

CENTER FOR MODERN TORAH LEADERSHIP



PURIM AND THE WAYS OF PEACE

By Rabbi Aryeh Klapper

Yerushalmi Megillah 1:4 writes, in both the Venice and Vilna editions:

אין מדקדקין במצות פורים,
אלא כל מי שהוא פושט את ידו ליטול - נותנין לו
*We are not particular about the mitzvah(s) of Purim,
rather everyone who sticks out their hand to take – we
give him.*

The צ in מצות is presumably a typo – the word is cited as מעות, monies, in all texts that have sources independent of the printed Yerushalmi. But it may be a Freudian slip.

Charity disbursers generally have an obligation of due diligence, and the mitzvah of *tzedokob* is fulfilled only when the recipients are eligibly poor. Purim money should apparently be given without the same diligence. Is the mitzvah of *matanot la'evyonim* fulfilled even when money is given to frauds? If so, does that money also fulfill the mitzvah of *tzedokob*?

This may be a halakhic reflection of Purim as a day on which distinctions are eroded. But we need to determine whether the Freudian slip reveals the superego or rather the id.

Tur (OC 694) explains “not particular” as “nonparticularistic” –

אלא כל מי שפושט ידו ליטול – נותנין לו,
אחד ישראל ואחד עני
*rather, everyone who sticks out their hand to take – we
give him,
Jew and nonJew alike*

The standard 18th century commentary *Korban HaEidab* reads Tur into the Yerushalmi – “even nonJews” – and makes no mention of frauds. So Tur may hold that we check for frauds even on Purim. Some distinctions still matter, and some don't. We need to make distinctions among distinctions.

By contrast, the 20th century commentary *Alei Tamar* contends that Tur agrees that the Yerushalmi is discussing frauds. Tur's comment about nonJews is an aside reflecting a later development.

Alei Tamar actually introduces a new distinction. Purim money should be distributed without checking for frauds

or for Jewishness. However, while the money given to frauds fulfills the mitzvah, the money given to nonJews does not.

Alei Tamar is following Beit Yosef, who cites Nimukei Yosef citing Ramban as the source for Tur.

כן כתב נמוקי יוסף בפרק האומנין (מח: ד"ה גמ') בשם הרמב"ן,
שכן המנהג בכל ישראל ליתן אפילו לגוי,
דהואיל ואין מדקדקין בדבר ונותנים לכל –
אם אין אנו נותנים לגוי, איכא משום איבה,
ותניא (גיטין סא):

מפרנסין עניי גוים עם עניי ישראל מפני דרכי שלום. עכ"ל.
*So wrote Nimukei Yosef (on RIF, Berakhot 48b) in the
name of Ramban
that this is the practice throughout Israel, to give even to
a nonJew
as since we are not particular about the matter and give
to all –*

*if we don't give to a nonJew, there would be eivah
(intense ill-will),*

and we learn in a beraita (Gittin 61a):

*We support poor nonJews together with poor Jews
because of the ways of peace.*

Nimukei Yosef presents giving to nonJews as a necessary consequence of giving indiscriminately to Jews rather than as part of the underlying mitzvah. NonJews are included only to prevent them from bearing us ill will.

Ritva, however, offers an understanding of Ramban that apparently includes giving to nonJews as part of the mitzvah.

בירושלמי בפרק קמא דמגילה אמרינן
אין מדקדקין במעות פורים, אלא כל הפושט את ידו ליטול - נותנין לו
כלומר שאין מדקדקין בדבר לומר אם הוא עני וראוי ליתן לו אם לאו,
אלא נותנים לכל אדם שיבא ויתבע,
שאר יום זה מדין צדקה בלבד, אלא מדין שמחה ומנות
שהרי אף בעשירים כתיב ומשלוח מנות איש לרעהו.
ואומרים רבותי ז"ל

כי מטעם זה נהגו ליתן מעות פורים אף לגוי
דכיון שאנו נוהגין ליתן לכל אדם, אם לא נתן לגוי - איכא איבה
וקיימא לן מפרנסין עניי גוים עם עניי ישראל מפני דרכי שלום

*Yerushalmi Megillah Chapter One says:
We are not particular about Purim monies,
rather, everyone who sticks out their hand to take – we
give him,
meaning that we are not particular to check whether he
is poor and it is appropriate to give him or not,*

rather we give to every person who arrives and makes a claim,
because (giving on) this day is not only under the rubric of tzedokoh,
but also the rubric of happiness and food-gifts,
as behold even regarding the rich it says and sending food-gifts each man to his fellow.
My teachers z"l say
that for this reason they had the practice of giving Purim-money even to a nonJew
as since we have the practice of giving to every person, if we don't give to a nonJew – there will be eivah,
and we hold that we support poor nonJews together with poor Jews because of the ways of peace

Rabbi Herschel Reichman *sblita* draws this moral explicitly in the name of his teacher Rabbi Joseph Soloveitchik (*Reshimot Shiurim*, Bava Metzvia 78b)

ומלשון הריטב"א משמע
דמה שהביא הריטב"א שמפרנסין עניי עכו"ם עם עניי ישראל –
משום איבה ודרכי שלום –
אינו ר"ל דחל בפורים רק התקנה דעלמא
לפרנס עניי עכו"ם משום דרכי שלום,
אלא ר"ל דמחלקין לעכו"ם ממועות פורים מדין שמחת הפורים המסוימת,
ואיבה ודרכי שלום הם טעמים למה לחלק לעניי עכו"ם בפורים,
והוא כדי להרבות בשמחת היום.
The language of Ritva implies
that when Ritva cites that we support the non-Jewish poor together with the Jewish poor
because of eivah and the ways of peace –
he does not intend only to apply to Purim the general decree
that we support the non-Jewish poor because of the ways of peace,
rather he intends that we distribute Purim monies to nonJews under the distinct rubric of Purim joy,
and eivah and the ways of peace are reasons to distribute to poor nonJews on Purim,
and that is in order to increase the joy of the day,

Maybe this was Nimukei Yosef's intention as well. Certainly it seems a better explanation of Tur.

Beit Yosef goes on to cite a much less enthusiastic perspective from Hagahot Maimuniot (Megillah, end of Chapter 2):

והגהות מיימוניות כתבו שכתב תלמיד אחד לפני רש"י:
ראיתי בני אדם שנוהגים לחלק מתנות בפורים
לעבדים ולשפחות גוים העומדים בבתי ישראל
והדבר הוקשה בעיני רבי
לפי שנאמר (אסתר ט כב) ומתנות לאביונים, וזה הנותן פרוטה לעבד -
גוזל לעניים

ומראה בעצמו כאילו מקיים מתנות הנאמרים באביוני ישראל
וכתב רבי
שטוב ממנו לזרקן לים, שמראה שמתנות היום אף לגוים
וכן כתב הר"מ בשם רבינו אפרים,
וכתב
דבעיר שלא הורגלו בכך - אסור להרגילן,
אבל בעיר שהורגלו בכך - אין לבטל הדבר
משום דרכי שלום

Hagahot Maimuniot wrote that a student wrote in Rashi's presence:
I have seen people having the practice of distributing gifts on Purim
to non-Jewish servants and maidservants who are in Jewish households,
but the matter was very difficult in my teacher's eyes,
because it says "and gifts to the poor", and this one who gives a penny to a servant – is robbing the poor and showing himself as if he is fulfilling the gifts which are said (exclusively) about the Jewish poor,
and my teacher wrote
that it would be better to throw it into the sea than to show that the gifts of the day apply even to nonJews,
and so wrote Rabbi M(eir of Rothenburg?) in the name of Rabbeinu Efraim (of Regensburg?),
and he wrote
that in a city that has not made this a habit - it is forbidden to habituate them to it,
but in a city where they have made it a habit – one should not annul the matter,
because of the ways of peace.

Hagahot Maimuniot records that Maharam of Rothenburg and/or Rashi excluded Gentile recipients from the mitzvah, and saw every penny given them as a concession required only by the ways of peace.

Beit Yosef reads their position into Tur:

ורבינו - אפשר שבמקום שנהגו קאמר בדוקא,
או בעיר חדשה אם צריכין לנהוג כך מפני דרכי שלום:
and our Teacher (Tur) –

perhaps he spoke only about a place where this was already practiced,
or in a new city if they need to practice it because of the ways of peace.

This seems an implausible reading of Tur. Professor Eliav Shochetman¹ suggests instead that Beit Yosef's sources reflect a medieval Ashkenazic-Sefardic disagreement about the nature of obligations generated by "the ways of peace" and the potential for "eivab". Ashkenazim see them as case-specific, intended to prevent

¹ "On the Custom to Give Gifts to the NonJewish Poor on Purim" (Sinai 100:2:852)

specific Gentiles from experiencing discrimination and consequently feeling animosity toward Jews. By contrast, Sefardim see them as intended to create an overall relationship that would prevent animosity between communities. The practical difference is that the Ashkenazim might not apply these obligations where there is no risk that a nonJew will realize what has happened, whereas for Sefardim they apply regardless.

I'm happy to accept Professor Schochetman's argument that Ritva represents the general tenor of Sefardic halakhah. Regarding Ashkenaz, however, I suggest that we should pay more attention to the specific nonJews under discussion, namely "non-Jewish servants and maidservants who are in Jewish households".

Shibbolei HaLeket 202 and many other sources suggest that the Jewish poor were embarrassed to beg on Purim, but would instead send their children out on a collecting circuit with non-Jewish servants. (I'm noting that the poor had servants, but not discussing that here.) People apparently began giving the servants money as well, and this is what roused rabbinic ire. It seems plausible from other sources that over time, the share kept by the servants increased, and more, that it became perceived as an expected tip rather than charity. (The conflation of tips and charity is another moral issue that I must also bracket here.)

It is also worth considering the parallels between these reports and Orchot Chaim Hilkhoh Avodah Zarah 14:

כתב הרמ"ע
 על מה שנהגין גויות [בעת] [ש]בשר אסורה
 [לקבץ נדבות
 והולכים אצל היהודים לקבץ מהם נדבות בשביל הכו"מ] –
 אסור להרגילה לעולם
 ושמעתי שרבינו אפרים קורא עליהם
 וכסף הרביתי להם וזהב עשו לבעל.
 אבל במקומות הרגילים – אין לבטל הדבר
 משום דרכי שלום

*Rabbi M(eir of Rothenburg?) wrote
 Regarding the custom of the non-Jewish women in the
 time when meat is forbidden (Lent?)
 to gather freewill offerings,
 and they go amongst the Jews to gather freewill offerings
 on behalf of their idolatry –
 it is forbidden for this to become habitual
 and I have heard that Rabbeinu Efraim (of Regensburg)
 applied to them the verse
 and I have made gold and silver abundant to them, and
 they used them for Baal*

*but in places where it is already habitual – one must not
 nullify the matter,
 because of the ways of peace.*

I wonder whether the fierce Ashkenazic objections to this practice were grounded less in a narrow conception of the ways of peace and more in a sense that the money was being taken as a sort of religious tax. Note that Shibbolei HaLeket and many other reports apply the verse *and I have made gold etc.* to the Purim disbursements, where the fit is awkward, since after all we do support the non-Jewish poor because of the ways of peace.

Shulchan Arukh's halakhic formulation (OC 604:3-4) is curiously ambivalent, I think reflecting Beit Yosef's awareness that Hagahot Maimuniot's hesitations seem alien to Tur's position.

אין מדקדקים במעות פורים,
 אלא כל מי שפושט ידו ליטול - נותנים לו;
 ובמקום שנהגו ליתן אף לא"י - נותנים.
*We are not particular on Purim,
 rather whoever stretched out his hand – we give him
 and where the custom is to give even to nonJews – we
 give.*

Shulkhan Arukh thus avoids saying whether the custom should be encouraged or discouraged in places with no established practice.

Rabbi Hillel Cooperman has collected several kabbalistic positions explaining that giving to nonJews is part of the mitzvah without referring to ways of peace. My preferred explanation is that on the holiday that celebrates Jewish power – tenuous, and in the immediate aftermath of a credible genocidal threat, but genuine power – it is religiously essential that we demonstrate our capacity to use power to share joy and uplift others, in the ways of peace, rather than provoking or intensifying enmity. Thus on Purim we give without discriminating to all who stretch out their hands, "Jew and nonJew alike".

Shabbat shalom!

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