

HALOCHOSCOPE

This week's question:

May one send *mishloach manos* of foods that one does not eat personally, on *chumra* grounds? May one send foods to a friend who will not eat them for such reasons?

The issues:

- A) *Mishloach manos*, the main objective of the *mitzvah***
- B) *Chumros*, the different types of self-imposed standards**
- C) *Bal tashchis*, avoiding waste**

A) *Chumros*

Chumros related to food consumption can be based on *halachic* issues. Certain *halachic* regulations allow for leniencies. One who is able to, should not rely on these. The *halacha* recognizes the weakness of a section of the consuming public, and allows laxity. An example of this might be *pas palter*, bread baked commercially by a gentile. In some cases, stringency is recommended, but not required. For example, checking certain parts of an animal for *traifos*, internal injuries is recommended if it does not take much effort.

Sometimes a debate arises based on new practices. For example, a puncture wound in an animal can make it a *traifah*, depending on what is punctured. Animals might be injected in parts of their bodies that could cause them to become a *traifah*. Different authorities take different approaches to the question. Even those ruling leniently might recommend personal stringency.

Chumros could be self-imposed stringencies. The *halacha* sometimes rules in favor of a lenient point of view, or finds a way to disregard a particular concern. A *baal nefesh*, one who is strong enough to resist the temptation, should refrain from relying on this. The Talmud's example is meat of an animal that was brought to a Rav for ruling. He ruled it kosher, but since there was a question raised, one who refrains from eating it is praiseworthy. Some *halachos* apply to certain segments of the population more than to others. For example, an *adam chashuv*, one who is respected, should try to act stringently. Less knowledgeable onlookers might make wrong presumptions, or they might assume the *adam chashuv* to be on a higher standard than that demanded of them. Thus, they will add a leniency of their own, thinking that they need not live up to the 'higher standard.' An example would be accepting an invitation to a gentile's celebration, but not attending the event itself, even if kosher food is served. Sometimes, *tznuin*, people who practice stringencies secretly, are expected to follow specific *chumros*.

A leniency can be applied for a specific situation. *Demai*, is produce of an *am ha'aretz*, one not known to be meticulous in his tithing. Under certain circumstances, a *chaver*, one who has agreed to be meticulous, may eat *demai*. When the causes for lenien-

cy go away, he may no longer eat it.

Some *chumros* are practiced as a *minhag*, by an entire community. The waiting period after meat varies by communal *minhag*. Some do not wait, but clean their mouths and recite *bircas hamazon*. Some wait one hour, three hours, six hours, or into the sixth hour. Certain types of locusts are kosher. Most communities nowadays do not rely on the traditions about which are kosher. Those who rely on their traditions are not practicing a leniency, but following their own *minhag*. [Similar issues arise with regard to some species of fowl, such as turkey and Muscovy duck.] Lesions found on an animal's lung might be a sign that a hole scabbed over. This would mean that the animal had been *traifah*. Some communities follow a ruling that the lung must be *glatt*, smooth, meaning any adhesion slides off easily. Others allow some rubbing to remove a lesion, or non-*glatt*. For communities that are *machmir*, non-*glatt* is possibly *traifah*. Forbidden fats must be removed. Different communities have different traditions on which fats are considered Scripturally forbidden, or those forbidden Rabbinically. In an interesting ruling, the poskim say that people who follow different opinions may eat from each others' utensils.

A common form of self-imposed *chumra* might be based on *chashash*. For example, if one found that he still had cheese in his mouth hours after eating meat, he would adopt a personal practice to wait six hours (and perhaps to clean his mouth). Some people refrain from wetting *matzo* on *Pesach*, lest there is a small amount of unbaked flour. This could turn into *chametz*. Sometimes, such issues become a matter of *minhag*, when a community follows the ruling of its Rav to refrain from 'gebrochtz'.

Some issues are a combination of the above. For example, one may not consume *chadash*, the cereal products of the new crop, before the second day of *Pesach* (the *Omer* offering). In many countries, leniency was practiced, based on a few different reasons. First, there is Talmudic debate about where the prohibition applies. Some say it does not apply outside *Eretz Yisroel*, or that it only applies in a reduced form, such as Rabbinically. Some apply it to areas close to Israel. In addition, some say it does not apply to produce of gentile. In addition, the age of much of the produce might not be identifiable. One might be able to assume that the majority is *yashan*, old season. Furthermore, the difficulty associated with practicing stringency might be invoked as a reason for relying on leniencies. If one feels able to ascertain that one or more of these mitigating factors is absent, he would adopt stringency by himself. A community might follow the ruling of its Rav to act stringently. Different Rabanim might rely on different sources of information.

Some *minhagim* arise with no apparent ruling, but are justified later. *Chalav akum*, milk milked by a gentile with no Jew supervising, is forbidden Rabbinically. In some communities, leniency is practiced. To justify this, some say that the decree was made due to a *chashash* of adulteration with non-kosher milk. It does not apply where no such animals are raised. Others say that the requirement of a Jew supervising is to instill fear of getting caught. If such fear exists anyhow, there is no need for supervision.

There could be trust issues. One always relies on the word of the seller to say that a product is kosher. The seller is believed based on the principle of *aid echad neeman beisurin*, a single witness may be believed for forbidden matters. People who are not

strict about their own behavior raise questions about their reliability with regard to *kashrus* matters. *Halachically*, they might be acceptable, based on broad standards. However, an individual might not feel comfortable, due to lapses he is personally aware of. There might be a long chain of 'witnesses', from the producer to the final seller. One might look for a supervisory agency to check into this chain. Some agencies might have more credibility than others. Sometimes, a witness loses credibility due to his financial activity. An individual might know information that leads him to question the reliability, and to refrain from eating food supervised by this person or agency.

Chumros can be related to standards. For example, certain products must be checked for infestation. *Kashering* equipment can be done in various ways. Some agencies might rely on a leniency that others do not accept.

A person might adopt a ban on certain food. A vegetarian might have bound himself by *neder ushevua*, a ban and oath. One might disapprove of the behavior of the producers, such as the way they treat the animals, or the chemicals they use. One who says "I'll never eat that stuff" has adopted a *neder*. In certain cases one might have banned himself from benefit as well, such as when he is angry with a certain vendor or agency. [See e.g., Psachim 51a Nedarim 15a 81b Chulin 6a-b 44b, Poskim. Tur Sh Ar OC 168:4 196 YD 39:13 64:9 112:2 115:3 116:7 119 214 etc, commentaries.]

B) *Mishloach manos*

Most poskim maintain that the food sent for *mishloach manos* must be ready to eat. However, this need not mean that in our case one does not fulfill his obligation. The poskim debate the purpose of the *mitzvah* of *mishloach manos*. The two main views are: to add to the eating and joy of *Purim*; and to increase brotherly love and friendship. According to the former view, the recipient must eat the food. According to the latter view, he need not keep it, as long as he knows about the gift. Many situations could be affected by following one view or the other. *Askenazic* Jewry seems to follow the second view.

This seems to have bearing on our case. If the point is to increase friendship, one could send any gift. It is up to the recipient to do with it as he sees fit. If the point is to give him food to eat, this is not accomplished. One could view the opinions as reflecting the feelings of the sender versus the recipient. If the sender does not eat this food, he would not fulfill his obligation according to the first view. If the recipient is *machmir*, the second view is not satisfied. Furthermore, if either the sender or the recipient is on a higher standard than reflected in the *mishloach manos*, it might not count. The Talmud relates two scholars exchange about *mishloach manos*, from which some poskim derive a rule that one must send according to both his own and the recipients standards of living, to properly fulfill his obligation. Most do not follow this, but it is the ideal.

The poskim debate whether one fulfills *mishloach manos* by sending something that the recipient is forbidden to benefit from. Another debate involves chicken that was sent, and eaten, that later was found to be *traifah*. While at the time the recipient was happy, when he discovers the *traifah*, he is revolted. These debates seem to bear on our case. The *chumrah* might be such that the recipient is actually forbidden to eat the food due to *neder*, or even forbidding benefit. It might be something that he is bound to observe by

his *minhag*. He might have serious questions about its permissibility. Or it might be something that he chose to practice, but does not consider it forbidden. Some recommend that one should avoid sending food that the recipient will not eat due to a *chumra*. Others maintain that on Purim one should not be particular about the supervising agency when sending *mishloach manos*. It is up to the recipient to accept it or not. One should take these matters into consideration. If the sender is aware that the recipient considers it actually forbidden, he should not send it. Similarly, if the sender considers it forbidden, he should not send it. [See Megillah 7b, [Yerushalmi] Poskim. Tur Sh Ar OC 595:4, commentaries, Orchos Chaim, Kaf Hachaim, etc. ST Chasam Sofer OC 196. Maharam Shik OC 341. Maharash Engel VII:14. Lehoros Nasan OC 54. Nitei Gavriel 57:13-14, notes.]

C) *Bal Tashchis*

Some raise the issue of *bal tashchis* with regard to *mishloach manos*, because it often goes bad before being eaten. The question is whether to refrain from sending such types of food. A comparison is made to breaking a glass at a *chupa*, a practice to burn clothing on *Lag Ba'omer*, over the objections of poskim who consider it *bal tashchis*, and to break pottery when Haman's name is read. Some base this on the Talmud's allowance for destroying the personal belongings of a deceased king, to honor him. Some find a further source for this. If one slaughters a bird, he must cover the blood with ashes or dirt. If one has no ash, he may burn a garment, regardless of the waste. The poskim debate whether this applies in all situations. In our case, however, the reason the food will go to waste is not that it will spoil. The recipient might not eat it himself, but will allow others to eat it. Depending on whether he may benefit from it, he might give it to a gentile. If he considers it actually forbidden, he might willfully destroy it. This seems to be the choice of the recipient. From his own perspective, this is useless or forbidden. Destroying something forbidden is not a violation of *bal tashchis*. [See Torah Lishmah 206 Mikdash Yisroel Mishloach Manos 353, and refs. there.]

In conclusion, it is recommended that one send *mishloach manos* that he would eat himself. One should avoid sending food to one who will not eat it. If one sent it, he might still have fulfilled his *mishloach manos* obligation.

On the Parsha ... *A nefesh that offers .. [2:1] Because the poor man offers his soul .. {Rashi, Baal Haturim} Nefesh represents the generosity of soul [Ibn Ezra]; A nefesh that sins .. [4:1 27 5:1 etc.]* If *nefesh* is a positive trait, why does the Torah use it for sinners? Perhaps we can answer with another *passuk*. *Place a knife in your throat if you are a baal-nefesh. [Mishlei 23:1]* *Baal-nefesh* can mean “master of the soul”, one who is able to control his desires. Or it can mean “one who has desires”, and needs to do something to control them. Generally, one should not undertake *chumros*, as they give the perception that the Torah is not good enough. One who feels the need to become master of his desires might add *chumros* to help him restrain himself. Because he is a *baal-nefesh*, he has desires, he becomes a *baal-nefesh*, master of his desires. *Nefesh* is used for both the sinner who succumbed, and for he who gives up his desires.

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