

# Weekly Halacha Discussion

By Rabbi Doniel Neustadt

A discussion of Halachic topics connected to the parashas of the week. For final rulings, consult your Rav.

## Mishloach Manos and Purim on erev Shabbos Kodesh

Mordechai and Esther, with the approval of the Rabbis of the time, introduced a *mitzvas assei*<sup>1</sup> 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*.<sup>2</sup>
- 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.<sup>3</sup>

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 mitzvah<sup>4</sup> since he did nothing for his friend's Purim meal. Similarly, one who sends *mishloach manos* anonymously does not fulfil the mitzvah<sup>5</sup> 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.

<sup>1</sup> 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).

<sup>2</sup> *Terumas Hadeshen* 111.

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

<sup>4</sup> *Mishnah Berurah* 695:20.

<sup>5</sup> *Kesav Sofer O.C.* 141.

### Mishloach Manos: The basic rules

**Who should send:** Men and women are personally obligated in this mitzvah.<sup>6</sup> Married women are obligated in their own right and are not exempted by their husband's *mishloach manos*.<sup>7</sup> 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.<sup>8</sup>

Some *poskim* hold that children over 13 – even those who are being supported by their parents – are obligated,<sup>9</sup> while others exempt them since they do not own anything in their own right.<sup>10</sup>

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

**What to send:** Any combination of two kinds of food<sup>12</sup> or one food and one drink<sup>13</sup> or two kinds of drink<sup>14</sup> is sufficient. Two pieces of the same food are considered as one food.<sup>15</sup> Some *poskim*<sup>16</sup> specify that the foods be ready to eat and require no further cooking, while others<sup>17</sup> allow even uncooked foods to be sent.

<sup>6</sup> *Rama O.C.* 695:4.

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

<sup>8</sup> 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*.

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

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

<sup>11</sup> *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*.

<sup>12</sup> *O.C.* 695:4.

<sup>13</sup> *Mishnah Berurah* 695:20.

<sup>14</sup> *Aruch ha-Shulchan* 695:14.

<sup>15</sup> *Ibid.* See *Tzitz Eliezer* 14:65; 15:31.

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

<sup>17</sup> *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.

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### Purim 5765

For final rulings, consult your Rav.

**To whom to send:** To any Jewish<sup>18</sup> adult<sup>19</sup>, 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,<sup>20</sup> families may send to each other.<sup>21</sup>

*Mishloach manos* should not be sent to a mourner<sup>22</sup> during the year of mourning for his parents or during the thirty days of mourning for other relatives.<sup>23</sup> A mourner who receives *mishloach manos* need not return them and the sender fulfils his mitzvah by sending those *mishloach manos*.<sup>24</sup> It is permitted for a woman to send to the wife of a mourner.<sup>25</sup>

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).<sup>26</sup>

**When to send:** *Mishloach Manos* should be sent and received on Purim day.<sup>27</sup> If it is received at night or on the days before or after Purim, the sender does not fulfil the mitzvah.<sup>28</sup> If it is sent before Purim but is received on Purim, some *poskim* hold that the mitzvah is fulfilled<sup>29</sup> while others hold that it is not.<sup>30</sup>

**How to send:** The sender himself may deliver the *mishloach manos* directly to the recipient.<sup>31</sup> Some *poskim*<sup>32</sup> hold that it is preferable to send it via a messenger. The messenger may be a minor or a non-

Jew.<sup>33</sup> When sending with a messenger, it is proper to verify that the *mishloach manos* was indeed delivered<sup>34</sup>, especially if the messenger is a minor or a non-Jew.<sup>35</sup>

#### ***Mishloach Manos: chumros and hiddurim***<sup>36</sup>

**What to send:** One should send foods which will be eaten at the *seudas Purim*.<sup>37</sup>

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.<sup>38</sup>

One who sends inexpensive food items to a wealthy person does not fulfil the mitzvah, since such items are meaningless and unappreciated by him.<sup>39</sup>

The minimum amount of *mishloach manos* is a meal's worth, about 6 or 7 US fl. oz. (180 to 207 ml) of food.<sup>40</sup> Other *poskim* require that one send no less of a meal (in volume) than one would normally serve a guest.<sup>41</sup>

It is better to send two kinds of food than one food and one drink<sup>42</sup> or two kinds of drink.<sup>43</sup>

Two different colours of wine, e.g. red and white wine, are considered as one kind of drink.<sup>44</sup>

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

<sup>18</sup> Responsa *Bais Yitzchak* (Y.D. 2:142).

<sup>19</sup> *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.

<sup>20</sup> *Rama* 695:4.

<sup>21</sup> Horav S.Z. Auerbach (oral ruling quoted in *Halichos Beisah*, pg. 354).

<sup>22</sup> Unless he is the *Rav* of the city – *Divrei Malkiel* 5:237.

<sup>23</sup> *Rama O.C.* 696:6.

<sup>24</sup> *Kesav Sofer O.C.* 139.

<sup>25</sup> Horav Y.S. Elyashiv (oral ruling quoted in *Penei Baruch*, pg. 322).

<sup>26</sup> *Mishnah Berurah* 696:18.

<sup>27</sup> *Rama* 695:4.

<sup>28</sup> *Aruch ha-Shulchan* 695:16.

<sup>29</sup> *Be'er Heitev* 695:7 quoting *Yad Aharon*; Responsa *Bais She'arim O.C.* 381; *Chelkas Yaakov* 1:102.

<sup>30</sup> *Aruch ha-Shulchan* 695:17; *Levushei Mordechai O.C.* 108.

<sup>31</sup> *Yehudah Ya'aleh O.C.* 207; *Eishel Avrohom* 695; *Kaf ha-Chayim* 695:41; *Tzitz Eliezer* 9:33.

<sup>32</sup> *Mekor Chayim* 694; *Binyan Tziyon* 44 quoted by *Mishnah Berurah* 695:18; *Chasom Sofer* (*Gittin* 22b).

<sup>33</sup> *Chasom Sofer* (*Gittin* 22b); R' Shlomo Kluger (*Sefer ha-Chayim* 695); *Da'as Torah* 695:4; *Chelkas Yaakov* 1:103).

<sup>34</sup> *Achiezer* 3:73.

<sup>35</sup> *Chelkas Yaakov* 1:104.

<sup>36</sup> 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.

<sup>37</sup> This is because the main purpose of *mishloach manos* is so that everyone will have a proper Purim meal, see *Ma'asei Rav* 249.

<sup>38</sup> *Yad Dovid* (*Megillah* 7a); *Sdei Chemed*, *Purim* 6.

<sup>39</sup> *Beir Halachah* 695:4 based on *Ritva* and *Chayei Adam*.

<sup>40</sup> *Sha'arei Teshuvah* 694:1 quoting *Zera Yaakov* 11 concerning *matanos la-eyyonim*. See *Zera Yaakov* who rules the same way concerning *mishloach manos*.

<sup>41</sup> *Rosh Yosef*, *Megillah* 7b; *Eishel Avrohom* (*Butchatch*) 695; *Aruch ha-Shulchan* 695:15.

<sup>42</sup> *Nitei Gavriel*, pg. 106 quoting several *poskim* based on R' Chananel (*Megillah* 7a).

<sup>43</sup> *Bais Yitzchak* (*Megillah* 7b) based on the words of the *Shelah*.

<sup>44</sup> *Orchos Chayim* 695 quoting *Tikkun Moshe*.

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considerations.<sup>45</sup>

**To whom to send:** One who sends *mishloach manos* as acknowledgment of a favour rendered to the sender does not fulfil the mitzvah.<sup>46</sup>

One who sends *mishloach manos* to his enemy<sup>47</sup> or to a complete stranger<sup>48</sup> 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.<sup>49</sup>

**When to send:** The *mishloach manos* should be sent as early as possible, but not before the reading of the *megillah* on Purim morning.<sup>50</sup>

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.<sup>51</sup> If, however, he specifically appoints another person to send it for him, that is sufficient.<sup>52</sup>

**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.<sup>53</sup>

### Purim on erev Shabbos Kodesh

**Question:** When *Purim* falls on *erev Shabbos* as it does this year, when should the *Seudas Purim* begin and end?

**Discussion:** When *Purim* falls on *erev Shabbos*, the festive *Purim* meal should begin earlier than usual. *L'chatchilah*, the meal should begin on Friday before

<sup>45</sup> See *Chochmas Shlomo* 695:4 and *Maharam Shick O.C.* 341.

<sup>46</sup> *Tzfnas Panei'ach* (Rambam *Hilchos Megillah* 2:15).

<sup>47</sup> *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.

<sup>48</sup> Horav M. Feinstein (oral ruling quoted in *Ohalei Yeshurun*, pg. 58).

<sup>49</sup> See *Nitei Gavriel*, pg. 114.

<sup>50</sup> 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 who sends *mishloach manos* before the *megillah* does not fulfil his obligation altogether (*Nitei Gavriel*, pg. 125 quoting *Tikkun Moshe*, pg. 92).

<sup>51</sup> *Aruch ha-Shulchan* 696:3; *Mikra'ei Kodesh* 39.

<sup>52</sup> *Aruch ha-Shulchan* 695:16.

<sup>53</sup> *Ben Ish Chai*, *Tetzaveh* 16 and in *Torah Lishmah* 189. Most *poskim* are not concerned with this.

*chatzos*<sup>54</sup> (approximately 12:07 PM in the Golders Green – London area). If, for some reason, the meal is delayed, one may still start his meal until the beginning of the tenth hour of the day<sup>55</sup> (approximately 4:17 PM in the Golders Green – London area). *B'diavad*, if the meal did not begin by the tenth hour of the day, one is still permitted to start eating, but he may only eat and drink the bare minimum so that he will be able to eat the Shabbos meal with appetite.<sup>56</sup>

Most people end the meal early enough to allow sufficient time for cleaning up and completing all other Shabbos preparations before the onset of Shabbos. By ending the meal in a timely fashion, one ensures that all of the other mitzvos of the day, including *Birchas Hamazon* with *Al Hanissim*, *Mincha*, *Kabbolas Shabbos* and *Maariv*, are all fulfilled as they should be.

**Question:** If one wishes to do so, may the *Seudas Purim* continue into Shabbos?

**Discussion:** Some people have the custom of continuing the *Seudas Purim* into Shabbos.<sup>57</sup> One who does so must abide by the following guidelines:<sup>58</sup>

- Take a break before sunset in order to *daven Mincha*.
- Stop all eating and drinking - including water - once it is sunset.
- Cover any *challah* or bread that is on the table,<sup>59</sup> and recite *Kiddush* over a cup of wine or grape juice. If the person reciting *Kiddush* has already drunk some wine or grape juice during this meal, *Borei pri hagafen* is omitted.
- Uncover the *challah* and eat at least a *k'zayis* of it.<sup>60</sup> Preferably, he should eat two *k'zeisim*.<sup>61</sup>
- Recite *Retzei* in *Birchas Hamazon*. *Al hanissim* is

<sup>54</sup> *Mishnah Berurah* 695:10.

<sup>55</sup> *Mishnah Berurah* 249:13. In this case it would be preferable to *daven Mincha* first; see *Mishnah Berurah* 232:30.

<sup>56</sup> *Mishnah Berurah* 529:8. Alternatively, he can *daven Mincha*, wash and eat all he wants at the *Purim* meal, and continue the *seudah* into Shabbos as discussed in the next segment; see *Hisorerus Teshuvah* 2:172.

<sup>57</sup> See *Meiri (Kesuvos 7a)* who writes that this was his family's custom.

<sup>58</sup> *O.C.* 271:4.

<sup>59</sup> According to the *Levush*, quoted in *Peri Megadim O.C.* 271 *Eishel Avrohom* 7, all of the food on the table should be covered.

<sup>60</sup> Based on *Mishnah Berurah* 271:32. See also 267:5.

<sup>61</sup> Based on *Mishnah Berurah* 291:2.

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omitted.<sup>62</sup>

- Recite the *Shema* and the *Shabbos Maariv* at the conclusion of the meal.

**Question:** Is a son required to listen to his father's strict orders not to become inebriated on *Purim*?

**Discussion:** Generally, a child is not allowed to listen to a parent's command if the parent tells him to do something which is in any way contrary to the Halachah. Since the Halachah obligates one to drink on *Purim* until he can no longer distinguish between *boruch Mordechai* and *arur Haman*,<sup>63</sup> it would seem that a son should disregard his parent's request not to get drunk on *Purim*.

Horav S. Z. Auerbach,<sup>64</sup> however, ruled otherwise. He explained that the Halachah does not require one to become inebriated to the degree of *ad delo yada*. Rather, as the *Rambam* and *Rama*<sup>65</sup> hold, one can drink just a bit of wine [a little more than his customary daily amount], and then go to sleep. This is enough wine to fulfil the mitzvah, since in his sleep one is certainly not able to distinguish between "blessed Mordechai" and "cursed Haman." Since the son can fulfil the mitzvah in that manner, he has no right to ignore an explicit command from his father prohibiting him to get drunk.

**Question:** Who should recite the *berachos* when a man, who has already read or heard the *Megillah* in *shul*, reads the *Megillah* for a group of ladies?

**Discussion:** The preferred method depends on several factors:

- If there are fewer than ten ladies present, then each lady should recite the *berachos* herself.<sup>66</sup>
- If there are ten or more ladies, there are two options: Either one lady recites the *berachos* and is *motzi* the rest of the group,<sup>67</sup> or each lady recites her own *berachos*.<sup>68</sup> Either way is *l'chatchilah*.<sup>69</sup>
- If the ladies do not know how to recite the *berachos*, then

<sup>62</sup> *Mishnah Berurah* 695:15 and *Sha'ar ha-Tziyun* 19. The *Meiri*, however, writes that his custom was to recite *Al hanissim*.

<sup>63</sup> O.C. 695:2.

<sup>64</sup> *Halichos Shlomo* 2:19-25.

<sup>65</sup> O.C. 695:2 and *Mishnah Berurah* 5.

<sup>66</sup> Based on *Mishnah Berurah* 689:15 and *Sha'ar ha-Tziyun* 692:13. See *Minchas Yitzchak* 3:53-14.

<sup>67</sup> Recommended by Horav S.Z. Auerbach (*Halichos Shlomo* 2:19-3).

<sup>68</sup> Recommended by *Minchas Yitzchak* 3:54-38; 8:63.

<sup>69</sup> Horav Y.S. Elyashiv (*Balaylah Hahuh*, pg. 8)

the man reading the *Megillah* recites the *berachos* for them.<sup>70</sup>

**Question:** If there is no man available to read the *Megillah* for a lady who was unable to go to *shul*, may another lady read the *Megillah* for her?

**Discussion:** A lady may read the *Megillah* for another lady but only if she herself has not yet fulfilled her obligation of hearing the *Megillah*. If she has already fulfilled her own obligation, she may not read it again in order to be *motzi* another lady.<sup>71</sup>

**Question:** Do *mishloach manos* need to be delivered via a messenger or may the sender deliver it directly to the recipient?

**Discussion:** The *poskim* are divided on this issue. There are three opinions:

- 1) *Shulchan Aruch* and most *poskim*<sup>72</sup> do not state a preference. The basic halachah follows this view.<sup>73</sup>
- 2) Some *poskim*<sup>74</sup> hold that the word "*mishloach*" suggests that the *manos* must be "sent" via a messenger.<sup>75</sup> The messenger may be a minor or a non-Jew.<sup>76</sup>
- 3) A minority opinion holds that *mishloach manos* should *l'chatchilah* be delivered directly and not via a messenger.<sup>77</sup>

In order to satisfy opinions 2 and 3 is it appropriate to send *mishloach manos* both ways — once via a messenger and once directly.<sup>78</sup>

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<sup>70</sup> *Mishnah Berurah* 692:10.

<sup>71</sup> *Beur Halachah* 689:1 s.v. *venoshim*.

<sup>72</sup> *Chayei Adam*, *Kitzur Shulchan Aruch* and *Aruch ha-Shulchan* do not mention this concept at all.

<sup>73</sup> *Chazon Ish* (*Dinim V'hanhagos* 22:8). See also *She'arim Metzuyanim B'halachah* 142:1.

<sup>74</sup> *Mishnah Berurah* quoting *Teshuvos Binyan Tziyon* 44.

<sup>75</sup> There are a number of suggestions as to the reason behind this requirement: **1)** It is *derech kavod* to deliver gifts via a messenger; **2)** It is greater *pirsumei nisa* since an additional person is involved; **3)** To free the sender from time-consuming deliveries thereby giving him more time to celebrate *Purim*.

<sup>76</sup> *Chasom Sofer* (*Gittin* 22b).

<sup>77</sup> *Eishel Avrohom* O.C. 295; *Salmas Chayim* 1:105.

<sup>78</sup> See *Kaf ha-Chayim* 695:41 and *Halichos Shlomo* 2:19-14, note 44.