

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

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Early Megila Reading for People in Small Villages

One of the fascinating aspects of the halakhot of reading the Megila on Purim - unique to this mitzva - is the great diversity witnessed in the performance of this mitzva. Unlike general mitzvot that are strictly regimented in the manner of their performance, reading the Megila is a mitzva that varies greatly, depending primarily upon location. The first mishna in Megila conveys a sense of this diversity when it declares "Megila can feasibly be read on the 11th, 12th, 13th, 14th, or 15th of Adar." The ensuing segment of the Mishna describes the schedule as follows: the standard day for reading Megila is either the 14th or 15th of Adar, depending upon whether one resides in a regular city or one which has been surrounded by a wall since the period of Yehoshua bin Nun. Additionally, Chazal provided a special dispensation to those who reside in small hamlets. As it is more difficult for them to execute the reading of the Megila (for reasons to be described later), they were allowed to read the Megila on the proximate Monday or Thursday immediately preceding Purim. If for example, Purim occurred on Friday, they would read on the prior Thursday. If Purim were on Sunday they would pre-schedule the Megila to the prior Thursday. If Purim occurred on Wednesday or Tuesday they would read on Monday. This shiur will investigate the nature of this halakha.

Possibly the most appropriate manner by which to begin our evaluation is to study the source of this halakha. The gemara itself (Megila 2a) immediately poses this question and provides a very interesting response. The gemara asserts that we cannot imagine a situation in which the anshei kneset ha-gedola, living during the time of Esther and Mordechai, established the 14th and 15th days of Adar as the days for reading the megilla, and subsequently Chazal (in the days of the tanaim) derived a different day for the small villages, based upon some translation of a verse in the Megila. This situation would clash with the notion that a subsequent Beit Din may not rescind the decree of a prior court ('ein beit din yakhol le-vatel') unless they are superior in number

and wisdom. It is inconceivable that the development of the 'village reading' evolved subsequent to a more sweeping designation of the 14th and 15th as Megila days for all Jews. Essentially then, we must assume that all possible days and all options were developed by the original anshei kneset ha-gedola as part of one encompassing takana. Where then in the Megila can we find some mention or allusion to this option? While reading on the 14th or 15th is clearly stipulated in the Megila, the 11th, 12th and 13th are barely referred to. Ultimately, the gemara supplies some casual reference that might in some manner HINT at these days. For example, the gemara mentions the PHRASE "le-kayem aleihem yemei ha-Purim ha-eilu bizmaneihem" as suggestive of the possibility that zemanim tuva ikka (there are many possible dates on which the Megila may be read).

To summarize: The gemara was unwilling to consider a scenario by which the permission to read the Megila on earlier days evolved subsequent to the original sweeping designation of the 14th and 15th. Hence, any source is only an allusion to what had already been legislated rather than a source from which to derive a new paradigm.

The Yerushalmi poses the same question regarding a source for the early reading of the Megila but does not encounter the same problems as the Bavli. It proceeds naturally toward locating a source without being troubled by the possibility that these earlier days were established by subsequent generations of legislators. What accounts for the different perspectives of the Bavli and Yerushalmi?

To answer this question I would like to examine a machloket between Rashi and Tosafot about a different issue - but one that could exhibit structural analogies to the question of 'ein beit din yakhol levatel.' The gemara in Yevamot (13b) considers the prohibition of "lo titgodedu" which prohibits (among other things) forming competing parties, each of which follows halakha in different manners. Reish Lakish asks Rabbi Yochanan why our mishna, which describes different days on which to read the Megila (depending upon location), does not violate this principle of lo titgodedu. It is unclear what, if any, response Rabbi Yochanan provided. Ultimately, though, Abaye supplies criteria for gauging lo titgodedu. If the different customs are promulgated by courts in different towns, no issur has been performed. If, however, two different courts in the same town issue conflicting verdicts, and different parties adopt disparate customs, lo titgodedu has been violated.

Tosafot question the ramifications of Abaye's conclusion according to Rashi's understanding of the custom of villagers pre-scheduling the Megila reading. Rashi had already explained (Megila 2a) that the villagers were handicapped by not having individuals capable of reading Megila. Hence they were allowed to read on days in which they traveled to larger cities (Monday and Thursday) to attend the courts that were in session. On those days they would ask a local city resident to read on their behalf. This schedule would seem to provide a classic situation of lo titgodedu. Abaye permitted differences as long as they occurred in DIFFERENT TOWNS!!! According to Rashi, the Megila would be read in a large town for the villagers on the 11th of Adar, and a few days later, on the 14th, the Megila would be read again in the exact same town for the local residents!!!

Based on this pressure, Tosafot alter Rashi's conception of the custom of the villagers. According to Tosafot, they knew how to read the Megila but would be inconvenienced by gathering for Purim to actually read the Megila. Assumedly, they lived at great distances from one another and would be aided if they were allowed to read Megila on a day on which they gathered in any event. According to Tosafot, they were allowed to read on Mondays and Thursdays because on these days they would gather to read the Torah. On these same days they were permitted to read the Megila IN THEIR OWN VILLAGES!!! As the differing readings occurred in DIFFERENT LOCALES, no problem of lo titgodedu would seem to apply.

How would Rashi answer this question? Why doesn't the practice of prescheduled reading of the Megila conflict with Abaye's parameters for lo titgodedu? Possibly, Rashi's definition of this practice is one that by nature would not be relevant to lo titgodedu. Indeed, Reish Lakish believed that lo titgodedu would apply and asked Rabbi Yochanan about this potential clash. Rabbi Yochanan did not agree that the issue was problematic and Abaye's ultimate guidelines, though relevant elsewhere, do not have to be applied to Megila.

One fundamental question must be posed about the nature of this 'early reading': What in fact happened when these days were offered to the villagers? Was Purim rescheduled for them to an earlier date? Or did they receive a special dispensation or kula (leniency) to read the Megila prior to Purim. Was a separate and parallel track to Purim established or were they allowed to 'get by' without reading the Megila on Purim but proximate to it? This question might have fueled the debate between Rashi and

Tosafot. The latter may have believed that a separate Purim was established and the presence of two tracks or two models invites the concern of *lo titgodedu*. This issue remains relevant to the *lo titgodedu* factor, and Abaye's ultimate criteria must be superimposed. Hence, Tosafot redefined the villagers' practices so that the Megila would not be read in the same city on different days. Rashi might have countered that their early reading does not entail a different Purim. They are allowed to read on a day of non-Purim in order to better service their particular needs (in Rashi's case, the lack of experts available in these villages to read the Megila). They are not developing an alternate Purim as much as enjoying a *kula*. The implementation of this schedule might not have been reminiscent of *lo titgodedu*.

This question - the nature of the rescheduling of village Megila - reading might have formed the basis for the differing perspectives of the Bavli and Yerushalmi. The Bavli is fairly uncomfortable with a two staged approach. By no way can the Bavli tolerate a situation in which originally the Chakhamim included all people in the 14th or 15th day and subsequent courts overruled this designation. Such a condition would violate the principle that later, smaller and less prestigious courts cannot repeal earlier precedents. Hence the Bavli was forced to collapse any assignment of days into one original package. The Yerushalmi's 'unconcern' with this factor may have stemmed from its viewing the earlier date not as an alternate Purim but rather as a special *kula* for these villagers to recite Megila on a non-Purim day. The later Beit Din did not rescind the original ruling as much as modify its application to certain individuals. Hence the Yerushalmi is 'free' to envision a more natural evolution to the different days: Originally, the 14th and 15th were established as universal dates of Megila. Subsequently, when Jews began to live in hamlets (presumably after the destruction of the second Mikdash when in Bavel the population was more significantly dispersed), Chazal originated a *kula* for these small-town residents. Before developing this *kula* they found some textual basis in the actual phrasing of the Megila.

We might discern the same issue, propelling the debate between Rashi and Tosafot about *lo titgodedu*, dictating the different approaches by the Bavli and Yerushalmi in establishing a source for this phenomenon. Of course we must still address the issue of how Rashi (who supposedly views the early reading as a special *kula*) accounts for the tension which the Bavli realizes within a potential two-staged *takana*.

Next week i"n the shiur will explore practical ramifications of this issue.