

## The Four Cups: Substitutes for Wine?

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The *mitzvah* to drink four cups of wine at the Pesach seder is one of the holiday's most memorable and joyous features. But not everyone finds joy in it. Some folks simply do not like wine. And for others - for example, pregnant women, diabetics, or recovering alcoholics - the observance poses special difficulties. This poses the question: is wine an absolute requirement at the seder? Are substitutes permitted for the four cups (ארבעה כוסות, *arba`ah kosot*)?

It's not a simple issue in the *halakhah*. The obvious solution - to simply respond "amen" to the *b'rakhot* and then to refrain from drinking the wine - doesn't work, because as we learn:

Mishnah B'rurah to Shulhan Arukh Orah Hayyim 472, no. 36:

משא"כ בשבתות וימים טובים יכול לשמוע קידוש מאחר ויוצא בזה אבל הכא חל חיוב השתייה על כל אדם.

On Shabbat and *yom tov* one may fulfill the *mitzvah* by hearing the *Kiddush* recited by another person. But here, on Pesach, each person is obligated to drink (four cups).

And one is not permitted to abstain from this *mitzvah* merely because they don't care for wine!

Shulhan Arukh Orah Hayyim 472:10

מי שאינו שותה יין מפני שמזיקו, או שונאו, צריך לדחוק עצמו ולשתות לקיים מצות ארבע כוסות.

One who doesn't drink wine because it causes him discomfort, or because he dislikes it, must force himself to drink it in order to fulfill the *mitzvah* of the four cups.

Does the word "discomfort" - the Hebrew מַזִּיק is related to *nezek*, implying physical harm - mean that one *must* drink four cups at the seder no matter what the consequences? The Mishnah B'rurah, no. 35, tells us not to worry:

ר"ל שמצטער בשתייתו וכואב בראשו מזה ואין בכלל זה כשיפול למשכב מזה.

The "harm" here means that drinking wine is unpleasant for the individual. Perhaps it gives him/her a headache. But this rule does not require that one drink wine if it makes one take to one's bed.

The “headache” he mentions is based in a responsum of Rashba (1:238), who takes it from a statement of R. Yehudah in *B. N’darim* 49b:

אי טעימנא אלא קידושא ואבדלתא וארבעה כסי דפסחא, וחוגרני צידעי מן הפסח עד העצרת.

I never drink (wine) except for *Kiddush* and *Havdalah* and for the four cups at Pesach, and for that I have to bandage my head from Pesach until Shavuot.

Thus, it appears that one is obligated to drink four cups even if the wine causes *significant* discomfort - remember, there are seven weeks between Pesach and Shavuot! - but is exempted from it when drinking wine drives one to a sickbed. This exemption is the *Mishnah B’rurah’s* own idea (*s’vara*), as he explains in a footnote (*Sha’ar Hatziyun*, no. 52): to drink wine even if it makes you seriously ill does not fulfill the requirement that the wine be consumed *דרך חרות* (*derekh herut*; see *B. P’sahim* 108b), in a manner that symbolizes our liberation and status as a free people.

That’s nice, of course. But the problem with exemption (פיטור) is that, as we’ve learned from the traditional exemption of women from the obligation to fulfill most positive, time-bound *mitzvot*, is that to be exempted (*patur*) from a halakhic requirement can leave one feeling excluded from the community that defines itself largely by participation in such requirements. Perhaps I don’t wish to be told that I may “skip” the four cups due to my health condition. Perhaps I would prefer to fulfill that *mitzvah* in a manner that won’t involve medical danger. We are asking, in other words, about letting people off the *mitzvah*-hook. We’re asking about possible *substitutes* for wine at the seder.

The first possibility is pure grape juice, which after all takes the benediction *borei p’ri hagafen*. Some leading *poskim* permit the use of grape juice for the four cups, particularly for one who cannot tolerate wine.<sup>1</sup> But this hardly solves the issue for diabetics. And for recovering alcoholics, grape juice is so similar to wine as to pose problems.<sup>2</sup>

The second possibility, an intriguing one, is *hamar m’dinah* (חמר מדינה), a term that loosely translates as “local wine.” It refers to a beverage other than grape wine that enjoys a high status (*hashivut*; we might translate this as “class”) and is served to honored guests. It’s called “local wine” because it takes the place of wine, the celebratory beverage of choice in Jewish tradition, in those localities where wine is unavailable, too expensive, or just not very good. The question of the acceptability of *hamar m’dinah* for *kiddush* on Shabbat and festivals is an old debate in the *halakhah*, which can be summarized as follows:

*Shulhan Arukh Orach Hayyim* 272:9

במקום שאין יין מצוי, י”א שמקדשים על שכר ושאר משקין, חוץ מן המים.

<sup>1</sup> R. Ovadyah Yosef, *Hazon Ovadyah* vol. 2, p. 125; R. Moshe Sternbuch, *T’shuvot v’hanhagot* 2:243.

<sup>2</sup> See CCAR Responsum no. 5755.16, “Substitutes for Wine Under the *Chuppah*,” *Teshuvot for the Nineties*, pp. 231-236, <https://www.ccarnet.org/ccar-responso/tfn-no-5755-16-231-236>.

וי"א שאין מקדשין. ולהרא"ש, בלילה לא יקדש על השכר אלא על הפת, ובבקר יותר טוב לקדש על השכר, שיברך עליו שהכל קודם ברכת המוציא, שאם יברך על הפת תחלה אין כאן שום שינוי, ודברי טעם הם.

In a community where wine is unavailable, some say that *kiddush* may be recited over liquor and other beverages except for water.

And some say *kiddush* may not be recited over these.

In the view of R. Asher b. Yechiel [Rosh], on Shabbat evening one should recite *kiddush* over bread rather than over liquor. On Shabbat morning, it is better to recite *kiddush* over liquor, for which says the blessing *shehakol*, before one says *hamotzi*. For if one recites *kiddush* over bread, there will be no recognition (special indication that today is Shabbat). And his position is quite reasonable.

R. Moshe Isserles adds that the accepted custom in Ashkenazic communities follows the opinion of Rosh. This explains why *kiddush* after Shabbat morning services in traditional synagogues is often recited over schnapps or other intoxicants. The insistence upon grape wine on Friday night, when Shabbat begins, is based upon the statement in *B. P'sahim* 106a: - זכור את יום השבת לקדשו - "Remember the Sabbath day, to sanctify it" (Exodus 20:9), means to remember it over wine when it begins." Since this act of sanctification is Toraitic (*mid'oraita*), the demand that wine be used is taken quite seriously. The practice of reciting *kiddush* at lunch after morning services, by contrast, is Rabbinic in origin (*d'rabbanan*), for which the rules are not quite so strict. Those who *permit* the use of substitutes for wine even at the Shabbat evening meal do so because *hamar m'dinah* is considered the equivalent of "wine" in those localities.<sup>3</sup>

The issue of *hamar m'dinah* for *kiddush* is more complicated than this,<sup>4</sup> but our concern here is whether it's acceptable for the four cups, a *mitzvah mid'rabbanan* akin to the *kiddush* recited at Shabbat lunch. R. Moshe Isserles answers that question in the affirmative:

*Shulhan Arukh Orah Hayyim* 483:1

ובמקומות שנוהגים לשתות משקה הנעשה מדבש שקורין מע"ד, יכול ליקח אותו משקה לארבע כוסות אם אין לו יין.

In communities where it is customary to drink the beverage made from honey known as mead, one may use that beverage for the four cups if one has no wine.

So mead counts as one of those "other beverages." But does that include such non-alcoholic drinks as coffee, tea, or natural fruit juice, which in our culture it's customary to serve to honored guests? Some *poskim* assume that the answer is "no" Already in the 17<sup>th</sup> century, R. Yaakov Hagiz writes in his *Resp. Halakhot K'tanot* 1:9:

ומה שנשאל אם מקדשין עליו לא מחכמה דאין לקדש אלא על חמר מדינה דמרוי ומשכר דומיא דין.

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<sup>3</sup> See *Mishnah B'rurah*, no. 24.

<sup>4</sup> For example, when wine is not available, one traditionally makes *kiddush* over bread rather than resort to *hamar m'dinah* (*Shulhan Arukh Orah Hayyim* 272:9, citing Rosh).

You ask if it is permissible to recite *kiddush* over (coffee). This isn't a question at all, because *hamar m'dinah* is permissible for *kiddush* only when it resembles wine in that it intoxicates and brings delight.

And in our own day, R. Ovadyah Yosef makes a similar point (*Resp. Yabi'a Omer* 3, *Orah Hayyim* 19):

ולא הותרו שאר משקים אלא היכא דהוּו חמר מדינה דמשכר ומשמח.

“Other beverages” permitted for *kiddush* must resemble wine in that they intoxicate and are sources of joy.

And R. David Feinstein attributes the same stance to his father R. Moshe.<sup>5</sup>

These opinions seem to rest upon a tight analogy between “wine” (יין) and חמר, its Aramaic equivalent: if wine is an intoxicant, then *hamar m'dinah* must also be an intoxicant. But R. Eliezer Yehudah Waldenberg (Israel, d. 2007) tells us that this analogy has no basis in the sources.<sup>6</sup>

אין זה במשמעות כלל מפשטות דברי הגמ' והשו"ע דאיתא שרק מים מוצא מכלל חמר מדינה

This contradicts the literal sense of the Talmud and the *Shulhan Arukh*, which exclude only water from the list of beverages that qualify as *hamar m'dinah*.

Waldenberg apparently understands the word *hamar* (“wine”) to mean any beverage that, like wine, is served on social occasions and to honored guests. Thus, non-alcoholic versions qualify.

This certainly persuades us. The idea that an “important” or “classy” social beverage must be an intoxicant, or to say that *only* an intoxicant can serve to bring joy and delight reflects an exceedingly narrow view of the nature of social life in our culture. More than that: for contemporary *poskim* to say such a thing is evidence of a tone-deafness toward the medical issues that prompted this question in the first place. To tell diabetics and alcoholics that they must either drink wine or entirely exempt themselves from the *mitzvah* of the four cups - a ruling that, as we have seen, is not at all demanded by the sources - is to practice a policy of exclusion that does no credit to the *halakhah*.

Conclusion: those who for any substantive reason cannot tolerate wine may substitute any other social beverage - except for water - for the *mitzvah* of the four cups. Remember that the *b'rakhah* recited over each cup is *Barukh atta Adonai Eloheinu melekh ha'olam shehakol nih'yah bid'varo*.

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<sup>5</sup> *Hagadah shel Pesach Kol Dodi*, ch. 3, note 8.

<sup>6</sup> *Resp. Tzitz Eliezer* 8:16.