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Impurity Through the Air?

Rabbi Drew Kaplan

While reading this week's Torah portion, one gets the sense that there is nothing that has to do with either drinks nor drinking. Yet, there seems to be an aspect of potential impurity, at least according to one rabbinic opinion regarding the following verse (Lev. 15:12):

An earthen vessel that the one who has had abnormal seminal discharge touches shall be broken; and any wooden implement shall be rinsed with water.

וְכֵל־הָרֶשֶׁת
אֲשֶׁר־יַגִּיעַ בּוֹ הַזָּב
יִשְׁבֵּר וְכֵל־קִלְיָעַץ
יִשְׁטֹף בַּמַּיִם

Ostensibly that says nothing to do with drinks nor drinking. Yet, we read (ספרא, מצורע פרשת זבים, פרשה ג ג):

Rabbi Shimon said: "What does this come to teach us? If that one who has had abnormal seminal discharge confers impurity upon vessels requiring rinsing, by touching (them), is it not already written 'and he who touches the flesh of the one who has had abnormal seminal discharge shall launder his clothes' (Lev. 15:7)? If one who touches the one who has had abnormal seminal discharge thereby confers impurity upon vessels requiring rinsing, then if he himself (touches them), how much more so should he confer impurity upon them!" "If so, then why is it said 'and every wooden vessel shall be rinsed in water'?" "Rather, these are the foods, beverages, and vessels above the one who has had abnormal seminal discharge."

אמר ר' שמעון, מה בא זה ללמדנו? אם ללמד שמטמא כלי שטף במגע והלא כבר נאמר "והנוגע בבשר הזב יכבס בגדיו"! אם הנוגע בו מטמא כלי שטף במגע, הוא עצמו לא יטמא כלי שטף במגע? אם כן למה נאמר "וכל כלי עץ ישטף במים"? אלא אלו אוכלים ומשקים וכלים שעל גבי הזב.

Providing an explanation to this expansion of this impurity to those items (including drinks) above this person, Rabbi Meir Leibush ben Yehiel Mikhel Wisser (1809-1879) explains (מלבי"ם על ויקרא, מצורע קמ"ה:א):

This is something that was unnecessary to say, since Scripture has already explained that a person who touches a man who has had an abnormal seminal discharge impurifies vessels, as it was written "he shall launder his clothes" (Lev. 15:7), and, all the more so, [one who has been touched by] a man who has had an abnormal seminal discharge. But Rabbi Shimon's explanation concerns the vessels, the foods, and the beverages that are above the man who has had an abnormal seminal discharge, even though they were not in contact with the man who has had an abnormal seminal discharge.

זה דבר שאין צריך לומר שכבר באר שאדם הנוגע בזב מטמא כלים כמ"ש "וכבס בגדיו" וכל שכן הזב עצמו. ופירשו ר' שמעון שקאי על הכלים ואוכלים ומשקים שעל גבי הזב אף על גב שלא נגעו בזב

(Another early rabbinic text that relates to this situation, including drinks, is Mishnah *Zavim* 4:6, should you be interested.) Although I'm not quite sure how one would rinse a beverage, perhaps it means the container holding the beverage should be rinsed, but that seems to be a topic for an entirely separate discussion.

L'chaim

Drinking Between the 4 Cups?

Rabbi Drew Kaplan

When we think of the four cups of wine at the Passover Seder, we typically think of just that: four cups of wine. However, even the Mishnah mentions that these four cups are a minimum (*Mishnah Pesachim* 10:1):

...and [the poorest Jews shall be provided] no fewer than four cups of wine [for the Passover Seder], even from the public communal funds. ולא יפחתו לו מארבע כוסות של יין, ואפלו מן התמחוי

In fact, later in that same chapter, we read (*Mishnah Pesachim* 10:7):

If one wants to drink between these cups, one may drink, but not between the third and fourth cups. בין הכוסות הללו, אם רוצה לשתות, ישתה. בין שלישי לרביעי, לא ישתה

Clearly, there's the understanding that both before the meal and during the meal, one may drink further glasses of wine beyond the minimum four glasses of wine, but not between the third and fourth glasses.



While the Babylonian Talmud does not address this line in the Mishnah, the Yerushalmi does (*Jerusalem Talmud Pesachim* 10:6):

Why? So that he should not get drunk. Is he not already drunk? What is the difference between wine with the meal and wine after the meal? Wine after the meal intoxicates, wine with the meal does not intoxicate. למה. בשביל שלא ישתכר. כבר משוכר הוא. מה בין יין שבתוך המזון מה בין יין שלאחר המזון. יין שלאחר המזון משכר. שבתוך המזון אינו משכר

This is a helpful understanding between those first two gaps as opposed to this final gap between the third and fourth cups - the concern is getting drunk. Of course, it is not quite clear as to what is problematic about getting drunk at this moment: is it a concern for simply getting drunk, is it a concern for not being able to carry out one's full liturgical duties for the fourth cup, or perhaps something else?

Between the 2nd & 3rd Cups

Throughout Jewish tradition, the greatest leeway for drinking between cups would be that of the gap between the second and third cups; after all, this is the meal. Not only is drinking a common activity amidst meals, but the eating helps absorb one's drinking, so it is perceived as less of a concern. Nevertheless, Rabbi Moses Isserles (1530-1572), basing himself off of what Rabbi Yaakov ben Moshe Levi Moelin (1365-1427) (popularly known as the Mahariel) wrote (מפ"ע לשו"ע או"ח תע"ו:א):

One should neither eat more than sufficiently, nor drink more than appropriately, so that one should not eat the afikoman with coarse eating or even to get drunk and sleep immediately. ולא יאכל ולא ישתה הרבה יותר מדאי שלא יאכל האפיקומן על אכילה גסה או ישתכר וישן מיד

As Rabbi Isserles expresses, the concern with heavy drinking amidst the meal is causing one to get drunk, which would cause sleep, which would get in the way of fulfilling one's duties for the post-meal blessings and liturgical aspects. {continued on next page}

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Between the 3rd & 4th Cups

While the Mishnah clearly stated that there was a proscription against drinking between the third and fourth cups, Rabbi Isserles references a few medieval rabbinic authorities, including Rabbi Moelin, that while this proscription remains intact, maybe this third cup is not as fixed as one would expect (מפה לשו"ע או"ח תע"ט:א):

However, one is able to drink many times from the third cup and all of it is considered as one drinking, even though one interrupts between these drinkings. מיהו מכוס שלישי יוכל לשתות כמה פעמים והכל מחשב שתייה אחת אע"ג דהפסיק בנתיים



In describing this, Rabbi Yisrael Meir HaKohen Kagan (1838-1933) (popularly known as the Chofetz Chaim) writes (ביאור הלכה תע"ט:א):

What Rabbi Moshe Isserles wrote that everything is considered as one drinking means to say even if there was still a quarter-log remaining [in one's cup]. But this requires further inquiry. ומש"כ הרמ"א והכל מחשב שתייה אחת ר"ל אפי' היה בהנשאר שיעור רבעית וצ"ע

Rabbi Kagan is not really sure how to consider this: can one continue to keep cup three rolling? Perhaps, it would seem, albeit inconclusively.

Between the 1st & 2nd Cups

Perhaps the most curious discussions concern drinking between the first two cups; after all, they should be totally in the clear for drinking, right? Well, not according to Rabbi Yosef Karo (1488-1575), who wrote (שו"ע או"ח תע"ג:ג):

If one wants to drink many cups, he has permission to do so. Nevertheless, it's not appropriate to drink between the first and second cups, if there's no great need, so that he won't get drunk and be prevented from performing the Seder and the reading of the Hagada. אם ירצה לשתות כמה כוסות הרשוי' בידו ומ"מ ראוי לזיזרה שלא לשתות בין ראשון לשני אם לא לצורך גדול כדי שלא ישתכר וימנע מלעשו' הסדר וקריאת ההגדה



This assertion that it is not appropriate to drink between these first two cups is interesting, although he qualifies this assertion by saying "unless there is a great need" - what constitutes a great need is unclear. However, what is clear is the reasoning he provides, which is in order to not get drunk, which would prevent one from accomplishing the prime elements of the Seder, which is the whole reason for the occasion.

Seemingly pushing back on Rabbi Karo, albeit without naming him, Rabbi Yoel Sirkis (1561-1640) wrote (ב"ח, אורח חיים תע"ג:א):

And if he wants to drink, he can drink even many, he has permission to do so, which derives from a mishnah that between these cups if one wants to drink, he can drink between the third and the fourth, he shall not drink, etc. And Rabbi Samuel ben Meir (1085-1158) wrote that "in the Yerushalmi that between the third and fourth cups, one should not drink in order not to get drunk, since one would not be able to say Hallel, since post-meal wine intoxicates, but what one drinks prior to the meal does not intoxicate; therefore, even between the first two cups, one can drink." As to what ואם ירצה לשתות אפי' כמה הרשות בידו משנה שם בין הכוסות הללו אם רצה לשתות ישתה בין שלישי לרביעי לא ישתה וכו' וכתב רשב"ם דאיתא בירושלמי דבין ג' לרביעי לא ישתה כדי שלא ישתכר דתו לא מצי למימר הלל דיין שלאחר המזון משכר אבל מה ששתה קודם זה בתוך המזון או לפני המזון אינו משכר הלכך אף בין ראשון

Rabbi Ya'akov ben Asher (1270-1340) wrote [in the Tur] that "one can drink, even many, since it will not intoxicate." And similarly has Rabbi Mordechai ben Hillel HaKohen (1250-1298) written. And he wrote further that, between the first and second cups, there is a mitzvah aspect to such drinking a lot, since it generates hunger and one may enjoyably eat matzah, which is not as is written in the Kol Bo.

לב' ישתה ומש"ה כתב רבינו דיכול לשתות אפילו כמה מאחר שאינו משכר וכ"כ במדרכי וכתב עוד דבין א' לב' מצוה נמי איכא לשתות הרבה דמיוגר גריר ויאכל מצה לתיאבון ודלא כמ"ש בכל בו

This is such a fascinating response by Rabbi Sirkis, who not only marshals multiple medieval rabbis to support his position, but even provides the brilliant opinion of Rabbi HaKohen (popularly known as the Mordechai) that, based upon a statement of Rava (280-352) that drinking wine boosts his appetite (*Pesahim* 107b).

Another aspect to consider regarding not drinking between these cups is the liturgical issue, as Rabbi Kagan summarizes (ביאור הלכה תע"ג:ג):

If he poured the cup and began to expound upon the haggadah, one is not permitted to interrupt in the middle of it, which is what Rabbi Moses ben Nahman (1194-1270) wrote; and similarly wrote Rabbi Nissim ben Reuven of Girona (1290-1376). And it's further inferable from his words that even if one had not yet begun the haggadah, just simply that they had poured the cup and prepared to say the haggadah, that would also be forbidden. But Rabbi Zerahiah ben Isaac ha-Levi Gerondi (1115-1186) permitted in all of these situations. And similarly have the Tosafists written that it is specifically with Hallel or the blessing of asher ga'alnu that it is prohibited (Pes. 103b). But Rabbi Karo categorically writes according to what Rabbi Moses ben Nahman wrote, even for a mitzvah cup....

אם מוג הכוס והתחיל לדרוש עליו בהגדה אינו רשאי להפסיק באמצע כ"כ הרמב"ן בהשגותיו וכ"כ הר"ן ומשמע מדבריו עוד יותר דאפילו לא התחיל עדיין בהגדה רק שמוג הכוס והכין עצמו לאמירת הגדה ג"כ אסור ובעל המאור מתיר בכל גווני וכ"כ התוס' בדף ק"ג דדוקא בהלל או בברכת אשר גאלנו אסור והמחבר סתם בסעיף א' כדעת הרמב"ן ואפילו לענין כוס של מצוה

Seemingly, Rabbi Karo was concerned, both for the intoxication aspect, but also for interrupting a liturgical aspect. It seems that Rabbi Moses ben Nahman and Rabbi Karo viewed Maggid as an entire section to itself that needs to be devoid of interruptions from a liturgical standpoint. However, the other viewpoint on this matter, as articulated by the Tosafists pointed out, is that we are concerned with the blessings being interrupted, but not the storytelling. Even further, it should be pointed out, this evening is one of storytelling over wine - how could we best engage with storytelling over wine if we are not drinking wine during the storytelling?

New Episode

Drinking Between Glasses of Wine at the Passover Seder



EPISODE #154

For more on this topic, check out the newest episode of *The Jewish Drinking Show*, which is available on YouTube and podcast platforms JewishDrinking.com/Between4Cups

Conclusion

As we look forward to drinking our four cups of wine at the Passover Seder, there is also room for drinking between these statutorily minimum cups, especially between cups one and two, as well as two and three. While we are not supposed to drink between cups three and four, there is the possibility that one could extend one's drinking of the third cups. Either way, I am wishing you a joyous and celebratory Passover.

L'chaim