YESHIVAT HAR ETZION VIRTUAL BEIT MIDRASH PROJECT(VBM)

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TALMUDIC METHODOLOGY BY RABBI MOSHE TARAGIN

Mitzvat Mishloach Manot

 In the ninth perek, the megilla lists the various mitzvot of Purim. From among this roster two mitzvot appear to be similar to one another: mishloach manot and matanot la-evyonim. Apparently each mitzva constitutes an act of giving. The two salient differences between them concern the substance of the gift and the gift's recipient. While matanot la-evyonim is a more traditional monetary based charity to a poor person, matanot la-evyonim reflects a food-based gift distributed to friends regardless of their economic station. In structure, however, the two mitzvot appear to be similar. An alternate position emerges from the syntax of the Rambam. In Hilkhot Megilla (2:15) he describes the texture of the Purim se'uda. After delineating the foods and beverages which are necessary - in the very same halakha - he writes ".. in addition (ve-kein - which could also be translated as 'similarly') a person should distribute two manot to one of his acquaintances...". Evidently, the mishloach manot should not be perceived as an isolated gift modeled after matanot la-evyonim, but rather constitutes an integrated aspect of the Purim se'uda. Like all yom tov se'udot (see afterword) the proper manner of conducting a meal is sharing it with, and extending it to, others. To properly fulfill the se'udat Purim, a portion of the se'uda must be shared with others in the form of mishloach manot.

SUMMARY:

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 We have distinguished two different standards for the mitzva of mishloach manot. It might be an independent act of 'charity' or it might be an incorporated component of the Purim se'uda.

 We might 'test' these two options by exploring the exact form and fabric of the mitzva of mishloach manot. This article will briefly probe the following definitional aspects of the mitzva: zeman ha-mitzva (when it is performed), chovat ha-mitzva (who is obligated), and tzurat kiyum ha-mitzva (how is the mitzva performed). Hopefully, these issues will help shed light upon the true nature of the mitzva.

 One of the unique phenomena of Purim is that the 'Yom Tov' is not limited to one particular date. Those who lived in villages read the megilla on one date while those who lived in regular cities read it on another. In addition, matanot la-evyonim were distributed on whichever day the megilla was read. Given this variance when should mishloach manot be distributed? The Ran (Megilla (3b) in the pages of the Rif) addresses the issue. Despite the fact that megilla reading varies, the se'udat Purim does not; it must be scheduled on the 14 or 15 (depending on whether the city is walled). Hence, the Ran claims, since mishloach manot is part of the se'uda it is 'tethered' to the se'uda - whenever the se'uda occurs it must be disbursed. Recognizing mishloach manot as part of the 'mitzvat se'uda' compels the Ran to schedule it on the same date as the se'uda despite the fact that matanot la-evyonim were given on an entirely different date.

 What happens when Purim coincides with Shabbat? The Yerushalmi in Megilla concludes that the se'uda is delayed until Sunday (this is generally the minhag). The Magen Avraham (Orach Chayim 688:10), however, cites in the name of the Maharal Chaviv (who lived in Yerushalayim and actually practiced this way) that the se'uda should be scheduled on the day of Purim itself - even though it is Shabbat. The Maharal stresses that mishloach manot must also be handed out on this day (even though Hilkhot Shabbat might severely restrict the range of recipients), because the manot are part of the se'uda. Again, we witness a position which refuses to sever se'uda from mishloach manot (despite possibly curtailing the execution of the mitzva of mishloach manot). Evidently, the two mitzvot cohere.

 A third issue relates to the exact time on Purim during which this mitzva should be performed. The Rama (Orach Chayim 695) cites the position that mishloach manot must be delivered during the day. Many attempt to provide an explanation to support this position (see for example the Bi'ur Ha-Gra). One solution might be to invalidate evening mishloach manot because the evening is invalid for the se'uda (see gemara (7b)). Again, affixing mishloach manot to the se'uda would mandate that the manot be sent only during a period which is suitable for se'uda.

 What about the individuals who are obligated to give manot? The gemara (7b) relates an episode of two indigent Amoraim (brothers) who could not afford to send mishloach manot. Instead they swapped the meals they were planning to eat. Though this appears to be the simple reading Rashi offers an alternative one. They did not 'switch meals' but rather, invited each other to Purim se'uda during consecutive years. This would on alternating years spare each brother extra expense. In order to save additional expenses they alternated hosting each other for the se'uda. One could lodge the following question: How did the 'guest' fulfill his obligation of mishloach manot? Indeed, next year he planned to reciprocate by inviting this year's 'host' to his house. Mishloach manot, however, is not a biannual mitzva, but rather, applies each year. The Magen Avraham (Orach Chayim 695:12) infers from this Rashi that one who does not make a se'uda is excused from the obligation to give mishloach manot. If mishloach manot is a segment of se'uda the logic would be valid; one who, due to his impoverishment, cannot prepare a meal is excused from mishloach manot.

 Another question would surround the substance or content of the mishloach manot. The Terumot Ha-Deshen in siman 111 questions whether it is valid to include clothing as part of mishloach manot. He concludes that the 'package' must only contain FOOD since the purpose of mishloach manot is to assure that "everyone has enough food to eat for the meal." By defining mishloach manot as a subset of se'uda the Terumat Ha-Deshen restricted the content of the Manot.

 A similar question of content surrounds the state of preparedness of the manot. The Magen Avraham (Orach Chayim 695:11) quotes the Maharil that the foodstuffs must be dispensed in a prepared and ready state to eat. Viewing the manot as 'enablers' of the se'uda might justify this requirement; only food which is ready to eat can be considered elements of a se'uda. Indeed the simple reading of the Magen Avraham supports the position that the food must not only be ready to eat but also COOKED. This standard as well, might stem from mishloach manot's definition as part of a se'uda (for a parallel see the discussion in Beitza (15b) regarding the preparation of eiruv tavshilin which also must resemble a meal and must contain cooked items).

 The Ritva imposes a standard on the QUALITY of mishloach manot. The gemara in Megilla (7a) depicts the mishloach manot sent by R. Yehuda Hanasi to R. Oshia. It contained the cooked 'third offspring' of a cow (thought to be the tenderest meat) and a keg of wine. Though this mishloach manot seemed impressive, the recipient rejected it as mishloach manot (according to the girsa of the Ritva). The reasons for this rejection are not provided. The Ritva, however, explains that for R. Yehuda Hanasi, the Reish Galuta, this meal was BELOW his standards. In order to fulfill the mitzva the food must reflect the standards of the donor. Indeed, if mishloach manot are viewed as the means of extending YOUR meal to include others it must be of the quality which you would eat for your meal.

SUMMARY:

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 In trying to determine whether mishloach manot is an independent gift or a facilitator of se'uda we have examined four aspects of the mitzva: when they are given, who is obligated to give, what they are to contain, and what quality is demanded.

 One final question presents itself: How must the gift be given? Must there be an actual 'sending' and 'reception' or can there be alternate means. The aforementioned Rashi described the two-year schedule arranged by the Amoraim to spare expenses. The Magen Avraham already considered the status of the brother during his 'off year'. During the year that he was a guest he was excused from the mitzva since he wasn't making a meal. What about the brother who was 'on' that year? How did he perform his mitzva? Evidently, he fulfilled his obligation merely by inviting his brother without actually SENDING food. Indeed, if mishloach manot represents extending your meal to others, it makes little difference whether food is actually sent or the recipient is invited to attend the ACTUAL meal. In either case the meal has been extended to another.

METHODOLOGICAL POINTS

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1. The Rambam was meticulous about his choice of words and the structure he imposed upon his works. Anytime two apparently unrelated Dinim are grouped together within one halakha (the equivalent of a paragraph in the Rambam's work) thought should be given to an inherent relationship between the two dinim.

2. The nature of a halakha can be determined by its hagdara - its definition and application - the who, what, where, when and how of the mitzva.

Afterword:

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1. In terms of the overall importance of sharing a yom tov se'uda with less fortunate individuals see Rambam Yom Tov (6:18).

2. What about matana al menat le-hachzir for mishloach manot? See Pri Megadim 694:11.

3. What about someone who sends manot before Purim and they arrive on Purim? See Beir Heiteiv (695:7) and Eishel Avraham (694:1). How does the issue discussed in the article impact upon these questions?

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