

The YULAMDAN

Yeshiva University's Wilf Campus Torah Journal

MARCH 2016 • PURIM 5776

Volume V Issue II

Inyana D'yoma

The Second Iggeres HaPurim

RABBI YOSEF BLAU

The necessity for a second letter establishing the holiday of Purim implies that the initial letter was not fully accepted. Yet it is unclear why not, or what was added in the second letter to permanently establish the celebration of Purim. The only apparent new elements in the second letter are that while the first came from Mordechai, the second primarily came from Queen Esther. Further, a comparison is made between the Jewish people's acceptance of the fast and their acceptance of Purim.

The Ramban suggests that the Jews were still afraid and needed the authority of the queen to reassure them before feeling free to celebrate. However, there is no explicit mention of any lasting fear. The Ibn Ezra mentions three opinions about the reference to the fasts. The Rambam sees them as a hint to *Ta'anis Esther*. According to this view, it may be that the victory of Purim had to incorporate the vulnerability that preceded the triumph to be fully approved by the Sages in Israel marking Purim as a *galus* celebration. This interpretation reflects the Rav's understanding of the nature of our celebrating of Purim. The permitting of excessive drinking reflects an intensive, but temporary and artificial, high.

A second opinion is that the reference is to the fasts mentioned in Zechariah commemorating the destruction of the Temple. According to this perspective, the problem was the attempt to create a new festival not mentioned in *Chumash*. Since the Jewish people were able to accept these fasts, they are allowed to also accept a celebration that would not have

the status of a festival (see the Malbim and Pachad Yitzchak). The key phrase in the initial letter that was problematic was *Yom Tov*, and Purim does not have that status.

Missing from both interpretations is the role of Esther in the second letter. The third explanation in the Ibn Ezra is that the fasts mentioned are those that Esther took upon herself and the Jews before approaching the king. The question then becomes, why do these fasts make celebrating Purim more acceptable? Perhaps the difficulty in creating a religious celebration of Purim was the apparent secular nature of the victory over Haman and his followers. None of the military victories of Yehoshua and David led to a religious celebration.

Esther responding to the threat to Jewish survival by first turning to Hashem through fasting, an appropriate religious response, created the religious context for her strategy of inviting the king and Haman to the two parties that led to Haman's undoing. This enabled the celebration of Purim to be a religious as well as a military festival. This last interpretation explains the importance that the second letter came from Queen Esther.

All of the explanations mentioned reflect the complex nature of Purim. Though we celebrate with *mishteh and simcha*, we acknowledge that Jewish victories in the diaspora are temporary and incomplete.

Meir Goodman
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All Dressed Up: The Meaning of Mordechai's Clothes

DAVID MANDELBAUM

“And the Jews had light, happiness, joy, and honor” (Es-ther 8:7). Perhaps more interesting, and often overlooked, as we move towards the conclusion of the Purim story, is the *pasuk* that comes before the one quoted above: “And Mordechai exited from before the king wearing royal clothing of *techeilet v'chur*, a big gold *ateret*, a robe of *butz* and *argaman*, and the city of Shushan was jubilant and happy” (8:6). At first glance, this *pasuk* seems relatively normal in the context of the Jews being victorious and Mordechai proving that he was an important player in Jewish affairs as well as in town politics. But why is it important to describe the clothes that he was wearing? And why was Shushan so happy when they saw this?

Clearly there must have been something significant represented in Mordechai's attire. There is an interesting parallel between this *pasuk* and one that appears at the very beginning of the Megillah. When the first party that Achashverosh throws is over, he makes a second one. The party's decorations are cited in the story: “Hangings of *chur*, wool and *techeilet*, fastened to ropes of *butz* and *argaman*, on silver poles and marble pillars, couches made of gold and silver on the marble floor” (1:6). The Megillah uses five of the same specific and descriptive words that are found in the *pasuk* regarding Mordechai as well (*techeilet*, *v'chur*, gold, *butz*, *argaman*). Additionally, the second party was *only* for people left in Shushan (1:5), the same city that witnessed Mordechai's regal presentation. What does the connection between these two *pesukim* reveal?

Let us first understand the *pasuk* about Mordechai. According to the Ibn Ezra, *butz* was very fine and precious linen of the type found in Egypt. Rashi translates *butz* as fine linen like of a *tallit* made to be wrapped in. Some commentators relate this *pasuk* to a similar description of what Yosef wore when Pharaoh crowned him second-in-command (Bereishit 41:42), highlighting the parallel between Mordechai and Yosef's respective rise in political power and influence.

The Gra's explanation (based on the Zohar) takes our understanding to a new level: Mordechai leaving in royal clothing means that he was wrapped in a *tallit* of *mitzvah*, not just any garment, and wore *tefillin*. The *techeilet* was the actual *techeilet* of *tzitzit* strings. The *chur* was the white of the *tzitzit* strings. The gold *ateret* refers to the *tefillin* worn on the head, and the robe of *butz* refers to its straps. The *argaman* refers to the the *tefillin* worn on the hand. There is a basis for this explanation in the *Targum* of the Megillah, which translates the *pasuk* after Mordechai's appearance, “And the Jews had light, happiness, joy, and honor,” as follows: “The Jews

now had permission to learn Torah...and to place *tefillin* on their hands and on their heads.”

The Gra's remarkable explanation goes deeper than the simple understanding and gives a new meaning to the Jew's salvation and the symbolism inherent in Mordechai's outfit. But the question still remains, why was Shushan so happy to see this?

The Malbim points out that this is the first time in the Purim story that Mordechai flaunts any greatness or shows off any power. This exemplifies his commitment to save his people, as he only showed how politically exalted he was once he was sure that the Jewish people were saved. As to why the entire city of Shushan was happy, the Malbim explains that this was a fulfilment of the words of Sefer Mishlei: “when the *tzadikim* are greater, the people are happy” (29,2). This means the entire people, not just the Jews, were happy to see Mordechai's ascension, since he was a *tzadik*. Additionally, some commentators explain that the non-Jews were happy because they saw that an honest person was taking the place of Haman.

If we combine the Gra's approach to what Mordechai wore with the Malbim's explanation of why the entire city was happy, and our comparison to the similar *posuk* about the decorations in Achashverosh's second party, we can attempt to gain a new perspective.

It is almost ironic that Mordechai dresses up in the same materials that were used to decorate Achashverosh's second party when he leaves the presence of the king, as he was probably the only person in the whole city of Shushan who did not attend. Perhaps we could suggest that while the Jews focused on Mordechai's *tallit* and *tefillin*, the city of Shushan focused on the similarity between Achashverosh's decorations and Mordechai's garments. Aware of Mordechai's straightness and justness as a representative of Hashem, the juxtaposition demonstrated to Shushan that one does not need parties and delicacies to live happy and meaningful lives. This was Mordechai's universal message. But to the Jews, Mordechai sent an even stronger message. The Jewish people saw their leader, emerging from the presence of the king, wearing *tallit* and *tefillin*, a Jew's primary reminder of his Jewish identity. This was a great *chizuk* for the Jews, living in a time and place where their Jewish identity and existence was being threatened. After having witnessed this event, we are told: “And the Jews had light and happiness and joy and honor,” on which the *Targum* explains that the Jews now felt able to learn, wear *tefillin*, and become strong, Torah-committed Jews again.

It is no coincidence that many of the materials found in both Mordechai's clothes and Achashverosh's party also appear repeatedly in the Torah's description of the building materials for the Mishkan and the Kohanim's clothing. Perhaps this also connects Mordechai's appearance to the *avodah* of the Beit HaMikdash and the Mishkan. Much like the Beit HaMikdash and the Mishkan guided Jews in the proper direction, Mordechai's appearance helped guide them too.

The Gemara itself may hint to this idea in Massechet Megillah (16b). The Gemara wonders why Yosef gave Binyamin five changes of clothing, something he did not do for the other brothers. Would this not make them jealous of Binyamin, through the very same means that caused their original jealousy against Yosef, the giving of clothing? Rabbi Binyamin bar Yefet answers that Yosef's gift to Binyamin was a

hint to Mordechai, his descendant, who would wear "*techeilet v'chur*, a big gold *ateret*, a robe of *butz* and *argaman*." The Gemara then quotes a teaching from Rebi Elazar. Yosef and Binyamin cried on each other's shoulders because they were crying over the destruction of the future Temples that would reside in the other's territory. Certainly, this statement of Rebi Elazar can be seen as a stand-alone statement quoted in the Gemara because it also deals with Yosef and Binyamin. But it is possible that the two statements are connected. If we understand that Mordechai was wearing the same types of materials that were used in the Mishkan, it makes sense to place the teaching that they were crying over the destruction of the *Batei Mikdash* next to a reference to Mordechai's clothes.

Why Hearing the Megillah is Considered *Bitul Torah*

YISRAEL APFEL

The Gemara¹ records a *beraissa* that teaches: "*Kohanim* engaged in their *avodah*, *Leviim* engaged in their musical accompaniment to the *avodah*, and *Yisraelim* attending the *avodah*, all must abandon their service to go hear the reading of the Megillah."

The Gemara further records that the Yeshiva of Rebi relied upon this *beraissa* to interrupt their study of Torah in order to hear the Megillah. They reasoned, if the *avodah*, which is stringent, must be abandoned for Megillah reading, then it is certainly true that Torah study, which is not as stringent, should be abandoned as well². The Shulchan Aruch³ codifies the ruling that we interrupt Torah study to go hear the Megillah and adds that all the more so one must disrupt any *mitzvah* one is engaged in in order to hear the Megillah.

At first glance this *halacha* is difficult to understand. Why does the Gemara refer to interrupting the study of Torah in order to hear the Megillah as "*bitul Torah*"? In what manner is the study of Torah being interrupted if listening to Megillah is inherently Talmud Torah, as it is part of Tanach?

There are a number of approaches in the Acharonim to answer this question. The Aruch HaShulchan writes⁴ that indeed hearing the Megillah itself is full-fledged Talmud Torah but it is the time that is wasted in getting the people together until the actual reading begins which is considered *bitul Torah*⁵.

However, there are a number of other approaches that highlight a fundamental difference between the Torah that one is engaged in when hearing the Megillah and other types of Torah learning.

One approach is that in addition to the idea that ceasing to learn for a mundane activity is considered quantitative

bitul Torah, there is also a concept of qualitative *bitul Torah* in which one could have learned in a more in depth manner but chooses instead to learn Torah on a more superficial level. This concept is stressed in Shulchan Aruch HaRav⁶ who codifies that it is wrong for one to actively choose to engage in Torah learning that it is easier instead of tackling a new complicated topic⁷.

Based on this concept we can understand the nuance of the Yeshiva of Rebi establishing that one must interrupt their study of Torah in order to hear the Megillah. Without this ruling, one would have thought that to go from intense study of Torah to hearing the Megillah would be a violation of qualitative *bitul Torah*.

Other Acharonim suggest a different approach to this issue. The Rambam⁸ writes that the study of Torah is equivalent to the performance of all other *mitzvos* since through learning Torah, one's overall fulfillment of *mitzvos* will be enhanced. The Rambam writes that if while one is engaged in learning Torah and there arises the ability to do a *mitzvah* that no other person can fulfill, then one must stop their learning in order to fulfill that *mitzvah*. Based on this Rambam, the Ohr Sameach⁹ raises a difficulty with a ruling in the Gemara.

The Gemara¹⁰ states that *ha'osek be'mitzvah patur min ha'mitzvah*, one who is engaged in the performance of a *mitzvah* is exempt from fulfilling other *mitzvos*. This rule even exempts one who is walking to do a *mitzvah* from fulfilling the *mitzvah* of sitting in a Sukkah. The Gemara gives an example of such a case: Rav Chisda and Rabbah bar Rav Huna were exempt from sitting in a Sukkah since they were traveling to learn Torah from the *Reish Galusah*.

According to the Rambam's ruling that one who is en-

gaged in Talmud Torah is not exempt from any *mitzvah* which only they can perform, this Gemara is difficult to understand. How can these Amoraim who were simply walking to learn Torah be exempt from the *mitzvah of Sukkah*?

The Ohr Sameach answers this question based on a principle formulated by Tosafos. Tosafos¹¹ records that when R' Akiva began to learn before *Talmidei Chachamim*, he interrupted his Torah study in order to go bury a *meis mitzvah*. R' Yehoshua criticized R' Akiva for the *bitul* Torah caused by engaging in such activity. Tosafos asks that this episode seems to contradict the ruling in the Gemara¹² that one should interrupt their Torah study in order to bury a dead body. Tosafos answers that R' Yehoshua was not criticizing R' Akiva for ceasing from his Talmud Torah but rather for ceasing from his *shimush Talmidei Chachamim*, and one who is engaged in *shimush Talmidei Chachamim* should never interrupt that for the *mitzvah* of burying the dead since *gadol shimusha yoser m'limuda*, it is greater to be involved in *shimush Talmidei Chachamim* than actual Torah study.

What is the definition of *shimush Talmidei Chachamim*? The Gemara¹³ says that even if one has learned Torah they are still considered an *am ha'aretz* if they do not engage in *shimush* of a *Talmid Chochom*. Rashi explains that this is referring to engaging in group Torah study with masters of Torah in which the logic and reasoning behind the *halachos* are explained. As R' Akiva had just began his study of Torah and was developing his skills of reason and understanding from his teachers, it would have been inappropriate for him to interrupt this foundational learning period for any *mitzvah* whatsoever.

Based on this answer of Tosafos, the Ohr Sameach explains that R' Chisdah and R' Hunah were exempt from fulfilling the *mitzvah* of Sukkah since they were not merely go-

ing to study Torah but rather they were going to be involved in *shimush Talmidei Chachamim* through hearing and discussing Torah with their teacher.

This concept can also explain for why it was innovative for the Yeshiva of Rabbi to interrupt their study of Torah to go hear the Megillah. A yeshiva is not simply of place where people learn Torah but it is a place where students actively engage in discussion regarding the reasoning of the *halachos* and are learning from their teachers how to properly study Torah. They were involved in *shimush Talmidei Chachamim*. Therefore, without a specific ruling, it would have been inappropriate for the students to interrupt their learning to go and hear the Megillah.

1 Megilah 3b

2 The Gemara (3b) concludes that *Talmud Torah* of the *Rabim*, which both Rashi and Ran explain means when all of Klal Yisrael is learning Torah at the same time, would not be suspended for the sake of Megillah reading. But *Talmud Torah* of a *yachid*, which includes even a large group of people studying Torah, must be suspended in order to hear the Megillah. See Shar HaTziyun 677:8

3 OC 677:2

4 OC 677:5

5 See Teshuvos Beis Efraim, (OC 67) who suggests a similar answer. He infers this from the language that the Gemara uses of 'We cease to learn and come to hear the Megillah' instead of 'We cease to learn to hear the Megillah'

6 Hilchos Talmud Torah, 72

7 See Medrash Rabbah Mishlei (12) for further elaboration of the severity of one who does not seek to advance their Torah Study. See also Moadim U'Zmanim Vol. 2 169 for on the distinction between hearing the Megillah and other forms of Talmud Torah.

8 Halachos of Talmud Torah 3:3-4

9 ibid.

10 Sukkah 26a

11 Kesuvos 17a d'h Mevatlin

12 ibid.

13 Brachos 47b

Simcha v'Mishteh After Dark?!

NETANEL ROSENZWEIG

Last Purim, at the *seudah*, I got into an argument with my cousin. Like most people, we started our *seudah* around an hour before the end of Purim. Before we knew it, *shkiah* came and went and it was almost *tzeis*. At that point, I said, "I hope everyone got their drinking in." My cousin turned to me and said, "Even if one did not yet fulfill the *mitzvah* they can still do it now." And so the *machlokes* began. My cousin wanted to bring a proof from the *din* brought by the Shulchan Aruch (695:3). The Mechaber writes that if one's Purim *seudah* goes into the night one should still say *al hanisim*, because we "go after the beginning of the *seudah*". My cousin understood that this *din* is telling us that if you are still in the middle of your *seudah*, even if it is now dark, it is still Purim. I retorted back that there is no proof from this *din*, because all this *din* is saying is that since you were *chayav* to *bentch*

on Purim, you say *al hanisim* even if Purim is over. Of course the Shulchan Aruch does not mean that Purim actually continues since you started the *seudah* on Purim.

There may be a couple of other *nafka minos* based on one's understanding of this *din*. For instance, if one starts *davening mincha* before *shkiah* and ends after *shkiah*, is one *yotzei*. According to my cousin's understanding of the Mechaber one is, whereas according to me one is not.

The discussion begins with a *teshuva* of the Maharam quoted in the Hago'os Maimaniyos (Hilchos Megillah 2:14) and Maharil (56:6). The Maharam says that if one's Purim *seudah* continues into the night one still says *al hanisim*. Similarly, if one was eating *shalosh seudos* and continues after it is dark one should insert *retzei* into *bentching*. His proof is from the Gemara in Brachos (27a) that says that Rav would

daven mincha even on *motzei Shabbos*. The proof seems to be that just as *Shabbos* doesn't end until you *daven ma'ariv*, other days also do not end until you *daven ma'ariv*. Since on *Purim* you did not yet *daven ma'ariv* you can still say *al hanisim*. The Rosh in his *teshuvos* (22:6) and others ask on this proof: We know that if one forgets to *daven mincha* on *Shabbos* you *daven* the *shemona esrei* of *chol* twice. The Rosh writes based on this *din* that one should not say *retzei* if he *bentches* after *Shabbos*. The Maharil responds that there is no proof from the *din* of *tashlumin*. When it comes to *tashlumin* you aren't *davening mincha* since the *zman* for *mincha* already passed. Rather, you are *davening ma'ariv* of *motzei Shabbos* twice. However, the *chiyuv* to *bentch* is on the meal that you ate on *Shabbos*, and since you did not yet *daven ma'ariv* you have to mention the day's *inyan* and so you mention *retzei*.

What is the *machlokes* between the Maharil and the Rosh?

The Magen Avraham (188:17) points out that it is *mashma* from the Maharil that if one did *daven ma'ariv* after *Shabbos* then one would not be able to say *retzei*. The problem with this *diyuk* is the following: The Magen Avraham later (188:18) brings the *shita* of the Shelah who says that the only time one can say *retzei* after dark is on *Shabbos* or any other time where there is a *din* of *tosefes yom*. But if there is no *din* of *tosefes yom*, like *Purim*, then one cannot say *al hanisim* if the *seudah* continues into the night. The Magen Avraham argues on the Shelah and says that the *din* of the Maharil would apply even on *Purim*. Now, since the Magen Avraham argues on the Shelah it would appear that he holds that this *din* of the Maharil is not related to the termination of the day. If that is the case, then the Magen Avraham should hold that even if one *davens maariv* and *Shabbos* is over one can still mention *retzei* in *bentching*. The Magen Avraham notes this issue and suggests that the reason why one would not mention *retzei* after *ma'ariv* is not because of some inherent issue within the *chiyuv* but because it would be a *tarti d'sasri*.

Based on the Magen Avraham, I concluded that the issue of reciting *retzei* is not about when the day ends, so what does *basar techilas seudah* mean exactly? The Shulchan Aruch rules in Orach Chaim (271:6) that if one is eating a meal on *erev Shabbos* and the meal continued into *Shabbos*, the person should recite *retzei* in *bentching*. The Rama quotes a *yeish omrim* that one should not say *retzei* since we go after when you started the *seudah*, and not the time when you *bentch*. The Rama says that we *pasken* like this *shita*. The Magen Avraham (271:14) writes that the Shulchan Aruch really agrees to the *din* of *basar techilas seudah*, but since it is a *safek* and there is no harm in adding *retzei*, one should say it. The Magen Avraham says, based on a *Tosefta*, that if the meal continues into *Shabbos* and you eat food then you would say *retzei*. The only time one would not say *retzei* is if you *bentch* on *Shabbos*, but you do not actually eat on *Shabbos*. This *din* gives the impression that *basar techilas seudah* doesn't mean

that we ignore anything that happens at the end of the *seudah*. Rather, the idea is that whenever you eat a *shiur* that you would be *chayav* for *bentching*, you have a *chiyuv* to *bentch* with whatever is appropriate to say at the time when the *chiyuv* fell upon you. And so, if you start the *seudah* on *Purim* or *Shabbos* you are *chayav* to add the appropriate insertions for *Shabbos* and *Purim*. And if you start the *seudah* on *erev Shabbos* and it goes into *Shabbos* and you eat then you need to insert *retzei*.

The Magen Avraham (188:18) discusses the following scenario: What happens if *Rosh Chodesh* falls out on *motzei Shabbos* and your *shalosh seudos* continues after dark and you eat at night. Should you say both *yaaleh v'yavo* and *retzei*? The Magen Avraham says that since if you would say both it would appear like a *tarti d'sasri*, you should only recite what it is right now when you *bentch*. Again, we see that *basar techilas seudah* doesn't mean that we go after the beginning of the *seudah* in all circumstances.

One can bring further support to my understanding of the *din* based on a *diyuk* in the Rosh mentioned earlier. The Rosh brings a proof to his position that the day that you are currently *bentching* on determines the *nusach* from the *din* of *tashlumin*. He says that even though you were *chayav* to *daven mincha* on *Shabbos* still you say the *shemona esrei* of *chol*. Therefore, it is clear that the day that you are *bentching* on determines the *nusach*. We see from the Rosh that the other *shita* holds that since you were *chayav* on *Shabbos* to *daven mincha*, even after *Shabbos* you should say the *shemona esrei* of *chol*.

A further proof: we mentioned a *machlokes* above between the Shelah and the Magen Avraham. The Shelah says that we only say *basar techilas seudah* regarding a day that has *tosefes yom* like *Shabbos* and *Yom Tov*, but not *Purim* or *Rosh Chodesh*. The Magen Avraham does not argue on the Shelah who holds that since you started the *seudah* before the end of *Purim*, therefore *Purim* is not over. Rather, the Magen Avraham says that this *din* is not dependent on whether *Purim* is over or not.

One final proof may be brought from the Sha'arei Teshevuva (188:8) who quotes the *Ginas Veradim* who says that even if we hold that we go after the beginning of the *seudah*, that is in regard to the *bentching*. But if it is, for instance, the seventh day of *sheva brachos* and the *seudah* goes into the eighth night, there would be no recitation of *sheva brachos*. Perhaps the reason for this *din* is because *bentching* is based on a *chiyuv* that fell upon the person when he ate, as opposed to *sheva brachos* which is a *chiyuv* dependent on the day.

At the end of the day it seems quite clear that if one eats meat or drinks wine after dark on *Purim* there is absolutely no *kiyum* whatsoever of *simcha v'mishte*, so make sure to get it all in before *shkiah*. A Freilichin *Purim*!

Two That Are One: How to Package *Mishloach Manos*

ARTHUR SCHOEN

The halachic parameter of *mishloach manos ish l'rey'eihu* (the minimum gift we must give to fulfill our basic obligation) is set at “two gifts to one person.”¹ These two gifts must be two different *minim* and must both be given to the same person.

The *poskim* raise the following question about *mishloach manos*: If someone gives a gift that otherwise fulfills the Halachic parameters (two different *minim* given at the same time to one person) but he puts the two items in the same *kli*, does he fulfill his obligation to give *mishloach manos*?

The Ben Ish Chai² rules that in such a case you have not fulfilled your obligation, because the fact that they are in one container means that they are considered to be only one gift.

The Ben Ish Chai cites Shabbos 91b to support his *psak*. The Mishnah there states that if someone puts a basket full of produce on the edge between one *reshus* and another on Shabbos, even if most of the produce in the basket has been moved into the second *reshus*, he is *patur* since some of the basket and its produce remain in the first *reshus*. So long as the basket and its contents have not been fully moved into the second *reshus*, one has not violated *hotzaah*; one has not been “*motzi*” it unless one is *motzi* all of it.

The *gemara* there records a dispute as to the specifics of the case in the Mishnah. Chizkiyah contends that the Mishnah's ruling is only true if the produce in the basket is something like gourds or cucumbers, which are long objects, because in such a case, if part of the basket is still in the first *reshus* then perforce each object in the basket remains at least partially in the first *reshus*. R. Yochanan, on the other hand, contends that the ruling would hold true even if the basket to be filled with seeds and entire objects in the basket would be in the second *reshus*. Chizkiyah, however, would hold that one transgresses *hotzaah* if the basket were filled with seeds, as entire objects have been moved from the first *reshus* into the second *reshus*.

Their disagreement can be understood as follows: R. Yochanan holds that the basket ‘binds’ (*me'aged*) all of the objects in it together into one unit. Therefore, it is inconsequential whether or not each and every object in the basket remains at least partially in the first *reshus* – the question is whether or not *the basket* remains at least partially in the first *reshus*. Chizkiyah, however, holds that the basket does not have this ‘binding’ property. Therefore, we must focus on the individual objects in the basket. If any one of the items in the basket has been totally removed into the second *reshus*, then the owner has violated the prohibition against *hotzaah*, even though part of the basket and some of the

items in it remain in the first *reshus*.

The Rambam³ *paskens* like R. Yochanan, and writes that even in a case where the basket is filled with smaller items like seeds, the owner would not violate the *issur hotzaah* unless the entire basket was moved from the first *reshus* into the second *reshus*. The Rambam adds that “so too in any similar case a *kli* renders everything within it as one object.”

Based on these sources, the Ben Ish Chai posits that the same holds true with *mishloach manos* – if you put two objects into one basket, the basket ‘binds’ them together, meaning that halachically they are considered one object. Consequently, to fulfill one's obligation of *mishloach manos*, one must put two distinct *manos* into two separate containers.

Rav Shmuel Halevi Vosner zt'l⁴ disagrees with the *psak* of the Ben Ish Chai. Rav Vosner writes that it is perfectly acceptable to fulfill the obligation of *mishloach manos* with two gifts in one basket. Indeed, as Rav Vosner points out, this is actually a normative way to give *mishloach manos* in our day.

Rav Vosner's *psak* seems to be based on the following conceptual distinction between our case and the case of *hotzaah* on Shabbos. In *hilchos Shabbos*, the operative question is “was he *motzi* the object?” If we understand that the *kli* was *meaged* its contents, then we only look at the basket itself, not its contents, to answer that question. That doesn't mean that everything in the *kli* is one large *cheftza*, however. It merely means that we judge violation of *hotzaah* based on the *kli* rather than the objects in it. Therefore, one has not transgressed the *issur hotzaah* until one has moved the entire basket. That doesn't mean that everything in the *kli* is one large *cheftza*, however. It merely means that we judge violation of *hotzaah* based on the *kli* rather than the objects in it. With *mishloach manos*, on the other hand, the question is “how many gifts did he give?” The basket is nothing more than a receptacle – we look inside it to see how many gifts are being given.

It seems that even according to the Ben Ish Chai, there might be room to say that in certain situations, one actually might be able to fulfill their obligation of *mishloach manos* even by sending two gifts in one container. As established earlier, the Ben Ish Chai's position is based on an application of the concept of *egged kli shmei egged* to the case of *mishloach manos*. Rav Yitzchak Zilberstein shlit'a (Chashukei Chemed, Megillah 7b) points out that the Tzafnas Paneach writes that *egged kli shmei egged* is only true with a *kli chashuv*, whereas with a *kli she'eino chashuv*, the *kli* is *batel* to its contents. Based on this, Rav Zilberstein

suggests that the Ben Ish Chai would only say that you aren't *yotzei* your *chiyuv* of *mishloach manos* when the *kli* is a *kli chashuv*. If that is correct, then presumably many of the throw-away cheap plastic holders that people use to send *mishloach manos* would not be a problem even according to the Ben Ish Chai.

- 1 Megillah 7a
- 2 Torah Lishmah, Orach Chaim 189
- 3 Hilchos Shabbos 12:11
- 4 Shu't Shevet Halevi III 96:4 (also cited in the Shevet Halevi volume of Rav Wosner's collected Torah on Purim)

Day and Night

ARYEH SKLAR

Because this year is a leap year, daylight savings time began a week and a half before Purim, bringing with it consequent issues regarding "early Shabbos" and the appropriate time for Maariv. The question of defining halachic day and night thus becomes very important.

My grandfather, Rabbi Chaim Zev Bomzer *z"l*, passed away three years ago on Rosh Chodesh Adar. As a *talmid* in Yeshiva in the '50s and '60s, he learned under Rabbi Moshe Aharon Poleyeff *z"l* and was quite close to him. I found a discussion of this issue in my grandfather's writings and the explanations and elucidations he himself heard from Rabbi Poleyeff. I would like to present them here, paraphrased by me for publication in this venue:

We find that there are several areas in Halacha that are contradictory when it comes to what is defined as day and what is defined as night. For example, there are opposing positions quoted by the Rema in Hilchos Niddah (Yoreh Deah 196:1). He writes that some say that once the community davens Maariv, even if this is before nightfall, a woman must wait to check for *hefsek tahara* until the next night, because now it's already considered nighttime. But he says that others hold that she can continue to check until the actual night, even if the community started Shabbos earlier. The *minhag*, he says, is to be *machmir l'chatchila* like the first opinion.

We thus have a *machlokes* over the definition of night when it comes to *niddah*. Some hold that an early start to Shabbos qualifies as a definition of night, but others hold that this does not constitute "nighttime" in regards to *niddah*. According to this second opinion, how can it be that acceptance of Shabbos is enough to make *melacha* prohibited, but not enough to make it night in terms of *niddah*?

The Shach marshals several proofs that there is such a distinction. He refers to a Tosfos in Kesuvos 47a (s.v. *demasar lah beshabaso veyom tov*) where the Gemara discusses how a father automatically has the rights to his unmarried daughter's wages and betrothal value. The Gemara asks, where do we know a father has the right to his daughter's work, and answers that if not, how could a father ever have the right to marry off his daughter, which would certainly interrupt her work! Obviously, therefore, he must have con-

trol over her work as well. Rav Achai asks: Perhaps he can send her to *chupah* at night or on Shabbos or Yom Tov, when she does not work? Consequentially, the Gemara goes on to offer other suggestions.

Tosfos asks: How can Rav Achai suggest the possibility of marriage over Yom Tov – we know from the Gemara in Moed Kattan (8b) that marriage is prohibited on Chol Hamoed! Tosfos provides two answers. The first is that the Gemara in Kesuvos refers to right before Yom Tov, when it is like Yom Tov regarding *melacha*, since *tosefes Yom Tov* has started, but marriage is still permissible. We see that there is such a concept as quasi-night.

The Shach quotes the Agur in the name of the Maharil that we also see this concept by Sefiras HaOmer, matza on Pesach, and sitting in the Sukkah which were performed between one's acceptance of Yom Tov and nightfall. For each of these, one is not *yotzei* the *mitzva* since it is not yet actually night. It is thus possible to have *issur melacha* of *tosefes Shabbos/Yom Tov* yet not be *yotzei* the *mitzvos* pertaining to them.

We find this concept again in the Machtzis Hashekel (YD 196), who says that a woman who prayed the evening prayer of Shabbos while it is still daytime can be *mafsik betahara* even when she already accepted Shabbos. This implies, notes the Gra (s.v. *yesh omrim shemutar*), "that for all other matters (besides *kiddush*) that are not pertinent to Shabbos it is certainly not night."

What is the *chiluk* between *tosefes Shabbos* for *melacha* and *kiddush*, and other *inyanim*? Why don't we say that just as she was *mekabel Shabbos* for *issur melacha* and *kiddush*, so too she accepted it be Shabbos for other *inyanim*, rather than creating a *tartei disasrei* status?

A similar problem is found in Hilchos Aveilus (YD 402:11): one who davens Maariv, even while it's still day, and then finds out he must start sitting *shiva*, starts the count from the next day. How can we hold that accepting Shabbos causes it to be the next day for *aveilus* but not for *hefsek tahara*?

Furthermore, regarding Chanukah, the Taz (OC 679) says that if you accidentally light Shabbos candles before Chanukah candles, it is now *assur* to light the Chanuka candles. So

again, does *tosefes Shabbos* cause the actual onset of night or not? Even if *melacha* is now *assur*, the *mitzva* should be performable later since it's not actually night!

Rabbi Poleyeff's answer, according to my grandfather z"l, was the following: We can say that *tosefes Shabbos* makes that *zman* into Shabbos with regard to *issur melacha*. The very source of *tosefes Shabbos* is "Me'erev ad erev tishbesu Shabatchem," one can say Shabbos night *kiddush* any time after *pelag hamincha*. Even so, it does not change the reality that it is still daytime. In other words, there is a distinction between halachic day/night and *metzius* day/night.

We know this to be so in a few ways. For example, if someone violated a *melacha* during *tosefes Shabbos*, he would not be *chayav misa*, because the *metzius* of the day of Shabbos is required for the violator to get an *onesh*. And regardless of the fact that he accepted Shabbos early, it's still not actually Shabbos in *metzius*.

So too, the *hefsek tahara* by *niddah* is dependant upon "yamim" and this is *taluy bemetzius*. ("vesafra la shivas yamim"). Thus, we can understand that *tosefes* through *tefilah* makes the *zman* a halachic "layla" but not actual *layla*. (However, if one davens the weekday Maariv after *plag* on Shabbos day, it would still be *assur* to do *melacha*, because the *metzius* is that it is still Shabbos.)

Similarly, the Mechaber writes (YD 262) that there is no application of *tosefes Shabbos* for a sick person. To illustrate, if a boy is born on Friday after Kabbalas Shabbos but before nightfall, we do not say that the *bris* should be the next Shabbos, because the *din* of *bris mila* is *taluy* in the *metzius* of "yom hashmini," and the *metzius* has not yet changed into night.

This would explain why the Taz paskened that someone who lights Shabbos candles first can no longer light Chanuka candles. There the *kabbalas* Shabbos is on *issur melacha* and therefore *hadlaka* is *assur*. His *kabala* is no weaker than a *neder* not to do *melacha*.

The question remains, however, regarding *aveilus* – shouldn't the count rely on the *metzius* that it's still day more than relying on the halachic reality that it's now nighttime? This question requires investigation.¹

Based on my grandfather's notes, perhaps we can resolve an *aggadic* question. The Gemara (Yoma 29a) says that Esther is compared to the dawn because just as dawn is the end of the night, Esther marked the end of open miracles. What about Chanukah? The Gemara answers that it is the end of miracles in the books included in Tanach. This Gemara seems quite strange. The reality, as the Gemara concludes, is that Esther does not represent the end of miracles. So why does it matter what is included in Tanach and what isn't?

Perhaps the *yesod* of Rav Poleyeff can help us explain this. We must understand that the dawn is the end of night, but

it is not quite day yet. To illustrate, we know that one ideally shouldn't daven Shacharis at dawn, but should wait until *haneitz hachama*, since it is not yet fully day. So in the metaphor, the daytime, represented by lack of miracles, had not yet happened. This is evidenced by the fact that there were actually miracles that happened after the Purim story – for example, by Chanukah, which weren't included in the Biblical canon.

We can say that in reality it was not yet day at this "dawn," and therefore there *could* have been more miracles. However, the Torah reality, represented by the inclusion of Esther and not Chanukah into Tanach, indicates that in some way, there were no more miracles. In other words, it was day in a Torah sense, but not a *metzius* sense. The Gemara thus compares Esther to the dawn, which is day but not day.

This expresses what is so deep within Purim as a holiday. We celebrate what seems to be a natural series of events, about a political drama that involves no apparent divine influence. However, that description is only the external *metzius*. Its inclusion in the Holy Writ, in the books of divine communication to Man, transforms our interpretation of the events from a *metzius* mindset to a Torah mindset. The Torah mindset is what turns a godless tale, a story of plain *metzius*, into a meaningful and divine story of miracles and God's love for the Jewish people. This is so for Purim, and this is so for our daily lives. It takes a Torah mind, a halachic mind, to see the world for what it truly is, not night at all but bright daylight.

1 My grandfather z"l also quoted the Rav, giving shiur in Boston, who provided a different answer:

Tosefes Shabbos v'Yom Tov is a *halacha* in which we are *mosif mechol al hakodesh* in regards to *issurei Shabbos v'Yom Tov*, i.e we are *mekabel* the *lo saaseh's*, but not the *mitzvos aseh*. We can say *kiddush*, even though we were not *mekabel* the *aseh's*, because of the concept of "zachor veshamor bedibbur echad neemru." This concept tells us that the *chiyuv* of *kiddush* ("zachor") can be fulfilled any time "shamor" is in effect – even though "shamor" is functioning only for *mitzvos lo saaseh*.

So for *ner Chanuka*, this is a *lo ta'aseh* of *hadlakah* on Shabbos, and if you forgot and lit for Shabbos first, it's *assur* to light for Chanukah. But Sukkah is a *mitzvas aseh* - it needs *layla*, and *tosefes* is not enough to make it "layla." Similarly, eating *matza* on Pesach is a *mitzvas aseh* and needs actual *layla*, and so too *sefirat haomer*. This also explains the father having control of his daughter's wages, even though technically he could marry her off during *tosefes Yom Tov*, since *kiddushin* is a *mitzvas aseh* and needs "layla" to become *asur*.

However, *aveilus* is manifest by *mitzvas lo saaseh*. So if he heard of his relative dying after having davened Maariv, then the day before does not count because his *tosefes* makes it already night regarding *lo saaseh's* – *aveilus* included.

Is *hefsek tahara* an *aseh* or a *lo saaseh*? It would seem to be an *aseh* of *vesafra lah*, and thus her *tosefes Shabbos* shouldn't count to make her wait another day, like the *meikel* opinion of the Rema.