

וְהָיָה לְדֹתַי

[may one give his *matanos la'evyonim* to one whose Jewishness is in doubt?] [What about a *gabbai tzedakah* or organization, who give some money to non-Jews?

A) *Matanos la'evyonim* and other forms of *tzedakah* on Purim

A) Money given on or around Purim time [Excerpted from Halochoscope XXVI:15]

However, the Talmud specifies that one should give two gifts, one each to two *evyonim*. This is not the case with *tzedakah* on any other day. Second, the poskim make it clear that this *mitzvah* applies to everyone, including the poor among us. In general, people who own less than the minimum to sustain themselves for a year are considered poor enough to receive *tzedakah*, and are exempt from giving *tzedakah*. Third, the term *matanos*, gifts, rather than *nedavos*, donations, indicates that this is not regular *tzedakah*. Although the term to "give" is used by the Torah for *tzedakah*, the term for giving *tzedakah* might better be called a *nesinah*. A *matanah* is a present, usually given to a good friend. Even the tithes, which are referred to as *matanos*, are given to acquaintances who are either *kohanim*, *leviyim* or *aniyim*. [It is debated whether certain agricultural tithes for the poor may be withheld for a preferred *ani*. But *maaser ani* may be given to an *ani* of the tither's choice.]

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basis. On this day, one gives him gifts, so that he feels equal joy to everyone else. Based on this, the minimum is the amount usually given as a gift. Some say that the *mitzvah* is to gladden the hearts of the wretched and downtrodden (as opposed to regular *tzedakah*).

The Talmud discusses *magevess Purim*, which is a collection made specifically for Purim. The context indicates that this is for the *seuda* for the poor. Each community has a regular collection and distribution, with specific rules. *Magevess Purim* has a few differences. One should not restrict the amount spent on preparing food in the usual way, reserving the surplus for a rainy day. The money should all go to this *Purim*, and only if there is some left over later should it go back to the general fund. *Maos Purim* is sometimes used interchangeably with *magevess Purim*. In some versions, *mitzvas Purim* is used. These terms are also used more generally, to refer to other money collections and distributions on *Purim*. It appears that *magevess Purim* could be: a special collection of regular *tzedakah*, specifically for *Purim*; the regular daily collection, but that falls on *Purim*; or *matanos la'evyonim*. While the Talmud indicates that *matanos la'evyonim* would be delivered by the individual to an *evyon* whom he knows, there are indications that it was also institutionalized into a collection. This way, those who might not otherwise give it, would participate. It also guaranteed that no *evyonim* would be left out.

Machatzis hashekel in its original form was the annual donation to the *Bais Hamikdash*. In its very first form, there were three donations: voluntary donations of any of the materials needed to construct the *Mishkan*; a half *shekel* towards the *adanim*, silver sockets at the base of the *Mishkan* walls; a half *shekel* towards the communal offerings of that year. The modern day practice to donate three half *shekalim* is cited by the poskim. There is some confusion in early sources as to how and why this practice began. The simplest explanation is that it is a *secher*, commemorates the original *shekalim*. The three commemorate the original three *terumes*. This collection took place during the month of *Adar*, so that the new *terumah* could be ready on *Rosh Chodesh Nissan*. The question arises, why is this done specifically on *Purim* – either right before it begins, at *mincha* on *Taanis Ester*, or on *Purim* morning. Some say that it commemorates the tradition cited by *Chaza"l* that Hashem said: Haman gave ten thousand talents, but Israel had already done so and merited being saved from him. However, some cite *minhagim* to have two collections of three *machatzis hashekel*. One of them seems to be for *Purim*. Furthermore, some poskim indicate that this was *matanos la'evyonim* money, and to make sure that it is given to *evyonim*. There is also some indication that this was instituted as a way to ensure that every Jew gives *tzedakah* once a year. There seems to be an additional *minhag* to collect money on *Taanis Ester* as a special *tzedakah* collection. This is connected to the Talmudic dictum that the reward for a fast day is in the *tzedakah* donated on that day.

Megillah gelt is money given to the *shliach tzibur* who reads the *Megillah*. In some communities, the *machatzis hashekel* was given to him. In others, it was seen as a *bedek habayis*, congregational dues, to support the *shliach tzibur*, or to grant him a gratuity. *Purim gelt* is a term used when children are given money for Purim to increase their joy. It is possible that this was a way to give them an opportunity to give *tzedakah* themselves, or to fulfill *matanos la'evyonim*, as a form of *chimuch*, training children. [See Par-

shas Re'ai 15:4-11 (RSR Hirsch). *Megillah* 7a-b Yerushalmi 1:4 Baba Metzia 78b, Poskim. Tur (Darkei Moshe I) Sh Ar OC 694, commentaries, Mekadesh Yisroel Purim 50. Nitei Gavriel Purim 64, notes 8-10.]

B) Money to nochrin on Purim

The standard *halachic* texts say that one gives money to non-Jews on Purim. However, it is unclear whether one fulfills his *mitzvah* of *matanos la'evyonim* this way. The ruling is juxtaposed to a general ruling mentioned in the Yerushalmi. The Talmud Bavli and Yerushalmi cite two similar passages. The context is *magevess Purim*. Both say *ain medakdekin*. The term *medakdek* usually means to be careful or exacting. In the context of the Bavli, the Talmud goes on to say that one slaughters as many oxen as might be needed and gives the meat out to the poor. Whatever is left is sold. The money goes to the regular *tzedakah* fund. *Ain medakdekin* means that one need not measure out exactly how much will be needed to avoid wasting *tzedakah* funds. *Magevess Purim* seems to be a *tzedakah* collection made to provide a *seuda* to the poor. In the Yerushalmi, the passage continues, *kol haposhet yad litol nosnin lo*, anyone who presents himself to take alms, one gives him. In this context, *ain medakdekin* means that one does not do the usual investigation when someone claims to be poor. We do not check eligibility on *Purim*.

A careful reading of the Talmud and the rulings of the poskim indicates that the rule applies primarily to the *gabbai*, collector and distributor of the *tzedakah*. Furthermore, it could depend on the Bavli or Yerushalmi whether this applies to a *tzedakah* fund or to *matanos la'evyonim*. The *gabbai* collecting *matanos la'evyonim* to distribute to the poor should not inquire whether the recipients deserve it. Or it might refer to *tzedakah* collected specifically for Purim. It does not seem to refer to individuals who are approached by strangers claiming to be poor. If the text is indeed to be understood to refer to individuals, it still seems to refer to the individual's distribution of money that was already set aside. It does not mean that one should continue giving out money until he runs out of it.

Since this *tzedakah* was specifically collected for *Purim*, it is understood that there will be some wastage, as some undeserving recipients will take it. It could refer to a collection made for the *seuda*, which should be on an uninhibited scale, like the *seuda* of *Achashverosh* which this commemorates. It could also refer to *matanos la'evyonim*. They are not *tzedakah*, but gifts, to make the poor feel included in the joy. Therefore, they should not have to be scrutinized. If this is true, the individuals giving *matanos la'evyonim* would possibly end up not giving a deserving *evyon*. Clearly, the *mitzvah* is fulfilled as long as the recipient claims he needs it. Either way, it would apply to money that was specifically put aside for this, whether the *machatzis hashekel*, the *matanos la'evyonim*, the *magevess Purim* or the *tzedakah* on the fast day. The ruling would seem to say that some of that money should be given to anyone asking for it and claiming to need it.

This assumption that the reference is to a *mitzvah* also appears to be the conclusion of the poskim who question the ruling that one may give it to a non-Jew. The two rulings are juxtaposed. "One is not *medakdek* with *maos Purim*, but one gives it to anyone who stretches out his hand to take it; in places where it is customary to give non-Jews, one gives." If *maos Purim* refers to the *mitzvos*, how could this include non-Jews? Another

point is made. If this ruling refers to the *mitzvah*, why wait until they “stretch forth their hand”? [One could say they do so before the giver has a chance to do so voluntarily.] Furthermore, it is only allowed where it is the *minhag*, customary.

Although there is a prevailing view that the ruling applies to *matanos la'evyonim*, some maintain that one should avoid it anyhow. There is a *kabalistic sod*, mystery, in the *mitzvah*. How is it possible that such *sod* applies when giving it to a *nochril*!

The conventional view is that this is part of the general rule that one includes non-Jews in *tzedakah* distributions to avoid *aiyah*, enmity. It is highlighted on *Purim*, when they will take note of so much *tzedakah* given out. However, one would not be giving it exclusively to *nochrin*. A separate ruling indicates that this does not satisfy the *mitzvah*: if there are no needy Jews available, one may hold on to the money for the time being, rather than give it to a non-Jew. Other explanations focus on the non-*tzedakah* status of the *mitzvah*. If its goal is to increase the joy of *Purim*, this should be felt by everyone, including gentiles. It also makes the givers feel the joy more. In this view, this does satisfy the *mitzvah* requirement. An esoteric explanation: *Purim* is like *Yom Hakipurim*. The lottery on *Yom Kippur* chose a scapegoat. The *Purim* lottery has this in common. Some say that Ester invited Haman to her feast as a hint to this. According to this view, it would appear, one must give both Jews and *nochrin*! The dissenting view is that on *Yom Kippur* there were two lots, but *Purim* has one. It is on a higher level and does not need to have the scapegoat. In our case, the Jewishness of the recipient is a *safek*, doubt. He or she claims to be Jewish, and there is no sufficient proof at this time. The ideal would be to give her, but to make sure to give two known Jewish *evyonim* as well.

What about the *gabbai tzedakah* or institution who give some of the money to *nochrin*? This is also a *safek*. Maybe the money will be given to *nochrin*, and maybe one will not fulfill his obligation with it. This could be termed a *sfek sfaika*, double *safek*. First, the money might not go to a *nochril*. Second, if it does, this might count as a fulfillment of the *mitzvah*. [In addition, may we suggest: The money is pooled in a collective fund. One relies on *berairah*, retroactive predetermination, to assume that his money was chosen and given on his behalf to an *evyon*. In general, *berairah* is debated. In one Talmudic view, it does not work to effectuate a *halachic* status. We follow a compromise ruling. *Berairah* works for Rabbinic issues. In our case, if there is a chance that the money will go to a Jew, one may rely on this rule that *yesh berairah biderabanan*. The *mitzvah* of *matanos la'evyonim* is not Scriptural (although it appears in Scripture). Therefore, he may assume that the money that reaches the hands of a Jew came from his share.] [See references to section A. Tur Sh Ar OC 694:3-4, MA6 Kaf Hachaim 38, commentaries. Nitei Gavriel *Purim* 64;note 8. Mekadesh Yisroel *Purim* 203.]

In conclusion, one should also give some to a known Jew. If the *gabbai* also gives to Jews, one may rely on this. א פרייליכען פורים

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