

### Parshas Tzav 5771

## A TALE OF TWO VERSES

Certain things, like oil and water, or fire and ice, simply don't mix. Another pair that should be added to the list is Yom Tov and *matanos la'evyonim* (gifts to the poor); a close examination of some curious passages in Megillas Esther will reveal that these two also can't co-exist.

### TWO-STEP PROCESS

The sections in question form the Megillah's description of the very first Purim and its observances. The Purim holiday, a Rabbinically-mandated festival, was initiated in the wake of the Jews' miraculous deliverance from their diabolical enemies. The curious aspect of the "original" Purim is that it is described more than once in the end of chapter 9. In relatively rapid succession, two sets of verses depict the observances that comprised the new holiday. Seemingly compounding the issue is the fact that there exist some notable differences between the two lists. The components of the original Purim celebration are listed in verse 19 (which, for our purposes, we will refer to as "Version I"), and again in verse 22 ("Version II"):

**Version I:** "Therefore, the Jews... observe the fourteenth day of the month of Adar with **joy, feasting** and (observance of) a **Yom Tov** (holy day); and *mishlo'ach manos* (the sending of portions) – each man to his fellow," (v.19).

**Version II:** "And Mordechai wrote these matters, and he sent scrolls to all of the Jews... to accept upon themselves to observe the fourteenth day of the month of Adar... in each and every year... as days of **feasting** and **joy** and *mishlo'ach manos* – each man to his fellow – and *matanos la'evyonim* (gifts to the poor)," (v.20-22).

It would appear to be quite a job to square these two "versions," due to the somewhat stark differences between them. Notice that Version I mentions **Yom Tov**; Version II drops this term. Version II includes *matanos la'evyonim* in its list; this item did not appear in Version I. It almost seems as if the two versions engaged in some sort of exchange, swapping the Yom Tov term (of Version I) for *matanos la'evyonim* (in Version II).

It seems that several factors are at play here. First and foremost, the issue of the two "versions" apparently reflects two distinct phases in the adoption of this holiday into the annals of Jewish law (an analysis based on the Gemara and Rashi in Megillah [5b], as shall be demonstrated below). The first phase (Version I) was the "contemplation" stage. In other words, the list in Version I represents those items that were originally considered to form the core of the day's observance. The final "product" (Version II) – i.e., the list of details that were formally accepted and included in the final and permanent version of the holiday, to be observed for generations – was decided upon by Mordechai and the sages and distributed in scrolls throughout the Jewish world.

One point of interest that emerges from this arrangement is the (under-reported) fact that Purim was almost designated as a full-fledged Yom Tov. The Gemara (*ibid.*) examines the actions of Rabbi, who engaged in planting on the day of Purim. Planting is a form of *melachah* (labor), and the verse refers to Purim as a Yom Tov – a term normally associated with an *issur melachah* (ban on labor). Was Rabbi allowed to do what he did? The Gemara concludes that his actions were sanctioned. Purim is termed a "Yom Tov" only in Version I; this term is omitted in the final version. This means that when first considering the establishment of this holiday, there was a move to bestow Purim with an *issur melachah*. However, when it came to the official adoption

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of the day and its observances (as outlined in Version II), the Yom Tov proposal was voted down; *melachah* on Purim was thus never prohibited, and Rabbi acted properly when tilling his soil.

Why did they decline to make Purim a Yom Tov? The answer could shed light on the other discrepancy between the two versions, involving the institution of *matanos la'evyonim* (gifts to the poor). The Mahari Asad (*Shailos U'teshuvos Yehudah Ya'aleh, Orach Chaim, 206*) contends that the two issues (*Yom Tov* and *matanos la'evyonim*) are actually interrelated (a fact alluded to at the onset of this piece). It is because Version I viewed Purim as a Yom Tov that it left out *matanos la'evyonim*; conversely, Version II was able to include it *because* it rejected the Yom Tov notion. Put simply, these two items are mutually exclusive. The Yom Tov status precludes the practice of *matanos la'evyonim*. This is because of the general prohibition of engaging in business activity on Shabbos or Yom Tov; granting money

to the poor involves a monetary transfer, an act forbidden on a holy day. In fact, this may be the very reason why the Rabbis ultimately rejected the Yom Tov proposal: to accommodate the needs of the poor by removing obstacles to *matanos la'evyonim*.

### ***MISHLO'ACH MANOS VS. MATANOS LA'EVYONIM (DON'T READ THIS PART IF YOU HAVE A HEADACHE)***

The sole remaining sticking point is the issue of *mishlo'ach manos* (sending portions to one's fellow), an item that is mentioned by *both* versions. It has been demonstrated that Version I confers Yom Tov status on Purim, which accounts for its omission of *matanos la'evyonim*. Yet, this same version lists *mishlo'ach manos* among the Purim observances; apparently, this practice does not conflict with the Yom Tov aspect. What, then, could account for the difference between these two practices of providing for one's fellow? Why is *mishlo'ach manos* considered Yom-Tov compliant whereas *matanos la'evyonim* is not?

The Mahari Asad provides an answer based on the Mishnah in Beitzah (1:9), which states:

אֵין מְשַׁלְחִין בְּיָוֵם טוֹב אֶלְמָא מְנוּת.

“One may send portions (to another) on Yom Tov.”

Apparently, the general notion of sending portions on a Yom Tov is sanctioned for the following reason: “Sending portions” is fundamentally different than regular transfers of ownership, a difference that is manifest in the mitzvah of *mishlo'ach manos* (sending portions) on Purim. Essentially, *mishlo'ach manos* does not entail an actual *kinyan* (legal act of property acquisition); it is merely a perfunctory *exchange* of portions, intended to foster goodwill and demonstrate mutual admiration: Reuvein gives Shimon some “*shaloch manos*,” and Shimon gives some to Reuvein. Regarding most transactions, however – *matanos la'evyonim* included – an actual *kinyan* is involved, as the pauper assumes permanent ownership over the gift he has received. It is this form of transfer that is forbidden on Shabbos and Yom Tov (see *K'motzei Shalal Rav*, Purim, pp. 178-179).



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