

Additional note to last week's question:

**May one send *mishloach manos* of foods that one does not eat personally, on *chumra* grounds?
May one send foods to a friend who will not eat them for such reasons?**

Apart from the general problem of *bal tashchis* mentioned, there is a more specific issue of *bizuy ochlin*, mistreating food. Though we concluded that *bal tashchis* is not the problem of the sender, but the recipient, *bizuy ochlin* could apply to the sender as well. In fact, *Reb Leib Gurwicz zt"l*, *Rosh Yeshiva of Gateshead*, would write a letter every year, to be posted in the Yeshiva, instructing *talmidim* to send the minimal requirement of *mishloach manos*, and not to send home-made foods. His rationale was that the *bizuy ochlin* that results from large *mishloach manos* and the wastage of home-made foods due to, among others, our questioner's concerns, outweigh the gains in the performance of the *mitzvah*. [First hand recollections of the author.]

This week's question:

May a college student do homework assignments on *Purim*?

The issues:

A) *Yomtov* of *Purim*

B) *Melacha* on *Purim*

A) *Yomtov* of *Purim*

The term *Yomtov*, used to describe a holiday, comes from the *Megillah*. The first mention references the celebration when the Jewish people heard the new decree allowing them to defend themselves. Wherever the decree reached, the Jews declared a *Yomtov*. The second mention refers to the holiday celebrated by the Jews in the un-walled cities, making the Fourteenth of *Adar* into a *Yomtov*. The third mention is included in the written decree of Mordechai instituting the *mitzvos* of the day. In the preamble to the institution, mention is made of “the month that was turned from mourning into *Yomtov*”. In *Tanach* in general, the words used for a proper holiday are *chag*, *moed*, *mikra kodesh*, *atzeres* and *shabason*. These mean celebration, meeting time (with Hashem), pronounced holy day, cessation (of work) and rest. Nevertheless, the term *Yomtov* indicates that the original holiday of *Purim* seems to have been on the level of a *Yomtov*. In addition, the Talmud says that when Haman was hung and the decree was adjusted, there was “light, joy etc.” for the Jews. Joy refers to *Yomtov*. Some commentaries explain that this refers to the regular *Yomim Tovim*. Haman had forbidden observance of the holidays. With his demise, the Jews could once again celebrate *Yomtov*. Others explain that the Jews instituted a *Yomtov* in celebration. Some add, Haman's original complaint against the Jews was that they never worked. They said every day was *Shabbos* or *Pesach*. In retaliation, when Haman was killed, the Jews made a special *Yomtov*.

Some say that the term *Yomtov* is used by the Talmud for any major celebration. The Talmud discusses a *yoma tova* to mark the completion of a tractate. The high priest would make a *Yomtov* when he emerged unscathed from the service on *Yom Kippur*. According to this interpretation, the simple term *Yomtov* does not mean a proper *chag*.

The question arises, what does this mean, then and now? Did they celebrate a full *Yomtov*, forbidding all *melacha* but what was necessary for food preparation? Did they permit *melacha* for other essential needs of the day, public needs, *mitzvah* needs and prevention of loss, like *Chol Hamoed*? Did they refrain from heavy labor, but permit light

work? Did they forbid the weekday activities associated with ordinary “work-days”? Why do we not observe Purim as a *Yomtov*? Does the designation affect us nowadays?

The Talmud derives from this terminology that indeed *melacha* was forbidden. [According to the opinion that the term just means celebration, the rules of *derush* are used here to indicate *melacha*.] However, there is a discrepancy in the *Megillah*. At first, when the new decrees were publicized, a *Yomtov* was celebrated. Then, when they rested from their war, on the Fourteenth of *Adar*, they celebrated *mishteh vesimchah*, feasting and joy, but no *Yomtov*. The same happened on the Fifteenth for the Jews of *Shushan*. The next verse states that the Jews in the un-walled cities made *mishteh vesimcha veyom tov*, feasting celebrating and *Yomtov*, on the Fourteenth. They also added the sending of food portions, each man to his fellow. Later, when Mordechai writes his documents to all the communities, he mentions *Yomtov* in his preamble, as mentioned. In his instructions, he mentions the observance of the *mishteh vesimcha*, adds *mishloach manos*, and also adds *matanos laevyonim*, gifts to the poor. However, he does not mention *Yomtov*. The Jews then accepted to continue what they had begun to do, and what Mordechai had added.

The Talmud reconciles this by saying that they did not accept the prohibition of *melacha*. It was taken on by communities independently, as a *minhag*, customary practice [see next section]. Many questions are raised about the sequence of events. It seems that the entire institution was dependent on acceptance. This was not a decree that could be instituted by the Rabbis without the acceptance of the Jews. In addition, it seems that there were original institutions. Who authorized these? What was the structure of the Rabbis, especially in the decentralized environment when the Jews were “scattered and dispersed between the nations”? How did we end up with two separate days of *Purim*?

The commentaries are divided about this. Some say that there was a central authority, presided over by Mordechai and his court. Others maintain that while he was the pre-eminent Rabi of his times, he did not have the full authority and the adherence of the entire people. Later, when his greatness was recognized, and his role in the events, as well as his standing in the royal palace was appreciated, his word had more effect. Others maintain that he was not necessarily the foremost *Rav* of his time, but in this particular event he was prominent. Therefore, his suggestions were accepted by the main body of Rabbis. The main body of Rabbis that had to approve or disapprove an institution had always been the *Sanhedrin*, the great Rabbinical court. They convened in the *Bais Hamikdash*, and Mordechai had been a member. They had been exiled to *Bavel*, and they continued functioning there on a reduced level. The *Anshei Kenesses Hagedolah*, men of the great assembly, were organized by Ezra. According to some, Ezra had already established this by the time of the miracle of *Purim*. The Talmud discusses their deliberations about the institution of *Purim*. They were reluctant to institute a holiday as a *Yomtov*, based on the animosity of the enemies. Ester convinced them to institute it. There seem to be two views on whether they instituted a prohibition against *melacha*, or whether they refused to institute it, but it was accepted as an optional *minhag*. Since they were introducing a new holiday, it had to be consistent with what could be accepted by the generation.

Some conclude that local Rabbinical courts spontaneously instituted *Yomtov* when

they heard the good news. They also instituted *Yomtov* in celebration of their victories. Some say that only the un-walled cities made this *Yomtov* institution, and that they did not do it right away. *Shushan*, where Mordechai lived with his court, did not make a *Yomtov*. Mordechai then instructed the other courts not to institute a *Yomtov*. The Torah says: ***aileh*** *moadei Hashem*, **these** are the *moadim*, and no others. Adding to the *moadim* mentioned in the Torah violates *bal tosif*, the prohibition against adding to a *mitzvah* or adding a new *mitzvah*. Others maintain that if the entire *Sanhedrin* had wished to, they had authority to institute a new *Yomtov*. The Torah invests them with authority to decree. This would not contradict *bal tosif*. At the time the *Sanhedrin* was unwilling to do so. Therefore, individual courts could not make their own additional *Yomtov*.

In answer to the question of “now”, the poskim invoke the concept of *Yomtov* in various contexts. One issue involves whether the *mitzvah* to eat a *seuda* is the same as it is on *Yomtov*. The difference it makes is when one forgets *al hanisim*. On *Yomtov*, when there is a requirement to eat bread, one who forgets *yaaleh veyavo* must repeat *bircas hamazon*. Another difference would apply to making a wedding on *Purim*. On *Yomtov* one does not dilute the joy. Another issue arises with regard to whether the *mitzvos* apply on the preceding night, like any *Yomtov*. [See Megilas Ester 8:16-17 9:17-23, commentaries. Megillah 2a [Ramban] 5b 7a-b 16b, Poskim. Tur Sh Ar OC 696, commentaries.]

B) Melacha on Purim

As mentioned, another issue that applies if *Purim* is a *Yomtov* is *melacha*. The Talmud concludes that *melacha* is not forbidden due to *Yomtov*, but due to *minhag*. Obviously, giving gifts, including money, to the poor was never forbidden. What was forbidden, both according to those who considered it *Yomtov* and according to the *minhag*? From the poskim, it appears that those who considered it *Yomtov* treated it like *Chol Hamoed*. This permits *melacha* with mitigating circumstances, including: preventing loss, a poor man with no livelihood, needs of a *mitzvah* and of *Purim* and communal needs. From the examples mentioned by the Talmud, writing, planting and building were forbidden. Building for joy was permitted. To explain this, the poskim say that *Purim* is a day of joy. Something that brings joy would be encouraged even if it is *melacha*.

Some say that the *minhag* was adopted in the same way that the original institution was attempted, as a *Yomtov*. The original generation could not accept the restriction on work, because they were poor. As an ideal, it was adopted later as a binding *minhag*. This means that *melacha* is forbidden by night as well. This would also mean that asking a gentile to do *melacha* is forbidden. Others maintain that it was adopted as a separate institution. Some explain that it is similar to the restriction of *melacha* on *Tisha B'av* (which is also a *minhag*). It distracts attention from the theme of the day, in our case, joy and the *mitzvos* of the day. Often, a *minhag* is governed by the rules of *neder*, a vow. It depends on the mentality of those adopting it. If *adaata dehachi lo kiblu*, they did not accept it with certain restrictions in mind, it would not apply to those situations.

The force of *minhag* is binding on the communities that adopt it, based on a verse in *Mishlei*. The Talmud indicates that the *minhag* might not have originally spread to the entire world, though at the time it was discussed by the Talmud, it was presumed forbid-

den to all communities. This is the apparent conclusion of the poskim. However, mention is made of places that do not have the *minhag*. Furthermore, the poskim say that one who does work on Purim will never see any benefit from it. There is some debate about the source for this idea, and whether it applies even where the *minhag* is not practiced.

The consensus seems to be to permit *melacha* at night, and to permit it by day for the special circumstances mentioned. Our question is whether any of these apply to a college student doing his homework. Writing is debated specifically. Though the *Yerushalmi* considers it a *melacha*, that might only apply to the opinion considering it *Yomtov*. The consensus is to forbid heavy mundane writing. Notes, *divrei Torah*, things needed for Purim and the like are permitted. Presumably, the assignment in question is due the next day, which is why the student considers it *davar haavaid*, irreconcilable loss. The student should be able to do his writing before or after Purim. When it falls on a Sunday, this poses some additional difficulty. However, this makes it more important to avoid distractions from the *mitzvos* of the day. A laborer with no livelihood may do *melacha*. Part of the reason is that the *minhag* is no more binding than the true prohibition on *Chol Hamoed*. It is also due to the stress weighing on the poor man, detracting from his *Purim* joy. Perhaps an allowance could be made for a student who knows that until he completes his assignment, it will weigh on him. If writing it will also detract from his ability to celebrate, nothing is gained. To apply this leniency, he must ascertain that he will finish with ample time to fulfill the *mitzvos* of the day.

[Note: If possible, the writing should be done electronically and it should not be printed off. This is somewhat of an advantage in terms of *melacha*.] [See refs to A.]

In conclusion, the student should not do this *melacha* on *Purim*. If the assignment is urgent, and it cannot be done by night or after *Purim*, it may be done on *Purim*. [It should be written electronically.] It may not occupy all of the student's free time.

On the Parsha [Zachor-Purim] ... Write this as a memorial in a *sefer* .. [that I will obliterate Amalek ..] [Beshalach 17:14] This is the Scriptural source permitting adding a new *mitzvah* of *Megillah* reading .. [Megillah 7a] It seems that the operative words here are that it be written in a *sefer*, document. In the same way, we find that Mordechai used written documents to institute the *mitzvos* of Purim. While writing might seem to be an easy activity, perhaps not worthy of the restriction on *melacha*, one must contemplate its results. They are permanent records. This leads to some interesting thoughts on how to view digital writing. On the one hand, it is not a *sefer*. On the other hand it creates a quasi-permanent record.

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