvah of the 4 cups is that they are cups of blessing (i.e. the blessing itself is the main point!), and the actual drinking of the wine has no unique elements to it beyond the normal parameters of other ‘cups of blessing’. Therefore, the requirement of dilution is simply to perform the mitzvah in an ideal manner, like any other ‘cup of blessing’.

The Rambam, though, holds that included in the mitzvah of the 4 cups is also a special emphasis on the actual drinking itself, i.e. the concept of freedom which is expressed by doing so. In this context, this requires the wine itself to be pleasant, for if it’s not, one has not fulfilled at all his obligation of ‘*drinking in the way of freedom*’.

It emerges that the Rambam argues with Tosafos on two accounts: firstly, undiluted wine – according to Tosafos one has fulfilled the ‘4 cups’, only, that he did so in a less-ideal manner, whereas the Rambam holds that he’s lacking the essential underlying concept of the 4 cups, namely, ‘freedom’; secondly, drinking all 4 cups at once – according to Tosafos, one has not at all fulfilled his obligation of the 4 cups, only, that he’s accomplished the standard Yom Tov mitzvah of ‘rejoicing on the Holiday through wine’, but, according to the Rambam, he has indeed fulfilled the essential mitzvah of the ‘drinking as an expression of freedom’, only, that he’s not fulfilled the 4 ‘cups of blessing’. In truth, these two disagreements are really one!

עריבה, ועוד יותר נראה מדבריו דאין זה כלל דין בהחפצא של הכוס רק במעשה השתיה שתהיה שתיה עריבה דרך חרות, וכמבואר בדבריו דצריך לעשות המזיגה לפי דעת השותה לכאן"א לפי מה שהוא, והיינו משום דלאו משום חשיבותא דהכוס קאתינן עלה רק משום מעשה השתיה שתיה דרך חרות, ובזה כל אחד בדידיה משערינן.

ולפמשי"כ למעלה פלוגתא זו של הרמב"ם והתוס' מתבארת היטב, דלדעת התוס' עיקר המצוה של ד' כוסות מתקיימת רק בזה שהן נעשין כוס של ברכה, ומעשה השתיה היא ככל שתיית כוס של ברכה, ואין לה דינים כלל, ומשו"ה ס"ל דגם הא דבעינן בהו מזיגה, הוא זה משום דין מצוה מן המובחר האמור בכל כוס של ברכה...

והרמב"ם ס"ל דיש בארבע כוסות גם מצוה שתיה, וזהו עיקר הדרך חרות שבזה, ומשו"ה ס"ל דנאמרו דינים בשתיה זו שתהיה שתיה עריבה ואל"ה לא מקיימא בה דרך חירות...

באופן דהרמב"ם פליג עם התוס' בתרתי, חדא בשתאן חי דלדעת התוס' קיים מצות ארבע כוסות, רק דלא עתה מצוה מן המובחר, ומדברי הרמב"ם משמע דמפרש דחסר לו כל הקיום של דרך חירות שהוא מעצם המצוה של ד' כוסות, ושנית פליגי בשתאן בב"א דלדעת התוס' לא קיים כלל מצות ד' כוסות ויצא רק שמחת יו"ט, ולדעת הרמב"ם קיים מצות השתיה משום דרך חירות, ורק דחסר לו ארבע כוסות של ברכה, ותרי הפלוגתות חדא פלוגתא נינתו

Amazing! The Brisker Rov explains that there is 1 essential point of contention between Rambam & Tosafos: is the mitzvah of the 4-cups fundamentally a “cup of blessing” (just like any other), or is it an “expression of freedom” (unique to the Pesach seder)??

This 1 point of contention then manifests itself in 4 practical differences 😊

5 - HALACHIC CONCLUSIONS

We have seen how a conceptual dispute between the Rambam and Tosafos played itself out in a number of areas. The basic dispute relates to the definition of the mitzvah of Four Cups: Are these only four "cups of blessings" (Tosafos), or do they include an added element of expressing our status as free men (Rambam)?

Tosafos' and Rambam's differing viewpoints affect out how they rule about **who** must drink the cups, **how** the cups must be drunk (spread out over Seder Night or four in a row), **how much** must be drunk (a cheekful or most of the cup), and **what** must be drunk (is diluted wine essential?). We now present the halachic conclusions from classic and contemporary halachic works.

❖ WHO DRINKS THE FOUR CUPS?

Source 10. Shulchan Aruch Harav 472:22 – Every individual must drink the four cups, not just the one running the Seder.

Even household members who hear Kiddush and Haggadah from the head of the household are nonetheless obligated to drink the Four Cups in the manner of a free man.	אף בְּנֵי הַבַּיִת שֶׁהֵן שׁוֹמְעִין הַקְּדוּשָׁה וְהַהֲגָדָה מִבְּעַל הַבַּיִת אֵף עַל פִּי כֵן חַיִּיב כָּל אֶחָד וְאֶחָד לְשִׁתּוֹת ד' כּוֹסוֹת דְּרַךְ חֵירוֹת:
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The Shulchan Aruch Harav thus spells out that we follow the Rambam's approach. It follows that each family member should be allocated four cups of wine, even when distributing to the poor. The approach that only one person drinks on behalf of the household (attributed by the Brisker Rav to Tosafot) is not preserved in normative halachah.

❖ DRINKING FOUR CUPS CONSECUTIVELY

Source 11. Shulchan Aruch 472:8 – Can one drink four cups in a row and fulfill his obligation?

One needs to drink the Four Cups according to the order [they appear over the Seder Night], and if one drank them one after the other, not according to their order, he does not fulfill his obligation.	צָרִיךְ לְשִׁתּוֹת אַרְבַּע כּוֹסוֹת עַל הַסֵּדֶר, וְאִם שִׁתָּאן זֶה אַחַר זֶה שְׁלֹא כְּסֵדֶר לֹא יֵצֵא:
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This does not mean that the Shulchan Aruch has broken with the Rambam's approach. As we explained above, the Rambam agrees that the Four Cups must **also** be four "cups of blessing."

❖ HOW MUCH WINE IS DRUNK FOR EACH CUP?

Source 12. Shulchan Aruch 472:9 – How much wine must one drink?

The [proper] size of the cup is a <i>revi'is</i> (3-5 oz, 86-150 ml; see Source 4 above) after it is mixed (if he mixes water with the wine). He should drink all of it, or (at least) most of it. If the cup [is large enough to] contain many <i>revi'ios</i> , the amount of people that can drink from it is the amount of <i>revi'ios</i> it contains (five people can drink from a cup containing five <i>revi'ios</i>). Some say	שִׁיעוֹר הַכּוֹס רְבִיעִית לְאַחַר שִׁימְזִגְנוּ (אִם רָצָה לְמִזְגוֹ). וַיִּשְׁתֶּה כּוֹלוֹ אוֹ רוֹבּוֹ. וְאִם יֵשׁ בּוֹ הֶרְבֵּה רְבִיעִיּוֹת שׁוֹתִין מִמֶּנּוּ כָּל כֶּף בְּנֵי אָדָם כְּמִנְיַן רְבִיעִיּוֹת שָׂבוּ. וַיֵּשׁ
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that one must drink most of the cup, even if it holds a number of <i>revi'iot</i> .	אומרים שצריך לשתות רוב הכוס אפילו מחזיק כמה רביעיות ...
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This ruling of the Shulchan Aruch is once again in line with the Rambam's approach presented above. Namely, the mitzvah to drink Four Cups on Seder night entails drinking most of those cups on a literal level. This goes beyond the requirement of a regular "cup of blessing," which is to taste of the cup by drinking a cheekful.

❖ WHAT ABOUT DRINKING GRAPE JUICE?

Source 13. Rabbi Yaakov Moshe Weingarten, Haseder Ha'aruch 14:7 – Can one use grape juice for the Four Cups?

<p>7. One who finds it difficult to drink wine can fulfill his obligation of the Four Cups by means of grape juice, and it is preferable to raisin wine and cooked wine...</p> <p>8. Ideally one should make the effort to get wine with alcohol content, because it “brings joy to the heart of man” (based on Tehillim 104:15), and for the Four Cups, wine that brings joy is required.</p>	<p>ז. מי שקשה לו לשתות יין, יוצא ידי חובת ארבע כוסות במיץ ענבים, והוא עדיף מיין צמוקים או מיין שנתבשל ...</p> <p>ח. לכתחלה יש לטרום להשיג יין שיש בו אלפיהול, לפי שהוא "משמח לבב אנוש" (על פי תהלים קד:טו), ולד' כוסות צריך לשתות יין המשמח.</p>
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In footnote 12, Rabbi Weingarten quotes the various authorities who take the approach of permitting the use of grape juice. These include Rabbi Ovadiah Yosef zt”l and the Chazon Ish zt”l. The rationale is straightforward: In order to fulfill the “*derech cheirus*” (drinking in the manner of free men) aspect of the Four Cups, the drink must be pleasurable, not a difficult struggle. However, there are those who object (Rav Moshe Feinstein zt”l is the most prominent authority in this camp), and, for one who does drink wine, wine with alcohol content is preferable.

[Rabbi Yisrael Belsky writes in Shulchan Halevi Vol. I, 13:4, that even wine with an alcohol content of as low as 3.5% (one-quarter of wine’s standard 13-14% alcohol content) is still considered sufficiently strong and could be used without hesitation. However, someone for whom light wine is no more than juice should use wine with a higher alcohol content, as befitting his taste.]