

Is It Really a Mitzvah to Get Drunk on Purim?

Adloyada and Progressive Halakhah

The Freehof Institute of Progressive Halakhah, 2023 / תשפ"ג

Sometimes, we learn the most important lessons from the weirdest halakhic sources. And sometimes, those lessons have everything to do with progressive *halakhah*.

This is one of those times. The source is *B. Megillah 7b*:

אמר רבא: מיחייב איניש לבסומי¹ בפוריא עד דלא ידע בין ארור המן לברוך מרדכי. רבה ורבי זירא עבדו סעודת פורים בהדי הדדי, איבסום, קם רבה שחטיה לרבי זירא. למחר בעי רחמי ואחיה. לשנה אמר ליה: ניתי מר ונעביד סעודת פורים בהדי הדדי! - אמר ליה: לא בכל שעתא ושעתא מתרחיש ניסא.

Rava said: one is obligated to become intoxicated with wine on Purim to the point that one cannot tell the difference between “cursed be Haman” and “blessed be Mordechai.” Rabah and R. Zeira made a Purim feast together. They became intoxicated, and Rabah cut R. Zeira’s throat. The next day, he prayed for him and resurrected him. The next year, he [Rabah] said to him: come and let’s make the Purim feast together!” He [R. Zeira] replied: “Miracles don’t happen every day.”

This, as one traditional halakhist puts it, is indeed a strange text.² It’s strange on two accounts. One is obviously the story of Rabah and R. Zeira, which recounts behavior that, to say the least, we don’t usually associate with *talmidei ḥakhamim*. The other is the dictum of Rava, which clashes with the more common and familiar Rabbinic disposition toward modesty, self-control, and attention to the *mitzvot* and to the service of God, an attitude reflected in texts such as the following (*B. B’rakhot* 30b-31a).

מר בריה דרבינא עבד הלולא לבריה, חזנהו לרבנן דהוו קבדחי טובא, אייתי כסא דמוקרא, בת ארבע מאה זוזי, ותבר קמייהו, ואעציבו. רב אשי עבד הלולא לבריה, חזנהו לרבנן דהוו קא בדחי טובא, אייתי כסא דזוגיתא חירותא ותבר קמייהו, ואעציבו... אמר רבי יוחנן משום רבי שמעון בן יוחאי: אסור לאדם שימלא שחוק פיו בעולם הזה, שנאמר: אז ימלא שחוק פינו ולשונונו רנה, אימתי - בזמן שיאמרו בגוים הגדיל הי לעשות עם אלה. אמרו עליו על ריש לקיש, שמימיו לא מלא שחוק פיו בעולם הזה מכי שמעה מרבי יוחנן רביה.

Mar the son of Ravina made a marriage feast for his son. He saw that the Rabbis were growing very merry, so he brought a precious cup worth four hundred *zuz* and broke it before them, and they became serious. Rav Ashi made a marriage feast for his son. He saw that the Rabbis were growing very merry, so he brought a cup of white crystal and broke it before them, and they became serious... R. Yoḥanan said in the name of R.

¹ See Rashi *ad loc.* "להשתכר בייין".

² *Arukh Hashulḥan Oraḥ Ḥayyim* 695, par. 3: למה היה לה להשי"ס לומר בלשון משונה עד דלא וכו'.

Shimeon b. Yoḥai: It is forbidden to fill one's mouth with laughter in this world, because it says (Psalms 126:2): "Then will our mouth be filled with laughter and our tongue with song." When will that be? At the time when "they shall say among the nations, Adonai has done great things with these" It was said of Resh Lakish that he never again filled his mouth with laughter in this world after he heard this saying from R. Yoḥanan his teacher.

This latter passage, we might add, is cited as *halakhah*.³ But then again, so is Rava's dictum in *B. Megillah* 7b.⁴ How do we explain the existence of this dictum, which runs counter to everything else that the tradition teaches about proper conduct and mindset?

It turns out that the halakhic tradition has spilled a great deal of ink in arriving at such an explanation. We will not undertake a comprehensive history of the interpretation of Rava's dictum; others have done that.⁵ Our goal, rather, is to focus upon the powerful trend within the mainstream tradition that either rejects the text outright or refuses to read it according to its literal sense. It's our belief that this history of purposeful (mis)reading⁶ of *B. Megillah* 7b has much to teach us about the nature of halakhic interpretation.

Sh'iltot, Alfasi, and Rabbeinu Efraim of Kalat al-Hammad

The earliest post-Talmudic halakhic text to mention our passage is the *Sh'iltot* (8th-century Babylonia), which cites it as part of a discourse on the obligation to rejoice on Purim.⁷ The author gives no hint that he is troubled either by Rava's dictum or by the narrative of Rabah and R. Zeira. Meanwhile, R. Yitzhak Alfasi (Rif), the great 11th-century North African-Spanish *posek*,⁸ cites the dictum of Rava – "one is obligated to become intoxicated with wine on Purim," etc. – and omits entirely the story of Rabah cutting R. Zeira's throat. This brings us to Rabbeinu Efraim of Kalat al-Hammad, a student and colleague of Alfasi. We know of R. Efraim's positions only through citations by other *rishonim*.⁹ Here, we turn to R. Zerahyah Halevi (Razah; 12th-c. Provence), the author of *Sefer Hama'or*, a commentary-critique on Alfasi.¹⁰

כתב ה"ר אפרים ז"ל מההוא עובדא דקם רבה שחטיה לר' זירא לשנה א"ל תא נעביד כו' אידחי ליה מימרא דרבה ולית הלכתא כוותיה ולאו שפיר דמי למעבד הכי.

³ *Shulḥan Arukh Oraḥ Ḥayyim* 560:5.

⁴ *Shulḥan Arukh Oraḥ Ḥayyim* 695:2.

⁵ See M. Refeld, "עוד דלא ידע: השכרות בפורים – מקורות, מנהגים, ונוהגים," ב-*מנהגי ישראל* (ד. שפרבר) כרך ו' (ירושלים, 1998), 207-226. Another Hebrew essay, by [Harel Shapira](#), is available online.

⁶ There exist some suggestive parallels between what we are describing here and the phenomenon described by Harold Bloom in "The Necessity of Misreading," *Georgia Review* 55-56 (Winter, 2001-Spring, 2002), pp. 69-87, *The Anxiety of Influence: A Theory of Poetry* (New York: Oxford University Press, 1973), and *A Map of Misreading* (New York: Oxford University Press, 1975). At the same time, there's a significant difference between the interpretation and writing of poetry on the one hand those same activities in the field of law or *halakhah*., The topic deserves a broad theoretical treatment, which is not our purpose here.

⁷ *Sh'iltot d'R. Aḥa, Vayakhel, sh'ilta* no. 67.

⁸ *Hilkhhot HaRif, Megillah*, fol. 3b.

⁹ Many of which are collected in Israel Schepansky (1976, מוסד הרב קוק), *רבינו אפרים, תלמיד-חבר של הר"ף*.

¹⁰ *Alfasi Megillah*, fol. 3b.

Rabbeinu Efraim writes that, from the case of Rabah cutting R. Zeira's throat, we learn that Rava's dictum is rejected. The *halakhah* does not follow him, and it isn't proper to act in accordance with it.

As Razah quotes him, R. Efraim engages here in a form of what academic scholars call "redaction criticism" (and what traditional scholars call "*simukhin*"), in which the editors' juxtaposition of two passages – let's call them "A" and "B" – is understood as an act of commentary. Since passage B, the incident between Rabah and R. Zeira, follows immediately upon passage A, Rava's dictum, we are to read that placement as an instruction by the Talmud (i.e., the editors, the *s'tam*) to reject that dictum because, presumably, excessive intoxication can lead to horrific consequences. This may explain why Alfasi himself, who accepts the halakhic force of Rava's dictum, omits the Rabah-R. Zeira story altogether: as opposed to R. Efraim, he wishes to forestall the impression that the Talmud is telling us not to follow Rava.¹¹

We see, in the three sources thus far introduced, three distinct interpretive strategies applied to *B. Megillah 7b*:

- Cite Rava's dictum (A) and the Rabah-R. Zeira story (B) without comment: the story does not challenge or problematize the dictum (*Sh'iltot*).
- Cite (A) and omit (B): since the story challenges and problematizes the dictum, omitting the story supports the authority of the dictum (Alfasi).
- Cite (A) and (B): the story, because it challenges the dictum, is evidence that the Talmud rejects the dictum (R. Efraim).

For our purposes, it's enough to note that none of these strategies is *required* by the Talmudic text. The text, in and of itself, does not tell these authors how to interpret it. The interpretive strategy is a choice made by each author on the basis of some consideration or set of considerations (social? ethical? religious?) that he brings to and imposes upon the text. In each case, critically, the text cannot be properly understood in the absence of those considerations.

Rambam

Maimonides formulates the *halakhah* thus:¹²

כיצד חובת סעודה זו שיאכל בשר ויתקן סעודה נאה כפי אשר תמצא ידו, ושותה יין עד שישתכר וירדם בשכרות.

What is the obligation (*hovah*) of the Purim feast? One should eat meat, and prepare a beautiful feast according to one's means, and drink wine to the point that one becomes intoxicated (*sheyishtaker*) and falls asleep in one's intoxication.

¹¹ We can't explain this omission on the grounds that Alfasi as a general rule excludes Talmudic *agadah* from his work. The fact is that he includes a significant amount of agadic material that, in his view, supplements and provides commentary to the *halakhah* (M. Elon, *Hamishpat Ha'ivri*, Jerusalem, 1978, p. 968).

¹² *Hil. Megillah* 2:15.

Rambam accepts the halakhic authority of Rava's dictum: one is required to become intoxicated on Purim. But he does not require, as Rava does, that one become so drunk as to be unable to distinguish between Haman and Mordechai. To become drunk to the point of falling asleep strikes the reader as a kinder, gentler, and certainly less boisterous standard. Perhaps, with an eye toward the Rabah-R. Zeira story, the great rationalist wishes to caution us to keep our celebration within the bounds of modesty and safety. (R. Moshe Isserles suggests another explanation; see below.) Whatever his motivation, Rambam has unquestionably abandoned the literal reading of Rava's dictum for an interpretation he finds more palatable.

In a similar way, other commentators accept the obligation to become intoxicated but seek to limit the drunkenness to manageable proportions. (See, for example, Abudarham, below.) Tosafot¹³ refers us to a passage in *Yerushalmi Megillah* 3:7 (74b) which instructs us to sing “*arur Haman, arurim bavav,*” etc., following the reading of the *megillah*. The version in the *Shulhan Arukh*¹⁴ includes the phrase *barukh Mordechai*. The idea seems to be that one need become intoxicated not to the point that one cannot tell the difference between Haman and Mordechai – that is, *stinking* drunk - but only to the point that one confuses the words of the song.¹⁵

Ra'avyah

R. Eliezer b. Yoel Halevi, the author of the 12th-century (Germany) *Sefer Ra'avyah*, neatly defuses the problem posed by our passage:¹⁶

גרסינן אמר רבא מחייב אינש לבסומי נפשיה עד דלא ידע בין ארור המן לברוך מרדכי. נראה דכל הני צריך למצוה בעלמא ולא לעכוב.

“Rava said: one is obligated to become intoxicated,” etc. These all fall into the category of *mitzvah* (a good practice for the truly observant) but not of obligation.

The requirement to drink to excess is one of several Purim practices that, according to Ra'avyah, are considered praiseworthy but not obligatory. This reading, of course, raises problems. First, given that Rava describes the practice with the verb *מייחייב*, which indicates “obligation” (*hiyuv*), on what basis does Ra'avyah conclude that it is not, in fact, an obligation at all?¹⁷ Perhaps he is reading Rava's statement through the lens of some value commitment that considers drunkenness a bad thing, so that he cannot bring himself to require it of the average Jew. On the other hand, if getting drunk on Purim is a “*mitzvah*,” it is therefore a *good* thing, not necessarily to be avoided. However Ra'avyah would answer these difficulties, it's a fact that he balks at the literal reading of Rava's dictum, even though he doesn't tell us why.

¹³ *Megillah* 7b, s.v. *d'la yada*.

¹⁴ *Orah Hayyim* 690:16.

¹⁵ See *Beit Yosef* and *Bayit Hadash to Tur, Orah Hayyim* 690.

¹⁶ *Sefer Ra'avyah*, v. 2, *Megillah*, no. 564.

¹⁷ See *Arukh Hashulhan Orah Hayyim* 695, par. 4.

R. Menachem Hame'iri

One *rishon* who rejects the literal interpretation *and* tells us why is Hame'iri (Provence, d. 1316), who writes:¹⁸

חייב אדם להרבות בשמחה ביום זה ... ומ"מ אין אנו מצווין להשתכר ולהפחית עצמנו מתוך השמחה שלא נצטוינו על שמחה של הוללות ושל שטות אלא בשמחה של תענוג שנגיע מתוכה לאהבת השם והודאה על הנסים שעשה לנו ומה שאמר כאן עד דלא ידע בין ארור המן לברוך מרדכי כבר פירשו קצת גאונים שממה שהזכיר אחריו קם רבא שחטיה לרבי זירא נדחו כל אותם הדברים.

One is obligated to rejoice (on Purim)... however, we are not commanded to get drunk and degrade ourselves in our rejoicing, for we were not commanded to rejoice with wild celebration and foolishness. Rather, we are commanded to experience the joy of delight that will bring us to the love of God and to gratitude for the miracles that God has performed for us. As for what the dictum says – “to the point that one cannot tell the difference between ‘cursed be Haman’ and ‘blessed be Mordechai’” – some authorities have explained that we learn from the following passage – Rabah slaughtering R. Zeira – that Rava’s statement is rejected as *halakhah*.

Hame'iri denounces the literal reading of Rava’s dictum for reasons both moral and technical. The literal interpretation, first of all, is contradicted by the religious values that define the life of the observant Jew. Secondly, “some authorities” (R. Efraim) have established that the Rabah-R. Zeira story indicates that the *halakhah* does not follow Rava’s dictum. He’s suggesting, it seems, that the moral reason serves to account for the technical one: the Talmud rejects the halakhic force of Rava’s statement precisely *because* it regards such “foolishness” as degrading.

Sefer Orhot Hayyim

R. Aharon Hakohen of Narbonne, a Provençal contemporary of Hame'iri, is similarly disturbed by the literal sense of Rava’s dictum:¹⁹

וחייב אדם לבסומי בפוריא לא שישתכר שהשכרות איסור גמור ואין לך עבירה גדולה מזו שגורם לגילוי עריות ושפיכות דמים וכמה עבירות זולתן אך שישתה יותר מלימודו מעט כדי שירבה לשמוח ולשמח אביונים וינחם אותם וידבר על לבם וזאת היא השמחה השלימה.

One is obligated *l'vasomei* on Purim: not to become intoxicated, for drunkenness is an absolute prohibition. Indeed, there is no greater sin, for it leads to sexual immorality and bloodshed as well as other sins. Rather, it means that one should drink a bit more than one’s usual amount, so that one can rejoice greatly and bring joy to the poor, comforting them and speaking to their heart. That is what “joy” really is.

Drunkenness is generally a bad thing; how then can it be a good thing on Purim? The solution of the *Orhot Hayyim* is to read the word לבסומי as meaning something like “to relax, get mellow,” rather than “to become intoxicated,” even though Rashi,²⁰ Rambam, and (judging from the

¹⁸ *Beit Hab'hirah, Megillah 7b*

¹⁹ *Sefer Orhot Hayyim, Hilkhoh Megillah uPurim*, no. 38

²⁰ See note 1, above.

Rabah-R. Zeira story) the Talmud itself do read it that way. Our values, in other words, dictate to us how to understand the text, even against its plain sense.

Sefer Abudarham

ואמר בפרק קמא דמגלה (ז, ב) מחייב איניש לאיבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי. יש מפרשים עד שיתחלף לו המן במרדכי ומרדכי בהמן. ויש מפרשים כי ארור המן עולה למנין ברוך מרדכי. ור"ל עד שלא ידע לכּוין החשבון.

Some explain that the dictum means one should become so intoxicated that one confuses Haman for Mordechai and Mordechai for Haman. Others explain that, since “cursed be Haman” and “blessed be Mordechai” equal the same total in *gematria*,²¹ one should be come intoxicated to the point that one cannot perform the calculation.

R. David Abudarham (14th-c. Spain), author of this well-known compendium of liturgical *halakhah*, offers two possible interpretations for Rava’s dictum. The difference between them consists in the level of drunkenness it requires. The first interpretation, the literal one, entails the sort of stupor that renders it impossible to distinguish between hero and villain. The second suggests that one simply needs to get buzzed to the point that the math becomes difficult.

Shulhan Arukh²²

חייב אינש לבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי.
הגה: וי"א דא"ל להשתכר כל כך, אלא שיסתה יותר מלימודו וישן, ומחוך שיסן אינו יודע בין ארור המן לברוך מרדכי. ואחד המרצה ואחד הממעט, ובלבד שיכוין לבו לשמים.

One is obligated to become intoxicated with wine on Purim to the point that one cannot tell the difference between “blessed be Mordechai” and “cursed be Haman.”
Some say that it’s not necessary to become that drunk, but rather that one should drink more wine than one is accustomed to drinking so that one falls asleep. For when one is asleep one cannot tell the difference between “cursed be Haman” and “blessed be Mordechai.” Whether one does much or little, the important thing is that one’s intention is toward Heaven.

R. Yosef Caro, following the *Tur*, cites Rava’s dictum without comment.²³ R. Moshe Isserles (ReMA), cites Rambam’s version of that dictum, noting that it comes to minimize the level of intoxication required. He also explains just what “drinking enough to fall asleep” has to do with the Talmudic standard “to the point that one cannot tell the difference between” Haman and Mordechai. Finally, the “whether one does much or little” comment places the issue in context: it is the intention (here, the intent to fulfill the obligation to rejoice on Purim) and not the actual intoxication that matters.

²¹ 502, according to our math-challenged calculations.

²² *Orah Hayyim* 695:2 and Isserles *ad loc.*

²³ Compare, however, his comment in the *Beit Yosef* to this chapter, where he cites several sources that reject either the dictum’s halakhic force (R. Efraim) or its literal interpretation (Tosafot; *Sefer Orhot Hayyim*).

Hayyei Adam

R. Avraham Danzig (d. 1820; Poland-Lithuania) writes the following in his popular summary of *Shulhan Arukh Oraḥ Ḥayyim*:²⁴

כיון שכל הנס היה ע"י יין לכן חייבו חכמים להשתכר ולפחות לשתות יותר מהרגלו כדי לזכור הנס הגדול ואמנם היודע בעצמו שיזלזל אז במצוה מן המצוות בנט"י וברכה ובהמ"ז או שלא יתפלל מנחה או מעריב או שינהוג קלות ראש מוטב שלא ישתכר וכל מעשיו יהיו לשם שמים.

Since the miracle of Purim came about through the agency of wine, the Sages obligated one to become intoxicated or at least to drink more than one usually does, in order to remember the great miracle. In truth, though, if one recognizes that this intoxication will cause one to be careless with any of the *mitzvot*, with *n'tilat yadayim*, with any *b'rakhah*, or with *birkat hamazon*, or that one will not pray *minḥah* or *ma'ariv*, or that one will act with excessive levity, it is better that one not become intoxicated. And let all one's actions be for the sake of Heaven.

Danzig makes no mention whatsoever of Rava's dictum in its literal form. He ignores the requirement that one must drink to the point that one cannot distinguish between Haman and Mordekhai, that is, to the point that one is profoundly (stinking) drunk. Instead, he adopts the approach of the *Orḥot Ḥayyim*: one should drink a bit more on Purim than one is accustomed to drinking. Moreover, that "obligation" (he uses that word) must coexist with all the other *mitzvot* that one is required to fulfill. If intoxication interferes with *kavanah*, one ought to stay sober.

Some Progressive Halakhic Observations

So what *does* this story of response and reaction to a "strange" and difficult text teach us about the nature of halakhic interpretation and about the nature of progressive *halakhah*?

Were we to summarize it, as it were, while standing on one foot, we would say this: no rule of *halakhah* exists in a vacuum. What this means is that the halakhic tradition is more than the sum total of its discrete rules and that, concomitantly, the literal meaning of any rule is not necessarily its *halakhic* meaning. Every rule resides within and must coexist with a network of moral, cultural, and spiritual values that supply that rule – *all* halakhic rules - with meaning, purpose, and direction.²⁵ It is that network that ultimately decides what the rules mean, how Jews are to read, understand, and apply them in our lives.

In the example we've studied here, the Talmud quotes a halakhic rule whose literal sense runs counter to the value commitments that ought to shape the life of the observant Jew. Precisely because the halakhic tradition prizes the values of moderation, propriety, and *kavanah*, many authorities conclude that the text cannot – or must not – be read literally. Some, as we've seen, simply reject the halakhic force of the rule. Others accept it as authoritative, but they reread or

²⁴ *Hilkhot Megillah* 155:30.

²⁵ If you detect some similarities between this sentence and the famous essay by Robert Cover, "Nomos and Narrative" *Harvard Law Review* 97 (1983-1984), at p. 5: ("Every prescription is insistent in its demand to be located in discourse – to be supplied with history and destiny, beginning and end, explanation and purpose"), you're right.

recast it in a form coherent with the core values of the *halakhah* and with the other obligations of a Jew's religious life. The conclusion: the rule *as written* exerts no authority until it is *read* in light of the tradition as a whole.

We are dealing here with what legal scholars call “purposive interpretation,”²⁶ an approach to determining the meaning of legal texts through the application of such factors as authorial intent and the fundamental values of the legal system. While “purposivism” derives from traditional rules of statutory interpretation in the common law tradition,²⁷ it can also be applied to the task of fathoming the intention behind a halakhic rule like the one enunciated by Rava in *B. Megillah* 7b. To put it briefly, Rava says what he says, but what his statement *means* to us is decided by its scholarly interpreters who derive that meaning by reading it through the prism of purpose.

As the foregoing pages indicate, “purposive interpretation” describes what halakhists have always done. We do not believe that our predecessors – certainly not the best of them – decided the *halakhah* through a mechanical application of its rules. They knew that the rules must be read within the context of the Jewish legal tradition as a whole and understood so as to render them consistent with the values of that tradition, with an overall sense of what *halakhah* is for. And that, of course, is the essence of our work in progressive *halakhah*. We interpret the rules of Jewish law through our understanding of its overall purposes, just as our predecessors did and, for that matter, just as our Orthodox contemporaries do today.²⁸ The difference is that we read those rules through the lens of the liberal and progressive cultural, moral, and spiritual values that we identify with the highest aspirations of our age. Others, no doubt, will charge that in so doing we have forsaken the path of “Torah-true” Judaism. For our part, we reject their contention that the values and understandings that *they* use to interpret the *halakhah* are the only correct standard by which to define its purposes. On the contrary, we think that our own standards make at least an equally strong claim to legitimacy.

And, just maybe, an even better one.

²⁶See Aharon Barak, *Purposive Interpretation in Law* (Princeton, NJ: Princeton University Press, 2005), Jacob Weinrib, “What is Purposive Interpretation?” *University of Toronto Law Journal* (forthcoming 2023), Available at SSRN: <https://ssrn.com/abstract=4145735>, and Mark Washofsky, “[You Shall Love the Ger](#): On Formalism, Instrumentalism, and Purpose in Halakhic Interpretation,” in D. Vaisbeg, ed., *Thank You My Teacher, Thank You My Friend: Festschrift in Honour of Rabbi Lawrence A. Englander* (Hadassa Word Press, 2016), pp. 19-41. The phrase “purposive interpretation” is already employed by Lon Fuller in his “Positivism and Fidelity to Law: A Reply to Professor Hart,” *Harvard Law Review* 71 (1958), at pp. 669ff.

²⁷ Principally the “mischief rule,” which directs the judge faced with the need to interpret a statute to consider the mischief or harm that the legislator meant to resolve in enacting the statute. From here, Henry Hart and Albert Sacks infer a purposive approach: “The gist of this approach is to infer purpose by comparing the new law with the old -; *The Legal Process: Basic Problems in the Making and Application of Law* (Westbury, NY: Foundation Press, 1994), p. 1414. See Samuel L. Bray, “The Mischief Rule,” *Georgetown Law Journal* 109 (2021), pp. 967-1013.

²⁸ One fascinating example of purposive interpretation of an Orthodox bent is the concept of *masorah*, a sense of “tradition” that guides the *posek* toward “correct” applications of the *halakhah* and away from applications that are “incorrect” even though they could be supported by source citation and interpretation. See Gil Student and David Brofsky, eds., *Symposium on Masorah*, https://www.academia.edu/25836189/SYMPOSIUM_ON_MASORAH (accessed March 7, 2023).