

## **Shiur HaRav Soloveichik ZT"l on the Topic of Koraych**

The Rav analyzed the institution of כורֵךְ, elucidating the opinions of Rashbam, Tosafos and the Rambam.

The Gemara (Pesachim 115a) states: "Ravina said Rav Mesharshiya the son of Rav Nassan told me: Thus said Hillel in the name of the Gemara: A person should not wrap מצה and מרור together and eat them because מצה nowadays is a biblical obligation and מרור is only a Rabbinic one, and so the מרור (which is only a Rabbinic obligation) will nullify the מצה (which is a Biblical obligation). And even according to the one who says that Mitzvot do not nullify one another, his opinion was said with regards to one Biblical Mitzvah nullifying another Biblical Mitzvah, or to a Rabbinic Mitzvah nullifying another Rabbinic Mitzvah. However, in the case of a Biblical Mitzvah and a Rabbinic Mitzvah, even he agrees that the Rabbinic Mitzvah nullifies the Biblical Mitzvah".

"Who is the Tana that said that Mitzvos do not nullify one another? It is Hillel, for it was taught in a Baraisa: they said about Hillel, that he would wrap them together and eat them as a sandwich, as it is stated in the Torah מצות ומרורים יאכלוהו, "with unleavened bread and bitter herbs they shall eat it".

"Rabbi Yochanan said: Hillel's colleagues disagree with him, for it was taught in another Braisa: One might have thought that one should wrap them together and eat them in the manner that Hillel ate them. The Torah therefore states: with מצות and bitter herbs they shall eat it. Even (אפילו) each (פסח, מצה and מרור) individually".

"Rav Ashi asks, if so, why does the Braisa state אפילו? Rather, Rav Ashi said this Tana is teaching thus: you might have thought that one cannot fulfill his obligation unless he wraps them together and eats them in the manner that Hillel ate them.

The Torah therefore states "with Matzot and bitter herbs they shall eat it", אפילו (even) this by itself and that by itself.

"Now that the Halacha has not been decided neither in accordance with Hillel nor the Rabbis, one should first recite the blessing on the מצה and eat it by itself and then recite the blessing on the מרור and eat it by itself, and afterward eat מצה and מרור together without a blessing as commemoration of the way Hillel fulfilled the Mitzvah when the Temple stood."

The Rav analyzed the above Talmudic discussion according to the opinions of Rashi (and the Rashbam), Tosafos and the Rambam.

According to Rashi and the Rashbam, the Hillel sandwich consisted of מצה, פסח and מרור. According to Hillel, Mitzvos don't cancel each other if they are equivalent. Therefore the above sandwich can be eaten as one מעשה אכילה (act of eating) when all the components are equivalent in terms of biblical obligation. However since מרור is only a Rabbinic obligation nowadays, it can't be eaten together with the מצה that is a Torah obligation. Rabbi Yochanan says that Hillel's colleagues disagree, which seems to indicate that מצה, פסח and מרור must each be eaten separately and Rabbi Yochanan brings a Braisa to support his opinion. This Braisa uses the word אפילו (even). Rav Ashi then says, you, Rabbi Yochanan are correct, the rabbis insist that each must be eaten separately, however the Braisa you quote does not support this; rather it supports the opinion that one has the choice to eat them together or separately.

There are three opinions. According to Hillel, כורך is mandated, according to the Rabbis one should not make כורך and according to the Braisa brought by Rabbi Yochanan (as interpreted by Rav Ashi) one has a choice.

According to this approach even in the time of the Temple the Jews ate מצה, פסח and מרור separately and then together to fulfill the Mitzvah according to both the

Rabbis and Hillel. Today we perform these Mitzvos exactly the same way as was done when the Temple stood, זכר למקדש, as the Halachah was in doubt even when the Temple stood, since perhaps the law was according to Hillel's opinion.

Tosafos opinion is that the Hillel sandwich consisted of פסח, מצה and מרור eaten in one מעשה אכילה. Rabbi Yochanan agreed with the Braisa that כורך is optional. The students thought that כורך was not acceptable. Rav Ashi says to them that the Braisa says אפילו כורך, is optional and you students are mistaken. According to Tosafos, there are only two opinions: Hillel requires כורך while according to the Rabbis, כורך is optional.

So when the Temple stood they made כורך as all agreed this is good (required according to Hillel, optional according to the Rabbis). After the Temple was destroyed, the problem of מצה דאורייתא מרור דרבנן canceling the מצה (today all agree that מרור is דרבנן) arose. According to Hillel, we could do the following: first eat מצה to fulfill the Torah obligation. All that remains, according to Hillel, is the Rabbinic obligation to eat מצה and מרור together זכר למקדש. However, according to the Rabbis who do not require כורך, once the מצה is eaten there is no longer an obligation to eat מצה, any מצה that would now be eaten together with מרור would be a רשות (voluntary). The מצה דרשות would be מבטל (nullify) the מרור which is a higher priority obligation as it is a מצוה דרבנן. We therefore first eat מצה then מרור separately to fulfill their respective levels of obligation. Afterwards, since both are now Reshus, we combine them זכר למקדש the way Hillel did when the Temple stood.

The Rambam (הלכות חמץ ומצה 8:6) outlines the Seder service in Temple times. The sandwich consisted only of מצה and מרור. Also, according to the Rambam, this מצה and מרור sandwich, what we call כורך, was optional. The Rambam renders the Halacha like the Rabbis, against Hillel. In Halacha 8 he outlines the Seder in post Temple times and writes that first one eats מצה followed by מרור and then he is כורך. זכר למקדש eating them without a blessing. If the Rambam's opinion is that there is no requirement for כורך in Temple times, why do we do it at all nowadays? Also, why does he omit Hillel from the זכר למקדש formula?

The Rav explained the Rambam: there are two separate Mitzvos on the Seder night. The first is to eat מצה on the night of Pesach, as it says בערב תאכלו מצות. The second Mitzvah is to eat the קרבן פסח with מצה and מרור. This is based on the על פסח שני (Numbers 9, 11 not Exodus 12-8). From the verse in Exodus, we might have thought that the Torah was just telling us that בערב תאכלו מצות applies on the night when we also eat the קרבן פסח. However on פסח שני, where the verse בערב תאכלו מצות is not written, there is no obligation to eat מצה at night. Hence the verse in ספר במדבר (according to Hillel) is telling us that there is a קיום of eating all three items together that explains the gist of the verse in Exodus 12-8.

The Rabbis do not disagree with Hillel that there are two distinct קיומים (fulfillments) (of על מצות ומרורים יאכלוהו and בערב תאכלו מצות). They only disagree with Hillel when he says the מצה and מרור have to be eaten in a single מעשה אכילה (act of eating) in order to achieve the additional קיום of על מצות ומרורים יאכלוהו. The Rabbis are of the opinion that they can be eaten separately, as the requirement is the consumption of the קרבן פסח at the same meal together with the מצה and מרור.

However nowadays, when we have no קרבן פסח, the Rabbis instituted a מצוה דרבנן of על מצות ומרורים יאכלוהו as a remembrance of Temple times, זכר למקדש, when we had the קרבן פסח and could accomplish both Mitzvos, albeit separately. Since we have no קרבן to focus all the elements into the קיומים of על מצות ומרורים יאכלוהו, Chazal instituted כורך as a conspicuous demonstration, זכר למקדש, to remind me that things were different when the Temple stood.

Therefore, according to the Rambam who agrees with the Rabbis against Hillel, there was no Mitzvah of כורך when the Temple stood, so he did not mention it when he discusses the Seder in the time of the Temple. He simply mentions that they would either eat מצה and מרור separately or they might combine them, but in neither case were they eaten together with the קרבן פסח. However, when he discusses the Seder nowadays, he does mention the obligation of כורך, because the Rabbis, and not Hillel, instituted this in order that there should be some form of זכר למקדש as part of our Seder. Since this opinion of the Rabbis applies only when there is no Temple, and it is not based on a practice that took place when the Temple stood (since they disagreed with Hillel), the Rambam says that we do this

זכר למקדש but he omits כהלל, like Hillel did, since this practice is not the same as Hillel's. [Note: the Gemara (Pesachim 115a) says that since the Halacha was not clarified, we do both and the Gemara mentions that we do כהלל זכר למקדש כהלל.]

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