



שאלות ותשובות  
**לחג פורים**

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## INTRODUCTION

The selections of this booklet represent a small part of the archives which has been re-edited. The She'aylos in *Halochoscope* are all real-life questions. Naturally, sometimes the true circumstances surrounding the She'ayla must be modified.

The format of the *Teshuva*, shiur style, speaks for itself. We have used an "American" system of transliteration, representing a cross between *Ashkenazi* and *Sephardi* enunciation. This was adopted simply because the English reading audience is used to it. We use no original Hebrew characters, as it is a slight strain on the eyes to cross back and forth between the two directions. References are given at the end of paragraphs or sections, rather than as footnotes. Since this is not intended as a Halachic guide, if one wishes to study a source, he should follow up all references fully. In some instances, references were condensed for lack of space. Though some expansion of original issues was possible in this book form, references were left basically intact.

There is no glossary. Almost every term is glossarized on its first mention. Subsequently, we rely on the serious reader's memory.

On no account may these conclusions be used to judge similar situations. Circumstances change, the author makes mistakes, and the reader sometimes misunderstands. There is a special *Siyata Dishmaya*, which the author has many first-hand experiences to prove, that helps a Rav answer questions when they arise.

Nor is the purpose of *Halochoscope* to serve as a guide or instructional *sefer*. It is purely of an exploratory and informational nature.

The following note accompanied the third anniversary of *Halocho-scope*:

We are familiar with the Talmudic passage about Hillel. A gentile came, asking to be proselytized on condition Hillel would teach him all of the Torah standing on one foot. Hillel responded: "What you do not like done to yourself, do not do to your fellow!" We marvel at Hillel's wisdom. We elaborate on how the entire Torah is encapsulated in this dictum. However, there is more to the story. Hillel went on to tell the gentile: "The rest is commentary, GO AND STUDY IT!"

If one hears a nice *Dvar Torah* on the week's *Parsha*, he would not feel that he is now familiar with the entire *Parsha*. What, then, is the purpose of this book?

Rav Dovid Cooper *shlita*, related the following story to us, in the

name of Rav Yechezkel Abramski *zt'l*: As a Rebbi in Volozhin, Reb Chaim Brisker would ensure that the *bachurim* were learning with *bren*, enthusiasm. If he noticed a *chavrusa* waning, he would engage them in discussion. He would pose an interesting question with a twist. It was designed to pique their interest, give them some "zip," to draw them into the *Sugya*, Talmudic passage. He left them to do the rest themselves.

In the same way, these discussions are designed to pique the interest, to spark discussion, and to give people impetus to study Halacha thoroughly. Hopefully, in an unobtrusive way, this will lead to heightened awareness of Halacha and more studying of the sources, particularly the Talmud.

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## I. MISHLOACH MANOS/MATANOS L'EVYONIM

### I. GIVING MISHLOACH MANOS & MATANOS L'EVYONIM:

#### MINIMUMS, PARTNERING, SENDING BY MAIL

*Halochoscope Parshas Vayikra 5760 Vol VII No 50*

#### QUESTIONS

*Is there a minimum amount required for Matanos L'Evyonim, the money given to the poor on Purim? May food be given instead of money, and is the amount given different, in consideration of the issues raised in the first question? May a husband and wife, and/or other family members, join to send one mishloach manos or one set of matanos L'Evyonim? Lastly, if one sends Mishloach Manos before Purim, but it arrives on Purim, such as by mail, does he fulfill his obligation?*

#### THE ISSUES TO DISCUSS:

- A) Mishloach Manos & Matanos L'Evyonim: Reasons
- B) Sending through a Shaliach and through the mail.

### (A) GIVING MISHLOACH MANOS & MATANOS LEVYONIM – REASONS

#### MISHLOACH MANOS

Apart from the Mitzvah to read the Megillah and to eat a festive meal (and to drink) on Purim, there is a Mitzvah to send food gifts to friends, and a Mitzvah to give money to the poor. These Mitzvos are spelled out in the Megillah, and have the quasi-Scriptural level of Divrei Kabbalah, somewhat higher than a Rabbinical Mitzvah.

The Poskim debate the reason for the Mitzvah of Mishloach Manos, or rather, its purpose. The wording of the Megillah is *Mishloach Manos Ish Lera'aihu*, sending of portions, one man to his fellow. Portions imply a meal, while “a man to his fellow” implies fellowship. Accordingly, one view is that the purpose is therefore to increase a feeling of love and fellowship. The other view is that it is a part of the Mitzvah of *Seuda*, eating a festive meal. One must supply his fellow with food for the meal. In fact, according to one interpretation of this view the idea of a “por-

tion” is to provide an extra portion for one who has prepared himself a meal already. If the fellow has not prepared a meal for himself (but, for example, is eating as a guest) one does not fulfill the Mitzvah by sending him Mishloach Manos.

The main differences between these views lie in cases where the Mishloach Manos will *not* be given in the normal way (whereby the sender gives it to the recipient on Purim, and the recipient accepts it and eats it for his meal). According to the view that the purpose of giving is to increase feelings of fellowship, the object would be for the sender to show his goodwill. It would not be as important for the recipient to use it, or even to accept it. If he says that he considers it as though he accepted it, he has shown that the purpose was fulfilled; he is friendlier because of the gift he received. If the object is that it be used for the meal, since the recipient did not get it and use it, the sender did not fulfill his obligation. Conversely, if the recipient receives it and uses it, but it can be shown that the sender did not have full knowledge or participation in sending it, while there might be an extra portion at the meal, there is no increase in love and fellowship. Thus, if the sender was not home and his family members sent it on his behalf, without telling him, this view would not consider it a fulfillment.

All Poskim seem to be in agreement that the basic idea of this Mitzvah is *Simcha*, joy. By increasing love and fellowship there is increased joy, and by increasing the food consumed at the Seuda there is also more joy. Thus, even according to those who consider adding a portion simply a way to complement the meal of the recipient, the purpose is not just a Mitzvah of *Tzedaka*, to help the other person complete his meal. Even to a wealthy recipient there is an additional joy in receiving a gift. Some say that the gift must be in accordance with the means of the recipient. If he is wealthy, he would not appreciate a small gift, if it is for fellowship, or a cheap portion, if it is for his meal. Others maintain that since, if it is for fellowship, the purpose is the gesture, a small gift is sufficient. However, in terms of the amount, most maintain that it must at least amount to a *Manah*, a portion fit to offer as part of a meal, rather than a *Kezayis*, minimum amount to be considered food. The Megillah requires at least two portions to be sent to at least one person. The Poskim discuss whether these must be different food types, or whether a double portion of one food type is sufficient. [Thus, if we say that a family must send their own individual gifts, they might

fulfill it by sending a large cake, two pieces thereof being sent on behalf of each family member.]

## **MATANOS L'EVYONIM**

The purpose of *Matanos L'Evyonim* is also a matter of debate. It is definitely only sent to those who qualify as poor. However, several questions can be asked: Firstly, is the gift for their (and, in a way, the sender's) *Simcha*, or is it only for *Tzedaka*, regular charity? Furthermore, does it have anything to do with supplying the poor with their needs for the meal on Purim itself specifically or is it financial support in general? There is also an indication that this custom is connected to the *Mitzvah* to read the *Megillah*.

The Talmud mentions that villagers, who read the *Megillah* early, should give their *Matanos L'Evyonim* on the same day. The reason given is that the poor anticipate the gifts based on when the *Megillah* is read. Another reference to the same idea implies that one is permitted to give them early, if the *Megillah* is read early. The Talmud also discusses why the *Megillah* would not be read on *Shabbos*, mentioning as one reason the accompanying *Matanos L'Evyonim*. In addition, the Talmud debates which *Mitzvos* of Purim may be fulfilled in the first *Adar*, and in this discussion mentions that *Megillah* and *Matanos L'Evyonim* are interdependent. The *Poskim* debate the meaning of this. Some maintain that one must give the *Matanos L'Evyonim* at the same time, based on the idea that if the poor do not receive a gift then, they will give up and not make themselves available later, and therefore the *Mitzvah* will be lost. Others maintain that it is permissible to give at the same time as the *Megillah* reading, but not essential.

In fact, some maintain that it is better to do it on the correct day, regardless of whether the *Megillah* was read early. One explanation of this is that the *Megillah* reading is not for *Simcha* (though, according to one Talmudic opinion it takes the place of *Hallel* and thanksgiving). Rather, it is for publicizing the miracle, but also contains an element of mentioning the destruction of *Amalek*. Since the actual destruction of this people is not practiced, one must practice ideological destruction. This is done by behaving in a Jewish way, which is the opposite of the *Amalekite* way. *Amalekites* are angry and unforgiving. On Purim one must be forgiving, as well as strive for other Jewish character traits, to

be merciful, bashful and kind. According to this view, *Matanos L'Evyonim* is meant to fulfill this purpose, cultivating kindness, and only linked to the *Megillah* optionally. As an additional kindness, the recipient might also be given the option to use it for *Seudas Purim*. In practice, though the *Poskim* rule that it should be given on Purim, people give it ahead of time, relying on the fact that they will surely give some more at some point on Purim day.

The minimum amount could depend on these reasons. If the gift is to help provide for a meal, then it must be an amount with which the poor person can buy food. In addition to money for food, it can therefore also be actual food, though not other goods. If the *Matanos L'Evyonim* is simply a financial gift, however, it must be the minimum considered to be money, known as a *Perulah*. Some *Poskim* maintain that it is not considered a *Matanah* unless it is a *Nesinah Chashuvah*, meaning a substantial gift, worth giving. This is inferred from a Talmudic passage that says that a certain gift was considered sufficient for *Matanos L'Evyonim*, but according to one textual version, not for *Mishloach Manos*. Based on textual variations, the *Poskim* debate whether either has a minimum as opposed to the other, or whether neither or both have minimums. This would be in addition to the considerations mentioned above.

Therefore, one may conclude that to satisfy all opinions, he must give to two poor people at least enough to be considered substantial, and it should also be enough to cover a meal. For *Mishloach Manos* he should give a decent sized portion of two foods to one recipient. Both of these should be both given and received on Purim by day. They may be given through a third party, since they are ultimately given from the hand of the donor and reach the hand of the recipient. Some maintain that *Mishloach Manos* should rather be given through a *shaliach*. Inviting a friend or poor guest might not be considered fulfillment of the *Mitzvah*, since nothing was technically sent to him. It is an individual *Mitzvah* to specifically send these gifts. Therefore, family members must send their own personal gifts. However, there are *Poskim* who rule that a husband and wife are considered one with regard to this *Mitzvah*.

## **(B) GIVING THROUGH A SHALIACH OR THROUGH THE MAIL**

If the gifts are sent a day early, but arrive on Purim, one may argue that the *shaliach*, agent acting on behalf of the donor, still has it in his

possession on Purim, before he actually hands it over. Therefore, the act of the giving is fulfilled on Purim. The Poskim discuss giving it on behalf of a donor who is not aware of it. This is not recommended for some of the reasons already discussed. However, if the donor appointed a Shaliach, he may, according to the Poskim, ask the Shaliach to lay out the money for him. The Shaliach may consider it as though the money was transferred to the possession of the donor first, through *Zechia*, a process by which one may gain possession without being present.

If the items are mailed, the issue is more complex. In the case of a regular agent, the idea would be that the agent performs the function of the sender. Thus, the agent's action is attributed to the sender. The agent must be qualified to do the Mitzvah himself for this. If his action cannot be attributed to the sender, the gift was still sent, but unless it was also sent on the day of Purim, the sender did not do his part on Purim itself. Therefore, the issue is whether the mail service is better than an unqualified agent, since it is anonymous and does not perform the act as an agent *per se*. It would, however, appear that there is no problem here. If the mail service does not count as a Shaliach to perform the act, the sender could therefore not have appointed them to act independently in his place. They are responsible to him all the time that they have the item in their possession. It is as though he has not yet parted with it. Thus, he has not yet finished his act of giving, until it reaches the property of the recipient. It is like throwing the gift through the air to the recipient. Therefore, this should work as a proper giving of a gift, albeit *not* through a shaliach, since it is sent by the sender, and without interruption arrives on Purim, thereby completing one extended act of giving on the right day. [See Megillah 4b 5a 6b 7a-b Baba Metzia 78b (Rashi Shita Mekubetzes) Poskim, Tur Shulchan Aruch Orach Chaim 694, 695:4, commentaries.]

## II. GIVING ESROG LIQUOR FROM THE SHVI'IS

*Halochoscope Parshas Tetzave/Zachor/Purim 5762 Vol IX No 45*

### QUESTION:

*May one include in his Mishloach Manos a bottle of Esrog liqueur made from an Esrog of Shvi'is, the seventh agricultural year?*

### THE ISSUES TO DISCUSS:

- (A) Drinks sent for *Mishloach Manos*
- (B) Use of *Shvi'is* produce and its holiness
- (C) Sending *Shvi'is* produce for *Mishloach Manos*

### (A) DRINKS FOR MISHLOACH MANOS

The term *Manah* used by the Megillah to obligate us in the Mitzvah of *Mishloach Manos* is normally used to describe a portion of food. Thus, the ideal *Manah* suggested is a portion of meat. This is called a *Manah* by the Torah. The Poskim maintain that in keeping with the description of a *Manah*, the item must be food. It should be cooked, or ready to be eaten. [This is disputed by some, who cite a Scriptural reference to *Manah* describing raw meat.] *Manah* is not used to describe a drink. This would imply that one does not fulfill his obligation by sending drinks. However, the Poskim maintain that drinking is the same as eating in regard to many Halachos. Accordingly, they say that one may send two portions of drink or one of food and one of drink, if he so wishes. A proof is cited from a passage in the Talmud. The Talmud records an incident in which meat and wine were sent for *Mishloach Manos*. This implies that the term *Manah* can apply to drinks as well. In fact, one interpretation of the passage is that in it one sage introduces this novel idea to another sage. It is then accepted as a conclusive ruling. However, there is another version to this passage. According to the alternative reading, on the contrary, only *Matanos L'Evyonim* is fulfilled by giving wine (if the recipient is poor). According to this version, the original gift was only wine, and the sage informs his colleague that it is inappropriate for *Mishloach Manos*.

We follow those who allow drinks to be sent. However, it would appear that water would not be considered a drink for purposes of *Manah*. It is a mineral and is not regarded as regular food for many Halachic applications. The same applies to salt. It is also possible that the Talmud allows wine specifically, since it is considered a food, so much so that the notion is entertained that it is the same as bread. It is also possible that the kind of drinks referred to are substantial in some other way. For example, they might be pure fruit juices, milk, or alcoholic beverages. These are not necessarily taken simply to quench thirst, but to satisfy a hunger of sorts as well. Maybe soda pop or other watery beverages (albeit flavored, sweetened and colored) do not con-

stitute a Manah.

In our case, however, the drink is an alcoholic beverage, though not usually drunk in large amounts. In fact, the amount of it usually drunk indicates that it is indeed more than a thirst quenching drink. It would then have the additional value that might qualify it as a Manah. [See Megillah 7a-b, (Rach, Maharsha) Poskim. Tur Shulchan Aruch Orach Chaim 695:4, Taz, M.A., Pri Chadash, etc. Mikra'ei Kodesh Purim 38. (Kuntres Tavlin by this author.)]

### **(B) USE OF SHVI'IS PRODUCE AND ITS SANCTITY**

Known as the Sabbatical year, the seventh year of the Torah agricultural cycle is a Shabbos for the land. Work is forbidden on the land in Eretz Yisroel. Nowadays, it is forbidden Rabbinically. The land rests, and we may not deal commercially with its produce. This is to demonstrate our trust in HaShem being our Provider. A number of Mitzvos deal with work on the land and a few on the use and sanctity of its produce and its disposal. The produce that grows anyhow may be taken from anyone's property. It is considered *Hefker*, ownerless. It may be eaten, but must be treated with care. The produce has a measure of sanctity and may not be disposed of carelessly. Any part of the food that can be eaten has this sanctity. Thus, many peels and shells are not disposed of in the regular garbage, until they have reached an inedible stage.

One may not deal in Shvi'is produce commercially. It is even forbidden to sell it for the purposes of a Mitzvah. If it is indeed sold, the money exchanged for it assumes the same sanctity. It, too, must be treated with care and spent on certain things. The items purchased with it, in turn, assume *Kedushas Shvi'is*. It should not be removed from Eretz Yisroel. One reason Esrogim of Shvi'is are permitted to be exported is that they are not being transported for commercial reasons, but for the Mitzvah. Some people return them after Sukkos to prove that they were only needed for the Mitzvah. Others eat them, since once they have been removed already, the best thing to do is to eat them.

When the fruit is no longer available in its natural form in the fields for wild animals to eat (i.e., its season is truly over), there is a Mitzvah of *Biur*. According to some, based on such indications in the Mishna, this means to destroy all remaining such fruits in one's possession. Others maintain that all that is required is to dispossess oneself of it. First one

dispenses as much as he can to friends and family members. Then the remainder is left out for anyone to take, *Hefker*. After the public has been given its chance, the original owner may reclaim it. If *Biur* was not done, most Poskim maintain that it is forbidden to eat it, but it retains *Kedushas Shvi'is*. There is a Talmudic debate on doing *Biur* outside Eretz Yisroel. This could be an additional reason for the practice of returning the Esrogim to Eretz Yisroel. Each food has its own time of *Biur*, based on its presence in the fields.

Like all forbidden foods, Shvi'is produce cooked with other food imparts a *Taam*, flavor, of the restricted food. The mixture then assumes the properties of the Shvi'is. Thus if the Esrog is cooked with a lot of sugar and a syrup is made of the water it was cooked in, the syrup has the status of the Esrog. If this syrup is then mixed with alcohol, the liqueur resulting is treated with *Kedushas Shvi'is*. This is especially true if the entire purpose of the mixture is to retain the Esrog flavor. [The Esrog itself is eaten on Tu B'shevat by many people.] It requires *Biur* at the time that Esrog has *Biur*, and must be treated with the respect of *Kedushas Shvi'is*. It may not be dealt with commercially either. [See *Mishnayos Shvi'is* 1-8, *Tosefta*, commentaries. *Shmita Kehilchasa* esp. 3.]

### **(C) SENDING SHVI'IS PRODUCE FOR MISHLOACH MANOS**

If the time of *Biur* has passed, those who require destruction, such as burning the produce, would consider the produce forbidden to benefit from. The usual measure of permissible or forbidden benefit is *Kiddushin*, the first stage of Jewish marriage. The groom gives the bride something of value, and says that with it he takes her as his wife. Technically, he "acquires" her as in a monetary transaction. This only works if he owns the item of value. If it is forbidden to benefit from, he does not own it for all intents and purposes. The Talmud says that if one used produce of Shvi'is to do a *Kidushin* transaction it is effective. Presumably, this must be before the time of *Biur*, according to this view. According to the other view, we will assume that after *Biur* has been done legally, he may retake the item from *Hefker* and use it at his own discretion, for *Kidushin* or any other use.

The issue at hand is a rule that one may not discharge an obligation with money or goods that do not belong to him, even if there is no obvious owner. Thus, says the Talmud, one may not use *Maaser*, produce

or money set aside for one's tithes, or Shvi'is or money exchanged for Shvi'is, to payoff a debt. The same applies to any monetary undertaking, such as tuition for one's children's Torah study, or a Halachic obligation. Thus, one may not pay *Matanos L'Evyonim* from his regular Tzedaka money, once it has been dedicated to the fund. [See last issue.] The Poskim apply the same rule to Mishloach Manos, since it, too, is an obligation. However, if one has already fulfilled the basic Mitzvah by sending one Mishloach Manos, he should be permitted to send additional sets from Shvi'is. In addition, if he wishes to add Shvi'is to the basic two Manos, he should be allowed. However, he must inform the recipient that it has Kedushas Shvi'is. The Talmud adds that one may not pay *Gomlin*, repayment of a voluntary gift.

The typical example in Talmudic times was the equivalent of a modern bridal shower. Anyone receiving gifts for his own wedding was expected to return the gesture. The Poskim maintain that the same is true where the accepted practice is to send Mishloach Manos to anyone who sent one them.

The reason for this seems to be the restriction on commerce. This is derived from the same words that restrict disposal, *L'chat'chila*, for you to eat, and not to destroy, and not to deal with commercially. Though one may give the produce as gifts to others to eat, he may not use them in a commercial way. This includes paying off obligations with them. Having paid off his obligations with them, he has gained financially from the Shvi'is produce. Accordingly, even though it is for a Mitzvah, one may not use the produce for his Mishloach Manos obligation.

However, some Poskim raise the possibility that it is permitted. They maintain that while Maaser may not be used, this is not due to its sanctity, but to its not belonging to the sender. It belongs to the Levite or the poor. Shvi'is belongs to the sender. He may eat it himself, and he is allowed to give it away as a gift. The distinction can be shown by comparing the two in regard to Kiddushin. While one can not effect Kiddushin using Maaser, when using Shvi'is produce it takes effect. A Levite or poor person can use the Maaser he receives for Kiddushin. Thus, it is evident that Shvi'is is considered belonging to the sender. Nonetheless, the lenient view is not conclusive. [See References in *Minchas Yitzchok* X:57, *Piskei Teshuvos* 695: 10, notes.]

**In conclusion**, one should not send the Esrog liqueur as the main Mishloach Manos, but may add it to the basic two foods.

### III. FINDING AN ABANDONED MISHLOACH MANOT

*Parshas Pekudeil/Hachodesh 5754 Vol II No*

#### QUESTIONS:

*People leave packages of food behind, specifically Mishloach Manos, in shuls and other public places. May they be taken by others or disposed of by the shul, or should they be kept for the sender or recipient?*

#### THE ISSUES TO DISCUSS:

- (A) Ownership and Hashavas Aveida, returning lost articles.
- (B) What if the package never reached its intended destination?
- (C) *Yiush Shelo Mida'as*, can one despair of reclaiming something when he is unaware that he lost it?

#### (A) OWNERSHIP AND HASHAVAS AVEIDA

The definition of ownership is the exclusive right to use or to do as one wishes with an article (and the responsibility to take care of it when it can affect others). This is viewed as a two-part definition: a) the article is an extension of the person, attached to him in a sense, and b) the power to stop anyone else from claiming rights to it. To transfer ownership, a valid *kinyan*, act of transaction, must be made between the party giving up his ownership and the party assuming ownership. This *kinyan* transfers the ownership to a second party, but relinquishment of ownership does not necessarily require transferal. One can declare an article Hefker, ownerless, and thereby permit anyone else to take it into their possession. Since there is no second party readily participating in a *Kinyan*, there may be certain restrictions on this form of relinquishing ownership; there are various interpretations by the Poskim on the exact technical definition of Hefker. Most authorities agree that the original owner's act of Hefker does remove the article from the possession of the owner, rather than simply permit others to assert a claim and then remove it from his possession. However, this is only the case where an owner actively declares it Hefker. If the owner loses it and, in despair, gives up hope of ever finding it, the laws of *Yiush* go into effect. With *Yiush*, the owner passively accepts the reality that anyone may find his article and keep it. This way he certainly permits its re-

removal from his possession, but it is not necessarily as forceful as Hefker. This article might still be his until someone else takes it. This means, for example, that he may still be responsible for it, or in other instances where a definite divestiture is necessary. Yiush might not count.

This is the subject of much debate by the Poskim and their commentators and exponents. When one finds a lost article, it should be returned to its owner. This Mitzvah is the Scriptural obligation of *Hashavas Aveida*. Only if it is known or can be assumed that he has voluntarily given up his claim to ownership, may the finder keep it; Le., if Yiush or Hefker took place, the finder of a lost article need not return it. Usually, Hefker may not be assumed, but in cases where there are obvious signs of it, such as something intentionally put where it will not stay, but may be moved, it can sometimes be assumed. Other examples of assumed Hefker are when we know that the owner would lose, either Halachically or financially, by retaining possession. Yiush has more definite guidelines: If the article has identifying marks including the type of packaging or contents, it is assumed that the owner does hold out hope of finding it or of successfully reclaiming it from the finder. If the article has no distinguishing marks but is placed carefully in such a way that it is clear that the owner did not simply lose it but may have forgotten to take it with him, since he probably remembers where it is, he might not despair. In this case it is forbidden to take it even with the intention of returning it to the owner. Other factors are also taken into account. [See e.g. Parshas K.i Seitzzei 22:1-4. Baba Metzia 12a, Shitas Mekubetzes. 2130. Baba Basra 54b, Chidushei R. Shimon Shkop. Gittin 38a Tosafos, 39b Rashi. Nedarim 7a. Rambam Hilchos Nedarim, 2:14. Shulchan Aruch Choshen Mishpat 273, 259 (esp. 2), 260, 261, 262 commentaries. Ketzos Hachoshen 361:1, 362:1. Venasan Lacoheh 19:3.]

### **(B) IF THE PACKAGE NEVER REACHED THE RECIPIENT**

If the sender was aware that the package had not been given to his intended recipient and left it in shul anyway, he either forgot it or made it Hefker. If it is left on a coatrack or placed neatly on a seat, one could suspect that it was forgotten, and the question of Yiush arises. If, however, it is left lying around, it is probably Hefker. Even if there was no open declaration of Hefker it is probably an *Aveida Midaas*, intentional loss. In such instances it is our practice to consider it Hefker. This is

because the owner left it in a way that he knew that he might not find it again and was not concerned. Therefore, Hefker may be assumed. In this case, even if a name is attached, since it is the kind of thing that was not dropped inadvertently but abandoned with the full knowledge of the owner, one is not obligated to return it to its owner. However, if there is a name and the finder can trace the owner, it is praiseworthy to try to return it, or to ascertain whether or not it is Hefker.

If the article was intentionally left in a specific location, such as on a coat rack, one must leave it so the owner may come to remove it himself. If it is in a seat, where it might have been lost or forgotten, the question is: does the owner possibly have Hefker or Yiush in mind? If a name is attached it is best to locate the owner and clarify the matter. If there is no name the question is whether a shul is a place where it has little or no protection from being taken. If the shul is like an open area, with many people passing through, the owner is more likely to have Yiush, even though he knowingly put it there originally. Or he might have decided to actively make it Hefker. If, however, it is a shul that is not often frequented by many people, it is a *Makom Mishtamer Ktzas*, a semisecure place, then the owner probably thinks that he can come back to retrieve it. However, this changes with time. Here it is obvious when the article was left: it is a package of Mishloach Manos which is given on Purim (presumably!) Therefore, if the owner has not come to retrieve it within two to three days, we may assume Hefker, or at least Yiush. In all probability the owner no longer remembers that he left it in shul and thinks it might be anywhere, including a public, open area and therefore has Yiush. [See Baba Metzia 21a, 25b, Rambam, Tur, *Bais Yosef*, Sh.Ar. C.M. 261 :4. 260 especially 9-11. 262:5 etc. commentaries.]

### **(C) THE RECIPIENT**

If the recipient did not actually receive the package but it was last in the hands of a third party acting (as an agent) on behalf of either the sender or the recipient, and he left it in shul, it belongs to the one on whose behalf he was acting. Since they are unaware of its whereabouts there is a question whether they are in a position to relinquish ownership. In order for Yiush to take place the owner must be aware that he lost the article and then despair of ever finding it. If the owner is unaware that he lost it, or if it was lost in a way that he has no realistic way of retrieving it but is unaware of this, we may not assume

Yiush. This is known as *Yiush Shelo Mid'aas*, despairing without knowing. For example, if one loses something without identifying markings, in an open place, but is unaware that he lost it, e.g. a coin falls out of his pocket in the street, we may not apply the laws of Yiush before he discovers his loss, even though if and when he does find out he will definitely have Yiush. (In the case of a lost coin, we may assume that people put their hands into their pockets very frequently, and thereby discover their losses very quickly.) In our case the sender and recipient may not find out until much later that the package was left in a shul, and therefore not have the opportunity for Yiush. Here, depending on the value of the package, a judgment must be made as to whether the sender and/or the recipient were willing to let it become Hefker in the event that it should not reach its destination. If the recipient received the package in his hands, then put it down and left it, its status is the same as the case when the sender left it. [See Baba Metzia 21b 22b. Poskim. Sh.Ar. C.M. 262:3, commentaries]

**In conclusion:** In all probability, the package is Hefker, and may therefore be taken by the finder. If it is not perishable, and is of such value that it is unlikely that it is Hefker, the laws of *Hashavas Aveida* apply. In any event, if there is a name, or other identifying marking on the package, it is praiseworthy to try to return it to the owner.

## 2. MIKRAH MEGILLAH

### I. READING MEGILLAH WITH A GROUP

*Halochoscope Parshas Mishpatim 5762 Vol IX No 43*

#### QUESTIONS:

*A group would like to share the reading of the Megillah. Each will take a turn to read some of it. Is this an acceptable way to perform this Mitzvah? Is it still preferable to have one person read the whole Megillah while the others follow along? If all of them have Kosher Megillos, may they all read it aloud together?*

#### THE ISSUES TO DISCUSS:

- (A) A Kosher Megillah
- (B) *Pirsumei Nisa*, publicizing the miracle; reading Megillah with a

*Minyan*

- (C) *Shomeia Ke'oneh*, hearing someone else is as good as reading oneself
- (D) Concentrating when two people are reading the same thing

### (A) A KOSHER MEGILLAH

The *Sifrei Kodesh*, books of the *Tanach*, have an elevated level of sanctity. This applies if they were written properly. They must be written on parchment with the proper ink in the proper characters and with correct intent. In addition, all the letters must be present, exactly as the *Mesorah*, tradition, has been transmitted. Each letter must be intact, and none may be touching others. [Literally, each must be surrounded by clean parchment.] The same Sefarim may be printed and studied from. However, the sanctity of the printed Sefer is less than that of the Sefer that was hand-written with all the requirements. In order to fulfill Mitzvos associated with a public reading of a Sefer, the text used must be on the highest level of sanctity. Thus, a Chumash is insufficient for *Krias Hatorah*. The same is true of *Mikra Megillah*, reading the Megillah on Purim. Incidentally, the same is really true of other readings, though they are not viewed as independent Mitzvos of the same caliber as *Krias Hatorah* and *Mikra Megillah*. Thus, ideally, *Haftarah* and *Eicha*, and even the other Megillos should be read from a parchment scroll. In many communities this has been revived.

There is a basic difference between *Krias Hatorah* and *Mikra Megillah*. The entire reading from the Torah must be read from the actual words. A *Baal Kriah* may not recite it from memory. The Poskim debate whether one or two words may be recited from memory, provided that an entire episode was not recited from memory. We follow those who require every word read. Thus, if a mistake is found in a Sefer Torah, the word can not be read from the text, since it is "not there." If it was read this way, then a new Sefer was used without the mistake, we usually repeat the word that had been recited "by heart." Under certain circumstances we do not repeat the part that might have been read by heart, relying on the lenient view. *Mikra Megillah* is more lenient. Up to half of it may be recited not from the text. However, an entire episode may not be recited this way.

Therefore, if a Megillah has smudged words or broken or touching

letters, it is still kosher, provided there is no complete episode that will need to be recited by heart. If one does not have a kosher Megillah he should listen to the reading of one who has one. He fulfills his obligation through *Shomei'a Ke'oneh* (see section C). He may assume that the Baal Keriah is careful to fulfill the ideal, reading every word. The listener should follow along with a printed text. If he misses a word while listening, he should quickly read it from his unkosher text, but make sure to keep up with the Koreh. Thus, he is mixing the Keriah of the Koreh, and his own recital by heart. However, the Poskim say he should not try to read the whole thing along with the Koreh. Inevitably, he will not be able to hear the Koreh properly, and will wind up reciting it by heart. [See Megillah 17a 18b, Poskim. Tur, Shulchan Aruch Orach Chaim 690:3,691, commentaries.]

### **(B) PIRSUMEI NISA**

The object of *Mikra Megillah* is *Pirsumei Nisa*, to publicize the miracle that took place. The Talmud debates the requirement for a *Minyan*. In one view a *Minyan* is always essential for the proper fulfillment of the Mitzvah. In the other view it is only essential when it is being read early. This occurred in Talmudic times when the fourteenth of Adar fell on any day other than Monday or Thursday. Villagers did not know how to read the Megillah themselves. They went in to larger towns to have it read for them by an expert. To make this arrangement work without disrupting the larger town's food supply and the villagers' schedules, the Rabbis instituted an earlier time to read it for the villagers. They would anyway go to town on Mondays and Thursdays, which was a market day. Therefore, the villagers did not need to come in especially on Purim morning. On these occasions they were required to read it with a *Minyan*. On Purim itself, in this view, a *Minyan* was not essential. The debate on reading it early applies nowadays, if one leaves on a trip, and will have no access to a Megillah. He is permitted to read it before leaving as of the eleventh of Adar. A rarer application is when Purim falls on Friday. In Yerushalayim they should read it on Shabbos. It is never read on Shabbos, it is pushed back to Erev Shabbos. They would require a *Minyan*.

The Poskim debate the meaning of this Talmudic debate. In one view it is indeed a debate over whether there is a basic need for a *Minyan*

to fulfill the Mitzvah. We follow the ruling that without a *Minyan* one fulfills the Mitzvah anyhow. In the other view these two opinions themselves agree that without a *Minyan* one can still fulfill the Mitzvah. The debate is over whether there is a Mitzvah to try to find ten people for it. There is no restriction against reading it without a *Minyan*. The issue is whether one fulfills his obligation this way. Therefore, if one knows that he will never get a *Minyan*, he should read it alone. The Poskim maintain that according to the views that we follow, a lone person reading it would also recite the Brocha, since he is fulfilling his obligation this way. Furthermore, less than ten people need not all read it privately, but one may read it for the others, reciting the Brochos for them as well. This is considered by some to be the preferred way, since a larger measure of publicity is attained.

This sparks a debate. If one has his private kosher Megillah, may he read along with the *Koreh*? In one view, if a group of people read together they fulfill *Pirsumei Nisa*. Even if they do not keep up with each other, it is similar to *Tefillah Betzibur*. Some people finish their silent Shemone Esrei before the others. Even he who finishes last fulfills his obligation to participate with the congregation. Thus, there is no requirement to have the Megillah read aloud by a single Koreh, except to exempt those who do not have kosher Megillos. The other view maintains that *Pirsumei Nisa* requires full united participation. This is only possible if one person reads it aloud and all the others listen. Reading it silently with the Koreh would thus be considered reading it without a *Minyan*. If Purim falls on Friday, those reading in Yerushalayim would have to be sure not to read along with the Koreh. [See Megillah 3a (Ran) 5a, Poskim. Tur Shulchan Arneil Orach Chaim 690:18687:2688:6-7, commentaries. Chazon Ish O.c. 155:2. Moadim Uzmanim II! I. 73. Piskei Teshuvos O.c. 690: 10.]

### **(C) SHOMEI'AH K'ONEH**

For all Mitzvos that are fulfilled by reciting something, one can either recite it himself or listen to another person reciting it. For most Brochos we do not rely on *Shomei'ah K'oneh*, except in the case of one who does not know how to recite it himself. This is partly because of concern that the listener will not be able to concentrate on hearing every word. Some Poskim say this is because it is always better

to recite something oneself rather than through another person. This is similar to the concept of fulfilling a Mitzvah personally rather than through an agent. However, some Mitzvos are meant to be recited aloud in a gathering. In such circumstances, the idea of *Berov Am Hadras Melech*, the more the people praising Hashem together, the better, is applied. Thus, if one person recites it with all the listeners in mind, it is as though the entire congregation is reciting it as one. This is a greater form of praise. Nonetheless, there is a debate on this issue, with some Poskim maintaining that in many of these cases one should try to recite his own Brocha, overriding the concept of *Berov Am*. In the case of Megillah, one could argue that assuming that *Pirsumei Nisa* is fulfilled by reading it with the Koreh, one should rather do it this way than rely only on the Koreh.

Perhaps it is actually better than nothing to divide the reading. This way each reader has a chance to fulfill part of the Mitzvah personally. In Talmudic times the Torah reading was divided between those who were honored with an Aliyah. This was abolished to save the ignorant (who needed a Koreh to do it for them) from embarrassment. Only the first Oleh said the first Brocha, and only the last said the last Brocha. However, the reason this was abolished is because those who come in the middle might think that there is no Brocha before. Those who leave early might think that there is no Brocha after reading. Therefore, it was instituted that every Oleh recites a Brocha before and after his Aliyah. Furthermore, there is a debate about a Koreh who lost his voice in the middle of the Megillah. In the middle of an Aliyah, a new Koreh takes over and repeats the whole Aliya. The same is true if the person reading Haftarah loses his voice. In the middle of *Tekias Shofar* (if the *Tokai'ah* lost his strength) the new *Tokai'ah* need not start at the beginning. Some say that Megillah is a complete thing and one can not break it up. The Brochos before and after it also connect the entire thing. We follow this view if possible. Accordingly, they may not divide the reading. They could read it together. However, this presumes that *Pirsumei Nisa* is fulfilled by congregating in one place, even if the reading is not by one Koreh. [See Sh. Ar. O.c. 140:1 284:5 692:Magen Avraham 2, commentaries.]

## **(D) TWO VOICES TOGETHER**

The Talmud does not allow two readers to read the Torah together. The reason is that it is too hard to hear two voices together. However, for Mikra Megillah it is allowed. Since the Mitzvah is dear to people, and the content is so uplifting, people make the effort to listen even if two people say it together. There appears to be a question whether this is permitted outright or just acceptable. The Mishna uses language implying that it is not ideal, but acceptable *Bidi'eved*, if it was already done. The Talmud cites a second source regarding recital with ten people, implying it is permitted. Most Poskim seem to follow the first source. This may be due to a difference between two and ten. If ten sing together it would be as *Hallel* sung in unison, whereas two readers could confuse listeners or even themselves. [See Megillah 21a-b, Poskim Tur, Sh. Ar. O.c. 690:2, Shaar Hatziyun 4.]

In conclusion, the Mitzvah will be fulfilled by reading it together if the group follows those who say that *Pirsumei Nisa* is satisfied by simply congregating together. They must also agree that the idea of two voices being heard is permitted rather than just acceptable. It would appear that they may all recite the Brocha as well, though they could all listen to one designated reciter. Since they consider this a congregation, they may also recite the Brocha after the Megillah (which is only recited with a Minyan). Lastly, to protect readers from embarrassment and to keep the Megillah as one complete text, we do not divide the reading if possible to avoid doing so.

## **II. READING MEGILLAH ON THE GO**

*Halochoscope Parshas Vayakhel/Shekalim 5760 Vol VII No 48*

### **QUESTIONS:**

*A group plans to go door-to-door fundraising on Purim, in a community some distance away. To maximize their efforts they must start at the earliest time possible. May they leave when it is too early to read the Megillah, missing the regular Minyan at home, but arriving too late for the regular reading at their destination? May they read Megillah while driving, despite the fact that the driver will need to concentrate on his driving?*

### **THE ISSUES TO DISCUSS:**

(A) The requirement to read the Megillah in a shul

- (B) Osek Bemitzvah Patur Min Hamitzvah, the dispensation for one preoccupied in one Mitzvah from interrupting for another
- (C) Fulfilling the Mitzvah while concentrating on driving

### **(A) READING MEGILLAH IN SHUL**

The object of *Mikra Megillah* is *Pirsumei Nisa*, to publicize the miracle that took place. This is not merely a reason, it is the Mitzvah. The Talmud debates the requirement for a *Minyan*. In one view a *Minyan* is always essential for the proper fulfillment of the Mitzvah. In the other view it is only essential when it is being read early. This occurred in Talmudic times when the fourteenth of Adar fell on any day other than Monday or Thursday. Villagers could not read the Megillah themselves. They would go into larger towns and have it read for them by an expert. To make this arrangement work without disrupting the larger town's food supply and the villagers' schedules, the Rabbis instituted an earlier time to read it for the villagers. They would anyway be entering the town on Mondays and Thursdays, which was a market day for everyone. Therefore, the villagers did not need to come in especially for this on Purim morning. On these occasions they were required to read it with a *Minyan*. On Purim itself, in this view, a *Minyan* was not essential. The debate on reading it early has relevance nowadays, if one leaves on a trip, when he will have no access to a Megillah. He is permitted to read it before leaving from the eleventh of Adar and on.

The Poskim debate the meaning of this Talmudic debate. In one view it is indeed a debate over whether there is a basic need for a *Minyan* to fulfill the Mitzvah. We follow the ruling that without a *Minyan* one fulfills the Mitzvah anyhow. The other view is that these two opinions themselves agree that without a *Minyan* one can still fulfill the Mitzvah. The debate is on whether there is a Mitzvah to try to find ten people for it. There is no restriction against reading it without a *Minyan*. The issue is whether one fulfills his obligation this way. Therefore, if one knows that he will never get a *Minyan*, he should certainly read it alone. The Poskim maintain that according to the views that we follow, a single person reading it would also recite the Brocha, since he is fulfilling his obligation this way. Furthermore, less than ten people need not all read it privately, but one may read it for the others, reciting the Brochos for them as well. In fact this is considered by some to be the

preferred way, since a larger measure of publicity is attained.

Since the Mitzvah is really *Pirsumei Nisa*, one may not rely on fulfilling his obligation alone. One is actually obliged to seek out a *Minyan* at all costs. The Poskim add a further requirement. One may not rely on a *Minyan* at his own convenience, but must try to go to a Shul, where a formal gathering is normal. The fact that a crowd travels to the Shul to congregate is itself *Pirsumei Nisa*. This requirement is derived from a Talmudic passage describing the importance of Megillah reading. The Talmud says that the *Kohanim* involved in their priestly service would be required to interrupt it to attend Megillah reading. Some commentaries point out that the temple services and offerings required well over a *Minyan*, and the *Kohanim* could easily have made their own *Minyan* when they were ready. The Talmud requires them to interrupt to attend the Shul, due to *Pirsumei Nisa*.

According to this, our questioners should be required to abandon their plans of reading it for themselves even with their own *Minyan*, if they are able to go to a Shul for it. [See Megillah 3a (Ran) 5a, Poskim. Tur Shulchan Aruch Orach Chaim 690:1 8687:2688:6-7, commentaries.]

### **(B) OSEK B'MITZVAH**

The Talmud derives from a Passuk (in *Kris Shaman*) that one must perform any Mitzvah in preference to pursuing his *personal* needs. From here we infer that when pursuing the needs of a Mitzvah, this does not apply. Thus, one preoccupied in a Mitzvah, is exempt from any other Mitzvah that should arise.

Does this also apply when the two Mitzvos are not in conflict with each other, yet the second is time-restricted? I.e., if one interrupts to fulfill the second Mitzvah, he will still be able to return to the first Mitzvah, whereas if he continues the first Mitzvah, by the time he finishes it will be too late for the other Mitzvah. The Poskim debate this issue. We follow the opinion that it makes no difference. The meaning of the exemption from the second Mitzvah is that one's time is now being taken up in the service of Hashem to fulfill the first Mitzvah. It may not be usurped for the second one, even if the second Mitzvah is greater than the first one. Another issue is whether the exemption works when one is fulfilling a Mitzvah, but it does not preoccupy him. In this case he must begin the second Mitzvah.

Regarding Megillah, which is, incidentally, a Rabbinically ordained Mitzvah (though the Talmud considers it possibly of Prophetic origin) the Talmud requires interrupting other Mitzvos to fulfill it. These other Mitzvos are the *Avoda*, services in the Bais Hamikdash, and Talmud Torah, Torah study. The Talmud derives from a Passuk that these interruptions were in-built to the Mitzvah of Megillah. From these the Poskim learn to require interrupting all Mitzvos to read Megillah. Megillah is so important that no other Mitzvah comes before it, except burying a *Mais Mitzvah*, corpse of one who has no others to take care of him.

The problem is that the entire concept of *Osek Bamitzvah* does not apply to one preoccupied in Torah study when the second Mitzvah arises. One interrupts his Torah study for any second Mitzvah that will be missed if delayed until after the Torah study, such as *Shema* and *Tefillah*. Thus, while the rule of *Osek Bemitzvah* would otherwise apply to interrupting a Mitzvah, we should not require a Passuk to suspend Torah study. Furthermore, the fact that it is suspended does not prove anything about other Mitzvos.

Accordingly, some commentaries explain the Talmud differently. They maintain that the exemption derived from the Passuk allows, or rather requires, the Kohanim to delay even beginning their *Avoda* until after the Megillah reading. This way it is no longer an issue of *Osek Bamitzvah*, but of choosing between two Mitzvos. One must show preference to Megillah when faced with the choice of Torah study or any other Mitzvah. This includes a fixed daily Shiur. If, however, one has already begun the other Mitzvah, we do not know whether it is included in the exemption, or whether the rule of *Osek Bamitzvah* applies. Naturally, it would not apply to Talmud Torah.

However, there is another approach. While it is true that Talmud Torah is interrupted for other Mitzvos, this only applies if it is not possible to fulfill both. If it is possible to do the other Mitzvah later, one need not interrupt his study. For Mikra Megillah one must interrupt to join the Shul Minyan at the time they read it.

Accordingly, in our case, if the fundraisers do not begin fundraising until the time for Mikra Megillah, they must first read the Megillah. If they begin earlier, they might be exempt by the time the Shul is reading it. On the other hand, they might be required not to even begin a Mitzvah before the time for Megillah arrives, so as not to be in the middle at the time of the shul's reading. Accordingly, they should not even start

on their trip. The fact that they plan to read it later themselves, even with Minyan, does not absolve them of the added requirement of *Pirsumei Nisa*. The fact that a traveler may leave a few days before (ignoring *Pirsumei Nisa*) does not relate to our situation, where it is already Purim and therefore they are already obliged. Furthermore, according to their plans, these fundraisers do not plan to be in the middle of their Mitzvah at the time that the Minyan is being read. They will be en route at this time. They will have placed themselves in a position that does not allow them to participate in the Minyan in Shul [See Brochos 11a (13b) 14b Shabbos 11a Sukah 25a 26a Megillah 3a Moed Katan 9b, Poskim. Tur Sh. Ar. 38:8 70:4687:2, commentaries.]

### **(C) READING WHILE DRIVING**

One may read the Megillah sitting or standing. The Poskim discuss reading it in a caravan, and the Torah states specifically that one reads *Shema* even walking around. Ideally, one reading it for a quorum should stand, and anyone reading it should stand for the Brochos.

One fulfills reading it by hearing another person reading it through *Shomei'a Ke'oneh*, hearing is like saying. Listeners to Megillah must follow well enough that if they miss a word they can fill it in themselves and catch up. A minority part of the Megillah may be recited by heart. Thus, if the driver knows it by heart, he could, theoretically, fulfill his obligation while driving. However, this is not the ideal way, nor should plans be made to fulfill it this way, despite the Mitzvah of *Tzedaka*. Why should that Mitzvah take precedence over this? [See Megila 17a-b 21a, Poskim. Sh. Ar. O.C. 688:7690:1-7, commentaries.]

Furthermore, it is wrong for a different reason. The driver must concentrate on his driving. He may not risk any danger to fulfill a Mitzvah, especially if it is his own Mitzvah pitted against the passengers' safety. At night, the additional hunger from fasting adds to the caution and care the driver must have. In a pressing situation, where he is the tenth man for the *Pirsumei Nisa*, and there is no other possible arrangement, it would be advisable to pull over and stop. Otherwise, the plans should be made to read the Megillah either in shul before they leave, or to arrive at their destination in time to read in Shul.

### III. READING MEGILLAH BEFORE SUNRISE

*Halochoscope Parshas Tetzaveh-Zachor(Purim) 5769 Vol. XII No. 27 דב*

#### QUESTIONS:

*A baal-kriah will be reading the megillah for a very early minyan, before sunrise. He would prefer to fulfill his personal obligation with a later reading. May he have in mind that he does not wish to rely on the first reading, despite reciting the brochos and reading it to discharge the obligation of those present? What if he reads it later without a minyan?*

#### THE ISSUES TO DISCUSS:

- A) The time for reading the Megillah
- B) Discharging the obligation for others
- C) *Kavanah shel latzais*, intent not to fulfill personal obligations
- D) Pirsumei Nisa, a minyan for the megillah reading

#### A) THE TIME FOR READING THE MEGILLAH

The Rabbinical mitzvah to read Megillas Ester on Purim applies both by night and by day. Generally, the mitzvos that must be performed by night may be performed all night, until dawn. The ideal time is usually at the first opportunity. This would be at nightfall. In the case of mikra megillah, one is faced with a conflict between this and other mitzvos that become obligatory at the same moment. Every night there is an obligation to recite *Shema*, considered a Scriptural mitzvah by most poskim, as well as the Rabbinical obligation to say the Shemone Esrai of Maariv. Since these are everyday obligations, while Mikra Megillah is timely, the rule is that the more common mitzvah takes precedence over the less common mitzvah. Therefore, the ideal time for Mikra Megillah at night is right after Shemone Esrai of Maariv.

Mitzvos that apply by day may be performed all day. This would appear to mean from dawn and on, since this is the end of the night. However, the Talmud seems to assume that the Torah's use of the word "Yom," day, refers to the time that the sun is shining. [Possibly, the word 'Yom' is sometimes used to denote the sun.] Nonetheless, the Talmud says that one who performs daytime mitzvos after dawn fulfills his obligation. This derived from the Torah's terminology at Creation, where the beginning of daylight is called Yom. Most commentaries maintain

that, accordingly, the true meaning of Yom is always to be understood as from dawn on. The reason to wait until sunrise is to be sure that it is really day time. This would, then, be considered a rabbinical precaution.

The term Yom is invoked to show that the mitzvah applies by day as well as by night. There remains, however, one view that the *ikar yom*, the main part of the day, begins at sunrise. In fact, some daytime mitzvos should be performed even earlier than sunrise, such as shema. The earliest moment for shema is when one can discern certain differences by the light. Some say that this applies specifically to shema, because the Torah never uses the term yom in relation to this mitzvah. Rather, the Torah requires a reading of shema 'when laying down and when arising'. Therefore, it need not be read after sunrise, but earlier. [There happens to be a major debate on the optimum time for the morning shema connected to the issue of sunrise.]

There is actually some discussion on the term used for sunrise in relation to these day time mitzvos. This arises from various problematic references to some of these mitzvos applying earlier than the sunrise we are used to. Therefore, some say that the term 'sunrise', here, refers to the point at which the Eastern sky is lit up. This is later than dawn. According to this view, the earliest time for mikra megillah is actually shortly after dawn, and before the time that one could recite shema. This might have some bearing on our discussion. However, the majority view is that mikra megillah should, ideally, be delayed until sunrise. In emergency situations, one may fulfill this mitzvah earlier, after dawn. The other mitzvos of Purim also apply after sunrise. The 'reading and the doing' of Purim are correlated. This means that one should wait for sunrise to eat and drink the festive meal, give money to the poor and send mishloach manos. The brocha *shehecheyanu* recited before megillah applies to these other mitzvos as well. [See Brochos 2a-b 8b 9b Megillah 20a-b, Poskim. Tur Sh Ar OC 687:1, commentaries. Minchas Kohain I:2 14.]

#### B) LEHOTZIE ACHAIRIM, DISCHARGING THE OBLIGATION OF THE LISTENERS

In our case, the reading of the megillah, and its brochos, are mitzvos that one should perform with his mouth. Mitzvos that require an utterance may usually be fulfilled by listening to another person pro-

nouncing them. This is the rule of *shomai'ah k'oneh*, one who hears is the same as one who 'responds'. There must be mutual intent of both speaker and listener to fulfill the mitzvah in this fashion. Every word must be sounded and heard clearly. This rule works for birchos hamitzvos. Birchos hanehenin, brochos on personal benefit, are not usually considered brochos on mitzvos. Therefore, each person benefiting must recite his own brocha.

If two or more people are kovai'ah, station themselves at a place and agree to join in one meal, they may have one person recite the brocha. Each, including the reciter, eats or drinks after the brocha. Thus, if one is not benefiting himself, he may not discharge the obligation of another. This implies that if the brocha or utterance is for a mitzvah purpose, even one who does not fulfill the mitzvah with this utterance may sound it for the sake of others who use it for their obligation.

This last idea is called *arvus* or *aravus*, literally responsibility. All Jews are responsible for one another. This is derived from a verse and is considered Scriptural. [Although most brochos are not Scripturally formulated, the concept of a brocha, and of other utterance requirements, is Scriptural.] As each Jew is responsible for his fellow, they may all be considered part of the same 'body.' One may speak for his fellow even when the speaker is not involved in the performance of the mitzvah himself. However, the speaker must be a *bar chiyuva*, one obligated in the mitzvah, to be considered responsible for his fellow bar chiyuva. A minor or one otherwise exempt may not act as arav.

If the person obligated is able to do the mitzvah by himself, it preferable that he not rely on aravus. However, if he did rely on it, he fulfills his obligation and need not repeat it. [See Sukah 38b, Rosh Hashana 29a-b, Sanhedrin 27b Shavuos 29a, Psachim 101a, Poskim. Rambam, Brochos 1:10 (Kiryas Sefer) Shabbos 29:10. Chinuch 31. Tur Sh.Ar. OC 167:19-20 213:1-3 219:5 (RAE) 273:4, commentaries.]

### **C) KAVANAH SHELO LATZAIS**

In our case, the baal kriah would like to reserve his own fulfillment of the mitzvah to be done after sunrise. He would like to read it for the early minyan while only discharging their obligation. This would mean that he will need to recite the brochos and read the megillah as one who has already fulfilled the mitzvah, discharging others. The question

is, can he do it this way around? In the regular situation, he reads it after having discharged his own obligation. Here, perhaps by his early reading he automatically fulfills his personal obligation.

The simple resolution would be to employ the technique of *kavanah shelo latzais*. When performing a mitzvah, especially one related to utterances, one must have the intent to fulfill it with his utterance. Generally, even without specific intent, there is presumed intent. Why else would one be doing or saying this! The issue arises when one has intent for something else, such as rehearsing the tune. One could have in mind that he does not wish to fulfill the mitzvah now. In our case, the korai will have in mind to discharge the obligation of the listener, but not to fulfill his own obligation. This would raise a few issues: Would he still be able to consider himself an *arav*? Could he indeed split his intent in two? Would he have the right to recite brochos, including HaShem's Name, while intending not to recite a brocho?

One may recite kiddush on Shabbos for another party, even if the one reciting it does not plan to eat. This applies even when the reciter has not yet eaten, and therefore, has not recited his own kiddush. According to some poskim, a volunteer at a nursing home may recite kiddush for the patients, early, without accepting Shabbos himself. He may then ride home before Shabbos. However, there is some debate whether this works for something like bircas hamazon, when the reciter did not eat. It does work for megillah in a different situation. In former times, villagers who could not read would gather on the Monday or Thursday preceding Purim. A townsman, who was not yet obligated, could read for them, according to most poskim. Bircas hamazon is Scriptural, while kiddush is Rabbinical. Megillah has the status of a stringent Rabbinical mitzvah, known as *divrei kaballah*. Given the lenient view on bircas hamazon, and the less than Scriptural status of megillah, coupled with the preference of waiting for sunrise, the *korai* should be able to stipulate *kavanah shelo latzais*. He will still be able to discharge the obligation of the early minyan. [See Brochos 48a Megillah 2a (Yerushalmi) Yevamos 14a, Poskim. Tur Sh.Ar. OC 167:20 197:4 273:4 585:2 692:3, commentaries. Tzitz Eliezer XIV:25.]

### **D) PIRSUMEI NISA**

The object of reading the megillah is *pirsumei nisa*, publicizing the

miracle. The Talmud debates the need for a minyan, for the reading to be considered truly public. In the lenient view, the minyan is only essential when it is read early, for the villagers (see above). Nowadays, this could apply to a group setting out on a trip before Purim, where they will not have the availability of mikra megillah on Purim. In rarer cases, when Purim falls on Friday, walled cities read it earlier than their usual date. In these cases a minyan is required according to all views.

The debate is about Purim itself. The poskim debate the meaning of the Talmudic debate. In one view, the issue is whether there is a basic need for a minyan to fulfill the mitzvah, like for kaddish and kedusha.

We follow the view that the mitzvah is fulfilled without the minyan. In the other view, both agree that one fulfills the mitzvah without a minyan. They debate whether there is a separate mitzvah to try to find ten people for it. Thus, we follow those who say that when reading it alone, one fulfills his basic obligation. He may still recite the brochos.

Furthermore, when nine people need to recite it, it is preferable for them to join as a group. One may read it for the rest, with brochos. According to some, this is even preferred. A larger measure of publicity is attained this way.

In addition, there is a requirement to go to a shul to read megillah. This is anyhow an enhanced way to fulfill *pirsumei nisa*. It also provides for a rov am, the principle of a multitude doing a mitzvah together. The poskim seem to indicate that the idea of *pirsumei nisa* is not necessarily a personal obligation. It applies to the community. Once the community has publicized the miracle, an individual who was absent may read megillah without a minyan later. Nonetheless, one may not recite the concluding brocha without a regular minyan.

Clearly, with a minyan, one fulfills a bigger mitzvah. Could our *korai* assume that *pirsumei nisa* is a separate, but connected obligation? Could he rely on his earlier reading for that? Or, if he considers this too early for the actual mitzvah, it is too early for the *pirsumei nisa* aspect! If so, should he rather fulfill the mitzvah early with a minyan, later without a minyan, or should he make the effort to hear it later with a minyan?

It appears from the majority of poskim that the requirement of a minyan, nowadays, where the megillah is anyhow being read somewhere in town with one, is *hidur mitzvah*, an enhancement of the mitzvah. It is not required at all. This certainly implies that one fulfills it by arrang-

ing for a group of ten others. In our case, the *korai* should certainly be able to consider his earlier reading a fulfillment of *pirsumei nisa*. He may read it later without a minyan. However, since he feels that his second reading is the one he wishes to rely on for his own obligation, he should try to do it with the *hidur*. [See Megillah 3a 5a, Poskim. Tur Sh Ar OC 690:18 (Ar Hash 25, KH 122) 692:1, commentaries]

**In conclusion**, the *korai* may stipulate that he does not wish to fulfill his personal obligation with the early reading. He may read it later, and has no obligation to do so with a minyan. He should make an effort to find a minyan, to enhance the mitzvah.

In the Parsha it states, “Sheep, a year-old, two a day, every day. The one sheep you should ‘do’ in the morning...” [29:38-39]. Although the word “yom” is used here, there was no requirement to wait for sunrise. The morning *korban tamid* was actually slaughtered at the earliest opportunity. This was when the Eastern sky was lit up, a good part of the service was completed before sunrise.

The question is, why not wait for sunrise here, as the Talmud says one should wait for sunrise for megillah? The Talmud says that they posted a lookout to see whether the Eastern sky was lit up. The reason we wait for other mitzvos is because we are not so expert at discerning this point in time. However, there is a view that the main day only begins at sunrise. Therefore, some add, the Torah uses the term ‘morning’ here. This means that it should be done as soon as the night is over. For other mitzvos, the optimum time might be sunrise. At daybreak one prepares. Here, the optimum time for the mitzvah is daybreak. [See Rashash Megillah 20a Netziv 20b]

### 3. COSTUMES

#### I. DRESSING IN COSTUME: HISTORY & REASONS

*Halochoscope Parshas Tetzaveh/Zachor Multiple Volumes*

There is a widespread custom to wear costumes on *Purim*. This is practiced in all Jewish communities, *Sephardi* and *Askenazi*, as indicated by the sources. The earliest sources give little indication of its origins. It predates the many *kabbalistic minhagim*. One can only guess that it has been around since *Purim* itself began, and that it is an ideal example of the Oral Torah in action. No one needed to write about something

so obvious and prevalent! References to the *minhag* discuss issues that have arisen as a result. There is evidence of a practice to make a pantomime about the *Purim* story. This was meant in particular to ridicule Haman and Achashverosh. This seems to have led to other types of play-acting. Traditionally, plays were associated with the influence of Greek culture. This raised concern for *moshav laitzim*, activities related to aimless frivolity sharply condemned under normal circumstances. Apparently, there is no concern that the idea of dressing up and having a carnival on a festival is pagan. While the practice would not be considered idolatry, it could have come under the category of *chukas hagoy*, something done by pagans for silly reasons.

The plays seem to have been a way of acting out the story. This would have been an alternative to the *targum*, or the *metargem*, where a narrator would translate and act out the story as it was read. Due to the laws of modesty, only men could act the parts. The characters representing the women in the story would wear women's costumes. This raised the issue of cross-dressing, which is Scripturally forbidden, under normal circumstances.

It is possible that the practice spread to wearing costumes for the fun of it. The Poskim refer to wearing them for the *Seuda*, festive meal.

Another issue raised deals with *kilayim-sha'atnez*, the prohibitions against certain cloths or fibers of mixed wool and linen content. Would a Rabbinical form of *sha'atnez* be relaxed for a *Purim* costume or play? Another issue arises regarding masks or costumes with images of humans or animals. They could touch on the prohibition of graven images. While the practices are discussed in the context of merrymaking, they are reverently described as a *minhag*. This implies a deeper significance. Merrymaking on *Purim* is a *mitzvah*. Along with eating and drinking, dressing up is a way to let oneself go. The poskim refer to a similar practice at weddings, where people dressed up to liven the gathering, in fulfillment of the *mitzvah* to gladden the bride and groom. In both instances, the fulfillment of the *mitzvah* is invoked to justify the behavior.

The deeper meanings offered include the original cause for the crisis that faced the Jewish people at the time. The Talmud says that their initial sin was bowing to the idol of Nebuchadnezzar, compounded by their benefiting from the feast of Achashverosh. Bowing to an idol is forbidden and punishable under any circumstances. Yet the Jews did not sin sincerely. They made a 'show', pretending to do it. Hashem, in

turn, made a 'show' of threatening us with annihilation. Dressing up in pretense celebrates this. In a twist on this, some cite a practice of dressing as gentiles particularly. The Jews behaved like gentiles for show. Some add an allusion to the Talmudic dictum requiring one to be drunk enough 'to confuse cursing Haman with blessing Mordechai'. Exchanging clothing represents this mix-up. In addition, some commentaries explain the word *misyahadim* in the *Megillah* to mean that many Gentiles pretended to be Jewish! Some trace the *minhag* to the cause of the animosity of Eisav to Yaakov, played out by Haman. Yaakov had dressed up in Eisav's clothes, tricking Yitzchok into blessing him. On the opposite side, Amalek used the ruse of disguise twice. The first time occurred when Amalek attacked Israel after the death of Aharon, dressed as Canaanites. The second occurred when Shaul went to war with them. Many Amalekites disguised themselves as sheep, fooling the Jews into allowing them to live.

On a separate track, many offer an explanation based on concealment. The miracle was possible because Esther followed Mordechai's instructions to conceal her Jewish identity until the right time. Therefore, we wear disguises. Furthermore, the story of Purim is one of *hester panim*, HaShem hiding His Hand. The entire episode has no open miracles, but all appears to be coincidence and court intrigue. Only when viewed in its entirety is the hidden Hand of HaShem manifest.

There is ample reference to clothing in the Purim story. It begins with Achashverosh donning the priestly vestments of the Temple. The turning point is when Mordechai is led through Shushan clothed in the royal garments. Therefore, we commemorate the clothing with our costumes. One source maintains that the practice was instituted to save the poor, who ask for alms on Purim, from embarrassment. This has a precedent going back to Biblical times, in regard to the Fifteenth of Av. Perhaps whimsically, or perhaps with more than a grain of truth, some relate switching costumes to *vanahapoch hu*, it was turned about, the theme of the miracle of Purim. [See *Megillah* 12a, *Chulin* 139b. *Darkei Moshe & Sh. Ar. OC 696:4 (Rema), 301: M.A. 2*, commentaries, *Minhag Yisroel Torah. Bnai Yisasachar, Adar: 9. Taamei Haminhagim 892. Sefer Hatoda'ah, Purim.*]

## II. CHUKAS HAGOY / DRESSING & MAKING COSTUMES OF AVODAH ZARAH

### QUESTIONS:

May a man dress up as a nun on Purim? What if he breaks one arm of the cross?

### THE ISSUES TO DISCUSS:

- (A) Custom of Dressing as Goyim on Purim
- (B) Chukas Hagoy, the prohibition against dressing like gentiles.
- (C) Making Costumes of Goyim

### (A) CUSTOM OF DRESSING AS GOYIM

#### SEE SECTION I – DRESSING IN COSTUME: HISTORY & REASONS

Early sources for this practice give little indication of its origin. There is a Talmudic reference to *Mashvarta Depuria*. On Purim, a hole would be dug, a fire kindled therein, and people would jump across the hole. Some commentaries add: an effigy of Haman was burned inside the hole. Church records support this view; they show that the Christians suspected the Jews of burning an effigy of their god. They cited the practice of jumping over the hole shouting Yemach Shemo Vezichro, in reference to eradicating the memory of Amalek, the arch-enemy. They thought this was a direct reference to their god, whose name is spelled out by the initial letters of this statement. Thus, many countries were banned from the practice. However, it survived the ban and resurfaced in other forms: At first someone would dress as Haman, then other characters from the Megillah were added. Eventually, local personalities were used as models for the villains, which incensed the nobility and the church. (They were usually the local villains.) This led to many unfortunate results, and were anyhow condemned by the Rabbinate. Since, to dress like a churchman involves some violations, including holding a cross, as shall be discussed, some viewed the unfortunate results as Divine retribution. Eventually a pantomime evolved.

The pantomime is mentioned by the Poskim due to the concern for *Moshav Leitzim*, activities related to aimless frivolity, sharply condemned

under normal circumstances. Apparently, there is no concern that the idea of dressing up and having a carnival on a festival is pagan, Chukas Hagoy. Some suggest that this Minhag, along with the banging for Haman did originate as a copy of the local gentile practices on the eve of their “Pischa,” the Easter holiday. However, once it became widespread, and the gentiles stopped practicing it, it became acceptable.

Another aspect condemned by the Poskim was the appointment of a “Purim Rav” or “Purim President,” in each community. These characters would poke fun at the dignitaries using insults and unsavory language. Nonetheless, the practice is given a reasonable basis by some, presumably if it is kept decent. In presenting the plays, including the Purim story, costumes are worn to represent the characters and caricature the villains. Due to the laws of modesty, a man would play the part representing Esther.

### (B) CHUKAS HAGOY – WEARING COSTUMES OF AVODAH ZARAH

There are three references in the Torah to this prohibition. Twice the Torah specifically forbids following the *Chukos*, statutes of the gentiles. The third time the Torah warns us *Pen Tinakesh*, lest we are ensnared by the gentiles. The Sifri cites three interpretations: Not to be drawn after them; not to copy their ways and dress; and not to be trapped by following their practices ourselves.

The Poskim explain the Mitzvah as primarily warning against trying to appear like the gentiles. Therefore, they cite two types of Chukas Hagoy. The first type is to wear or do what the gentiles wear or do with no apparent reason, a *Chok*. This shows that the wearer has no positive purpose in wearing it other than to copy the gentiles. This includes superstitious practices, called *Darkei Emori*. The second type of Chukas Hagoy is the imitation of clothing worn by gentiles for their showiness, to attract attention. These are against the spirit of modesty demanded of Jews. Jews are meant to adopt a modest manner of dress, which will come to distinguish them from the other nations. In Talmudic times, even the color of shoelaces was different. In more recent times, the Jews in Europe adopted modest, formal wear. This might have been worn by earlier generations of the gentile population. However, once it was abandoned by them, the Jews could wear it. This idea is

mentioned with regard to wearing red. This was considered immodest and attractive. However, some Poskim maintain that it was only forbidden as long as it was worn by gentile nobility. Nowadays, it is permitted.

Red is still worn by the highest church dignitaries. Clothing specifically worn by church dignitaries raises its own issues. There was a practice for rabbis and cantors in assimilationist synagogues to don outfits similar to those worn in church. This was condemned by the Poskim. In our case, the outfit is not being worn to try to look like the gentiles. The intent is to ridicule the particular model for the costume, especially, as is common, if one dresses as a pregnant nun. Nonetheless, since the costume itself is a distinctly gentile one, associated with idolatry, it would be wise not to look too realistic. The bottom line is that one is wearing a church costume. [See Parshas Acharei Mos 18:3. Kedoshim 2:23, Shra. Re'ay 12:30, Sifri. Avoda Zara 11a (Tosafos) Sanhedrin 74a-b, Poskim. Maharik Tur Sh. Ar. Y.D. 178:1, Darkei Teshuva 56718.]

### **(C) MAKING COSTUMES OF AVODAH ZARAH**

The cross raises problems of its own. A cross worshiped by a gentile is forbidden to benefit from, to possess, and must be destroyed. Even looking at one is forbidden, under the Mitzvah *Al Tifnu*, do not turn towards idols. If the gentile idolator is *Mevatel* it, either by breaking it or doing something the Talmud considers disrespectful to it, it is now permitted. A Jew cannot use this ploy to permit his own idol for use, and he must destroy it. Even if the cross was made by a Jew especially for this purpose, so that it never was meant as an idol, it is still problematic.

The Poskim forbid a Jew making crosses for gentile gravestones. Though the gentile has not yet taken possession and used it in a religious rite, the Jew was forbidden to make it, *Lo Saase*, one of the Ten Commandments, forbidding making idols. Furthermore, looking at it is also forbidden. In our case, the maker has no intention of selling it to a gentile, but the inherent distaste, plus the association that it would conjure up, deem it inadvisable to both make and wear. Even breaking off a piece would not really put the matter to rest. Finally, there is an issue of *Mar'is Ayin*, appearances. Who is to know whether this is the real thing or not? [See *Sh. Al. Y.D. 141:1 Darkei Teshuva 5*]

## **II. LO YILBASH**

*Halochoscope Parshas Tetzaveh/Zachor 5756 Vol IV No 7*

### **QUESTIONS:**

*Assuming that a man may not dress as a woman, and vice versa, does this apply to small children?*

### **THE ISSUES TO DISCUSS:**

- (A) Lo Yilbash, the prohibition against wearing clothing of the opposite sex
- (B) Chinuch in this Mitzvah

### **(A) LO YILBASH**

The Torah forbids wearing the clothing of the opposite sex. The Talmud debates this Mitzvah. One view holds that the law is to keep men and women from mingling: if a man dresses like a woman he will therefore mingle with women, which could lead to sin, and vice-versa. The other view is that it is forbidden as more of a Chok, statute.

One difference between the views is whether or not select items of clothing may be switched, while retaining all others of the appropriate gender. Another difference is whether a man may wear cosmetics, or even improve his looks by removing white hairs. The Poskim follow the second view, but even the first view forbids these things Rabbinnically. Furthermore, the second view, according to the commentators, does not disagree with the reasoning of the first view; it is indeed a precautionary measure to prevent mingling, but is forbidden even where no mingling will result.

Accordingly, the practice of dressing this way for Purim is a major controversy. Some Poskim permit it on the grounds that it is not done seriously, but for show. Reference is made to wearing *Sha'atnez* without intending to clothe oneself, but for other reasons. Sometimes Rabbinnically forbidden *Sha'atnez* is allowed in such cases. However, others forbid it, citing opinions that specifically rule out wearing such clothes even in jest. In addition, if the disguise is to work, the whole body is dressed in this way. This could certainly lead to the mingling that we want to avoid. Therefore, most Poskim forbid this part of the Minhag. [See *Nazir 58b Poskim. Tur Bais Yosef Bach Sh. At. Y.D. 182:5 O.c. 696:4*

## (B) CHINUCH

The Mitzvah of Chinuch is a Rabbinical obligation. Some consider it the child's obligation, while others point out that Rabbinical obligations are rooted in the Scriptural obligation to adhere by the words of Torah scholars. Children, not obligated in Mitzvos until they are bar- or bas-mitzvah, cannot be obligated even Rabbinically. A third view considers the parents responsible to train a very young child to do Mitzvos in general. When the child matures enough to understand each Mitzvah he assumes the real Chinuch obligation himself. Chinuch applies to a child old enough to perform the Mitzvah. This could mean he is old enough to understand it, or mature enough to do the act. Thus, the age of Chinuch varies with the different Mitzvos. For negative commandments it applies uniformly at the age when he will listen when told not to do something. Some Poskim give this age as two or three years old.

Lo Yilbash is a negative Mitzvah, and should theoretically apply at a very young age. However, we find another debate on the meaning of Chinuch. Is it simply training the child in the motions of the Mitzvah, to give him practice for when he is an adult? Or, is the child actually considered a small adult now? The difference, in our case, is that if the Mitzvah of Lo Yilbash is to deter mingling leading to sin, the situation does not really exist for a child the way it would an adult. In addition, many clothes for young children are interchangeable, with gender-neutral colors or patterns. According to the view that Chinuch is training, the child is restricted at a young age, but the other view would permit a young boy to be dressed as a girl, until he is old enough to have the restrictions against mingling.

Though it appears that the first view is accepted, contemporary Poskim are quoted with differing views on the subject of dressing up on Purim. Since it is a Minhag that is justified by some Poskim but rejected by others, some Poskim allow boys under bar-mitzvah to dress as girls and vice-versa. Based on the Talmudic debate, some more stringent Poskim permit interchanging costumes if they still retain a majority of their gender-appropriate clothing, making it clear they are dressed up for play. [See Brachos 48a, Megillah 19b, Chagiga 2a/6a, Yevamos 114a-b, Suka 42a-b Poskim, Tur Sh. Ar. Bach D.C. 343 675:3 689:2 commen-

taries, etc. Igros Moshe Y.D. 1:137 11:104. Shma Beni 24, notes 13-15. Halochoscope 1:14/25, 11:34.]

## III. DAVENING IN A COSTUME

*Halochoscope Parshas Tetzaveh/Zachor 5756 Vol IV No 7*

### QUESTIONS:

*May one wear a Purim costume for davening in Shul?*

### THE ISSUES TO DISCUSS:

(A) Costumes in Shul

(B) The Proper Dress for Davening

## A) COSTUMES IN SHUL

For all sacred utterances one must be appropriately clothed, including a separation between the heart and organs beneath the waist. This is based on a *passuk* that indicates that one's nakedness should not be seen even by the heart. For *Shemone Esrai* one must be even more formally dressed, as though presenting oneself to dignitaries; HaShem's awesome majesty demands this. In a shul a third issue arises. Being a place reserved for davening, it is a 'minor *Bais Hamikdash*.' There is a *mitzvah* to revere it, in conduct and dress.

A *Shaliach tzibur* must be even more formally attired, in respect for the *tzibur*, and to avoid serving as a distraction to the crowd. Thus, a costume that does not meet the standards of reverence may not be worn even for *Shemone Esrai*. A plain exchange of clothing would be perfectly fine, even for a *shatz*. A decent, but overly elaborate costume could cause distraction. If it is worn to convey a frivolous message, it could also raise the issue of *kalus rosh*, irreverent levity in a shul. In addition, a shul dress code must be followed by all congregants, unless they suspend it for Purim. As for make-up, if it is not 'dirt' it may be worn for sacred utterances. If one would feel uncomfortable presenting himself to a dignitary in any disguise, he should not say *Shemone Esrai* while wearing it. [See Brochos 23a 30a-31a, etc., Megillah 24a 28a, Poskim. Tur Sh. Ar. OC 53:esp. 25, 74, 91:3-5, 92, 151:1, commentaries.]

## **(B) DRESSING FORMALLY FOR SHUL AND DAVENING**

The obligation to present oneself formally when davening is based on a number of issues. For all Brachos or Tefillos one must be properly clothed. This includes wearing a separation between the parts of the body where the heart is and the organs below the waist. This is based on a Passuk in the Torah, interpreted to mean that the *Erva*, nakedness, should not be seen even by one's heart. For Tefilla, *Shemone Esrei*, there is an additional requirement to be well dressed enough to be presented to important dignitaries. Though we might be accustomed to "dignitaries" that are not very dignified, but casual, the meaning here is that during Tefilla one faces HaShem Himself. In the presence of such awesome majesty it is important to dress formally. Each community must measure dignified clothing in its own terms. Perhaps today we must use Jewish dignitaries, great Torah sages, as our guide, or (in the US) important business associates. This is based on another Passuk to prepare to meet with HaShem.

In a Shul a third issue is involved, even when not coming to daven: There is a Mitzvah to revere the place where davening takes place, based on the Mitzvah to revere the Bais Hamikdash. *Kalus Rosh*, frivolity, is forbidden in Shul. The *Shaliach Tzibur*, leader, in particular must dress formally, out of respect for the *Tzibur*, congregation. There are examples where a congregant evidently is not dressed appropriately, and barred from being *Shaliach Tzibur*, but is allowed to remain in Shul. Wearing too much is sometimes also considered disrespectful. For example, one should not wear gloves, and in some communities boots were also outlawed in Shul. The Poskim refer additionally to entering a Shul with no head covering, which is forbidden by most. Accordingly, a costume that does not meet the extra standards of reverence should not be worn in Shul or for *Shemone Esrei*. However, it may be worn for Brachos.

A simple outfit that is usually worn by others does not appear to be unsuitable. However, if it will cause undue distraction to the others present, or if it is evidently meant to convey a message, it might be considered *Kalus Rosh*. One should, at least, not act as *Shaliach Tzibur* in such an outfit. Elaborate costumes are obviously more problematic. Though they need not necessarily be changed for Shul, the wearer should not act as *Shaliach Tzibur*. If the Shul has a dress code, however, even congregants may not violate it on Purim, unless the congregation

agrees to a relaxation of normal standards.

Normally, one must be clean for davening, or for any Brocha. This includes cleaning one's face. However, one may wear make-up if it is to improve her appearance. Assuming that the make-up used by a man on Purim is permitted, it is still not meant as an improvement but a disguise. Nonetheless, it is not dirt, and could be considered clean with regard to Tefila, provided that it meets the criteria of making oneself presentable to a dignitary.

However, the primary concern is the ability to focus properly on the *Shemone Esrei* while wearing elaborate attire or with face make-up, even on Purim, and one should practice stringency. During the reading of the Megillah, however, especially if not in a Shul, there is nothing wrong with wearing a decent costume. [See Brachos e.g. 23a 30a-31a etc. Megila 24a 28a. Tur Sh. Ar. O.C. 53: esp. 25, Rema 74 91: esp. 3-5 92151:1 commentaries, Poskim.]

## **IV. GETTING READY FOR A MOTZEI SHABBOS PURIM**

*Halochoscope Parshas Tetzaveh/Zachor/Purim 5767. Vol. X No. 33*

### **QUESTIONS:**

*If Purim falls on Motzo'ai Shabbos, may children put on their Purim costumes before the end of Shabbos, to go to shul wearing them for the Megillah reading?*

### **THE ISSUES TO DISCUSS:**

- A) *Hachanah*, preparing on Shabbos for after Shabbos; other possible violations.
- B) *Vechibadeto*, honoring Shabbos in dress, possible dishonor.

## **(C) HACHANAH AND OTHER POSSIBLE VIOLATIONS**

It is forbidden to prepare on Shabbos for after Shabbos even if no *melacha* is violated.

The Talmud debates whether this is a Scriptural or Rabbinical prohibition, but the consensus of most poskim is to forbid it Scripturally. Thus, one may not prepare the wine for *havdalah* before Shabbos is over. Nor may one clear the table, make a bed, wash dishes after *seuda*

*shlishis*, or the like. It is forbidden to bring a *megillah* to shul on Shabbos, when Purim falls on Sunday. One may not even ask a child to bring it. However, one can bring it to shul early in the day inconspicuously, and then learn from it, to avoid *hachanah*, assuming that we do not consider the *megillah muktzeh*. [See MB 688:18.]

This means that if something is definitely done for Shabbos as well as after Shabbos, it is not considered *hachanah*. Accordingly, one could not wear a costume before Shabbos is out, if Purim is on Sunday, even if one is not going to shul wearing it. However, if the costume being worn could also be considered Shabbos attire, it could be permitted. Nonetheless, if there is no definite Shabbos use, it is questionable whether a possibility is enough to avoid *hachanah*. Furthermore, the item would need to be used early enough in the day to avoid the appearance of *hachanah*. Since walking to shul for *maariv* is clearly permitted, and one needs to dress for shul, it might be permitted to wear a decent 'exchange of clothing'. One could even add that the joy of Purim spills over into the preceding day enough to be combined with Shabbos.

However, regardless of whether a reason can be found to justify preparing for Purim at the conclusion of Shabbos, the honor of Shabbos may not be compromised. One must avoid any true *melachos*, such as *tzovai'ah*, dyeing when putting on make-up, untying or tying knots, pinning, sticking, detaching and tearing. If there is no *eruv*, one may not wear items that are not considered proper clothing. For example, a mask is not considered worn, and would be considered carrying. [See Beitza 2b 17a, Pesachim 46b, Shabbos 66b, Poskim. Tur, Sh.

Ar. OC 254:MA 23, MB 43, 301:20, 302:3, 323:6, 503, 667, 693:1, commentaries.]

#### **D) VECHIBADETO**

The *mitzvah* to dress especially for Shabbos is based on the *pasuk* in *Yeshaya*, *Vechibadeto mai'asos derachecha*, and is part of the general instructions to honor Shabbos.

Thus, it is considered by many poskim to be on a level higher than ordinary Rabbinical obligations. The Talmud says that the minimum requirement for this *kibud* is to wear a clean item of clothing. Ezra instituted that laundering should be done on Thursdays to ensure that clothing would be cleaned in honor of Shabbos. One should keep his

Shabbos clothing on until after *havdalah*. Even in the privacy of one's home, one must wear Shabbos clothing. This mandate is for the honor of Shabbos, rather than to impress onlookers. Removing Shabbos clothing before Shabbos concludes accomplishes the opposite of *kavod Shabbos*.

Putting on special clothing for after Shabbos goes further. It shows that one is according greater honor to the next day than to Shabbos. Accordingly, it would appear that in addition to *hachanah*, if an item of clothing is being worn specifically for Purim, it raises this issue. If it is worn for Erev Purim, which happens to be Shabbos, and it also could be honoring Shabbos somewhat, it appears to be permissible. The poskim do not forbid wearing a mask indoors on Shabbos. Presumably, it would not be considered disrespectful to Shabbos, if it might also be worn as part of the merrymaking at a wedding or the like. Thus, as long as the item can be considered appropriate or respectful to Shabbos as well, this issue would not arise. However, if the costume is not appropriate for Shabbos clothing at all, one should wait until after *havdalah* to change. Generally, *havdalah* is said after the *megillah* is read. Therefore, one would remain in Shabbos clothing. In fact, it can be noted that Purim can be celebrated as a *chag* simply by dressing in Shabbos clothing, especially for the formal Mitzvot of reading the *Megillah* and for the *Seudah*. [See Shabbos 113a, Poskim. Tur, BY, Sh. Ar. OC 262:2-3, 302:3, 695:1, commentaries.]

## **4. MISHTE V'SIMCHA**

### **I. PIDYON HABEN ON PURIM**

*Halochoscope Vol V, No 10*

#### **QUESTIONS:**

*A firstborn boy is born thirty-two days before Purim. That year Purim falls on a Sunday. The Pidyon Haben, redemption of the firstborn, is done on the thirty-first day after the birth. If this is a Shabbos, it is pushed off to the next day. An accompanying Seudas Mitzvah, a banquet held as a Mitzvah is hosted. May the Pidyon Haben be done, with its Seuda, on Purim night? If it is done on Purim, may one rely on the Seudas Purim to satisfy both requirements of Seuda? May the Pidyon Haben be done on Purim, and the Seuda*

held the following night?

### THE ISSUES TO DISCUSS:

- (A) The Mitzvah of Pidyon Haben and its timing
- (B) The Seuda of Pidyon Haben
- (C) The Seuda of Purim
- (D) *Ain Me'arvin Simcha Besimcha*: Not to Mix Two Simchos of Mitzvah

### (A) PIDYON HABEN

The Mitzvah of Pidyon Haben is a redemption of the first male issue from the womb of a Jewish woman. It does not apply to the child of a parent who is a Kohen or Levi. The Mitzvah is incumbent on the father of the boy, unless the father neglects to fulfill it until the child grows to adulthood. Then, some Poskim maintain that it is still the father's obligation, but may be performed by the son as well, while others maintain that it is only the son's obligation. [See *Halochoscope* Vol. 1:5]

The five silver pieces are considered five ounces of silver, by some Poskim. Some Kohanim keep special coins that have been ruled acceptable for this by great Poskim of earlier generations. They do not necessarily need to be currently used tender in the country where the Mitzvah is performed. In the era of the Torah and Talmud, ten times this figure could support someone for one year. Thus, by modern standards five pieces would probably be about two thousand dollars. However, we are not required to adjust the figure, but to use the original silver volume.

It is a monetary gift. Thus, if there is any doubt about the child being a real first-born, or about the credentials of the Kohen, the father is exempt. However, it is also considered a spiritual obligation; there is a measure of sanctity on the child until he is redeemed. The procedure of redemption removes this type of Kedusha. The continued presence of this Kedusha following redemption is considered dangerous to the child. Therefore, even in cases of doubt, the Mitzvah is performed.

The Mitzvah is meant to be performed when the boy is one month old. The Talmud teaches us that this means not before one month, but any time later. As soon as this time arrives one should do the Pidyon immediately. Firstly, one should not delay the any Mitzvah once its time arrives. Secondly, since the Torah gives a set time for it, the implication is that this is the time for the Mitzvah; any later time is compensatory.

Thirdly, one wants to remove the danger to the baby as soon as possible.

One month is taken to mean thirty days. Therefore, until the thirty-first day after the birth one should not perform the Mitzvah. The term Chodesh used by the Torah normally means a calendar month. This depends on how the new moon appears, sometimes after an interval of twenty-nine days, and sometimes thirty. If a boy is born on a certain date in one month, he is one month old on the same date the following month. However, in this case the length of a month is assumed to be what we know without sighting a new moon. The exact length of the lunar cycle is twenty-nine days, twelve hours and seven hundred, ninety three Chalakim. [A minute is 18 Chalakim, so  $793 = 44$  minutes and 1 Chelek] This moment might arrive on day thirty. If the boy was born late in the day in summer, when the night is shorter than twelve hours, this time will arrive in the late morning on day thirty-one. The Minhag is to wait until day thirty-one. Nonetheless, some Poskim maintain that if day thirty-one is a fast day, or if it is Shabbos (when Pidyon Haben is not done) one should do it as soon as the required Chodesh arrives. This is because one must perform this Mitzvah as soon as possible.

Pidyon Haben is not done on Shabbos, because it is a form of commercial activity. The main transaction taking place is a Matana, gift, of the Kohain, being redeemed from him with money. All commercial activity is Rabbinically forbidden on Shabbos. For the same reasons it is not done on Yom Tov.

Theoretically, Pidyon may be done by night, but this is not the prevailing practice. [One explanation is that if the required time did not yet pass, one must anyhow wait until morning. Therefore, to avoid mistakes, it is always pushed off to the morning.] However, according to the view that allows Pidyon on day thirty after the full month has passed, Pidyon may be done on the night before a fast day. If a fast day falls on day thirty-one, and the required time is reached at night, rather than delaying it to the day after the fast, it would be done the night before. [See Parshas Bo 13:etc. Korach 18:16. Bechoros 12b-13a 49a Kidushin 29a Baba Kama 80a Poskim. Tuf, Shulchan Aruch Yoreh Deah 305:11 13 Shach 12, 19, commentaries. Aruch Hashulchan 39-45. Sefer Chasidim 334 (notes)]

## **(B) THE SEUDA OF PIDYON HABEN**

The Talmud makes no clear statement that a Seuda is part of the Mitzvah of Pidyon Haben. There is an implication in one Talmudic passage that a feast was held in celebration of the Pidyon Haben, but this is no proof that there is an obligation. Ultimately, it is a Minhag that became the expected practice. The reason for the Minhag is to publicize the Mitzvah, which is therefore done during the Seuda, after the first bite of bread. To further publicize it, the Kohain recites a Brocha on wine after the Pidyon. If wine is not available, and beer is used instead, the Pidyon is performed before the Seuda begins. Once the Seuda begins one does not recite a Brocha on beer. We see how serious the idea of publicizing the Mitzvah is. For this reason it is not customary to do the Pidyon on a fast day, even if the Seuda will be held that night (which is done for a Bris Milah.) Both should be done together. [See Baba Kama 80a. Moed Katan 8b, Tosafos. Rema Y.D. 305:10, commentaries. Taamei Haminhagim 933-935.]

## **(C) SEUDAS PURIM**

One of the integral Mitzvos on Purim is the Seuda. It is forbidden to fast on Purim, as on any other Yomtov. Whereas on other Yomim Tovim one eats the Seuda as a part of the general festivities, on Purim it is an obligation in its own right. It is the essence of the Yomtov; the story began with the feast of Achashverosh and the miracles came about through the medium of a Seuda. Accordingly, this Seuda is so important that one should be preoccupied in it to the exclusion of all else, including Torah study.

The main Seuda must be eaten by day, but most Poskim agree that there is an obligation to eat something festive by night. Furthermore, the Minhag is to extend the day Seuda into the following night, in celebration of Shushan Purim. In addition, there is an obligation to eat something festive on Shushan Purim day.

The Mitzvah is to eat a lot on Purim, leading to the practice to eat something continuously throughout the day. There is a practice to eat two Seudos by day on Purim. It is said that this originates from the fact that Purim is a Yomtov. Since a Yomtov has two Seudos, and the night Seuda does not count, people eat two by day. Though the night Seuda

does not count as the integral Seuda, but might count as a Yomtov Seuda, this practice does highlight another issue: any Seuda eaten on Purim by day automatically has the status of a Purim Seuda. Indeed, some sources appear to support this principle. A more probable source for the practice is the opinion of many Poskim that the main Seuda should be in the morning. Since the practice is to begin the Seuda late in the day, those wishing to satisfy both views eat two Seudos.

Normally, Mitzvos require intent. Thus, one forced to do a Mitzvah does not fulfill his obligation. There are exceptions to this, notably Mitzvos relating to food: such as eating Matzo! Since Seudas Purim specifically celebrates the Yomtov, however, there is an opinion that says that for the Purim Seuda one must have intent. Therefore, if the Seuda would be eaten with specific alternative intent, it would not count for this Mitzvah. [See Megillah 5b 7b, Pesachim 68b, Poskim. Tur, Bach, Sh.Ar. Orach Chaim 695:1, 2, Rema, commentaries (Mishneh Berurah 9-10, Kaf Hachaim 23), Pri Megadim (Mishbetzos) 1].

## **(D) AIN ME'ARVIN SIMCHA BESIMCHA**

This idea is based on the laws of holding weddings. When Yaakov married Leah, he had to wait until the week of celebration (Sheva Brachos) was over before marrying Rochel. An additional source is from the conduct of Shlomo Hamelech and the Jews at the celebration for the erection of the first Bais Hamikdash.

The reason for this, according to the commentaries is another rule: *Ain Osin Mitzvos Chavilos*, one should not do two distinct Mitzvos in one act, to "kill two birds with one stone." One's mind should be able to focus on each separately. Thus, one may not use one cup of wine for two separate Mitzvos.

Based on this, one may not hold a wedding on Yomtov or on Chol Hamoed. Another reason for this is derived from the terminology of a Passuk, *V'samachta B'chagecha*, "You shall rejoice in your holiday" one must devote the Simcha, joy, on this day to Yomtov, not to his new wife. These Halachos referring to the Simcha apply mainly to the requirement to hold a feast in celebration. Since the feast is meant to be devoted to one it may not be used for the second Mitzvah as well.

Accordingly, a ruling of the Poskim that weddings may be held on Purim is questioned. The reason given for this ruling is that Purim is not

a Chag, and is thus excluded.

From the aforementioned derivation, if Shushan Purim falls on Shabbos, one may not eat the Seuda on Shabbos. This is because it is not distinguishable as a Seudas Purim. Similarly, a wedding held on Purim will be mistaken as a Seudas Purim. The fact that it will not be distinguishable as a wedding Seuda does not concern many Poskim. However, the rule of *Ain Me'arvin Simcha B'simcha* does conflict with this ruling. The Seuda of Purim may not double as a Seuda for the wedding.

Two answers are given: Firstly, of the two views for the ruling not to wed on Yomtov, the first is considered primary, or it is possible that both views agree that the first is the main reason. Second, the issues are Rabbinical, and one may therefore take a lenient stand. Nonetheless, some Poskim maintain that the wedding should be held on the day before, with the Seuda held by night (because the preceding day is a fast). Or, some suggest eating the Seudas Purim first, then holding the wedding.

Nonetheless, the Poskim record a prevailing practice to follow the ruling allowing weddings on Purim. *Pidyon Haben* and *Bris Milah* (which anyhow must be done on the eighth day whenever possible) are seen by the Poskim as even more permissible on Purim. In terms of *Ain Me'arvin Simcha Besimcha*, Purim is considered a lesser degree of Simcha. [See Moed Katan 8b-9a, Tosafos. Brachos 49a Pesachim 102b, Poskim. Sh. Ar. O.C. 546:1-2, 696:8 Magen Avraham 18.]

If one wishes to satisfy the stringent opinion, to distinguish between the two Simchos, what should he do about the *Pidyon Haben*? Any Seuda eaten on Purim might be considered Seudas Purim. Many Poskim maintain that the morning Seuda is the main Seudas Purim, while others say the late afternoon Seuda is. This is either due to the preoccupation with other Mitzvos, such as Mishloach Manos, earlier (which means that it is not a factor in our case) or to bind the two days together by finishing by night. Thus, any Seuda he makes for the *Pidyon Haben* could be considered a Seudas Purim.

Though he could rely on the Poskim that allow *Pidyon Haben* by night in special circumstances, this is apparently no longer a prevailing practice. Therefore, it is better to avoid it. Since there is a view that Seudas Purim requires intent, by intending one Seuda as a Seudas *Pidyon Haben* one can wrest it from automatically counting as Seudas Purim. This view is sufficient to permit holding a separate Seuda for

the *Pidyon Haben*. Since the Mitzvah of *Pidyon Haben* should not be delayed, while the Seudas Purim can be done all day, especially if one follows the ideal of binding the two days, the first Seuda should be the *Pidyon Haben*'s. Those who maintain that the main Seudas Purim is held in the morning agree that it may be held later also. This way most opinions are satisfied.

## II. FAST OF CHASSAN V'KALLAH

*Halochoscope Parshas Terumah/Zachor 5761 Vol VIII No 46*

### QUESTIONS:

*When Shushan Purim falls on Shabbos, residents of Yerushalayim observe the Mitzvah of Seudas Purim, the festive meal, on Sunday. Someone is getting married on this day, not in Yerushalayim. Normally a Chassan and Kallah fast on their wedding day. However, on holidays they do not fast. Should they fast this time?*

### THE ISSUES TO DISCUSS:

- (A) The fast of a Chassan and Kallah
- (B) Pushing off the Seudas Purim from Shabbos to Sunday
- (C) How this affects non-residents of Yerushalayim

### (A) THE FAST OF A CHASSAN AND KALLAH

This fast is considered a Minhag. Some sources only mention the Chassan. Many later sources include the Kallah, and this has become the accepted practice. The most common reason offered for this fast is that when one marries, all of his or her sins are atoned. This makes it a personal Yom Kippur. It is therefore fitting that the person fasts. Another source maintains that the reason for the fast is that a person must be in full control of his faculties when getting married. He should fast to avoid drinking. It was normal for people around a Chassan to drink alcoholic beverages and one had to avoid drinking even slightly too much

Others say we find that it was common practice to fast before performance of a Mitzvah to show how the Mitzvah was precious. Though not common practice nowadays for other Mitzvos, it has been pre-

served for the Mitzvah of getting married. Some add that the customs and practices of weddings are based on the receiving of the Torah. On that day the Jewish people fasted. [Incidentally, the Jews were the Kallah, pointing to a source for the Kallah to fast as well.] Some say that the Talmud considers a Chassan a king. A king is held in judgment every day. Therefore, on the day of one's wedding he fasts for a fair judgment. As an addition to the reason offered to avoid drinking, some say that we are concerned lest someone would later raise an objection to the validity of the Kiddushin. A Jewish marriage, like any transaction, undertaken without a full and conscious awareness, is invalid. Allegations that either the bride or groom was not sober at the time of the commitment place the marriage into question of *Kidushei Ta'us*, a mistakenly accepted contract. This allegation could be raised by one party if he or she wishes to find a way out of the commitment. Finally, one opinion maintains that the reason is to ward off bitter disagreements that sometimes surround the wedding "agreement." They are seen as punishment meted out by Hashem. Fasting appeases HaShem.

Some have the practice that the Chassan fasts the day before the Chupa. As mentioned, some do not have the practice to fast at all. The Poskim debate whether the Chassan may drink from the wine at the Chupa. If he is fasting he should refrain from eating all day. Some Poskim maintain that the Chassan must fast until nightfall, while others allow him to break his fast at sunset. Yet others maintain that in this case he need only fast until the Chupa. Early sources attribute this debate to the basis for the Ta'anis. If it is to avoid intoxication before the Chupa and Kiddushin, one need not fast after these have taken place. The same is true if the fast is to show how precious the Mitzvah is. A fast connected to repentance usually lasts all day, but can sometimes be undertaken for half a day. Normally, when fasting for only part of a day, one must stipulate ahead of time. According to some Poskim, ideally, the Chassan should make a stipulation, but if he did not do so he may still break his fast at the Chupa. This is because this has become standard practice. Therefore, it is as though there is an in-built automatic stipulation. Nevertheless, the fast still counts as a true Ta'anis. Many Poskim suggest that the Chupa should take place after the Chassan has had a chance to daven Mincha with the Aneinu addition for a fast.

Some might ask that if the wedding is a day of such joy and atonement, why should one fast? An answer is offered by comparing the

different Talmudic sources for the atonement of a Chassan. In one, the word used for the atonement is the usual term. In another, the word used really means that the sins are held at bay. They are remembered in case he reverts to his old ways. Therefore, it was instituted that the Chassan fast so that he repents properly and receives a full atonement. This explains why the Chassan fasts even on some days that Tachanun is not recited, and never says Tachanun himself, since he is celebrating a personal Yomtov. Yet, he fasts as though he is undergoing a repentance regimen. Furthermore, we find that he does not fast all day, according to our common practice. He also fasts by day even if he plans to get married by night. He then breaks his fast before the Chupa, as soon as it gets dark. [See Rokeach 353, Tashbaitz 467, Trumas Hadeshen 157, Tshuvos Mahari Bruna 93, Maharam Mintz 109, Shulchan Aruch Derech Chaim 562:10-11 (Bach) 573:1 (Rema) Even Ha'ezer 61:2 (Rema), commentaries. Chochmas Adam 129:2. Sdei Chemed, Chassan Vekalah 4.]

### **(B) PUSHING SEUDAS PURIM TO SUNDAY**

According to the standard calendar used today, Purim can not fall on Shabbos. It is manipulated this way to avoid having Yom Kippur land on a Friday. However, Purim can fall on Friday. Shushan Purim then falls on Shabbos. The Rabbis instituted a restriction on reading the Megillah on Shabbos, as a precaution against inadvertently walking out into the streets with it. Therefore, in Yerushalayim, when Shushan Purim is Shabbos the Megillah is read on Erev Shabbos. It is not delayed to Sunday, because the Talmud derives from the verses in the Megillah that it may never be read later than the fifteenth of Adar. It may be read a day early, since this is anyhow one of the days that the Megillah is to be read (by unwallled cities).

What about the other Mitzvos of the day? Mishloach Manos and Matanos La'evyonim involve giving a gift, but a transaction may not be completed on Shabbos. Therefore, one might think that it should also be done before Shabbos. However, since, for residents of a walled city its time has not yet come, one could not fulfill it then. It is therefore pushed to Sunday. There is a view that one should do these Mitzvos on Friday in a way that the gifts will be used on Shabbos for the Seuda. This is the purpose of the gifts anyhow. However, this view obviously holds that the Seuda is held on Shabbos, which will soon be discussed. The

question is, how can one fulfill these Mitzvos the following day? The Megillah clearly limits the reading of the Megillah to no later than the fifteenth. What complicates matters is that the Talmud itself teaches that the two Mitzvos of reading the Megillah and of feasting are juxtaposed to show that they should be done together.

The Talmud discusses various Mitzvos that are delayed or advanced due to Shabbos. In all cases they are observed on a day that is somehow relevant to the Mitzvah. In some cases the delay is valid as *Tashlumin*, a makeup date provided by the Torah. In the case of Purim the dates given for reading the Megillah ahead of Purim are based on a built-in provision by the Rabbis when the Mitzvah was first instituted. Accordingly, some Poskim maintain that while the provision was made for reading the Megillah, it was never made for the Seuda. In fact, sometimes the Megillah can be read even sooner than the fourteenth. On such occasions, the Talmud says that it is not forbidden to fast. This shows that they are not the days of joy when the feasting is held, or they would be restricted from fasting. [The juxtaposition applies when the Megillah is read on the original correct day. Then the Seuda may not be held on a different day.] Therefore, the Seuda is held on Shabbos.

Others point to a Yerushalmi that clearly indicates that it can not be held on Shabbos. The Megillah calls these “Days of feasting and joy as instituted by Mordechai.” Shabbos is already a day of joy instituted by HaShem, and can not become a day of joy again instituted by Mordechai. Accordingly, the case is made that the limitation to the fifteenth does not apply to the feasting, but to the Megillah reading. Since the feast can not be held on Shabbos, and its time has not yet come by Friday, it must be left to Sunday. Thus, Sunday becomes the day of joy instituted by Mordechai. Presumably, unwalled cities should also feast a little. [See Megillah 5a, Rif Ran, Tur Sh. Ar. O.C. 688:6, commentaries.]

### **(C) APPLYING THIS TO OUR QUESTION**

The Poskim discuss a Chassan fasting on holidays. The calendar includes certain days on which it is forbidden to fast. These include Shabbos, unless the person enjoys fasting, Yomtov, and Rosh Chodesh as a Scriptural restriction, and Chanukah and Purim as a rabbinic restriction. Some say that on days that the Minhag is to refrain from fasting, such as Tu B'Shvat, a Chassan may fast. Others maintain that he does

not fast on these days, as well as on days when the Minhag is to refrain from reciting Tachanun, penitential pleas that mention of the destruction of the Temple and punishment for sins. The Talmud says that we learn from the Megillah that the joy celebrated on Purim and Shushan Purim applies in both types of city. Thus, Tachanun is not recited, and fasting is forbidden. This even applies to Adar Rishon. The Poskim say that in unwalled cities one should have a modest feast as well, and one should similarly celebrate the fourteenth and fifteenth of Adar Rishon. Accordingly, a Chassan does not fast on one of these days.

In our case, the feasting is held in Yerushalayim on the sixteenth of Adar, so that it can be considered the day of joy instituted by Mordechai. Thus, on this day fasting would be forbidden, maybe in unwalled cities as well. Otherwise, how could we fulfill the verse describing the days of joy and forbidding sadness on both days for both types of city? However, many Poskim maintain that even on Rosh Chodesh a Chassan may fast if the Chupa is held early in the day. He fasts until the Chupa. He will not then recite Aneinu at Mincha. Thus, he fulfills the obligation to eat on this day. [See Megillah 5b, Poskim. Tur Sh. Ar. O.C. 573:1696:3697:1, commentaries. Mahari Bruna 93. Sdei Chemed Chassan 4.]

Therefore, in conclusion, our Chassan may fast until his Chupa, which will be during the day. If he davens Mincha before the Chupa, he should probably not recite Anainu, especially since some Poskim say that if he does not fast all day he should not say it.

## ABOUT RABBI SILVER

Rabbi Shimon Silver of the Young Israel of Greater Pittsburgh was born in London, England in 1960. He was educated at Hasmonean Grammar School. After graduating with his 'O-levels', he stayed on two more years for his A-levels before attending Gateshead Yeshiva.

At Gateshead, Rabbi Silver studied under, among others, R' Leib Gurwicz, R' Leib Lopian, R' Moshe Schwab, R' Avrohom Gurwicz and R' Mattisyahu Salomon, currently mashgiach in Beth Medrash Govoha, Lakewood. In 1982, Rabbi Silver began his studies in Beth Medrash Govoha. He settled there for 3 years after marrying Chani Goldman of Washington Heights, NY in 1983. Rabbi Silver earned his Semicha in 1985 from Beth Medrash Govoha.

Since 1985, Rabbi Silver has served as a founding Kollel fellow at the West Side Kollel in Manhattan, a member of the Kollel in Pittsburgh, Rabbi of Shaare Tefillah (the "Russian Shul"), and Bais Medrash rebbe at the Mesivta of Greater Pittsburgh in White Oak, PA. He also served as Rav and acting Menahel of Hillel Academy.

In January 1993 he launched his Halochoscope weekly. This 'newsletter' subsequently became very popular in the Pittsburgh community and nationwide. Rabbi Silver takes pride in being a pioneer in the current trend of English language quality halachic media. In 2002, when Rabi Silver took over as Rav and acting Menahel of Hillel Academy, Halochoscope became too time-consuming. In 2006 publication was resumed, due to popular demand. It is now in its seveneenth year, with a four year break.

Since 2004, Rav Silver has been the Mara d'Asra of Young Israel of Greater Pittsburgh. He also serves as the supervising Rav of the local Eruv and Mikvah. He is a member of the Vaad Halacha of the National Council of Young Israel, and is sought after as a posek. He has authored a number of well received publications in both Hebrew and English, besides Halochoscope, and has appeared as a speaker for a spectrum of organizations.

Rebbitzen Chani Silver, nee Goldman, was born in 1963 in Washington Heights, New York. She grew up in the Breuer's Kehillah, attending Yeshiva Rabbi Samson Raphael Hirsch through high school graduation. After attending the City University of New York for a

short while, studying computer science, Chani attended the Manchester Bais Yaakov seminary in England. Upon returning to the States, Chani attended COPE Vocational Institute and trained as a computer programmer. She later earned her bachelors in computer science and M.S. Ed. in instructional technology.

Chani began her working career as a programmer for the NY board of Education, for a company in Lakewood New Jersey, and as a consultant in New York. Since moving to Pittsburgh, she worked for a software company in Oakland and as a software quality assurance consultant, and, for fifteen years, as the technology director of Hillel Academy and computer teacher at Yeshiva Achei Temimim. For a short while, Rebbitzen Silver edited and produced the Pittsburgh Counterpart, a magazine for Jewish Women. More recently, she has consulted in producing multi-media educational materials, including a recent on-line course for rebbitzens for the National Council of Young Israel. She is also pioneering courses for high-school age girls.

Rabbi and Mrs. Silver currently live in the Squirrel Hill section of Pittsburgh with three of their children; their oldest married daughter lives in Israel; their second married daughter lives in Lakewood, NJ, and their oldest married son lives in Baltimore MD. They have, bli ayin hara, five more, and a growing number of grandchildren.