

Weekly Halacha Discussion

By Rabbi Doniel Neustadt

A weekly discussion of Halachic topics. For final rulings, consult your Rav.

Mishloach Manos – part 1 of 2

Mordechai and Esther, with the approval of the Rabbis of the time, introduced a *mitzvas assei*¹ which obligates every person to send two different kinds of foods to one friend on Purim.

Two basic reasons are given for this mitzvah:

- 1) There are impoverished people who are too embarrassed to collect *tzedakah* for themselves and will therefore not have food for the *seudas Purim*. By establishing a system whereby everyone receives packages of food on Purim, the rabbis ensured that even the most reticent of individuals will have food for the Purim *seudah*.²
- 2) Sending food to a friend or an acquaintance is an expression of goodwill and fraternity. On Purim we wish to instil and perpetuate these feelings.³

The goals of both of these reasons must be met in order to fulfil the mitzvah properly. For instance: One who sends clothing for *mishloach manos* does not fulfil the mitzvah⁴ since he did nothing for his friend's Purim meal. Similarly, one who sends *mishloach manos* anonymously does not fulfil the mitzvah⁵ since friendship or goodwill is not generated between him and the recipient.

Nowadays, we are witness to a marked proliferation of *mishloach manos*. Although *mishloach manos* is a relatively easy mitzvah to fulfil, if one is unaware of the *halachos*, he could send dozens of *mishloach manos* and still not properly fulfil the mitzvah. In addition, a clear distinction must be drawn between the minimum requirements for fulfilling the mitzvah, and the *hiddur mitzvah*, the more exacting form of fulfilling the mitzvah. There are also some little known *halachos* which are important for those who wish to fulfil the mitzvah according to the views of all the *poskim*. We have thus split the *halachos* into two parts – the first part discusses the basic rules and the second part discusses *chumros* and *hiddurim* for those who wish to embellish upon this once-a-year mitzvah.

1 The *poskim* (see *Achiezer* 3:73) refer to this mitzvah as a mitzvah *mi-divrei kabbalah*, a rabbinical mitzvah which is incorporated into the written text (*Esther* 9:22). Accordingly, we do not say *safek d'Rabbonon l'kulah* in regard to the mitzvos of Purim (*Tzafnas Panei'ach* to *Rambam Megillah* 1:1).

2 *Terumas ha-Deshen* 111.

3 R' Shlomo Alkavatz in *Manos ha-Levi* quoted in *Teshuvos Chasom Sofer O. C.* 196.

4 *Mishnah Berurah* 695:20.

5 *Ksav Sofer O. C.* 141.

Mishloach Manos: The basic rules

Who should send: Men and women are personally obligated in this mitzvah.⁶ Married women are obligated in their own right and are not exempted by their husband's *mishloach manos*.⁷ It is sufficient, however, for husband and wife to send *mishloach manos* together, as if it is coming from both of them and the recipient recognizes that it is coming from both.⁸

Some *poskim* hold that children over 13 – even those who are being supported by their parents – are obligated⁹, while others exempt them since they do not own anything in their own right.¹⁰

Parents should educate their children in the mitzvah of *mishloach manos* as they do with every mitzvah.¹¹

What to send: Any combination of two kinds of food¹² or one food and one drink¹³ or two kinds of drink¹⁴ is sufficient. Two pieces of the same food are considered as one food.¹⁵ Some *poskim*¹⁶ specify that the foods be ready to eat and require no further cooking, while others¹⁷ allow even uncooked foods to be sent.

to be continued next week

6 *Rama O. C.* 695:4.

7 *Magen Avrohom* 695:12; *Chayei Adam* 155:33; *Kitzur Shulchan Aruch* 142:4; *Mishnah Berurah* 695:25; *Aruch ha-Shulchan* 695:18.

8 *Horav S. Z. Auerbach* (written response quoted in *Halichos Bas Yisroel*, pg. 303 and oral ruling quoted in *Halichos Beisah*, pg. 354). Accordingly, the amount sent should be double the minimum amount of *mishloach manos*.

9 *Aruch ha-Shulchan* 694:2 (concerning *matanos la-veyonim*); *Orchos Chayim* 695:2 quoting *Me'orei Ohr*.

10 *Responsa Kinyan Torah* 1:132. It follows that if the children have their own possessions, then they are obligated like any adult.

11 *Pri Megadim* 695:14; *Eishel Avrohom* 695; *Kaf ha-Chayim* 695:57. This means that parents should give their children food or money so that they can fulfil the mitzvah - *Chanoch l'Na'ar*, pg. 66. See, however, *Kinyan Torah* 1:132 who holds that it is sufficient *chinuch* to allow the children to deliver the *mishloach manos*.

12 *O. C.* 695:4.

13 *Mishnah Berurah* 695:20.

14 *Aruch ha-Shulchan* 695:14.

15 *Ibid.* See *Tzitz Eliezer* 14:65; 15:31.

16 *Magen Avrohom* 695:11; *Ma'asei Rav* 249; *Chayei Adam* 135:31; *Kitzur Shulchan Aruch* 142:2; *Aruch ha-Shulchan* 695:15.

17 *Pri Chadash O. C.* 695; *Ha'amek Sh'eilah* 67:9; *Shevet Sofer O. C.* 23; *Yechaveh Da'as* 6:45. *Mishnah Berurah* 695:20 quotes both views without rendering a decision.

Weekly Halacha Discussion

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Mishloach Manos – part 2 of 2

To whom to send: To any Jewish¹ adult², wealthy or poor, with whom you are acquainted or to whom you are related. Although men should send to men only and women to women only,³ families may send to each other.⁴

Mishloach manos should not be sent to a mourner⁵ during the year of mourning for his parents or during the thirty days of mourning for other relatives.⁶ A mourner who receives *mishloach manos* need not return them and the sender fulfils his mitzvah by sending those *mishloach manos*.⁷ It is permitted for a woman to send to the wife of a mourner.⁸

A mourner must send *mishloach manos* – even if he is in the middle of *shivah*. A mourner should refrain from sending “items of *simcha*” (items that elicit laughter and merriment).⁹

When to send: *Mishloach Manos* should be sent and received on Purim day.¹⁰ If it is received at night or on the days before or after Purim, the sender does not fulfil the mitzvah.¹¹ If it is sent before Purim but is received on Purim, some *poskim* hold that the mitzvah is fulfilled¹² while others hold that it is not.¹³

How to send: The sender himself may deliver the *mishloach manos* directly to the recipient.¹⁴ Some *poskim*¹⁵ hold that it is preferable to send it via a messenger. The messenger may be a minor or a non-Jew.¹⁶ When sending with a messenger, it is proper to verify that the *mishloach manos* was indeed delivered,¹⁷ especially if the messenger is a minor or a non-Jew.¹⁸

Mishloach Manos: chumros and hiddurim¹⁹

What to send: One should send foods which will be eaten at the *seudas Purim*.²⁰

A wealthy person who sends inexpensive items of food does not fulfil the mitzvah. In order for his *mishloach manos* to be considered as an expression of friendship, its cost must be relative to the sender's wealth.²¹

One who sends inexpensive food items to a wealthy person does not fulfil the mitzvah, since such items are meaningless and unappreciated by him.²²

The minimum amount of *mishloach manos* is a meal's worth, about 6 or 7 US fl. oz. (180 to 207 ml) of food.²³ Other *poskim* require that one send no less of a meal (in volume) than one would normally serve a guest.²⁴

It is better to send two kinds of food than one food and one drink²⁵ or two kinds of drink.²⁶

Two different colours of wine, e.g. red and white wine, are considered as one kind of drink.²⁷

It is better not to send an item which the sender himself would not eat because of kashrus considerations.²⁸

To whom to send: One who sends *mishloach manos* as acknowledgment of a favour rendered to the sender does not fulfil the mitzvah.²⁹

One who sends *mishloach manos* to his enemy³⁰ or to a complete stranger³¹ does not fulfil the mitzvah.

It is questionable if *mishloach manos* can be sent to one who is too drunk to be aware of having received them.³²

When to send: The *mishloach manos* should be sent as early as possible, but not before the reading of the *megillah* on Purim morning.³³

One who is travelling and will not be home must still send *mishloach manos* and cannot rely on a messenger or his family in another city to fulfil his obligation.³⁴ If, however, he specifically appoints another person to send it for him, that is sufficient.³⁵

How to send: The two kinds of food or drink should not be placed in one utensil (plate or bowl), since the utensil combines them into one kind.³⁶

1 Responsa *Beis Yitzchak* (Y. D. 2:142).

2 *Aruch ha-Shulchan* 695:18 rules that one fulfils the mitzvah by sending to a minor, but many *poskim* (*Ya'avetz* 1:121, *Yad Sofer* 24; *Kaf ha-Chayim* 694:12; *Birur Halachah*, pg. 405) rule that one does not fulfil the mitzvah in that manner.

3 *Rama* 695:4.

4 Horav S. Z. Auerbach (oral ruling quoted in *Halichos Beisah*, pg. 354).

5 Unless he is the Rav of the city – *Divrei Malkiel* 5:237.

6 *Rama O. C.* 696:6.

7 *Ksav Sofer O. C.* 139.

8 Horav Y. S. Elyashiv (oral ruling quoted in *Pnei Baruch*, pg. 322).

9 *Mishnah Berurah* 696:18.

10 *Rama* 695:4.

11 *Aruch ha-Shulchan* 695:16.

12 *Be'er Heitev* 695:7 quoting *Yad Aharon*; Responsa *Beis She'arim O. C.* 381; *Chelkas Yaakov* 1:102.

13 *Aruch ha-Shulchan* 695:17; *Levushai Mordechai O. C.* 108.

14 *Yehudah Ya'aleh O. C.* 207; *Eishel Avrohom* 695; *Kaf ha-Chayim* 695:41; *Tzitz Eliezer* 9:33.

15 *Mekor Chayim* 694; *Binyan Tziyon* 44 quoted by *Mishnah Berurah* 695:18; *Chasom Sofer* (*Gittin* 22b).

16 *Chasom Sofer* (*Gittin* 22b); R' Shlomo Kluger (*Sefer ha-Chayim* 695); *Da'as Torah* 695:4; *Chelkas Yaakov* 1:103.).

17 *Achiezer* 3:73.

18 *Chelkas Yaakov* 1:104.

19 The following is a list of *hiddurim* that, if possible, one should follow for at least one set of *mishloach manos* so that he fulfils the mitzvah in accordance with all views. See note 1.

20 This is because the main purpose of *mishloach manos* is so that everyone will have a proper Purim meal, see *Maasei Rav* 249.

21 *Yad Dovid* (*Megillah* 7a); *Sdei Chemed*, *Purim* 6.

22 *Beur Halachah* 695:4 based on *Ritva* and *Chayei Adam*.

23 *Sha'arei Teshuvah* 694:1 quoting *Zera Yaakov* 11 concerning *matanos la-eyyonim*. See *Zera Yaakov* who rules the same way concerning *mishloach manos*.

24 *Rosh Yosef*, *Megillah* 7b; *Eishel Avrohom* (*Butchatch*) 695; *Aruch ha-Shulchan* 695:15.

25 *Nitei Gavriel*, pg. 106 quoting several *poskim* based on R' Chananel (*Megillah* 7a).

26 *Beis Yitzchak* (*Megillah* 7b) based on the words of the *Shelah*.

27 *Orchos Chayim* 695 quoting *Tikkun Moshe*.

28 See *Chochmas Shlomo* 695:4 and *Maharam Shick O. C.* 341.

29 *Tzfnas Panei'ach* (*Rambam Hilchos Megillah* 2:15).

30 *Orchos Chayim* 695:4 quoted in *Nitei Gavriel*, pg. 109. See, however, *Pele Yoetz* (*Purim*) who recommends sending *mishloach manos* as a way of settling disputes between people.

31 Horav M. Feinstein (oral ruling quoted in *Ohalei Yeshurun*, pg. 58).

32 See *Nitei Gavriel*, pg. 114.

33 Based on *Mishnah Berurah* 692:1 who says that the *shehecheyanu* recited at the daytime reading of the *megillah* applies to *mishloach manos* as well. Additionally, there is a view that holds that one that sends *mishloach manos* before the *megillah* does not fulfil his obligation altogether (*Nitei Gavriel*, pg. 125 quoting *Tikkun Moshe*, pg. 92).

34 *Aruch ha-Shulchan* 696:3; *Mikra'ei Kodesh* 39.

35 *Aruch ha-Shulchan* 695:16.

36 *Ben Ish Chai*, *Tetzaveh* 16 and in *Torah Lishmah* 189. Most *poskim* are not concerned with this.