

Commemoration or Reenactment?

The Exodus and the Timing of the Seder

I. Introduction

We remember things in all sorts of ways. Most commonly, we commemorate them. We engage in rituals and ceremonies that will call ideas and experiences to mind. We set aside days that are focused on various themes and historical occurrences. Sitting in our own space and time in the present, we conjure up memories of the past. Commemoration can be flexible and adaptive. George Washington's birthday can be observed on Monday closest to February 22nd if the day falls on an inconvenient day of the week. Creative ceremonies can be created to connect the treasured memory more effectively to contemporary sensibilities. Fireworks on the 4th of July help create a celebratory and magical atmosphere that can inspire gratitude for America's history and loyalty to its ideals.

Sometimes, we remember through reenactment. If commemoration is about transporting a memory from the past into the present, reenactments aim to transport people living in the present back into the past. When the Declaration of Independence is read in period dress from the steps of the National Archives on July 4th, when men suit up in colonial and crown costume in Lexington, MA on Patriots' Day, the goal is reenactment. Timing, dress and location are all critical for achieving this effect. Reenactments are more rigid, more demanding of the participants. They aim to do something unconventional and require both more preparation and more involvement.

The Pesah Seder is a perfect example of a Jewish event that mixes elements of commemoration and reenactment. We don't travel back to Egypt each year in order to reenact the exact experience of the Exodus, nor is there a requirement to mimic the unified Temple ritual by gathering all in one place to observe the commandments associated with this special evening. As such, this home-based ritual, observed home by home across the world has strong commemorative elements.

But a thread of reenactment runs strongly through the Seder rituals as well and, in some contexts, comes to dominate and define them. In this essay, I will explore one particular aspect of the Seder: its timing. The question of when to start (and end) the Seder is ancient in its

pedigree, and contemporary in its ongoing ability to create family tension. I will lay out the evidence from the sources on this topic and then aim to illuminate the values that stand behind the various positions we will encounter, returning to our opening framing of commemoration and reenactment.

II. When did the Exodus happen?

In order to address the timing of the Seder, we must first examine the timing of the Exodus itself. The Torah preserves a somewhat complex account of the timing of the departure from Egypt. In **Shemot 11:4-8**, Moshe warns Pharaoh that the final plague, striking down the Egyptian firstborn, will come in the middle of the night (כחצת הלילה), and the Egyptians will subsequently press the Israelites to leave immediately. According to **Shemot 12:29-34**, this is precisely what happens:

שמות יב:כט-לד

וַיְהִי בַּחֲצִי הַלַּיְלָה וַה' הִכָּה כָּל־בְּכוֹרֵי מִצְרָיִם... וַיִּקְרָא לְמֹשֶׁה וּלְאַהֲרֹן לַיְלָה וַיֹּאמֶר קוּמוּ צֵאוּ מִתּוֹךְ עַמִּי גַם־אַתֶּם גַּם־בְּנֵי יִשְׂרָאֵל וּלְכוּ עִבְדוּ אֶת־ה' כְּדִבְרֵיכֶם: גַּם־צֹאנְכֶם גַּם־בְּקִרְבְּכֶם קָחוּ פֶּאֶשׁ דְּבַרְתֶּם וּלְכוּ וּבִרְכַתֶּם גַּם־אֹתִי: וַתִּחַזַּק מִצְרַיִם עַל־הָעָם לְמַהֵר לְשַׁלְּחָם מִן־הָאָרֶץ... וַיֵּשָׂא הָעָם אֶת־בָּצָקוֹ טָרֵם יְחִמֵּץ מִשְׁאֲרֵתָם צִרְתָּ בְּשִׁמְלֵתָם עַל־שִׁכְמָם:

Shemot 12:29-34

It happened in the middle of the night that the Lord struck down every firstborn in the land of Egypt... Pharaoh got up at night... and he called to Moshe and Aharon at night and said: “Get up! Get out of my people! You and the Israelites! Go worship the Lord as you have said. Take your flocks and herds as well, as you said, and go! Bless me as well.” Egypt pressed the people to hurry them, to send them out of the land... The people carried off their dough before it had risen, their kneading bowls were bound up in their clothing on their shoulders.

The detail regarding the Israelites' dough confirms the midnight exit. Normally, dough would have been mixed prior to going to sleep and allowed to rise overnight, so that it could be baked

first thing in the morning. Here, that process is prematurely ended as they leave in the middle of the night. These parts of the narrative do not give any specific date on which this occurs, but **Devarim 16:1** similarly recalls a nighttime Exodus and identifies the date of the Exodus as חדש האביב, the month of Aviv, the month we know of as Nisan.¹ **Shemot 13:4** provides this dating as well: היום אתם יצאים בחדש האביב. The use of היום/“today” in conjunction with חדש האביב suggests that the proper translation here is: “Today you are leaving, on the new moon of Aviv.”²

In accordance with this memory of nighttime departure, **Devarim 16:4** specifies the precise timing of the Paschal sacrifice as being בערב/“in the evening” in all subsequent years. And **Devarim 16:6** squarely anchors this in a theory of reenactment: תִּזְבַּח אֶת-הַפֶּסַח בְּעֶרֶב כְּבֹא הַשֶּׁמֶשׁ... “...you shall offer the Pesah in the evening, as the sun sets, at the time when you went out of Egypt”—the time of day when the Exodus actually happened. This text is clearly not concerned with midnight *per sé*. It is sufficient to consume this sacrifice sometime after the end of daylight, thus locating the ritual in the night as opposed to the day. The sky above will look the same as it did when our ancestors fled.

However, other passages, such as **Shemot 12:1-28** suggest a different story. These verses describe the Israelites as slaughtering a special lamb on the 14th of the first month (again, Nisan), at the time of day described as בין הערבים—which is understood in rabbinic tradition to refer to the afternoon. They are then to remain indoors all night, waiting for the Egyptian firstborn to be smitten so that they can leave triumphantly in the morning.³ This passage also specifies that the lamb to be eaten as part of the nightlong vigil must be eaten at night—ואכלו את הבשר בלילה הזה—though the term בערב is also used to describe the time when *matzah* should be eaten by future generations.

This complex narrative evoked several rabbinic attempts at harmonization. Here is one:

ספרי דברים פרשת ראה פסקא קכח

הוציאו אלהים ממצרים לילה, וכי בלילה יצאו והלא לא יצאו אלא ביום שנאמר “ממחרת הפסח” (במדבר לג:ג) אלא מלמד שנגאלו בלילה

¹ A similar usage of חדש האביב for the dating of the Exodus is also supplied by Shemot 23:15 and 34:18.

² This is one of a number of cases where חדש appears without any corresponding date and thus seems to refer to the first of the month. Consider also Shemot 19:1, where this seems to be explicit: בחדש השלישי לצאת בני ישראל מארץ מצרים ביום הזה באו מדבר סיני. Rashi comments there: ביום הזה - בראש חודש.

³ This account of a triumphant morning departure on the 15th as opposed to a midnight escape is also supplied by Shemot 14:8 and Bemidbar 33:3-4.

Sifrei Devarim 128

“Your God took you out of Egypt at night.”—Did they go out at night? They went out in the day! As it says: “On the morning following the Paschal offering [the Israelites left]!” Rather, [the first verse] teaches that they were *redeemed* at night.

This synthetic approach insists that both the night and the morning were significant. The actual physical Exodus happened in the morning. But the Israelites already experienced themselves as redeemed at night, even before they left, knowing that the Egyptians’ fate had been sealed and their bondage ended.⁴

III. When does the ritual eating happen?

This becomes the central point of agreement and focus: the Egyptian firstborn were killed at night, and that the sacrificial meal marking this event had to take place *בערב* or *בלילה*, as opposed to during the day. This produces the ruling in **Mishnah Zevahim 5:8**: *הפסח אינו נאכל אלא בלילה*—unlike any other sacrifice, the meat of the Paschal sacrifice may not be eaten while it is still day. Its consumption must wait for nightfall, in keeping with Devarim’s basic directive: consumption of the Paschal sacrifice is a *reenactment* of its initial consumption in Egypt. Just as the Torah tells the generation of the Exodus that they must eat the meat of the lamb *בלילה הזו*—at **night**—so too, later generations eating the Paschal sacrifice must reenact this timing and wait until nightfall. Shemot 12:8 states that the Paschal lamb is eaten with *מצות*/*matzah* and *מרורים* /bitter herbs, placing the consumption of these items at night as well. This is all summed up nicely in the Tosefta:

תוספתא פסחים ב:כב

מאימתי אוכלין [החזרת והמצה והפסח] משתחשך לא אכלין כל הלילה לא אכלין כל הלילה לא יאכלם מעתה. החזרת והמצה והפסח אינן מעכבין זה את זה.

⁴ One can see the broad buy-in to this basic approach in Sifre Devarim 133. There, several Tannaim argue over the precise deadline for concluding consumption of the Paschal sacrifice. They all agree, however, that the terms *כבוא השמש* and *מועד צאתך ממצרים* do not refer to the same time of day. The latter is already established and accepted as having happened in the morning, perhaps even as late as noon on the following day.

Tosefta Pesahim 2:22

When does one eat [the bitter herbs, *matzah*, and the Pesah-offering]? [As soon as] it gets dark. If one did not eat them [as soon as] it gets dark, one may eat them for the rest of the night. If one did not eat them during the night, then one should not eat them. The bitter herbs, the *matzah* and the Pesah-offering are not predicated on one another. [I.e., if one lacks one of them, the obligations for the others remain in force.]

The cluster of ritual foods at the heart of the Seder is a reenactment, meant to be done when it is dark. The Tosefta clarifies that this is true for *matzah* and bitter herbs, even in the absence of a Pesah-offering.⁵

IV. When does the telling of the story of the Exodus happen?

Having established that the ritual foods must be eaten at night, what about the rest of what we know as the Seder, the *maggid*? This often lengthy portion of the evening is equally central, and, if anything, establishing when it must happen is much more determinative of the timing of the Seder in contemporary environments.

Rabbinic sources assume that retelling the glory of the Exodus and expressing gratitude for it are core parts of the observance of Pesah. The Pesah sacrifice of old and the Seder of today is not only a celebratory family meal, it is also meant to be a reaffirmation of the national story. For *Hazal*, this part of the ritual was anchored in one of the verses that imagines a parent explaining to a child the reason for the annual Paschal sacrifice:

שמות יג:ח

וְהִגַּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר בַּעֲבוּר זֶה עָשָׂה ה' לִי בְצֵאתִי מִמִּצְרָיִם:

Shemot 13:8

⁵ Interestingly, the Tosefta seems to *prefer* that the ritual foods be eaten immediately upon nightfall. We will return to this below.

And you shall tell your child on that day, as follows: “It is because of this, what the Lord did for me when I went out of Egypt.”

On a surface level, the plain sense of this verse seems to be a general instruction to inform one’s children—when they ask—about the meaning of these rituals and practices connected to the commemoration of the Exodus. **ביום ההוא** means, “in the future,” on the day when your child asks. But the surrounding verses deal with the specific observances around the Pesah holiday, opening up the notion that **ביום ההוא** means, “on that day,” i.e. the date when you do these things each year. This verse thus becomes the basis for the idea of the obligation to *tell* the story once a year. But since, as we noted above, Shemot 13:4 speaks a few verses earlier of the Exodus as happening on the new month of Aviv, this raises the question of when it is acceptable to tell this story. This generates the following early *midrash*:

מכילתא דרבי ישמעאל בא - מסכתא דפסחא פרשה יז

והגדת לבנך. שומע אני מראש חדש ת"ל ביום ההוא אי ביום ההוא יכול מבעוד יום ת"ל בעבור זה בשעה שיש מצה ומרור מונחים לפניך על שולחנך:

Mekhilta de-Rabbi Yishmael Bo, Massekhta De-Pisha Parashah 17

“You shall tell your child”—I might infer that this can be done as early as the new moon [of Nisan]! Scripture says: “On that day.” If “on that day”, might it be possible while it is still day [of the 14th of Nisan]? Scripture says: “It is because of this”—at a time when *matzah* and *maror* are laid out in front of you on your table.

The **Mekhilta** entertains the possibility that this obligation to tell the story would be valid starting with Rosh Hodesh Nisan, in accordance with the plain sense of Shemot 13. Creatively resorting to the phrase **ביום ההוא** (on that day) in Shemot 13:8, the Mekhilta rejects any telling before the 14th of Nisan, which is the rabbinically accepted day for offering the Pesah sacrifice. The Mekhilta then asks whether one could tell the story while it is still the *day* of the 14th of Nisan, rather than waiting for nightfall. The conclusion: The phrase **בעבור זה** (on account of this) demands that the telling be done in the presence of the full complement of ritual foods—the *matzah* and *maror*. Since these are only to be eaten at night—following Shemot 12:8’s requirement of **בלילה הזה** / “on this **night**”—the accompanying narrative ritual must happen at

night as well.⁶ This suggests treating the storytelling itself as a kind of reenactment: We only tell the story about the Exodus once we have entered into the time of day—nighttime—when the Exodus actually happens. We are not telling a story *about* the Exodus, we are asking people to inhabit the narrative in the first person, something they can only do at the proper time.

This Mekhilta, however, seems to be in some degree of tension with the Tosefta above. According to the Mekhilta, the story cannot be told while it is still day; this narrative seemingly must wait until nightfall. But the Tosefta states that, ideally, the Paschal sacrifice, *matzah* and bitter herbs should be eaten as soon as it gets dark, which would seem to require timing the narrative so that it *ends* at nightfall. How do we pull all this evidence together in order to determine the proper timing for the Seder? Getting an answer to this question is wrapped up with resolving other questions surrounding the timing of the Seder's various components.

V. Medieval questions and answers

Various medieval authorities come to practical conclusions on the timing of the Seder by engaging several specific questions regarding the ritual components on this night. We will examine a few of these debates.

A. Starting Yom Tov early

⁶ The precise mechanics of this *midrash* are not fully clear. On some basic level, the word *זה* indicates that something is being pointed to, referenced in a physical way, which helps lead in the direction of being in the moment when a ritual is occurring. But how does this get us to the *matzah* and the *maror*? And why is there no mention of the Paschal sacrifice? My colleague, Amit Gvaryahu, has suggested a brilliant explanation for this *midrash*. The words *זה בעבור* idiomatically mean “because of this” or “on account of this.” That is clearly their plain meaning here, as it is in other contexts, such as Shemot 9:16, where *זה בעבור זאת* serves a similar function. However, the word *בעבור* could also be read as *ב עבור*, with *עבור* standing as an independent noun. In that case, the phrase would mean “with this *עבור*.” The word *עבור* can indeed refer to “produce”, or “food.” It is used in precisely this sense in Yehoshua 5:11-12, describing what the Israelites did after crossing the Jordan: *וַיֹּאכְלוּ מִעֲבֹר הָאֲרֶץ מִמֶּחֶרֶת* / “They ate from the produce of the land on the day following the Pesah, *matzot* and roasted grain, on that very day. The manna stopped on that following day, when they ate from the produce of the land.” This sets us up for a masterful wordplay. In Yehoshua, the *עבור* consumed by the people is the *matzah* being eaten on Pesah. This suggests that perhaps the father in our passage in Shemot is also using *עבור* in this fashion when he talks about Pesah. The Mekhilta thus imagines the father saying, “With this *עבור*/produce/*matzah*, God did this for me when I left Egypt.” The word *עבור* directs us to the *matzah*, the *matzah* can only be eaten at night and this verse thus forces us to say that the abridged reference here to telling the story of the Exodus must happen at night!

Can one start Yom Tov early, treating the time before nightfall as the 15th of Nisan for ritual purposes, and thereby eat *matzah* before nightfall? Berakhot 27a reports that **Rav** used to pray the evening prayer of Shabbat Arvit on Friday afternoon, well before nightfall (and seemingly even before sunset). On Berakhot 27b, **Shmuel** rules that *Kiddush* may be done early as well.⁷ This suggests that Shabbat can be begun early and the subsequent daylight hours can count as Shabbat. Can one do the same for Pesah?

This question is raised in the context of the following Talmudic passage:

בבלי פסחים צט:

משנה. ערב פסחים סמוך למנחה לא יאכל אדם עד שתחשך...
גמרא. מאי איריא ערבי פסחים? [למה דברה המשנה דוקא על ערבי פסחים, הלא כלל זה מתאים] אפילו ערבי שבתות וימים טובים נמי, דתניא: לא יאכל אדם בערבי שבתות וימים טובים מן המנחה ולמעלה!...

Talmud Bavli Pesahim 99b

Mishnah. On the afternoon before Pesah, one should not eat until it gets dark...

Gemara. Why does the Mishnah specify this rule for the afternoon before Pesah? It ought to apply on all afternoons prior to Shabbat and Festivals! As it is taught: One should not eat on the afternoons before Shabbat and Festivals [until the start of Shabbat]...

The Mishnah here gives a simple ruling, which seems to be related to preserving one's appetite leading up to the Seder: One should not eat in the afternoon hours leading up to Pesah. The *gemara* objects, not to the substantive rule, but to its implied narrow scope. By singling out the afternoon before Pesah, the Mishnah suggests that this is a rule that is unique to Pesah. But the *gemara* then cites another Tannaitic text that forbids eating on the afternoons prior to other sacred days as well! The Talmud—in the continuation of the passage not quoted here—goes on to offer several possible resolutions to this conflict between the Mishnah's seemingly narrow scope and the broader ban on afternoon eating attested elsewhere.

⁷ Some read Shmuel's statement here as endorsing only early prayer, whereas the second half of his statement—*וְאָמַר קְדוּשָׁה עַל הַכּוֹס*—meant that *Kiddush* still could and should be said later, when Shabbat had astronomically begun. See Otzar Ha-Geonim on Berakhot 27b for the fuller discussion.

But another detail in this passage attracts the attention of the Tosafot. They note that when the Mishnah forbids eating on the afternoon before Pesah, it provides an end point, “until it gets dark.” The Tannaitic text in the *gemara*, however, simply bans eating in the afternoons prior to Shabbat and Yom Tov, but without any reference to nightfall. Is there some meaning to this discrepancy? **R. Ya’akov of Corbeil** (France, 12th-13th c.) provides an answer:

תוספות פסחים דף צט עמוד ב ד"ה עד

עד שתחשך – מקשינן [על המשנה] אמאי איצטריך עד שתחשך, פשיטא! ועוד, דבגמרא גבי שבתות וימים טובים לא קתני ליה! ואומר הר"י מקורבי"ל דגבי מצה דווקא בעינן עד שתחשך, כדתניא בתוספתא הפסח ומצה ומרור מצותן משתחשך. וטעמא משום דכתיב (שמות יב) ואכלו את הבשר בלילה הזה ומצה ומרור איתקשו לפסח. אבל סעודת שבת וימים טובים מצי אכיל להו מבעוד יום, כדאמר בפרק תפלת השחר (ברכות דף כז:): מתפלל אדם של שבת בערב שבת ואומר קידוש היום מבעוד יום...

Tosafot Pesahim 99b

“Until it gets dark”—We have a problem [with the *mishnah*]: Why must it use the phrase “until it gets dark”? That is obvious! [It is obvious that the ban on afternoon eating will only expire when it gets dark, which is when Yom Tov will truly begin.] Furthermore, [the use of this phrase is all the more unusual given that] the text in the *gemara* about afternoons before Shabbat and Festivals doesn’t use this phrase!

R. Ya’akov of Corbeil explained that *matzah* has a specific requirement to be eaten after dark, as it says in the Tosefta... and the reason is because the Torah says “They shall eat the meat on this *night*” and *matzah* and *maror* are given the same legal status of the Pesah-offering. But with respect to Shabbat and Yom Tov meals, one may eat them while it is still light... a person may pray and make *kiddush* on Friday nights while it is still light...

R. Ya’akov of Corbeil argues that even though on most Shabbat and Yom Tov evenings one is permitted to begin the festive meal earlier, while there is still daylight,⁸ on Pesah the meal is tied to the Paschal sacrifice, which means that the *matzah* and bitter herbs eaten at the start of the meal may not be consumed until *nightfall*. Pesah is thus an exception to the usual allowance to

⁸ More controversial was whether Shabbat and Yom Tov evening meals could even *conclude* before nightfall, thus leaving them entirely untethered to the astronomical parameters of the day. For more on this question see, among other sources, Terumat Ha-Deshen #1 and Bah’s citation of Maharal of Prague on OH 472.

start Shabbat and Yom Tov early, on account of a specific biblical command that emphasized nighttime—darkness—as a prerequisite for consuming the ritual foods on this evening. He cites as proof Tosefta Pesahim 2:22, which demands nighttime consumption of the ritual foods, as we saw above.

However, not all of his contemporaries accepted this proof, as we see from the following text:⁹

תוספות רבינו יהודה שירליאון על ברכות כז.

מיהו גבי מצה היה אומר הר"ר יעקב מקורבייל שלא לאכול מצה עד שתחשך, מדאמרי' בתוספת' דפסח'... ואימתי אוכלן משתחשך, ואין כאן תוספת, ושאני פסח דכתיב ביה ואכלו את הבשר בלילה דלילה בעינן דוקא ומצה איתקשאי לפסח אבל אם אכלו מבעוד יום לא יצא י"ח, אע"פ שיכול לקדש ולהתפלל של שבת, כדאמרינן הכא, לענין פסח ומצה בעי' ממש לילה מיהו שמא הזכיר משתחשך לאשמועי' שאע"פ ששחיטת הפסח מבעוד יום אינו נאכל מבעוד יום כמו שאר קדשים, ולעולם אין לחלק לענין תוספת [כדפרישית].¹⁰

Tosafot of R. Yehudah Sir Leon Berakhot 27a, France, 12th c.

However, with respect to *matzah*, R. Ya'akov of Corbeil said that one may not eat it until it gets dark, because of what it says in Tosefta Pesahim... “When does one eat them? When it gets dark.” There is no “adding on” [to the day]. The Pesah-sacrifice is different; because Scripture says about it: “And they shall eat the meat at night”, we require true night, and *matzah* has the same rule as the Pesah-sacrifice. But if it was eaten while it is still day, the obligation is not fulfilled. This is true even though one may make *kiddush* and pray the Shabbat *amidah*, as we say here [in the case of Rav]. With respect to the Pesah-offering and *matzah*, we require true night.

Nonetheless, it may be that the Tosefta specifies “when it gets dark” only to teach us that even though the Pesah-offering is slaughtered during the day, it, unlike other sacrifices, may not be eaten during the day [i.e. on the 14th of Nisan]. But [one may start the 15th of Nisan early], and there is no reason to distinguish with regard to “adding on” as we

⁹ The text here follows ms. Oxford, as printed in the edition of Tosafot Rabeinu Yehudah edited by R. Nisan Sachs. See Hazon Ovadiah I:1 for further analysis of this position, and a close reading of the printed Tosafot on Pesahim 99b and its various versions.

¹⁰ The manuscript here reads דפריך, which the editor argues was an erroneous expansion/correction of כדפרי'. The printed edition reads כדאמרינן. The sense is the same: R. Yehudah here is referring back to the explanation of R. Ya'akov of Corbeil's analysis above, which he rejects.

suggested above. [In other words, just as Rav begins Shabbat early, so to one can begin Pesah early, and this early start has biblical force.]

This passage is commenting on Rav's practice, described on Berakhot 27a, to begin Shabbat early by praying the Shabbat *amidah* on Friday afternoon. The main question around that (presumably legitimate¹¹) practice is the following: Does Rav's action point to a general ability to usher in a sacred day early and thereby "add on" to its astronomical duration even for biblical purposes? In other words, does Rav truly make it biblically Shabbat for himself when he prays the evening prayer on Friday afternoon? Or is Rav only allowed to do this because of leniencies around rabbinic practices like prayer? Perhaps with rabbinic practices, the penumbra of time around a sacred day can be rendered sacred, but biblical requirements must be fulfilled with the narrower astronomical boundaries?

How we answer that question has significant ramifications for a host of practices, including the question of eating *matzah* before nightfall on the night of the Seder. Specifically, can Rav's practice serve as a model for liturgically and ritually transforming the late afternoon of the 14th of Nisan into the night of the 15th? R. Ya'akov of Corbeil, as quoted in this passage, sees the Torah's requirement for nighttime consumption of the meat of the Paschal sacrifice, along with the attendant *matzah* and bitter herbs, as precluding this possibility. בלילה הזה /"On this night" demands not just a late hour in the day, but darkness in the sky. One who eats earlier in the day has no power to "add on" these hours to Pesah in a way that would validate eating *matzah* at that time as a fulfillment of the biblical command.

R. Yehudah Sir Leon (France, 12th-13th c.) rejects this approach and the proof from the Tosefta. It might be, he argues, that the Tosefta is only clarifying that the Pesah-offering is not to be consumed on the 14th, but rather on the 15th. Every other sacrifice can be eaten right away on the day when it was slaughtered, such that this novel point must be made to clarify the Pesah-offering's uniqueness. In other words, the Tosefta's stipulation of משתהשך for the time to consume Pesah, *matzah* and bitter herbs is not about *astronomy*, rather it is about the proper

¹¹ In fact, in our printed version of the *gemara*, Shmuel's position permitting praying and making *kiddush* for Shabbat "while it is still day" is followed by the normative endorsement והלכתא כוותיה. This, however, is a later addition, missing from all the manuscripts. Most post-Talmudic commentators, however, did assume both Rav and Shmuel's traditions to be normative, though some deflected them as dependent on what they saw as a non-normative view that the evening prayer could generally be said before sunset. For some of the discussions, see Otzar Ha-Geonim on Berakhot 27a-b.

ritual calendrical frame. As long as one has ritually begun the 15th of Nisan—by lighting candles, saying *kiddush* or otherwise mentally accepting Yom Tov—one can eat the sacrificial meal and its components.¹² R. Yehudah Sir Leon thus argues that there is no rabbinic text that clearly forbids starting the Seder early, eating *matzah* and bitter herbs before nightfall. And though he does not make this explicit, he clearly thought that the biblical verse could be read this way as well. *וואכלו את הבשר בלילה הזה* “You shall eat the meat on this night”—you may not eat this meat until you have begun treating it like the nighttime, with all of its corollary restrictions and liturgical character. If the Torah embraces the notion that biblical sanctity can be extended (at least somewhat) through human action and consciousness, this case ought to be no different. This would mean that a Seder can be begun well before nightfall,¹³ since the *kiddush* at the beginning establishes the time frame as that of Yom Tov and can usher in Pesah early, validating even biblical commandments.

R. Ya’akov of Corbeil’s approach dominates subsequent discourse, with almost all assuming that *matzah* may not be eaten until dark.¹⁴ A prominent example is the ruling of the **Tur** in OH 472: *אבל לא יאכל קודם שתחשך אף על גב דבשאר שבתות וי”ט יכולין להוסיף מחול על הקודש פסח* “But one may not eat until it gets dark, even though one may generally start Shabbat and Yom Tov early, because Pesah is different since the time for eating *matzah* is only at night, just like the Pesah-offering.” This was likely motivated in part by a more astronomical reading of *בלילה הזה* “on this night”, but also for values-driven reasons I will

¹² Note that R. Yehudah Sir Leon seems to take for granted that accepting a sacred day early has biblical force, and his example of making *kiddush* early seems to reinforce this point. His only question is whether the Pesah-offering and *matzah* are exceptions because of a specific verse. He accepts *תוספת דאורייתא* as a general principle. The only question is whether this principle is overridden with respect to the ritual eating at the Seder. This should highlight another important point.

¹³ R. Yehudah Sir Leon may well have insisted that Shabbat and Yom Tov not be begun earlier than *plag ha-minhah*, 1.25 variable hours before the end of the day. It is difficult to ascertain if he accepted this limit, which seems to be assumed in Tosafot Berakhot 27a and is embraced by many later *poskim*. However, there is no trace of such a limit in Halakhot Gedolot, who grounds the justification of early Shabbat in the principle of *מוסיפין מחול על הקודש*—a principle with no obvious limit—or Rambam, in Hilkhhot Tefillah 3:7 simply says that Shabbat Arvit can be prior to sunset because it is an optional prayer and thus its precise time frame is unimportant. In Hilkhhot Shabbat 29:11, he permits saying *kiddush* while it is still day on Friday, because the command to mark Shabbat through words need not be done precisely with the astronomical beginning of Shabbat: *שמצות זכירה לאמרה בין בשעת כניסתו ויצאתו בין קודם לשעה*. Depending on how restrictive the word *במעט* is meant to be, this seems to leave room for beginning Shabbat significantly earlier as well.

¹⁴ Aside from those preferring the substantive approach of R. Ya’akov of Corbeil, anyone who rejects the more general notion that biblical *mitzvot* tied to a specific day cannot be done before the astronomical onset of the day—also would not be able to accept his view. In other words, anyone uncomfortable with starting Shemini Atzeret early and eating outside of the *sukkah* for that late afternoon meal would not be able to rely on R. Yehudah Sir Leon here. See Taz on OH 668.

return to below. For whatever reason, R. Yehudah Sir Leon's position is essentially lost, practically never cited or engaged in subsequent halakhic discourse and must honestly be regarded as a position that has lost any meaningful normative weight.

B. The timing of *maggid* and *kiddush*

Most striking about the above debate is that *neither* R. Yehudah Sir Leon *nor* R. Ya'akov of Corbeil seems to have any requirement to tell the story of the Exodus after nightfall. R. Yehudah Sir Leon quite plainly thinks that beginning Pesah early allows for the fulfillment of any and all biblical *mitzvot* pegged to the day. He would explain the Mekhilta as follows: When that text does not allow telling the story of the Exodus מבעוד יום / “when it is still day”, it only means to preclude such narration in a space that is liturgically being treated as the 14th. If Yom Tov was already ushered in—even though it is not dark—it is functionally the 15th, and the *mitzvah* of telling the story of the Exodus on the 15th of Nisan can be fulfilled.

But even R. Ya'akov of Corbeil only requires that *matzah* be consumed after dark, not that the story of the Exodus wait until that time. He does not directly engage the Mekhilta, which seems to insist that the narrative retelling happen at the time when Pesah, *matzah*, and bitter herbs are in play. For R. Ya'akov of Corbeil, this is after nightfall, so how could the same not be true for the story of the Exodus as well?

There are a number of ways he might have addressed this text:

1. Substantively, he might have read the phrase בשעה שמצה ומרור מונחים לפניך to mean the time when you are engaged in the direct preparation for eating these ritual foods. Even if it is not yet a valid time for eating them, the fact that the narrative will culminate with their consumption at the proper time is sufficient to meet this criterion. This would support a Seder schedule with *maggid* timed to conclude with nightfall, at which point the *matzah* and bitter herbs would promptly be eaten. In fact, this seems to be the best reading of the Mekhilta in keeping with Tosefta 2:22, which states that it is preferable to eat the Pesah-offering, *matzah*, and bitter herbs as close to the onset of nightfall as possible.

2. He might have viewed the Mekhilta as an *asmakhta*, an exegetical text having fundamentally less authority than the explicit linkage of the Pesah-offering with *matzah* and bitter herbs in the Torah. In other words, whereas the Torah specifies night as the proper time for the Pesah-offering, *matzah*, and the bitter herbs, it is only the Mekhilta that tries to link the narrative telling of the story to the time of the Pesah. Even if we require the telling of the story to happen on the 15th of Nisan (as opposed to on the 1st of the month or even on the 14th during the day), we don't have a strong enough linkage based on the Mekhilta alone to require the telling to be after *astronomical nightfall*. Therefore, as long as one has ushered in the ritual frame of the 15th (by committing oneself to refrain from forbidden work, lighting candles, and/or praying *arvit*), one may say *kiddush* and engage in all Pesah rituals that were not specifically earmarked by the Torah for nightfall.¹⁵

Nonetheless, by the time of turn of the 15th century Germany, it was widely accepted that *no part* of the Seder should start before it gets dark. This puzzled **Maharil**, who offered the following analysis:

ספר מהרי"ל (מנהגים) סדר ההגדה

אמר מהר"ל פליאה נשגבה בעיני על מה שצריכים בע"פ להמתין עם הסדר עד הלילה. אי משום "בערב תאכלו" והא עדיין אף אם יתחיל שעה ויותר קודם הלילה, ע"י הקידוש וסיפור ההגדה יהיה לילה טרם שיאכלו מצה. וכ"ת משום שתיית הכוסות שצריכין נמי להיות בלילה דומיא דמצה, תקשה לך על שני כוסות האחרונים דלאחר אכילה יהיו ג"כ מחוייבים לשתות קודם חצות כדרך מצה. וכן איתא מ"ד שרוצה להקיש ד' כוסות ומצה ונסתר מטעם זה. ואמר שנראה בעיניו טעמא משום שאכילת ירקות אתא למען שישאלו תינוקות, א"כ צריך להיות בלילה דכתיב בעבור זה (שמות יג, ח), בשעה שמצה ומרור מונחים לפניך, וכתיב והגדת לבנך (שם, שם) וההגדה בלילה היא. וכ"ת עדיין יתחיל מבע"י וע"י קידוש ימשך, דיש לך אדם שאין מאריך בקדוש. וטבול ראשון מיד אחר קידוש קודם סיפור הגדה.

Sefer Maharil, Seder Ha-Hagadah, R. Ya'akov Möllin, Germany, 15th c.

¹⁵ R. Sachs, in his edition of Tosafot R. Yehudah Sir Leon, offers another possibility, which is that R. Ya'akov of Corbeil would have understood the Mekhilta to treat as *יום מבעוד יום* only the hours of the day that are earlier than *plag ha-minhah*, which is already a recognized marker for the end of the day. R. Ya'akov of Corbeil thus would only have permitted the storytelling to begin after *plag ha-minhah*, even though it could then be completed so as to coincide with the consumption of *matzah* in the dark. This explanation feels forced to me, given the complete absence of any engagement with *plag ha-minhah* in R. Ya'akov of Corbeil's discussion. It seems more likely to me that he either ignored the Mekhilta or understood *יום מבעוד יום* not as a specific time of day but as an indication that the story had become totally detached from the ritual eating.

[Maharil] said: It is greatly perplexing to me that one should have to wait to begin the Seder until it gets dark. If this is on account of “eating in the evening” [prescribed in Shemot 12], one could still begin an hour or so before dark and by the time one was done with *kiddush* and the telling of the story, it would be night for the eating of *matzah*. And if you say that the cups of wine must also be drunk at night because they have the same status as the *matzah*, you will have to deal with the fact that the final two cups after the meal would have to be drunk prior to midnight, just like *matzah*. In fact, someone tried to make this very argument and was confounded by this point. So [Maharil] said that it seemed to him [the reason for waiting to start the Seder until night] was that the eating of vegetables [at *karpas*] is in order that children ask about it, and that must take place at night: “On account of this”—at a time when *matzah* and *maror* are laid out on before you... and the telling of the story must be at night. If you still say that one could say *kiddush* before nightfall and reach nightfall by the end of *kiddush*, there are some people who do not make a long *kiddush*, and the first dipping immediately follows *kiddush*.

Maharil assumes a standard requiring one to wait until the stars came out to do *kiddush* at the Seder, but is perplexed by this. R. Ya’akov of Corbeil’s argument only explicitly requires eating *matzah* after dark! Why not begin the Seder earlier, and allow *kiddush* and the narrative retelling last until nightfall, at which point *matzah* can be eaten? Implicitly rejecting the deflections of the Mekhilta we offered above, Maharil uses that *midrash* to link the narrative retelling to the ritual foods of the Seder. If the latter can only be consumed after dark, then the former can only be begun after dark. He furthermore emphasizes that *karpas* at the Seder is intended to get children to ask questions and is thus part of the narration. Therefore, this too must be done after dark.

What about *kiddush*? Maharil is clear that there is no reason that *kiddush* must be done after dark. *Kiddush* can be done early on Shabbat and Yom Tov generally, there is no reason that this leeway would not apply to Pesah as well. As far as the *kiddush* being one of the four cups of wine at the Seder, this cannot trigger a mandate to drink them within the frame of time eligible for consuming the Pesah-offering. Maharil takes for granted that no one ever suggested that the third and fourth cups be completed by astronomical midnight, the deadline for finishing the sacrificial meat. If the later cups do not need to conform to the end of the sacrificial timeframe, then the first cup need not conform to its beginning. So why is it common practice to wait until nightfall even to begin *kiddush*? Since some people do a short *kiddush*, thus leaving barely any

buffer time before getting to *karpas*, the practice emerged for all people to wait for dark to do *kiddush* as well.

Maharil's position thus leaves some theoretical leeway for starting *kiddush* prior to nightfall, but emphasizes that the story—and the ritual bits used to introduce it, starting with *karpas* and the four questions that immediately follow it—must happen when it is actually dark.

R. David Abudraham is stricter: He argues that the four cups of wine at the Seder are linked to *matzah* and therefore cannot be drunk until after dark. Since *kiddush* at the Seder is one of the four cups, it too cannot be said until after dark. **Terumat Ha-Deshen** spells this out further with a deeper textual and theological basis:

תרומת הדשן סימן קלז

שאלה: בע"פ כשיוצאים מבהכ"נ בערבית עדיין יום הוא, שרי לקדש על הכוס ולהתחיל הסדר מבעוד יום או לא? תשובה: יראה דלא שרי למיעבד הכי, דהתוס' ומרדכי ואשירי ריש ע"פ כתבו בשם הר"י דאורליי"ש, דאין מצות מצה ומרור אלא בלילה ממש. וא"כ אע"ג דקודם שיסיים האגדה ויגיע לאכול מצה ומרור יהיה לילה ממש, מ"מ כוס של קידוש שהוא אחד מד' כוסות גם אכילת שאר ירקות ויתר שינוי דעבדינא כדי שישאלו התינוקות, וכ"ש האגדה עצמה בעי נמי דליהוי בשעת שראוי לאכול מצה ומרור, דכל הני אמצות מצה ומרור שייכי, וגמרינן ודרשינן והגדת לבנך כו' בעבור זה לא אמרתי אלא בשעה שיש מצה ומרור מונחים לפניך. ר"ל בשעה שראוי לאכול מצה ומרור, דהא מבעוד יום נמי היה יכול להניח לפניו. וא"כ ע"כ אין לומר האגדה/ההגדה/ קודם הלילה ממש, והשינוי נמי אין כאן דרך כדי שישאל הבן ויגיד לו האב. וקידוש נמי הואיל וכוסו בכלל ד' כוסות מן הרמוזים בלשון גאולה במצה שהיא זכר לחירות, א"כ כולו צריכין שיהא לילה ממש.

Terumat Ha-Deshen #137, R. Yisrael Isserlein, Austria, 15th c.

Question: On the first night of Pesah, it is still light after we leave the synagogue for *arvit*. Is it permissible to make *kiddush* and to begin the Seder while it is still light?

Answer: It would seem that this is not permissible... because the *mitzvah* of *matzah* and bitter herbs only applies when it is truly dark. Therefore, even though if one started while it was still light one would end up eating *matzah* and bitter herbs after dark, the cup of *kiddush*, which is one of the four cups, along with the vegetables [of *karpas*] and the other unusual practices we do so as to elicit questions from children, and all the more so the story itself must all be done at a time when it is appropriate to eat *matzah* and *maror*, because we say, "On account of this"—at a time when *matzah* and *maror* are laid out on before you... and since *kiddush* is one of the four cups that are hinted at through the

Torah's articulations of redemption... therefore, they all must be done when it is truly night.

Terumat Ha-Deshen continues the trend of insisting that the Mekhilta demands that all the rituals associated with *matzah* be done at a time when it is valid to eat *matzah*. He strengthens his argument by appealing to the *midrash* first advanced in Yerushalmi Pesahim 10:1, that the four cups of wine at the Seder are intended to hint at the four verbs of redemption used by God in Shemot 6, rather than just serving as anchors of a festive meal.¹⁶ They are thus a mythic unit that cannot be separated from the *matzah* and the bitter herbs. He ignores or implicitly rejects Maharil's objection to this line of thought. Terumat Ha-Deshen might in fact have thought that the entire Seder must be completed by astronomical midnight. Alternatively, he may implicitly be influenced by R. Akiva's view, cited in the Talmud, that it is permissible to eat the Pesah-offering (and therefore the *matzah*) all night long.¹⁷ He might also have responded that the key for the four cups is not that they all be at a time valid for the consumption of *matzah per sé*, but rather at night, so as to coincide with the slaying of the firstborn and Israel's deliverance.¹⁸

VI. Values

We have essentially identified four separate positions with regard to the timing of the Seder. What do these various legal positions stand for? How does the seemingly minor detail of timing

¹⁶ This is one of four mappings offered by various Sages in that passage. The other correspondences include the four times the "cup of Pharaoh" is mentioned in the Joseph story, the four empires said to rule the Jewish people throughout their history, and the four references to "cups of disaster" that will be fed by God to the nations of the world. These interpretations are part of a larger march towards mythologizing previously aesthetic and functional elements of the Seder meal. For an analysis of many such transitions, see שמא יהודה פרידמן, תוספתא עתיקתא, רמת-גן, תשסג.

¹⁷ See Berakhot 9b.

¹⁸ **R. Shimshon b. Tzemah Duran** (14th-15th c., North Africa) advances Terumat Ha-Deshen's position as well in his work Yavin Shemuah, but a later gloss on that work testifies that it was not common practice to wait until dark to begin *kiddush* at the Seder, an effective return to Maharil's approach. This indicates that the stricter view here remained a matter of dispute. It is difficult to ascertain **Rambam's** view on the matter. On the one hand, he quotes the Mekhilta and goes out of his way to assert that drinking the cups of wine, telling the story and eating the *matzah* and bitter herbs must all happen בליל חמשה עשר. This might suggest that he rules like Terumat Ha-Deshen, and certainly seems to indicate that he would reject R. Ya'akov of Corbeil, who seems to have imagined the possibility of telling the story at a time that would be ineligible for the eating of *matzah*. But, as we have seen, that same language did not preclude R. Yehudah Sir Leon from allowing even *matzah* to be eaten while it is still day, assuming one has ritually begun the 15th of Nisan.

affect our experience of the Seder? I would like to suggest that each position here encodes very different understandings of the rituals on the first night of Pesah, such that we should understand the argument here to be a proxy for a broader debate as to what the Seder is all about. Rather than focusing on stringencies and leniencies, we should ask ourselves what it looks like to inhabit each of these halakhic positions in real, religious time.

A. Commemoration

R. Yehudah Sir Leon's position casts the entire Seder as a commemoration, not a reenactment. Not unlike July 4th celebrations, we gather on a specific date to recall a momentous event in our history. But we do not imagine that we are reenacting it in any precise way. What matters is that we convene in a time that we treat as the 15th of Nisan. Even if it is broad daylight out, even if the entire Seder is completed before it is fully dark, we are still convening in the evening of the basic date when the redemption happened years ago. The power accorded Jews to begin sacred days early makes such an "early" commemoration both real and effective. Described this way, it should be clearer why this view is utterly rejected by all who encounter it. Abandoning reenactment to this degree, playing with the meaning of הלילה הזה/"this night" to this extent, was simply too much for most interpreters. For those rejecting R. Yehudah Sir Leon, at least the *matzah* and bitter herbs must be eaten at a time when we can look up in the sky and see the same darkness that our ancestors would have as they spend their final hours waiting for redemption.

B. Gearing up for Reenactment

R. Ya'akov of Corbeil emphasizes that eating the *matzah*, like eating the Pesah-offering it is meant to accompany, is a reenactment that must take place after dark. With the ritual eating at the Seder, we imagine ourselves standing in the shoes of our ancestors in Egypt, "tasting" the deliverance that is about to come. The story telling, however, can happen earlier. The *haggadah* functions much like an orientation film at a good museum: In order to imbue the potentially pedestrian artifacts with meaning and gravity, the film tells a story that emotionally cues up the

visitor for a peak experience. *Matzah* is, after all, bread. For it to be filled with meaning, for it to conjure up redemption, we must set the stage for its central and religiously elevated role. This is the role of the Exodus story, which must be told as the “*matzah* and bitter herbs are lying in front of you on your table.” Indeed, this is the explicit structure of the very end of *maggid*, which culminates in Rabban Gamliel’s stripped down version of the story’s obligation: to explain and contextualize the Pesah-offering, *matzah*, and bitter herbs. The story is thus essential, but it is the handmaiden of the ritual eating. The center of the evening is the *matzah*, just as the point of a museum is its artifacts. Nonetheless, the opening film is critical (and often extremely popular), and so too is the *haggadah*, without which the Seder might not be much different than any other night of Pesah when *matzah* and romaine lettuce might be on the menu as well.

C. Finding ourselves in the story

For Maharil, there is more to the storytelling than this. Not merely an introduction for the *matzah*, the *haggadah* is *itself* a reenactment that must happen at night. For this approach, there are serious ramifications to taking seriously the *haggadah*’s imperative that בכל דור ודור חייב אדם “In every generation, one must see oneself as if one has personally left Egypt.” Most notably, the story doesn’t just prepare us to reenact the consumption of *matzah*, it invites us to become its protagonists. We too depart Egypt each year on the 15th of Nisan, something we can only do if we tell the story at the time of day when we were delivered. For Maharil, telling the story during the day is like trying to reenact a historical battle in contemporary civilian clothing. Not only will the mood not be set, but there will be no real reenactment to speak of. Delaying the story itself until the nighttime—even though it will push off consumption of the *matzah* somewhat—is the only way to fulfill the biblical imperative to see this story as being about us, not our ancestors. ואותנו הוציא משם—God took *us* out of there and we can look up at that sky at that moment of narrative reenactment and see the same moon and stars that our ancestors saw as the story happened to them in real time. This reenactment is of course encased in a festive meal, which happens in the present. *Kiddush* introduces that meal like on any other sacred day, and its timing is not especially important on this night. But once

we move to the special rituals of the evening and hear children asking about things we do בלילה הזה, on this night, it must indeed be night.

D. The Seder: A set piece

Terumat Ha-Desehen takes us further. For him, the entire Seder is a set piece entirely about reenactment. It is a *Seder*, an order where every piece plays a role. Not only the *matzah*, not only the story, invite us in as protagonists. Even the festive cups of wine we drink on all manner of festive occasions take on mythic significance on this night. The four cups become reminders and experiences of redemption itself, conjuring up the four promises of redemption made by God to Moshe. If we are to experience the wine in this way, how can we begin before the hour of redemption has arrived? For Terumat Ha-Deshen, there essentially is no normal evening meal on the Seder night. Everything we do, from *kiddush* through the ritual eating is intended to transport us to another time and place. When we recite the order of the Seder, קדש plays just as critical a role as מוציא מצה in shaping the character of the evening. We wait until the time of redemption—the dark, starry night with its full moon—before we begin our dramatic reenactment. Waiting for dark to say *kiddush* is perhaps the most intense way to assert that this is no commemoration, no mere holiday meal where family gathers together. This is a ritual time capsule of sorts, one that spirits us back to our founding moment as a nation.

VII. Modern rulings and practical guidance

With this framework of value-laden halakhic positions in mind, let's consider the evidence for choosing between them.

A. *Kiddush* before dark?

Shulhan Arukh OH 472 takes a strict view on starting *Kiddush* after dark, following Terumat Ha-Deshen. There is no question that this position is completely dominant and vastly preferred by all as the ideal way of doing things.

However, **R. Ya'akov Reischer** (Central Europe, 17th-18th c.) in **Hok Ya'akov** 472 notes that the logic on which this position is based is challenged by Maharil: If the last cups need not be before midnight, how can the first cup have to be after nightfall? He seems to favor Maharil's more lenient position.¹⁹ As a result, **R. Ovadiah Yosef** (in **Hazon Ovadiah** I:1) rules that while *kiddush* should in fact be said after dark, when one is in a difficult situation, one can say it earlier, based on Maharil's approach.²⁰

B. Telling the story before dark?

While almost all subsequent voices endorse the requirement to wait for dark even for *kiddush*, some modern authorities questioned this whole line of analysis, reviving the position of R. Ya'akov of Corbeil. **R. Yosef b. Avraham Molkho** (18th c., Salonica, student of R. Yosef David of Salonica), in his work **Shulhan Gavoa**, points out that the Tur only seems to require that *matzah* be eaten after nightfall, but does not seem to be concerned about anything prior to that in the Seder:

שלחן גבוה או"ח תעב, ר' יוסף בן אברהם מולכו, יוון, המאה ה"ח
... אבל לקדש ולומר הגדה גם לאכול כרפס שלא איתקשו לפסח כל הני שרי לדעת הטור ז"ל ודעימיה ורבינו
דכתב לא יקדש היינו מהא דכתב בעל תרומת הדשן... אבל קידוש והגדה ואכילת כרפס פשיטא דיצא אף מבעוד
יום כדמשמע מדברי הטור ודעמיה ז"ל אלא דלכתחילה נהגינו כדברי רבינו ז"ל שלא לקדש עד שתחשך הואיל
ויצא מפומיה דמר.

¹⁹ Taz attempt to head this objection off at the pass by claiming that the first cup is privileged, since it functions as *kiddush* for the meal, which begins with *matzah*. One cannot allow a *kiddush* at a time when the main meal itself could not be eaten. There are a number of difficulties with this approach, not least of which is that it cannot explain Terumat Ha-Deshen, who requires the first cup of wine to be drunk after dark because of its role as one of the four cups, not on account of its special function as *kiddush*.

²⁰ He goes so far as to argue that Terumat Ha-Deshen himself would concede this point.

Shulhan Gavoah OH 472, R. Yosef b. Avraham Molkho, Greece, 18th c.

...[According to R. Ya'akov of Corbeil and the Tur and others who follow him], it is permitted to make *kiddush*, and to recite the *haggadah*, and to eat *karpas* before it is dark, because none of these were given the same status as the Pesah-offering. The Shulhan Arukh wrote that one should not make *kiddush* until dark based on the Terumat Ha-Deshen... but it is obvious that if one made *kiddush*, ate *karpas*, and recited the *haggadah* while it was still light, one has obviously fulfilled one's obligation, in keeping with the Tur [who follows R. Ya'akov of Corbeil]. Nonetheless, we ideally practice like the words of the Shulhan Arukh not to make *kiddush* until it gets dark, given that this ruling was articulated by the Shulhan Arukh [and thus has significant cultural/religious/legal authority].

Shulhan Gavoah asserts that R. Ya'akov of Corbeil and all other medieval authorities that only emphasize the importance of *eating* after dark would in fact permit all prior parts of the Seder to be done earlier. Only the foods directly compared to the Pesah sacrifice, and thus associated with the directive to eat it בלילה הזה, must be eaten after nightfall. But *kiddush*, *karpas*, and the whole narrative ritual of the *haggadah*, can be done while it is still light out. Harking back to the language of the Tosefta, he says that our core concern with timing is only around the ritual foods of the Pesah-offering, *matzah*, and bitter herbs. There is no real concern for the earlier parts of the Seder. As a result, he concludes that almost everyone other than Maharil, Abudraham, and Terumat Ha-Deshen would permit starting the Seder while it is still light and timing it to get to the eating of *matzah* at nightfall. Though he prefers starting *kiddush* after nightfall, R. Molkho notes that this is only in deference to the Shulhan Arukh's outstanding authority and stature, but not because he believes this view to be dominant and correct. **Hatam Sofer** (R. Moshe Sofer, Hungary, 19th c.) seems to address this position even more forcefully, without reference to the Shulhan Arukh:

חתם סופר מסכת פסחים דף צט עמוד ב

שתחשך. נלע"ד דלאכילה דוקא קפדי' עד שתחשך אבל מ"מ יכול לקדש משתשקע החמה כמו בכל שבת וי"ט
ויאריך בסיפורי הגדה עד שתחשך ואז יאכל

Hatam Sofer Pesahim 99b, R. Moshe Sofer, Hungary, 19th c.

“Until it gets dark”—In my opinion, this refers specifically to eating, which must wait until dark. But one may make *kiddush* once the sun has set, as is the case on any Shabbat and Yom Tov, and then prolong the stories of the *haggadah* until it gets dark, at which point one may eat.

The Hatam Sofer here may only be authorizing *kiddush* starting at sunset, but this may not be overly specific, as the appeal is to the pattern “on any Shabbat and Yom Tov,” when the sacred day can be begun significantly earlier than sunset. However we read him, it seems clear that he does not require the storytelling to happen once it is dark. Both Shulhan Gavoah and Hatam Sofer would have to address the *Mekhilta*, as we suggested on behalf of R. Ya’akov of Corbeil above.

R. Ovadiah Yosef, by contrast, invokes the *Mekhilta* and assumes it establishes a strong and binding connection between the telling of the story and *matzah* and bitter herbs. He therefore does not allow for any leniencies—even in pressing circumstances—for anything other than *kiddush*.

C. Making decisions

Let’s begin with those who are healthy and in control of their own Seder times. For reasons of substance—the *Terumat Ha-Deshen*’s compelling vision of a set piece of reenactment from beginning to end—and reasons of convention and authority—the Shulhan Arukh’s ruling—there is no question that *kiddush* should not be begun before nightfall. One need not take the strictest view of *tzeit ha-kokhavim*, but it should be *dark*, conjuring up the very physical feeling of being in the time of day when the redemption came the Israelites in Egypt. To compromise on that front is to weaken the very powerful experience of *לראות את עצמנו כאילו יצאנו ממצרים*/to see ourselves as if we left Egypt. This is a reenactment. Drinking the four cups to the lees means drinking them all after dark.

The most common practical objection to this is kids and the difficulty in keeping them up late. I have strong feelings about this line of argument and a few points seems central to me:

1. For the overwhelming majority of children, a scheduled nap addresses this issue entirely. Part of the preparation for the Seder in my house as a child—and in the homes of many, many other people—is a serious afternoon rest.
2. Children love staying up late. To hide behind their supposed inability to do so is more often than not an expression of *adult* impatience with the late hour. Children understand drama and are much less self-conscious about it than adults. It generally doesn't make sense to center concern about the late hour on them.
3. Our culture validates children staying up late all the time, whether it be for the World Series, the Super Bowl, or the stroke of midnight on December 31st. One critical aspect of parenthood is modeling for our children that Jewish rituals are of ultimate importance, and *at least* on the level of other dramatic forms of celebration and participation in our culture. The late-night culture of the Seder creates deep memories that children never forget and makes all the language of הלילה הזה very real for them. Starting the Seder while it is light out dilutes this meaning.
4. Judaism is a religion for adults. Children surely play a critical role at the Seder, though mainly ones who are able to ask questions and actually follow the story. The Seder is certainly not designed for toddlers, even if they can enjoy parts of it; on a deeper level, it is not a pediatric experience. And needless to say that children are not formally obligated in *any* of the parts of the Seder, at least not as fully as adults. Part of attending a Seder as a child is growing into it, reaching each year ever more resolutely to make it to the end, after a few years of passing out on a couch immediately after the meal is served. This is a journey that takes effort. Like all journeys into adulthood, it is demanding and ultimately gives a deep sense of having grown in order to inhabit a grown-up space fully, as opposed to the shallower experience of having a ritual modified to cater to one's juvenile needs.

For all these reasons, anyone who is in good health and planning their own Seder should start after nightfall.

Nonetheless, sometimes a given Seder must account for the very elderly or the ill. Also common is the predicament of a person attending a Seder where the host is not attuned to concerns around start time, and will not be persuaded to change what has become conventional and convenient for the other attendees. The latter sort of case can lead guests to get stuck

without a clear sense of how to proceed without causing a major family dispute. The sources we have looked at reveal a richer language for understanding a variety of practices that deviate from what emerged as halakhic consensus in most communities.

The most basic area for flexibility is to allow for starting *kiddush* just before nightfall. As we saw, this was the view of Maharil and Hok Ya'akov, and R. Ovadiah Yosef explicitly endorses this in difficult situations. This doesn't buy one much time, but if combined with all sorts of other introductory things that happen when people sit down at the table, this is a useful leniency to be aware of.

A more dramatic step is to allow starting the Seder early so long as one arrives at the eating of *matzah* after dark. This allows for a significantly earlier start time and seems to have the backing of most medieval authorities, who do not mention any requirement to tell the story after astronomical dark. We saw how this practice was validated in principle by R. Yosef Molkho—who thought the practice to tell the story during the night as only ideal—and in practice by Hatam Sofer. As we noted, this transforms the *haggadah* from a reenactment to a framing text and experience. Later authorities, like R. Ovadiah Yosef, reject this leniency, and it only makes sense to rely on it when one will otherwise cause major friction, or when an ill or elderly person will have no other way of fulfilling the *mitzvot* of the evening.²¹

Finally, the most radical position we saw was that defended by R. Yehudah Sir Leon, who justified accepting Yom Tov through *kiddush*, and starting the Seder early without concern for delaying eating *matzah* until nightfall. This is an outlier position in the conversation and strips the Seder experience of any astronomical connection to לילה, a key word through not only the Torah's narrative of this story, but also the *haggadah*'s retelling of it. Given where the halakhic conversation has gone, and the plain sense of לילה in the Bible, this is essentially a deviant practice, though it has at least one defender. I think it is fair to argue that someone who cannot possibly stay up until dark to eat *matzah* is simply exempt from this commandment, and there is no basis for allowing a healthy person to rely on this view. Someone attending a Seder that starts

²¹ There is a more conservative version of this option, which is to make sure to begin עבדים היינו—or at least the section beginning with רבן גמליאל—after nightfall. While no authority I have found seems to take this approach explicitly, it is a reasonable position less radical than allowing everything before *matzah* to happen before nightfall. This approach would affirm the Mekhilta's linkage of the *haggadah* to the ritual eating but would balk at the deep significance of *karpas*, which, after all, has its origins as a typical dipping—or “salad course”—at the beginning of a meal and only later becomes invested with religious significance.

this early should make the minimal effort to eat some *matzah* and bitter herbs after nightfall as well.

The one value of this outlier position is that it can perhaps give more charitable language for understanding the practice of some Jews to complete even the consumption of *matzah* at the Seder while it is still light. It is incumbent upon us to change that culture wherever we can, but it is also important to be able to maximize one's respect for others, particularly when sensitive family relations are at stake. This is a more broadly important principle around *halakhah*. Sometimes we encounter positions that may have been relegated to the dustbin of practice and authority, such that it is essentially of no practical use. And yet, there is no text that does not have its hour. One of the most important tools in building tolerance and openness in our contemporary varied Jewish community is having a broad sense of what might theoretically be halakhically possible. Some of those positions are now obsolete in a way that old English phrases can no longer serve the contemporary English speaker. But understanding that they are from the same language, and that they may represent an unconscious religious instinct, with basis in the tradition, can lay the groundwork for future discussions and a shared discourse.

May the Seder this year and every year be redemptive. And may its unusual rituals and timing transport us to another place, elevating and inspiring us in the process.