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Parshas Tetzaveh/Zachor 5775 Vol. XVIII No. 21

בס"ד

# HALOCHOSCOPE

In conclusion, due to the unusual circumstances, he may listen to megillah before davening shacharis.

## A) *Timing of megillah reading* [Excerpted from Halochoscope XII:27.]

The Rabbinical *mitzvah* to read *Megillas Ester* on Purim applies both by night and by day. Generally, the *mitzvos* that must be performed by night may be performed all night, until dawn. The ideal time is usually at the first opportunity. This would be at nightfall. In the case of *mikra megillah*, one is faced with a conflict between this and other *mitzvos* that become obligatory at the same moment. Every night there is an obligation to recite *shema*, considered a Scriptural *mitzvah* by most poskim, and the Rabbinical obligation to say the *shemone esrai* of *maariv*. Since these are everyday obligations, while *mikra megillah* is timely, the rule is that the more common *mitzvah* takes precedence over the less common *mitzvah*. Therefore, the ideal time for *mikra megillah* at night is right after *shemone esrai* of *maariv*.

*Mitzvos* that apply by day, may be performed all day. This would appear to mean from dawn and on, since this is the end of the night. However, the Talmud seems to assume that the Torah's use of the word *yom*, day, refers to the time that the sun is shining. [Possibly, the word *yom* is sometimes used to denote the sun.] Nonetheless, the Talmud says that one who performs daytime *mitzvos* after dawn fulfills his obligation. This derived from the Torah's terminology at Creation, where the beginning of daylight is called *yom*. Most commentaries maintain that, accordingly, the true meaning of *yom* is always to be understood as from dawn on. The reason to wait until sunrise is to be sure that it is really daytime. This would, then, be considered a Rabbinical precaution. The term *yom* is invoked to show that the *mitzvah* applies by day rather than by night. There remains, however, one view that the *ikar yom*, main part of the day, begins at sunrise.

In fact, some daytime *mitzvos* should be performed earlier than sunrise, such as *shema*. The earliest moment for *shema* is when one can discern certain differences by the light. Some say that this applies specifically to *shema*, because the Torah never uses the term *yom* in relation to this *mitzvah*. Rather, the Torah requires a reading of *shema* 'when laying down and when arising'. Therefore, it need not be read after sunrise, but earlier. [There happens to be a major debate on the optimum time for the morning *shema*, connected to the issue of sunrise.].

There is actually some discussion on the term used for sunrise in relation to these

daytime *mitzvos*. This arises from various problematic references to some of these *mitzvos* applying earlier than the sunrise we are used to. Therefore, some say that the term 'sunrise', here, refers to the point at which the Eastern sky is lit up. This is later than dawn. According to this view, the earliest time for *mikra megillah* is actually shortly after dawn, and before the time that one could recite *shema*. This might have some bearing on our discussion. However, the majority view is that *mikra megillah* should, ideally, be delayed until sunrise. In emergency situations, one may fulfill this *mitzvah* earlier, after dawn. The other *mitzvos* of Purim also apply after sunrise. The 'reading and the doing' of Purim are correlated. This means that one should wait for sunrise to eat and drink the festive meal, give money to the poor and send *mishloach manos*. The *brocha shehecheyanu* recited before *megillah* applies to these other *mitzvos* as well. [See Brochos 2a-b 8b 9b Megillah 20a-b, Poskim. Tur Sh Ar OC 687:1, commentaries. Minchas Kohain I:2 14.]

### **B) Pirsumei Nisa**

The object of reading the *megillah* is *pirsumei nisa*, publicizing the miracle. The Talmud debates the need for a *minyan*, for the reading to be considered truly public. In the lenient view, the *minyan* is only essential when it is read early, for the villagers (see above). Nowadays, this could apply to a group setting out on a trip before Purim, where they will not have the availability of *mikra megillah* on Purim. In rarer cases, when Purim falls on Friday, walled cities read it earlier than their usual date. In these cases a *minyan* is required according to all views. The debate is about Purim itself.

The poskim debate the meaning of the Talmudic debate. In one view, the issue is whether there is a basic need for a *minyan* to fulfill the *mitzvah*, like for kaddish and *kedusha*. In the other view, both agree that one fulfills the *mitzvah* without a *minyan*. They debate whether there is a separate *mitzvah* to try to find ten people for it. Thus, we follow those who say that when reading it alone, one fulfills his basic obligation. He may still recite the *brochos*. Furthermore, when nine people need to recite it, it is preferable for them to join as a group. One may read it for the rest, with *brochos*. According to some, this is even preferred. A larger measure of publicity is attained this way.

In addition, there is a requirement to go to a *shul* to read *megillah*. This is anyhow an enhanced way to fulfill *pirsumei nisa*. It also provides for a *rov am*, the principle of a multitude doing a *mitzvah* together. The poskim seem to indicate that the idea of *pirsumei nisa* is not necessarily a personal obligation. It applies to the community. Once the community has publicized the miracle, an individual who was absent may read *megillah* without a *minyan* later.

Nonetheless, one may not recite the concluding *brocha* without a regular *minyan*. Clearly, with a *minyan*, one fulfills a bigger *mitzvah*. It appears from the majority of poskim that the requirement of a *minyan*, nowadays, where the *megillah* is anyhow being read somewhere in town with one, is *hidur mitzvah*, an enhancement of the *mitzvah*. It is not required at all. In our case, one should certainly be able to consider his earlier reading a fulfillment of *pirsumei nisa*. He may read it later without a *minyan*. However, he could theoretically rely on the later reading. Nonetheless, while he might not be personally obliged in the *pirsumei nisa*, he wishes to gain the element of *rov am*. Accordingly, if he can, he should participate in a public reading besides his reading with no *minyan* later.

The question is whether he should do it in the way he plans to. [See Megillah 3a 5a, Poskim. Tur Sh Ar OC 690:18 (Ar Hash 25, KH 122) 692:1, commentaries.]

### C) *Tadir kodem*

When one is faced with a conflict between two *mitzvos*, various rules apply. Assuming that one is unable to perform or fulfill both, one of them might take precedence. This might depend on its severity, or on whether the obligation is universal or personal. It might also depend on the factors involved in each *mitzvah*. For example, one *mitzvah* might really include two or more factors, each of which is its own obligation. One *mitzvah* might be Scriptural, while the other is Rabbinical. One of them might not be fulfilled by anyone else. It could also depend on the timing. One obligation might have taken effect before the other one could have. Thus, when faced with the possibility of fulfilling only one of them, the choice must be made. One could also be faced with the situation wherein both *mitzvos* could be fulfilled. The question is which of them should take precedence. In some case, one of them is time-sensitive, but the other can be pushed off. In this situation, one fulfills the time sensitive *mitzvah* first.

What if both *mitzvos* can be fulfilled, but both of them are time-sensitive? The question is which of them should be performed first. In these cases, the general rule is *tadir vesheaino tadir*, when a frequent *mitzvah* is in conflict with one that is infrequent, *tadir kodem*, one fulfills the frequent *mitzvah* first. This is based on the Torah's language with regard to offering *korbanos*. Some *korbanos* are offered every day, while others are offered only occasionally. On a day when the occasional *korban* is offered, the Torah instructs us to offer the daily *korban* first. There are exceptions to this rule. For example, the Talmud discusses *tadir umekudash*, what if the daily *mitzvah* is not on the same high level as that of the occasional *mitzvah*? If the two were equally *tadir*, the *mekudash*, holier one, would take precedence. Since each has one advantage, the Talmud raises the question, but comes to no conclusion. Therefore, one may choose which to perform first.

Another factor is applied in many such situations. A *mitzvah* might have an optimum time, and then may be performed after this time as well. This refers to a full performance, rather than a make-up performance when the first opportunity was missed. One should rather perform it at the optimum time, even if that involves a conflict with another *mitzvah*. This is a Scriptural concept, known as *chaviva mitzvah beshaatah*, a *mitzvah* is beloved when performed in its optimum time.

With regard to our case, the issue is as follows: *Shacharis* includes various *mitzvos* that are *tediros*. *Krias shema* is a Scriptural *mitzvah* according to most poskim. Its timing is about the same as *megillah*. As we mentioned in section A, *megillah* is ideally read after sunrise. However, since the *mitzvah* is to read it by day, it could be read after dawn, in emergency. *Krias shema* should not be read before *misheyakir*, the time that one can recognize a casual acquaintance in the dim light. This is some time after dawn. Accordingly, the time for *megillah* is earlier than for *krias shema*. This could be a reason to give precedence to *megillah*. However, additional *mitzvos* are performed during *shacharis*. *Tefilah*, the *shemone esrai*, is at the very least a Rabbinical *mitzvah*. Some say there is a Scriptural *mitzvah* to *daven* a *tefilah* every day. Rabbinically, it applies three times a day. The earliest time for the Rabbinical *tefilah* is ideally sunrise. However, like *megillah*, one can

perform it at daybreak in pressing situations. Along with these, there are *brochos* before and after *shema*. The last *brocha* is called *geulah*, and should be juxtaposed to *tefilah*. Accordingly, *shacharis* would take precedence over *megillah*. In our case, *megillah* has the additional *pirsumei nisa* factor. Should this count as *mekudash*, or a similar type of equivalence factor to *tadir*? Some consider it at least a *hidur*, enhancement.

Similar scenarios are discussed by the poskim. On *Chanukah*, the *mitzvah* to kindle occurs at the same time as other *mitzvos*, such as *maariv*. *Maariv* includes *shema*, a Scriptural *mitzvah*. On regular nights, the time for *ner Chanukah* actually begins a little earlier than the ideal time for *maariv*. Personal preference is allowed. On *Motzai Shabbos* one cannot kindle before the time for *maariv*, so *maariv* comes first. What about *havdalah*? Whether *havdalah* is a Scriptural *mitzvah* is debated. Having recited it during *maariv*, reciting it a second time on wine is a Rabbinical *mitzvah*. *Ner Chanukah* is also Rabbinical. *Havdalah* is *tadir*, but *ner Chanukah* is *pirsumei nisa*. The poskim debate whether *pirsumei nisa* should override *tadir*. In practice, other considerations are taken into account. Therefore, one may choose which to do first.

On Purim, one should read *megillah* even before *avoda*, the service in the Bais Hamikdash. The actual term used by the Talmud is that the service is abandoned. However, the poskim explain that it is postponed. Similarly, a Torah class is postponed until after *megillah*. The reason is to allow those involved in these activities attend a *shul* where they can read *megillah berov am*, and with *pirsumei nisa*. Cases discussed include one who comes to *shul* late. Should he read *megillah* with the *tzibur* first, or *daven shacharis* and read it himself later? Most poskim say he should read *megillah* first *berov am*. Based, in part, on these considerations, contemporary poskim say that one may perform *megillah* before *shacharis berov am*, if there are other considerations. [See Megillah 3a-b Zevachim 90b-91a, Poskim. Tur Sh Ar OC 681, TZ 1 687:1-2 (Kaf Hachaim 18-19) 692:4 693:1, commentaries. Mekadesh Yisroel Chanukah 147 148 Purim 71.]

**This week's question:**

**Someone agreed to read the megillah in an institution where he will not have a minyan. If he davens with his regular minyan, he will not be able to stay for the megillah. He will, instead, fulfill his obligation when he reads it without the minyan. He can hear it at an earlier minyan, but he does not wish to daven shacharis that early. May he go to the earlier shul late, for the megillah reading, and then go to his regular shul for shacharis?**

**The issues:**

- A) *Mikra megillah*, the *mitzvah* to read *megillah*; its timing
- B) *Pirsumei nisa*, publicizing the miracle; *berov am*, joining a large group
- C) *Tadir kodem*, prioritizing the more frequent *mitzvah*

**משנכנס אדר מרבין בשמחה!**

**On the parsha ...** Do not offer up on [the golden altar] .. burnt animal offerings ... only once a year, of the blood of the [day of] Atonement, once a year ... [30:10] Blood of certain other offerings is also placed on this altar [e.g. See Vayikra 4:7 18]! Perhaps this *parsha* is to accentuate the *tadir* aspect of the *ketoress*, as opposed to the annual *Yom Kippur* offerings. As for the occasional other atonement offerings, hopefully, they are even less *tadir* than *Yom Kippur*!

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