

The Man-Made Holiday

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Purim Then and Now

The verses towards the end of Megillat Esther leave us with an ambiguous understanding of Purim's status. They repeat the general themes and *mitzvot* of the day numerous times, but with regards to whether Purim is actually a *Yom Tov* we find ourselves perplexed. The confusion lies in the comparison between the first Purim celebrated by the victorious Jewish nation and the Purim established by Mordechai for the future. After describing the miraculous events of the 13th and 14th of Adar, the Megillah records the reaction of the Jewish people:

Therefore do the Jews of the villages, that dwell in the un-walled towns, make the fourteenth day of the month Adar a day of gladness and feasting, and a Yom Tov,, and of sending portions one to another.

Esther 9:19

על כן היהודים הפרזים הישבים בערי הפרזות עשים את יום ארבעה עשר לחדש אדר שמחה ומשתה ויום טוב ומשלוה מנות איש לרעהו:
אסתר ט:ט

Just three verses later, the Megillah reports Mordechai's enactment of Purim as a day of annual celebration:

The days wherein the Jews had rest from their enemies, and the month which was turned unto them from sorrow to gladness, and from mourning into a good day; that they should make them days of feasting and gladness, and of sending portions one to another, and gifts to the poor

Esther 9:22

כימים אשר נחו בהם היהודים מאויביהם והחדש אשר נהפך להם מיגון לשמחה ומאבל ליום טוב לעשות אותם ימי משתה ושמחה ומשלוה מנות איש לרעהו ומתנות לאביונים:
אסתר ט:כב

In other words, the *pesukim* deem the initial celebration a *Yom Tov* whereas Mordechai drops this formulation in his decree for the future. In fact, based on this discrepancy Raba concludes:

They accepted upon themselves [the prohibition against] eulogy and fasting, but they did not accept upon themselves [the prohibition against] work. For originally it is written [in the Megillah] gladness and feasting and Yom Tov, and in the end it is written days of feasting and gladness, and does not say Yom Tov.

Megillah 5b

הספד ותענית קבילו עליהו, מלאכה לא קבילו עליהו. דמעיקרא כתיב שמחה ומשתה ויום טוב, ולבסוף כתיב לעשות אותם ימי משתה ושמחה, ואילו יום טוב לא כתיב מגילה ה:

The Talmud makes it clear that had the Megillah classified Purim as *Yom Tov* in its final formulation of the day, work would be forbidden. However, when the Megillah dropped the *Yom Tov* formulation, did it also abandon Purim as a formal holiday? Did it render Purim barren of *kedushat ha-yom*?

All or Nothing

At first glance, two perspectives on Purim's status as a *chag* seem reasonable:

- 1) The absence of *issur melacha* indeed indicates that Purim lacks the status of a *Yom Tov* and contains no *kedushat ha-yom*. Purim is a regular day, with the additional *mitzvot ha-yom* established by the rabbis.¹⁰⁵
- 2) The rabbis bestowed Purim with a *kedushat ha-yom* so much so that it is a *Yom Tov miderabanan* with the exception of *issur melacha*. If this is the case, we would expect Purim to generally conform to the laws we find in *hilchot Yom Tov*.

We can highlight these positions with the comments of R. Amram Bloom in his responsa.¹⁰⁶ He references a dispute quoted by R. Abraham Gombiner (*Magen Avraham* 695:9) regarding the obligation to eat bread at the Purim *seuda*. Certainly, a *Yom Tov seuda* would be unrecognizable without the presence of bread; what about the Purim feast? He explains that the authorities who require bread at the *seuda* interpret the Talmudic passage cited above in the following way:

Granted, a prohibition against labor was not accepted because the Megillah did not write Yom Tov, but regarding feasting and gladness it was accepted as a Yom Tov and therefore there is certainly an obligation to eat bread on Purim

Responsa Beit She'arim, Orach Chaim 375

נהי דמלאכה לא קבילו עלייהו דאח"כ
לא כתיב יום טוב אבל מה ששייך
למשתה ושמחה גם יום טוב קבילו
עלייהו ושפיר יש חיוב לאכול פת
בפורים
שו"ת בית שערים חלק או"ח שעה

In other words, according to those positions that require bread at the *seuda*, Purim is a *Yom Tov* without an *issur melacha*. Presumably, the opposing views that find bread unnecessary believe that Purim is not a *Yom Tov* in any sense. Instead, it has the status of a regular day with the addition of specific *mitzvot ha-yom*.^{107 108}

While the “all or nothing” approach serves as a useful construct, it falls short of explaining several halachic anomalies. For instance, the *Hagahot Maimoniot* (end of *Hil. Megillah* chapter 2)

¹⁰⁵ See *Days of Deliverance* page 107 and *Har'ei Kedem* (1:230)

¹⁰⁶ Also quoted by R. Ovadia Yosef (*Yechaveh Daat* 1:89)

¹⁰⁷ There are many similar issues regarding laws pertaining to the *seuda*, which presumably reflect the same fundamental dispute (for example, the number of *seudot* and the requirement to eat meat).

¹⁰⁸ Similarly, some evidence exists in sources as early as the *Gaonim* that even the prohibition against labor was not totally abandoned. Some authorities are bothered with the presentation of R. Achai Gaon (*She'iltah* 67) who starts his discussion of Purim noting the rejected opinion in the Talmud which thought *melacha* is prohibited on Purim and even concludes with a novel interpretation of the Talmud that despite the absence of a formal prohibition, veering from the widespread custom not to engage in *melacha* is punishable by curse and excommunication (a consequence unbecoming for violating a regular custom according to *Beit Yosef, Orach Chaim* 696:1). Also see R. Naftali Zvi Yehuda Berlin (*Emek Shi'elah* 67:2)

quotes a puzzling position of R. Amram Gaon, who rules that on Purim night the addition of *al hanisim* is omitted from *maariv* because the *Megillah* has not yet been read. Whether you think Purim is basically a standard *Yom Tov* or you think it is merely a regular day with additional mitzvot, this ruling seems surprising. If Purim is a *Yom Tov* then *al hanisim* should be recited at *maariv* just as all other *yomim tovim* include special additions in the evening *tefillah*. If Purim is not a *Yom Tov* at all then it could be argued that we should make no mention of the day in our *tefillah*. But including *al hanisim* in our davening post-*Megillah* reading and not before is inconsistent with both positions. Therefore, a third approach becomes necessary.

Man-Made Yom Tov

To develop this third theory, we should first revisit the verses with which we began. Commentators note that besides abandoning the phrase “*Yom Tov*,” the *pesukim* also reverse the order of two words. Originally, when Purim was thought to be a *Yom Tov*, the verse read “*simcha u’mishte*h,” but in the subsequent formulation the *Megillah* writes, “*mishte*h *vi’simcha*.”¹⁰⁹ This subtle difference hints at what might be a fundamental distinction between Purim and other holidays. Both possess *kedushat ha-yom*, but on *Yom Tov* the day has intrinsic status and *kedusha*, which demands an expression of *simcha*, which then leads to *mishte*h. On Purim, however, the opposite is true—the *mishte*h (our celebration) results in the day’s *simcha* (invests the day with its *kedusha*). In other words, our celebration is more than a mode of behavior; it allows us to transform Purim into a holy day. Essentially we can classify Purim as a non-standard *Yom Tov*—a “man-made” *Yom Tov*.

Let’s further illustrate this position by contrasting it with the two perspectives with which we began.

Marriage on Purim

R. Yosef Cairo (*Shulchan Aruch, Orach Chaim* 696:8) rules that one may perform *nisuin* (marriage) on Purim.¹¹⁰ However, many *acharonim* struggle to reconcile this statement of the *Shulchan Aruch* with the *mishneh* in the Talmud (*Moed Katan* 8b), which clearly forbids marriage on *Yom Tov*. The Talmud cites the principle of *ein mi’arvin simcha bi’simcha* (do not conjoin two joyous occasions) to explain this prohibition. The Talmud assumes that getting married on *Yom Tov* would render it impossible to appropriately rejoice in both the marriage and the *Yom Tov*. Why then does the *Shulchan Aruch* permit marriage on Purim?

Some commentators suggest that the Talmud prohibits marriage only on a *Yom Tov*, based on the verse “*bi’chagecha*,” and because Purim does not qualify as such, it was not included in this prohibition.¹¹¹ The simplest interpretation of this explanation is that Purim has no *kedushat ha-*

¹⁰⁹ See R. Yaakov Betzalel Zolty (*Mishnat Yaavetz, Orach Chaim* 79:1) and R. Aryeh Pomeranchik (*Emek Beracha* page 126)

¹¹⁰ This position is not adopted unanimously among later authorities who argue that there indeed would be a problem of being *mi’arev simcha bi’simcha* (see summary of positions in R. Avraham Shmuel Binyamin Sofer’s responsa *Shu”t Ktav Sofer, Orach Chaim* 138). Forbidding marriage on Purim, as on *yom tov*, would certainly point in the direction that Purim has the status of a real *moed*.

¹¹¹ Glosses by the *Vilna Gaon* (*Orach Chaim* 696:8)

yom (perspective #1) and is therefore foreign to the concept of *simchat Yom Tov* in the classic sense.

On the other hand, some commentators, convinced that Purim qualifies as a bona fide *Yom Tov* (perspective #2), feel forced to provide technical reasons why Purim can support *nisuin* without compromising the *simchat Yom Tov*. For example, some suggest that the *Shulchan Aruch* holds *ein mi'arvin simcha bi'simcha* only applies on a Torah-level *Yom Tov* and not to Purim¹¹² or that the marriage ceremony is permissible, but the subsequent celebration is not.¹¹³

However, R. Moshe Isserles (*Darchoi Moshe* 696:5) presents a third justification:

The concept of not conjoining two joys is not applicable to Purim because when it comes to Yom Tov, the reason offered in the first chapter of Moed Katan is that the verse states be joyous in your holiday and not in your spouse, and in regards to Purim it only writes feasting and gladness, and anything that brings happiness is sufficient

Darchoi Moshe, Orach Chaim 696:5

לא שייך עירוב שמחה בשמחה
בפורים דהא לגבי רגלים אמרינן
טעמא בפרק קמא דמועד קטן
דכתיב ושמחת בחגך ולא באשתך,
ובפורים לא כתיב רק משתה
ושמחה, ובכל מאי דמשמח סגי ליה
דרכי משה או"ח תרצו:ה

This distinction between Purim and other holidays purported by the *Rama* requires elaboration, but as we will see, seems to support the “man-made” *Yom Tov* approach. *Yom Tov* carries an obligation to be joyous in the day itself. It is a focused and calculated happiness that stems from the fact the day itself demands *simcha*. Achieving this requires attuned awareness and the casting aside of all distractions (even joyous ones). When it comes to Purim, however, the day necessitates a different sense of gladness. Instead of a directed happiness, it calls for a more flexible and subjective sense of elation. In fact, according to many *poskim*, awareness is not even necessary as it can be fulfilled through inebriation.¹¹⁴ In other words, as players in the day’s creation, we can utilize any available means to reach a joyous state and therefore the joy of marriage certainly has a place in *simchat Purim*.

Dinei Aveilut

Normally when *Yom Tov* interrupts the seven days of mourning the mourner ceases the *shiva* and its accompanying practices and begins counting towards the *sheloshim*. R. Joseph B. Soloveitchik explains this phenomenon based on the idea that a single day cannot be comprised of two contradictory halachic norms. In other words, a day cannot simultaneously exist as a “*yom avel*” and a “*yom simcha*.”¹¹⁵ What is the *halacha* when it comes to Purim?

Maimonides (*Hil. Avel* 11:3) rules that an *avel* complies completely with the regular laws of mourning on Purim, which points to Purim as a day devoid of *kedushat ha-yom* (perspective #1). The *simcha* of Purim is not part of the day’s character and therefore poses no clash to the *yimei aveilut* of the mourner.

¹¹² Magen Avraham (*Orach Chaim* 696:8)

¹¹³ *Shu"t Ktav Sofer* (ibid.)

¹¹⁴ R. Yaakov Betzalel Zolty (*Mishnat Yaavetz, Orach Chaim* 45:3)

¹¹⁵ *Shiurei HaRav al Inyanei Aveilut (siman 11)*

On the other hand, the *Sefer Hamiktzaot* (quoted by the *Rosh, Moed Katan* 3:85) renders a novel ruling that Purim actually halts the *shiva* in the same way that a regular *Yom Tov* would. This indicates that Purim shares the standard *kedushat ha-yom* that automatically characterizes the day as a *yom simcha* inconsistent with the *yimei aveilut* (perspective #2).

R. Moshe Isserles (*Rama, Orach Chaim* 696:4) records a compromise position—Purim does not end the *shiva* nor does the *avel* engage in regular mourning. The *avel* upholds the laws of mourning that pertain to his private life, but publically observes no mourning rituals. This maintains that Purim poses no internal contradiction when it comes to the status of the day, but at the same time is not merely a regular day. How can this be? Presumably he is consistent with his position in the *Darchei Moshe* (above) that Purim is not a standard *Yom Tov* and therefore does not automatically generate a *yom simcha*. Instead, Purim is a “man-made” *Yom Tov* and all of *klal yisroel* share the responsibility to imbue it with its *kedusha*. There is no inherent contradiction in the status of the day and therefore it can be Purim and count towards the completion of the *shiva*. But at the same time, the *avel* must curtail his mourning rituals in order to accommodate his and the rest of the community’s need to generate a degree of celebration and bestow the day with its unique *kedusha*. Therefore, he must limit his *aveilut* to a private display only.

Al Hanisim

We now possess the tools to return to the position of R. Amram Gaon that we only recite *al hanisim* in our *tefilot* after the *Megillah* has been read for the first time. If we understand the uniqueness of Purim’s *kedushat ha-yom* in that it stems from man’s ability to turn what would otherwise be a mundane day into a true *chag*, then R. Amram Gaon’s ruling makes a great deal of sense. Only after we inaugurate the day by reading the *Megillah*, which is itself an expression of praise and joy (*Megillah* 14a), does the day adopt its new character and thus warrant the recitation of *al hanisim*.¹¹⁶

¹¹⁶ See R. Avraham Mordechai ha-Kohen Izbi (*Sefer Chelkat Mordechai Sha’ar* 5 *Siman* 50) who makes a similar point and has further discussion.