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MISHLO'ACH MANOS

Rabbi Chaim Yeshia Freeman

Although *mishlo'ach manos* is a relatively simple mitzvah to fulfill, if one is unaware of the halachos, one can send dozens of *mishlo'ach manos* and not fulfill the mitzvah properly. This article will explore some relevant halachos

As part of the establishment of the holiday of Purim for future generations, Mordechai and Esther, with the approval of the Sages of their generation, established a positive mitzvah called *mishlo'ach manos*. The mitzvah requires one to send two different kinds of foods to one person on Purim. Although the mitzvah is Rabbinic, it has the additional status of *divrei kabbalah*, a Rabbinic mitzvah that is referenced in the written text (see Esther 9:22). Therefore, the *poskim* (halachic authorities) are more stringent regarding fulfillment of this Rabbinic obligation than other Rabbinic mitzvos.

Two reasons are given by the commentators for this mitzvah. The first approach is that of the Terumas Hadeshen (111), who explains that *mishlo'ach manos* was instituted in order to ensure that everyone, even those who perhaps cannot afford a large, festive meal, will have enough food to celebrate properly. Based on this, the Chasam Sofer (Orach Chaim 196) concludes that the mitzvah can be fulfilled only with food or drink items. He adds that one can fulfill the obligation by sending *mishlo'ach manos* to a financially-secure person as well; this was included in the original mitzvah to save those less well-off from embarrassment.

The second approach is from Rabbi Shlomo Alkabetz (Manos Halevi ch. 9). He says that the purpose of *mishlo'ach manos* is to increase unity among the Jewish People, in order to rectify the flaw of the Jews at the time of Haman's decree, who were lacking unity (as expressed by Haman, who described the Jewish People as "scattered and separated [Esther 3:8]). Based on this logic, it would follow that *mishlo'ach manos* is not limited to food items. Interestingly, Rabbi Alakbetz writes (preface to Manos Halevi) that the reason he chose the name Manos Halevi for his work was due to the fact that he used his sefer as his *mishlo'ach manos*!

The Rema in several places follows the view of the Manos Halevi. The first place is in the preface to his commentary on Megillas Esther, Mechir Hayayin, where he writes that he gave his sefer to others to fulfill the mitzvah of *mishlo'ach manos*. The second place is in Shulchan Aruch (Orach Chaim 695:4), where he rules that even if the receiver does not accept the *mishlo'ach manos*, the sender has fulfilled his obligation. The Chasam Sofer (ibid.) explains that this follows the logic of the Manos Halevi, since the sender showed his desire to provide a gift. According to the Terumas Hadeshen, though, one did not contribute toward the meal.

These two approaches create yet another difference in halacha, also expressed by the Rema. The Rema (ibid.) rules that women are included in the mitzvah of *mishlo'ach manos*. The Magen Avraham (ibid.:14) comments that it seems that people are not careful about this halacha. He suggests that this ruling only applies to widows and orphans. The Chasam Sofer (ibid.) explains the Magen Avraham's approach is based upon the logic of the Terumas Hadeshen. Since the purpose of the mitzvah is to provide people with food for their meal, married women, who are not in charge of the finances, are exempt from providing others with a meal. However, according to the Manos Halevi, that the purpose is to create unity, the mitzvah applies to women, as well. Thus, if we take the Rema's ruling at face value and say that the mitzvah applies to all women, the Rema is consistent with his view of taking the approach of the Manos Halevi, while the Magen Avraham is explaining based upon the opinion of the Terumas Hadeshen.

There are other practical differences between the two reasons. The Bi'ur Halacha (Orach Chaim 695 s.v. *chayav*), who cites the Talmud Yerushalmi and the Ritva that *mishlo'ach manos* must be suitable for the recipient. However, he writes that the *poskim* do not make this distinction. Seemingly, this question would depend upon the two reasons. If the purpose is to provide a meal, it must suit the standards of the

recipient. However, if it is merely a means of creating unity, there would be no distinction.

Another difference is found in the Ksav Sofer al HaTorah (Parshas Teztaveh). He questions whether there is an obligation to send *mishlo'ach manos* during Adar I of a leap year. He writes that if the *mishlo'ach manos* are meant to enable and enhance the festive meal, then according to the Rema (Orach Chaim 697) who says that one should make a small meal on the fourteenth day of Adar I as well, it would follow that there would be an obligation of *mishlo'ach manos*. However, the Divrei Yisroel (Orach Chaim 215) rules that since it is only a miniature meal in comparison to Purim, there is no obligation to send *mishlo'ach manos*.

Yet another difference is that if the purpose is to create unity, one cannot send *mishlo'ach manos* anonymously (Ksav Sofer Orach Chaim 141).

Practically, we are stringent to follow both opinions. Therefore, one should adhere to the stringencies of both reasons. Notably, one may only send food items (Mishnah Berura 695:20).

Regarding what to send, the halacha is that any combination of two kinds of food (Orach Chaim 695:4), one food and one drink (Mishnah Berura *ibid.*: 20), or two kinds of drinks (Aruch Hashulchan *ibid.*:14) suffices. Rabbi Shlomo Zalman Auerbach (Halichos Shlomo 19:12) rules that similar foods with different tastes, such as the top and bottom of a chicken, are considered different types of food. Accordingly, two types of chocolates or two types of baked goods would also suffice. However, two pieces of the same food are only considered as one food (*ibid.*). Some claim that the two foods need to require two different blessings. However, Rabbi Felder (Shiurei Halacha Purim 2011 ed. pg. 38) notes that there seems to be no source for this.

There is a dispute between the Magen Avraham (*ibid.*:11) and the Pri Chadash (*ibid.*) whether the food has to be ready to eat and not require any further preparation. The Mishnah Berura (*ibid.*) cites both of these opinions without providing a final decision on the matter.

Rabbi Shmuel Felder (Shiurei Halacha *ibid.*, pg. 43) cites an oral ruling from Rabbi Yosef Shalom Elyashiv that

one may send not-yet-prepared coffee or tea. Rabbi Felder explains that there is a distinction between raw meat and coffee or tea. Raw meat itself still requires significant preparation to be edible, as opposed to coffee or tea which are only lacking easily-obtained hot water. Accordingly, one would be allowed to send a ramen noodle soup or the like.

Regarding the minimum amount of *mishlo'ach manos*, there is some discussion among the *poskim*. The Mishnah Berura does not specify an amount. The Aruch Hashulchan (*ibid.*:15) says that any particular food would require an amount that is considered significant for that food item. There are other opinions, as well.

In regards to food items, therefore, one should not send something insignificant (such as, for example, a few raisins or peanuts). However, a bag of small items such as a bag of nuts or chocolates would suffice (Shiurei Halacha *ibid.* pg. 40). Regarding drinks, water may not be regarded as a significant food item for *mishlo'ach manos*. Rabbi Felder (*ibid.*) cites an oral ruling from Rabbi Elyashiv (*ibid.*) that mineral water or seltzer is regarded as water for this mitzvah, as well. In today's world, where there are many water products available, some high-end, some halachic authorities say that a significant type of water would fulfill the mitzvah.

In conclusion, while there are details as to the proper fulfillment of this once-a-year mitzvah, it is not difficult to meet the necessary criteria. In addition, as long as one gave one set of two foods to another, one has fulfilled the mitzvah. Giving to more than one person is an additional fulfillment of the mitzvah, but there is more room to be lenient with regard to meeting some of the aforementioned requirements when fulfilling the mitzvah multiple times. It is not uncommon for people to create theme-based *mishlo'ach manos* that would be of questionable validity in regards to fulfilling the mitzvah. A bit of forethought - perhaps in consultation with a halachic authority - can help ensure that when one presents a beautiful *mishlo'ach manos*, one is fulfilling the mitzvah properly, as well.