

TALMUDIC METHODOLOGY
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**THE STATUS OF MEGILLAT ESTHER IN RELATION TO
OTHER SEFARIM OF TANAKH**

The central mitzva of Purim is certainly the reading of the megilla. Interestingly enough, it is the only time during the year during which we are commanded to read a specific scriptural text not contained within chumash proper. What exactly is the megilla's 'nature' vis-a-vis other sections of Tanakh? On the one hand, megillat Esther is nestled within Ketuvim and shares 'equal' status with Sefer Ezra for example. Conversely, we are never commanded to read from Sefer Ezra and there are no specific laws governing its manufacture. What elements does the megilla share with other parts of Tanakh? If there are differences, how might we qualify them?

Before beginning this article, I would like to note that most of the material is merely a reproduction of one of Rav Soloveitchik's yahrzeit shiurim. This article may be found in Shiurim Le-zekher Abba Mari volume I, in the article entitled "Ketivat Sefer Torah, Tefillin and Mezuzot."

A gemara which most directly equates megillat Esther to other parts of Tanakh can be found in Megilla (7a). The gemara debates whether a megilla renders teruma grains impure. To prevent people from storing their sefarim near teruma (which would thereby ruin the sefarim by encouraging rodents to destroy them in their pursuit of food), Chazal decreed tum'a upon sefarim of Tanakh (when written according to halakhic guidelines- on parchment etc.). Once the kitvei ha-kodesh (the gemara's term for Tanakh sefarim written on parchment) convey tum'a, they will necessarily be kept distant from teruma. According to Shmuel's position, unlike other books of Tanakh, a megilla doesn't convey tum'a. The gemara associates this stance with R. Yehoshua's

position which places limits on the quota of references to Amalek in the Tanakh. In parashat Beshalach, Hashem tells Moshe, "Ketov zot zikaron ba-sefer" - "Write this episode (about Amalek) as a memorial in the Book." According to some opinions, the first phrase (Ketov zot) refers to Amalek descriptions in Chumash (both in Beshalach and Ki Tetzeh), the second phrase (zikaron) refers to the mention in Shmuel I, while the final phrase (ba-sefer) licenses a final mention of mechiyat Amalek in megillat Esther. According to these opinions therefore, megillat Esther is a full-fledged member of Tanakh. According to R. Yehoshua, however, the first phrase (ketov zot) refers to the mention of Amalek in Beshalach, the second phrase (zikaron) refers to parshat Ki Tetzeh, while the final phrase (ba-sefer) addresses the record of Amalek in Shmuel I. Accordingly, with all of the phrases exhausted, no warrant exists for mentioning the Amalek story a fourth time in Tanakh. Hence, megillat Esther is excluded from Scripture. Shmuel evidently adopted this position and ruled that megillat Esther would not confer tum'a since it is excluded from Tanakh proper. The gemara then challenges Shmuel's position: "Does Shmuel not admit that the megilla was 'divinely inspired?'" Shmuel answers that indeed, it was given through ru'ach ha-kodesh, but only to be READ and not to be WRITTEN. Ostensibly, according to Shmuel, we are commanded to read ABOUT a specific event and, possibly, even read certain words or phrases. However, the written text itself has little meaning. Rashi certainly appears to maintain this view when he comments that, according to Shmuel, the megilla was given to be 'read by heart.'

Tosafot raise a question from the gemara in Megilla (17-18). The gemara invalidates an oral reading as only the prescribed reading from a TEXT of the megilla is permitted. According to the gemara's conclusion, Shmuel should validate such a reading. After all, he claims that the written text of the megilla has no inherent value and though the story of Esther was given through ru'ach ha-kodesh, it was given to be read and not to be written. Tosafot offer that, possibly, the concept of a written text was developed (and reading from such a text was demanded as per the mishna 17) at a later stage, but that fundamentally, there is no inherent importance to a written text. The Rashba even suggests that Shmuel would reject the mishna in

Megilla 17a, claiming that indeed one MAY read orally without the use of any text. After all, he is supported by the position of R. Yehoshua, who himself is a 'Tanna' and is capable of arguing with a mishna.

The Ritva offers a different view – one which dramatically changes our assessment of the megilla. The Ritva effectively divides the megilla into two dimensions:

1) It possesses a status of written Torah (Torah she-bikhtav). The mitzva of megilla entails reading from this text and not merely an oral reading. The megilla itself enjoys a status of Torah she-bikhtav in a manner which Sefer Ha-makkabim for example (the book describing the miracles of Chanuka) does not. Someone who learns the megilla must recite a birkhat haTorah while one who studies Sefer Ha-makkabim does not. Shmuel admits to this dimension and agrees to the mishna (17a) which requires that the megilla be read from a text.

2) Quite aside from its status as Torah she-bikhtav and its specific text which enables the performance of the mitzva, Megillat Esther was also inserted into the Scriptural canon. Indeed, Shmuel rejects this second dimension insisting that the megilla was never incorporated into Scripture and does not confer tum'a in the same manner as Sefer Nechemia. Denying this second track, though, does not strip the written text of the megilla of any significance. Shmuel can still demand a recital from a written text.

These two dimensions to megilla as described by the Rav zt"l are presented by the Ritva – both in his comments to gemara Megilla as well as in his explanation to the gemara in Yoma (29a), which is a parallel sugya to ours. Shmuel rejected the second facet, but accepted the former.

Even if we disagree with Shmuel's position, we might still be able to track these two different elements of megilla, and chart their different points of evolution. The 9th perek of Esther describes the attempts of Mordechai and Esther to institutionalize the Purim halakhot. Pasuk 20 describes the process

of sending letters to the Jews requesting that they fulfill the various mitzvot of Purim – including reading the megilla. Evidently, the concept of reading a text was immediately operative. We witness these mitzvot being practiced for at least one year. Suddenly, we read in pasuk 32 that Esther's words were written in a sefer. Was this narrative never written until this stage? The Rav claimed that these two stages of the 'takanot' reflect the two different dimensions of the megilla. Initially, the text of the megilla was established as an article of Torah – one which we were obligated to read on Purim. At a subsequent stage, this megilla was actually inserted as part of 'sefer,' namely part of the kitvei ha-kodesh. Indeed, we disagree with Shmuel and recognize two features to the megilla. However, these two aspects did not come into being simultaneously. First, the megilla was established as a distinct text of Torah to be read on Purim. Only at a later stage, was it actually incorporated as part of the Tanakh proper.

Rav Velvel (the Brisker Rov) makes an even more dramatic separation between these two 'evolutionary stages' of the megilla. The gemara in Bava Batra (15a) claims that the megilla was written by the Anshei Knesset Ha-gedola (members of the Great Assembly). Rashi explains that a prophecy which occurred in exile (such as that of Purim) cannot be incorporated into Tanakh until the return to Israel. According to Rav Velvel, the status of kitvei ha-kodesh was only applied to megillat Esther at a MUCH later stage - namely upon the return of the exiles to Eretz Yisrael. This status was therefore never conferred by Esther, but rather by the Anshei Knesset Ha-gedola.

Summary:

We have isolated two aspects to megillat Esther:

- 1) The text has specific identity as Torah and must be READ FROM on Purim.
- 2) IN addition, the text became incorporated as part of Tanakh.

Shmuel might dismiss the latter halakha, arguing that the megilla lacks this status and cannot confer tum'a. Even if we reject his opinion and embrace both aspects, we might see them as emerging at different stages.

Can we speak of a megilla which might lack the kitvei ha-kodesh status even according to the normative view, in the same manner that Shmuel viewed EVERY megilla? The gemara claims that megillat Esther only conveys tum'a if it is written in ktav ashurit. Tosafot wonder at this halakha, since a megilla can be written and read in any foreign language as long as the audience understands that language - see Megilla (18a). If the megilla can be read from a text written in any language, why does the gemara rule that only one written in Hebrew will convey tum'a?

Based upon the above distinction, an answer easily presents itself. A megilla in any language achieves the status of Torah she-bikhtav and a correctly written megilla. However, only one written in Hebrew possesses the status of kitvei ha-kodesh and confers tum'a. Apparently, we have located a unique megilla which lacks the kitvei ha-kodesh component which Shmuel argues is deficient from any and every megilla.

Tosafot provide a different and intriguing answer. They claim that, indeed, a megilla written in a foreign language is valid – but only for people who understand that language. Since its scope (in terms of performing the mitzva) is limited, it doesn't possess kitvei ha-kodesh status. Only a megilla written in Hebrew and universally valid (since a Hebrew megilla can be read to anyone including one who does not understand Hebrew), contains kitvei ha-kodesh status.

I believe Tosafot's response represents an opposing view to the Rav's distinction. According to the Rav, a megilla possesses two separate dimensions - firstly as a text which enables a mitzva, and secondly as a text which has kitvei ha-kodesh status. These two elements are independent of each other. According to Tosafot, the kitvei ha-kodesh status derives from the

megilla's fitness for the performance of the mitzva. Had there been no mitzva, there would be no warrant for including the megilla as part of Tanakh.