

HALOCHOSCOPE

This week's question:

Some one will need to travel overnight, around *Purim*. If there is no way to take a *megillah* with, he will miss the reading of the night. He will arrive by day and fulfill that *mitzvah*. Should the trip be postponed, or is there something else to do to satisfy the night-time reading?

The issues:

- A) *Megillah* by night and by day
- B) Traveling on *Purim*, reading early
- C) Avoiding a situation that causes one to miss a *mitzvah*

A) *Mikra megillah by night and by day*

The Talmud says that the *mitzvah* to read the *megillah* applies by night and by day. This dictum is not recorded by the *Mishna*, indicating the possibility that it was a later institution. The *Mishna* does discuss the *mitzvah* to read by day, including the earliest time and that it may be read all day. In the same *Mishna*, *mitzvos* that apply by night are listed, but *megillah* is omitted. The institution to read by day has the status of *divrei sofrim*, a Rabbinical *mitzvah* with the status of a quasi-Scriptural *mitzvah*. The reading by night, according to some, is totally Rabbinical. This would make sense if the *mitzvah* to read is compared to the *mitzvah* to read from the Torah.

On the other hand, the Talmud entertains the possibility that the main *mitzvah* of reading would be fulfilled by night. The second *mitzvah* by day could refer to teaching the *halachos* of *megillah*, or the other *mitzvos* mentioned therein. Though this is not the conclusion, the implication is that the nighttime reading fulfills the main obligation. [This leads to some discussion on how the *Mishna*, which is an earlier source, is to be understood.] Accordingly, the question is, what is the nature of the reading by night?

A few possibilities are suggested. The simplest is that it is *pirsumei nisa*, a way to publicize the miracle again. The Jewish people cried out in their perilous situation both by night and by day, and they were saved. While regular *krias hatorah* is by day, to teach the *mitzvos* of the day, it does not involve *pirsumei nisa*. Other *pirsumei nisa* applies by night. First and foremost is the *mitzvah* of *hagadah*, which is done together with the other *mitzvos* of the *seder*. *Pesach*, *matzo* and *maror* can only be done by night. They commemorate the night of the miracle. A second possibility is to compare it to *kiddush*, which is said as close as possible to the beginning of *Shabbos*. It is also possible that it is compared to *krias shema* or *tefilah*. *Krias shema* must be read both at night and in the morning. [*Megillah* need not be read specifically in the morning.] The main two *tefilos* correspond to the morning and afternoon offerings. *Maariv*, which is quasi-voluntary, corresponds to the burning of the fats. However, a verse from *Tehilim* is cited to support

the idea that the intention of the Rabbis was to fill the day with *tefilah*, evening, morning and afternoon. The same could apply to *megillah*. Another way it is understood is that there must be two readings, preferably one at night and the second by day. However, rather than night and day, the idea is the repetition. One of the verses cited as the basis for the repetition mentions night and day, but the other does not. Some say that the day of *Purim* has specific *mitzvos*. The day begins the night before. One does not fulfill his obligation by performing them at night. However, he has performed a *mitzvah* nonetheless. The rabbis then made it obligatory to perform *megillah* at night.

An interesting question arises, based in part on the aforementioned discussion. If someone misses a *tefilah*, he may make it up, known as *tashlumin*. When he says the following *tefillah*, he repeats it twice. The concept of *tashlumin* is based on one Scriptural *mitzvah*, that of *korban Pesach*. If one misses *Pesach Rishon*, he makes it up on *Pesach Sheini*. One does not wait until the coming *Pesach* and then offer two *korbanos*. Clearly, the cases are different, but the idea of making up for the loss is present in both. The poskim debate whether there is *tashlumin* for *krias shema*. The consensus seems to follow the view that there is none. Is there *tashlumin* for one who missed the nighttime *megillah*? There is a view that it should be read twice by day, but it appears that we do not follow this view. The basis of the debate is whether the main *mitzvah* is by day; whether the concept of *tashlumin* should apply to anything other than *tefilah*, which is *rachamei*, supplication; and whether the main purpose is to repeat *megillah* twice. Those who hold of *tashlumin* for *shema* could hold of it for *megillah*. [See Megillah 4a, (Sfas Emes) Poskim. Tur Sh Ar OC 687:1, Birkei Yosef. Moadim Uzemanim II:172.]

B) Travelers reading megillah early

The miracles of *Purim* took place on two days, the thirteenth and fourteenth of *Adar*. The celebrations were fixed for the days following these victories. In former times, the Jews living in the country would supply necessities to their fellow Jews in the towns on Mondays and Thursdays. Since they were often unlearned and had no way to convene in the country on *Purim*, an allowance was made in the initial institution of the *mitzvah*. The country Jews would be able to fulfill their *mitzvah* on the Monday or Thursday preceding the holiday. This way, they would not be forced to change their schedules, jeopardizing the supply lines. This is derived from the wording of the *mitzvah* in the *megillah*. In addition, there is a source that indicates that if absolutely necessary, one could read the *megillah* from *Rosh Chodesh*, since the *megillah* describes *Adar* as the month that was turned from sadness to joy. When it is read early, a *minyan* is required.

The poskim ponder whether the country Jews would be obliged to read the *megillah* by night as well. The question is whether the rabbis obliged them to read it at all by night without a *minyan*, and the next day with a *minyan*. [One could ask, why could they not read it at night on the correct day? This seems to show that the early day would be considered *Purim* for them. This might bear on our question.]

This allowance does not apply nowadays. It only applied when another institution was observed, to convene *Bais Din* in towns each Monday and Thursday. This brought customers to town on these days, and the farmers would also come to serve them. Nowadays, we do not follow the second institution.

In accordance with these additional dates, the poskim discuss travelers, who will be unable to read *megillah* on their trips. They should read it early, preferably on the 11th, 12th or 13th, but if necessary, any time from *Rosh Chodesh Adar*, and with a *minyan*. However, in this case there is no *brocha*. The same question about a nighttime reading applies here. Assuming that they do read it twice, in our case, there is a twist. The traveler will be reading it by day on *Purim*. Could he read it earlier to fulfill his nighttime reading? If he reads it on another night, it is not his *Purim*. If he reads it by day, it is no better than the real reading that he will anyhow fulfill.

An interesting ruling parallels this. In one view, those who will be unable to read by night may read the preceding day. One way to explain it is that they get a *mitzvah*, though not a fulfillment of the obligation. This is why the country Jews were able to actually fulfill their obligations then. Accordingly, it would be beneficial to read *megillah* without a *brocha* on *Taanis Ester*, before leaving on the trip. [See Megillah 1a-5a, Ran Maor Raavad, Poskim. Tur Sh Ar OC 688:7, commentaries. Moadim Uzmanim II:172]

C) Avoiding situations that cause one to miss a mitzvah

A person in a situation that makes it impossible to fulfill an obligation is *anuss*, victim of circumstances beyond his control. He is not held liable. However, if he got himself into this situation willingly, he could be considered *poshaia*, negligent. His situation is called *techilaso bipeshia vesofa beoness*, something that began with negligence and ended up being beyond his control. There is a question about his liability for damages he caused in such situations. Another opposite of *oness* is *ratzon*, willingly ignoring a *mitzvah* or actively violating an *avairah*, transgression. He might willingly engage in activity that is not an *avairah* at the time, but leads to one. By the time he commits the sin, he is *anuss*. Thus we have three situations of *oness*: monetary liability; liability for an *avairah*; and exemption from *mitzvah* obligation.

Assuming that one is considered a true *oness* (or *anuss*) while traveling, is he liable? Assuming he is exempt once he is on the road, or in the air, may he allow this to happen intentionally? May he put himself in this situation?

One is obliged to resist the *oness* whenever possible. One need not put his life in danger (except in the case of the three cardinal sins) but one must exert any other means, including spending money. Being forced to do something due to monetary concern is called *oness mamon*. Thus, when purchasing a ticket, one might consider himself already *oness*, before leaving on the trip. Let us assume that the trip is unavoidable, such as to return to his home. Thus, he must purchase a ticket and travel. The question is, when should he travel? There might be considerations that make it hard to travel at any other time. This might place him in a situation of *techilaso beoness*. If the difference in the cost of the ticket makes it hard for him, he is already considered *oness machmas mamon*.

To avoid a passive sin, including the negative *mitzvos*, one is obliged to spend all of his money. To fulfill a positive *mitzvah*, one should spend up to a fifth of his money. Some say that the Talmud does not oblige one to spend this amount, but at least a tenth should be spent. This is the basic *tzedakah* obligation, and no other *mitzvah* should be treated any worse. Many poskim say that any Rabbinic *mitzvah* is based on the Scriptural obligation to follow the rulings of the Rabbis. This is included in a negative *mitzvah*, *lo*

sasur, do not stray from their words. This would lead to an enigmatic situation: One would be obliged to sacrifice his entire wealth for a Rabbinic positive obligation, while for a Scriptural obligation he may not spend more than a fifth. While there is such a view, many others disagree. The Rabbis never intended their rulings in this way. However, there are at least two Rabbinical obligations that require spending all one's money, and even borrowing money. They are the *mitzvos* of *ner Chanukah* and the four cups of wine on *Pesach*. This is based on the importance of *pirsumei nisa*. Accordingly, *megillah* would be in the same category. In any event, if the issue for this traveler is the cost of a different ticket, let us say he should spend a tenth of his assets to avoid this.

Assuming that the issue is not only one of money, or that the cost is the same, the issue is whether the traveling situation is itself *oness*. The poskim routinely consider one who must travel as one in a *shaas hadechak*, pressing situation. The reason is that travel usually means that one must leave enough time to reach his destination safely, and travel is usually in company. This means that the traveler is not in control of his time. Based on this, it is reasonable to say that these considerations may be applied to any traveler. Within reason, one may make plans, even though he will cause himself some difficulties with regard to timely *mitzvos*. This dispensation can be applied in two ways. In some situations, the trip will cause a *shaas hadechak*, but the *mitzvah* will not be totally lost. In others, the *mitzvah* will be lost. For example, if one leaves too early to *daven* at the right time, he can still *daven* early, and perhaps *daven* on the way in some form. If one travels on *Sukos*, he will be exempt from *Sukah* totally. This is permitted only because this is considered normal 'living', which is part of the *mitzvah* of *sukah*. In our case, the entire *mitzvah* will be lost. Accordingly, it seems that one may not put himself in an *oness* situation, unless avoiding it is also unbearable. [See e.g. Psachim 99b etc. Sukah 25a-b Kesubos 50a Baba Kama 21b 28b, Poskim. Tur Sh Ar OC 472:13 640:8 656:1 671:1, etc., commentaries. Sdei Chemed, Lamed 107. Moadim Uzmanim I:3.]

In conclusion, assuming that there is no alternative to traveling through the night, the person may travel. If he is able to, he should read the megillah by day, before leaving. **On the Parsha ...** *Until the sun sets [you should] return [the collateral] to him .. [22:25] All day return it to him. This refers to a daytime garment, that the borrower needs by day. At sunset you may request it back. [Rashi].* The question is, why does the Torah use terminology that implies one should return it to him at sunset, when it means the opposite? [See *Haamek Davar*] Perhaps the main thrust of this *mitzvah* is that one should not press the borrower to return it earlier than he is obliged to. Wait until sunset, and then ask for the garment. Thus, he can wear it all day, until the last minute. He lender has no use for the garment at night. He would only press the borrower for his own convenience. The Torah is saying that one should not time his *mitzvah* performance based on his convenience.

Sponsored by Parke and Beverly Americus, in memory of his mother, Bessie Taback-Americus,

Batya bas Efrayim Fishel Halevi a"h, whose *yahrzeit* is on the 30th of Shevat. ☞

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