



This week's question:

Due to high volume of *mishloach manos*, and possible wastage, some people send less *mishloach manos*. Instead, they send cards indicating a charitable donation was made.

While the gesture does not fulfill the *mitzvah*, does it fulfill the spirit of the *mitzvah*?

Assuming that the recipient had sent a regular *mishloach manos* to the sender, could he claim that he expected a *mishloach manos* in return?

The issues:

A) *Mishloach manos*, the 'spirit' of the *mitzvah*; sending many *mishloach manos*; *bal tashchis*, avoiding wastefulness

B) Reciprocating *mishloach manos*

A) *Mishloach Manos*

The poskim debate the purpose of *mishloach manos*. Clearly, the way it is described in the Megillah indicates that it was undertaken as an expression of the outpouring of love and joy at the time of the miracle. The question is, why was this particular practice undertaken? The main two views are that it is to increase love and friendship, and that it is to provide food for those who might not otherwise have it. Since the *mitzvah* to eat a *seuda* on Purim is central to its observance, even the poor should have a decent meal. A *manah* is a portion of food. Some suggest that while the Megillah mentions 'each man to his fellow' it does not specify a poor fellow. This is because if only the poor were given *mishloach manos*, it might embarrass the recipients. Therefore, it is given to everybody equally. Based on these views, there is debate on whether it is vital that the recipient accepts or declines the gift. If the friendship is the object, the gesture is enough. If the *seuda* is the goal, the recipient plays a more major role.

Assuming that the *mitzvah* is to increase love and friendship, this could be accomplished in many ways. The fact that it must be done with food could indicate that it is mainly to provide for the *seuda*. However, even if the purpose is to increase friendship, food is the most ideal way to fulfill this. One shares his meals or his specifically with his closest friends. One cannot actually fulfill the *mitzvah* with any other type of gift. There is a view that one may give money to purchase a *seuda*, but no other non-food items count. Some of the spirit of the *mitzvah* is gained if the recipient actually receives a material gift, even if he chooses to decline it. In our case, all he receives is a card. The donor really gave the money to a different recipient or cause. The recipient of the card does not necessarily gain an additional feeling of friendship directly from this. If, however, we are to assume that people on Purim are in a spiritual mood, the fact that additional *tzedakah* was given for them could accomplish some of the spirit of the *mitzvah*. Thus, since Purim is indeed a holiday on which people are in a spiritual mood of *tzedakah*, the recipient will

indeed appreciate the gesture. A measure of the spirit of the *mitzvah* is indeed gained, but this does not mean that the *mitzvah* was fulfilled. If the donor fulfills his *mitzvah* with real *mishloach manos* to the minimum of one recipient, he will still have added to the *mitzvah* in spirit by sending cards to more people.

The Megillah writes that the *mitzvah* is to send *ish leraa'aihu*, each man to his friend. This means that the *mitzvah* is to send *mishloach manos* to one recipient. However, the poskim say that he who sends to many recipients should be praised. The question is, what exactly does this mean? Is it a *hidur mitzvah*, embellishment of the fulfillment of the *mitzvah*? Is it like eating a larger amount of *matzo*, which adds nothing to the basic *mitzvah*, but shows a love for it? Is it because an interpersonal *mitzvah* relies on the recipients? Since one recipient might not quite work out right, one hedges his bets! If so, why is the basic *mitzvah* just to one recipient? Is it perhaps that one who just fulfills the minimum requirement has demonstrated that he just wishes to do his duty? The spirit of the *mitzvah* is lost when one fulfills it out of duty rather than joy. Is this perhaps to allay the caution one might have due to *bal tosif*, the restriction on adding to the *mitzvos*?

In fact, this terminology is borrowed from another *mitzvah*. One who increases *sipur yetzias Mitzrayim*, retelling of the Exodus, should be praised. Some use the word for “expand” or elaborate”, but the idea is the same. The same term is also borrowed when describing *kavod* and *oneg Shabbos*, making *Shabbos* special with food and clothing. From here it would appear that the point of increasing the *mitzvah* is to enhance it. It is more than ordinary *hidur mitzvah*, which embellishes a basic *mitzvah*. In this case, this is part of the basic *mitzvah*. One really should do as much *sipur yetzias Mitzrayim* as possible, but can get by with a minimum. The same seems to be true of these other two *mitzvos*.

Various other sources are cited for this concept: (i) If the purpose of the *mitzvah* is to ensure that everyone has enough for his *seuda*, one should ensure it as much as possible. This requires sending to more recipients, if one knows that they need it. (ii) The Talmud mentions sending pepper as *mishloach manos*. This is not edible by itself, but is used to season other food. A suggestion is made that the sender had already fulfilled his obligation. He was sending this *mishloach manos* in addition. (iii) If one has a large sum of *tzedakah* money, he should spread it out. He should give small gifts to many poor people, rather than one large gift than to one person. In the same way, one gains more spirit of the *mishloach manos* by giving many recipients than giving to one recipient.

Some interesting observations lead to an alternative explanation. The Megillah mentions *mishloach manos* twice: when they celebrated the first Purim, and when they adopted it as an annual holiday. The first time, it does not mention *matanos la'evyonim*, implying that they did not practice it originally. The second time, it is mentioned together with *mishloach manos*, implying that they decided to institutionalize it later. The word *mishloach* is spelled slightly differently in each mention, with variant traditions. In one of them, a Hebrew *vav* is included. Another observation is the terminology of Rambam. On the one hand, he writes that one who sends *mishloach manos* to more people is praised. However, he writes that it is preferable to give more gifts to the poor rather than more *mishloach manos*. The answer is based on the Talmud's description of another two *mitzvos*, *olas re'iyah*, a burnt offering brought on *Yomtov*, and *shalmei chagigah*, another

offering brought to be eaten. If one has a small family and a lot of money, he should bring a large *olah* and a small *shlamim*. If he has a large family and less money, he should offer a smaller *olah* offering and a larger *shlamim*. Both have a minimum, and one should increase it according to means. However, the number of eaters is also factored in. On *Purim*, one should allocate the money he will be spending on these two *mitzvos* of gift-giving. The money is appropriated according to the needs. This is hinted in the way one reads the words in Megillah, based on the variant texts.

Based on the various explanations, one could say that it is better to send more *mishloach manos*, rather than donations to a *tzedakah*, or that it is just as good, if not better to send donations to a *tzedakah*. This takes into account part of the issue. The other part is whether one fulfills the basic spirit of the *mitzvah* with a card. Since it could go either way, and we have explained that according to some, the spirit is gained, one could argue that the cards are acceptable as a form of adding to the *mitzvah*. [See Ester 9:19 23, Ginzei Nistaros. Beitza 16a Megillah 7b Chagigah 8b, Poskim. Rambam Shabbos 30:6-7 Chametz 7:1 Hagadah Megillah 2:15 (Keser Hamelech) 17, commentaries. Tur sh Ar OC 695:4 (Levush 2), commentaries.]

There is another factor, that might tip the balance in favor of the cards. Interestingly, the statement regarding increasing the *mitzvah* mentions adding recipients. It does not mention adding additional foods. Apparently, one does not gain anything from adding foods. The recipient is not required to gorge himself like a glutton. Therefore, there is no point in adding more portions of *mishloach manos*. Indeed, *achila gasa*, eating too much, does not count as a fulfillment of a *mitzvah* to eat. In this sense, perhaps there is indeed an issue of *bal tosif*, since there is no point in the addition.

Perhaps in connection to this, 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*.

Apart from the general problem of *bal tashchis* mentioned, there is a more specific issue of ***bizuy ochlin***, mistreating food. Though we concluded that *bal tashchis* is not the problem of the sender, but the recipient, *bizuy ochlin* could apply to the sender as well. [In fact, *Reb Leib Gurwicz zt"l*, *Rosh Yeshiva of Gateshead*, would write a letter every year, to be posted in the Yeshiva, instructing *talmidim* to send the minimal requirement of *mishloach manos*, and not to send home-made foods. His rationale was that the *bizuy*

ochlin that results from large *mishloach manos* and the wastage of home-made foods due to, among others, our questioner's concerns, outweigh the gains in the performance of the *mitzvah*. [First hand recollections of the author.] [See Torah Lishmah 206 Mekadesh Yisroel Mishloach Manos 353, and refs. there.]

B) Reciprocating mishloach manos

The second part of the question is whether the recipient has any reason to expect *mishloach manos* in return. If he does have a right to expect this, can the card be counted towards this. Assuming that he has this right, there is no fixed money value to the right. Rather it would be a right to expect a gift of food in return. The value of both his gift and the reciprocal gift is at the discretion of the respective givers. Thus, it is not an actual monetary claim. It is based on standard practices. Furthermore, it would appear that a non-food item should not count, also based on standard practice. However, as reciprocal gesture, we have already established that a card could possibly count.

The precedent for a claim of reciprocity for an apparent gift is *shushbinus*, the wedding gift given by close friends. In former times, this could actually be demanded reciprocally. Nowadays, this is no longer practiced, nor enforced. When it was enforced, it was based on expectations of adherence to *minhag*, customary standards. Newlyweds would count on the reciprocal gifts to make the wedding. In the same way, assuming that the customary standard is to reciprocate *mishloach manos*, one should be able to expect it to make the *seuda*. In many cases, *mishloach manos* are sent out of respect or duty, such as to a teacher of *rav*. However, those sent in friendship could be viewed this way.

A few objections are raised to this comparison. From the Talmudic discussion, it is clear that *shushbinus* was substantial. The giver had laid out the large sum, in anticipation of getting it back in kind. *Mishloach manos* should not involve such a large sum. In addition, *mishloach manos* is a personal obligation, regardless of reciprocity. One could argue that the giver nonetheless chose a recipient based on the expected reciprocity. However, this is not an automatic universal standard. Some say that it could be tied to the reasons for the *mitzvah*. If it is to increase friendship, the right course would be to reciprocate. If it is to ensure a *seuda*, it can be sent in a chain. Each sender will receive something in the end. There would be some responsibility to ensure that each person received something. This would involve some organizing. The easier thing would be to reciprocate. This issue is never raised in this sense. Rather, it is raised based on expectations and standards. This implies that the individual sender need not be part of a grand organized system. He just sends, and leaves the rest to work itself out. The respectful thing is to reciprocate, but it is not obligatory. Accordingly, the card in our case could be considered another form of such respect. [See Baba Basra 144b, Poskim. Tur Sh Ar EH 60. Piskei Teshuvos (Pietrokov) I:147, notes. Nitei Gavriel Purim 54:10, note 14.]

In conclusion, there is some meaning to this card. There is no claim of reciprocity.

Sponsored in memory of Aharon Simcha z”l ben Elchonon Tuvia Hakohen (*yahrzeit*

13th of Adar), and in memory of Carol bas Sarah Imeinu a”h. ם

© Rabbi Shimon Silver, March 2014.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com