

HALOCHOSCOPE ^{TOI}

Late in the day on *Purim*, one remembers that he did not yet give *Matanos La'evyonim*. He had previously given unspecified *Tzedaka* to poor people or to be distributed to the poor. This was given to the poor on Purim, but not specifically as *Matanos La'evyonim*. May he now say that it should be considered *Matanos La'evyonim*? Or does he need to run out and find *Evyonim* to give it to intentionally? May he consider some of the *Mishloach Manos* that he sent (because he sent many more than he needed to) to poor people as *Matanos La'evyonim*?

The issues:

- (A) *Matanos La'evyonim*, gifts to the poor on Purim
 - (B) *Mitzvos Tzrichos Kavanah*, does one need direct intent to fulfill a Mitzvah?
 - (C) Switching a *Tzedaka*, especially if it is already in the hands of the recipient
- (A) *Matanos La'evyonim*

This is one of the four main Purim Mitzvos. The others are *Megilah*, *Seuda* (festive meal), *Mishloach Manos* (Sending food portions to friends). These are not Scriptural Mitzvos, but are greater than Rabbinical Mitzvos. They are called *Mitzvos Midivrei Sofrim*, which some consider Prophetic Mitzvos. The simple reason for the Mitzvah is to ensure that the poor are able to celebrate the Seuda of Purim themselves. This is the major celebration of this Rabbinical holiday. The miracle that took place to save the Jews came about through the feasts of Ester. Also the entire story began with the feast(s) of Achashverosh. The difference between Chanukah, where the celebration is through reciting *Halel*, and Purim, where it is feasting, is that on Chanukah there was a spiritual threat. Haman's threat was to the bodies. He wanted nothing less than physical annihilation. Accordingly, the Seuda is the most important celebration on Purim. The poor must be included. Therefore, each individual Jew is responsible to ensure that two poor people receive some money or food gifts to celebrate their Seudos. An additional reason is offered. The theme of the Mitzvos on Purim is boundless rejoicing. There is no bigger joy than gladdening the hearts of the unfortunate. This can be taken in three ways. First, the poor themselves need to rejoice. Second the giver of the joy feels a profound joy at being able to do so, and at seeing the gladdening effects of his act. Third, for Hashem there is no greater joy that

seeing this take place. He is the One Who always does this. By imitating Him one fulfills the Mitzvah in the most ideal way.

The Mitzvah is to give a gift to two poor people. The amount of the gift is a matter of debate. Some say that it must have minimal value. Otherwise it is not considered giving. Others say that it must be enough to provide the needs of a meal, three eggs worth of bread products.

The Poskim permit giving a child, and certainly to a woman. [Propriety dictates that special regulations are followed when giving single women. Therefore, the Poskim say that only a woman or a whole family should give her.] However, if the child or woman is part of the household of an adult male Ani, the Poskim debate whether giving the adult male and his wife or child counts as separate gifts to two Aniyim. Thus, if one gave Mishloach Manos of sufficient value to a poor couple, some would allow it to count as Matanos La'evyonim. If there was enough in it, it could even count as both Mishloach Manos and Matanos La'evyonim. We shall soon discuss a passage in the Talmud that relates a similar incident. [See Megillah 7a-b, Poskim. Tur Shulchan Aruch Orach Chaim 694:1 695:4, commentaries.]

(B) Mitzvos Tzrichos Kavanah

The meaning of this term, both when debated by the Talmud and in Halachic conclusions, could be taken three ways. The simple meaning is that the Mitzvah that is performed must be done with intent for a Mitzvah, and not for any other purpose. For example, one might blow a *Shofar* on *Rosh Hashana* for musical entertainment or as a Mitzvah. The second meaning is that the person performing it must do it for the sake of Heaven, and not for any other gain or motive. The third is that the Mitzvah must be done for its specific purpose or reasoning. This third interpretation is only applied to specific Mitzvos whose reason is actually spelled out by the Torah. For all other Mitzvos we can only speculate on reasons. The second *Kavanah* is presumed to be closely linked with the first *Kavanah*. If one has intent for the Mitzvah, he probably does it for its own sake. However, there is not necessarily a presumption on the first *Kavanah*. Thus, in order to be considered performance of a Mitzvah, one would be required to think first and devote the activity to the Mitzvah. Many Poskim say that unless there is an alternative intent in the activity, it has the presumption of *Kavanah*. Why else would he be doing an otherwise meaningless and purposeless action?

The requirement of *Kavanah* is debated in the Talmud. The actual Halachic conclusion is debated by the Poskim. Many Ashkenazic communities follow the

ruling that it is considered an unresolved issue. Due to the doubt, for Scriptural Mitzvos *Kavanah* is required, but for Rabbinical Mitzvos it is not. What about Mitzvos Midivrei Sofrim? *Mikra Megillah* is actually one of the examples discussed by the Talmud. Evidently, it does require *Kavanah*. Thus if one passes by a Shul and hears them read, he must have intent to fulfill the Mitzvah, and the reader must intend to discharge his obligation. *Matanos La'evyonim* has the same level of obligation as *Mikra Megillah*. Thus some, Poskim maintain that they require *Kavanah*. Most of the time this makes no difference.

The source and basic obligation of *Kavanah* are also debated by the Poskim. Some maintain that it is a Scriptural obligation, and others, a Rabbinical one. Some link it to *Pesukim*, such as when the Torah commands us to serve Hashem with all our hearts. Based on this, some other debates arise. Two apply to our question. While *Kavanah* might not be a requirement, having the opposite intent could spoil the intent for the Mitzvah. This should certainly apply according to those who require *Kavanah*, but rely on the presumption that one doing a Mitzvah has it. However, if *Kavanah* is only a Rabbinical requirement, some say that it can not work against a Scriptural Mitzvah performance. It could work to undermine performance of a Rabbinical Mitzvah. Taken a step further, the Poskim point out that *Kavanah* for another Mitzvah instead of the one that one is meant to be doing does derail the Mitzvah. They debate whether this is only true of Scriptural Mitzvos or also of Rabbinical Mitzvos.

In our case, the donor had no intent when he gave the *Tzedaka*, to fulfill *Matanos La'evyonim*. He had intent for unspecified *Tzedaka*. That should be considered opposite intent, and should undermine his Mitzvah of *Matanos La'evyonim*. The only issue is whether he may now reinterpret his action by considering the money that is now in the hands of the Ani as *Matanos La'evyonim*. The Poskim discuss a similar case, based on an incident in the Talmud. A poor scholar sent a wealthy scholar food as *Mishloach Manos*. The wealthy scholar sent him back a larger amount. He sent a message back saying, according to one version, that he had thus fulfilled his obligations of both *Mishloach Manos* and *Matanos La'evyonim*. One explanation is that the sender meant it as *Mishloach Manos*. The recipient decided that he would take it as *Matanos La'evyonim*. The sender had good intentions. He fulfilled *Mishloach Manos*, which, according to this view is mainly to send. [If the recipient does not accept, the sender still did his part.] By the recipient deciding to accept it a *Matanos* [which depends on the recipient receiving it] he was able to fulfill both. This shows that one fulfills the Mitzvah even

if the intent was not there at first, provided that the Ani still has it, and one had intent later. The conclusion is that since the Mitzvah can be considered as though it is still taking place, Kavanah can be inserted, just as a Brocha may be said before or during performance of a Mitzvah. Others prefer to remain with a question on the intent, rather than drawing this conclusion. Since the gift was already given, the fact that the Ani still has it does not mean that the Mitzvah is still happening. [See Brochos 13a Psachim 114b Rosh Hashana 27b 28a-b, Megillah, 7b, Poskim. Tur Sh. Ar. O.C. 60:4-5 475:4 589:8-9, commentaries. Sdei Chemed, Mem:61 68-69. Mikraei Kodesh Purim 42.]

(C) Switching Tzedaka money

In our case, one could claim that the Tzedaka was unspecified and is now designated as Matanos La'evyonim. While it might not apply to our case, there is discussion regarding switching Tzedaka money. In fact, it is raised with regard to Purim collections. Specifically, if money was raised with a specific purpose in mind it must be used for that purpose. Furthermore, if one had thought about giving specific food or money to a specific Tzedaka, such as Matanos La'evyonim, he must give it. It is like *Hekdesh*, something dedicated to Hashem. **Thus, it is no longer considered his own to decide what should be done with it. Only through She'ayla, like annulment of a vow, may this be reversed.** However, once one has already given it to the Ani, he can not do this either. Though the Tzedaka in our case was unspecified, now that it has reached the hands of the recipient, it would seem too late for the donor to determine its status. The only way this may be done is by the recipient choosing to accept it as such, as in the incident related in section B. However, it is possible that since the object of the Mitzvah is to give gifts to the poor, which has been reached in this case, the desired result is gained. [See Baba Metzia 78a, Poskim Tur Sh. Ar. O.C. 694:3, commentaries, etc. Tzedaka Umishpat 9:9-11, notes.]

Nonetheless, in conclusion, it is appropriate for the questioner to try to fulfill the Mitzvah with specific intent by calling someone and appointing him as his agent to give intentionally for Matanos La'evyonim.

May the Zechus of the Torah studied in this issue help bring a speedy Refuah Sheleimah to Refoel

Michoel Yitzchok ben Nechama Sara.

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