

# HALOCHOSCOPE

fulfill this obligation. What about an *ava'il* giving *Chanukah* presents? If the *minhag* is a form of *tzedakah*, it may be compared to an *ava'il* sending *mishloach manos* on *Purim* to the poor. The *poskim* permit this, as it is no worse than regular *tzedakah*. The *ava'il* is certainly obliged to fulfill *matanos la'evyonim*. This is not a social activity. The same may be said of giving *Chanukah gelt* to children to encourage them to study Torah. One may also support Torah scholars with *Chanukah gelt*.

The issue is more problematic with regard to gifts given in celebration of the *Yomtov* aspect of *Chanukah*. As mentioned, the *simcha* is not an integral part of the observance of *Chanukah*. However, the *poskim* make reference to one who refrains from eating meat or drinking wine as a penitent. He must break with this practice for *Shabbos*, *Yomtov*, *Chanukah* and *Purim*. This implies that *Chanukah* has the same obligation of *simchas Yomtov*. Furthermore, once the custom has been adopted, refraining from it due to *avails* has the appearance of openly showing mourning. This might not be forbidden on *Chanukah*. However, there is one more issue to consider: *shalom bayis*, domestic harmony. If the members of one's household have come to expect the gifts, refraining from giving them will cause discord. It is extremely important to maintain harmony in the home. In fact, this very subject is raised with regard to *Chanukah* in a different context. In a sense, the gifts one gives within his family on a *Yomtov* could be excluded from the *avails* restrictions. They are more for domestic harmony than for socializing. [See Yechezkel 24:17. Moed Katan 15a, *Poskim*. Sefer Chasidim 713. Maharil p 60-61. Tur Sh Ar OC 529 (BhT 7 MB 19) 696:6 YD 385: esp. 3, commentaries.]

In conclusion, an *ava'il* may certainly provide *Chanukah gelt* to poor scholars, to children to encourage them to study and to his own family members. He may also send gifts to family members to gladden them for the holiday, if he has already established this practice. However, he should avoid giving gifts to people outside his home.

**On the Parsha ...** They approached ... they said ... He answered: "Shalom ..." Yosef came into the house. They brought him the gift ... [Yosef] asked after their shalom. He said "Does your elderly father have shalom ... ?" They said "Our father, your servant, has shalom!" .. He sent them manos (Rashi) ... they drank and were intoxicated ... [43:19-34] The brothers did not begin by greeting 'shalom'. The master of the house did. They did not greet Yosef with 'shalom', but he greeted them with it, and they responded. Perhaps, they considered themselves in distress, even somewhat observing mourning along with their father. Yosef knew that they had no reason to mourn. He greeted them and they had to respond. After all, they had sent him a gift, more than a greeting! At first, they thought he was being cynical with them. However, when he sent them gifts, they relaxed and drank to intoxication. When later they returned to face his 'anger' over the goblet, he did not greet them with 'shalom'. Neither did Yehuda say 'shalom'. When Yosef said they should return home without Binyamin, 'leshalom' to their father, they read this as true cynicism. This elicited the angry words of Yehuda in next week's Parsha.

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**This week's question:**

**On Chanukah, it is customary to give *chanukah gelt*, money as a gift. Some also give other gifts. An *ava'il*, one in mourning may not give or receive gifts. May he participate in this practice, such as to give these items to his family members or to teachers?**

**The issues:**

A) *Chanukah gelt* and *Chanukah* gifts

B) *Availim* giving gifts

A) *Chanukah gelt* and *Chanukah* gifts

*Magen Avraham*, a major exponent of *halacha*, begins his comments on *Chanukah* with the custom of the poor to collect *tzedaka* on *Chanukah*. This seems to be one manifestation of what is known as *Chanukah gelt*. Evidently, it is an ancient custom, and is quite universal. Interestingly, there is a direct reference to money in connection to *Chanukah*, though not connected to giving a gift. The Talmud discusses the most likely type of *bizuy mitzvah*, demeaning the *mitzvah* of *nair Chanukah*, as counting money by its light. The easiest explanation for this choice is practical. *Chanukah* is a *Yomtov* on which we kindle lights that may not be benefited from. The lights kindled on other holidays and on *Shabbos* may be benefited from. Since using money is permitted on *Chanukah*, counting out money would be a likely use of its light. The term used for counting is *lehartzos*. This usually means to count out to another person, in payment, or to change the money. Furthermore, the Talmud's reference is to doing this facing the lights. According to some, in their presence this is forbidden, even if one has a *shamash*, separate light for personal benefit. It has to do with insulting rather than with benefit.

Perhaps this indicates a practice to give money as a gift around the time one kindles the *Chanukah* lights. Thus, one would be counting out or changing money and giving it to another at this time. Some speculate that as part of the rejection of Greek dominance, Jewish coinage was introduced by the *Chashmonaim*. In later times, this came to symbolize the independence of Judaism from the foreign influence.

A common reason given for *Chanukah gelt* is to connect *Chanukah* with *chinuch*, educating children. They have the same Hebrew root. It is customary to take care of *chinuch* on *Chanukah*, including paying teachers and adding gifts to them. Coins are given to the children as an incentive to study.

There is also a custom to increase *tzedaka* on *Chanukah*. One reason is, the Greeks tried to weaken us by breaking our adherence to the three parts of our religion: Torah study, *avodah*, service of G-d, and *gemilus chasadim*, kindness done with one's body and with one's money. To correct this, we strengthen these areas during *Chanukah*, the time of our return and of our victory against these forces. Hence the *tzedaka* custom.

An esoteric reason is also offered, though this seems to have come after the fact.

*Chanukah* can be connected to *tzedakah* on a mystical level. Furthermore, its light is clearly connected to the light of Torah, and specifically Torah study. Also on a mystical level, the specific study of young lads is symbolized in the small cruse of oil that lasted for the eight days of the original *Chanukah*. The light emanating from the young Torah students is enhanced when others give them *tzedakah*, or *Chanukah gelt*. This also gives the donors a share in the Torah study of the students.

Gift giving could be seen as the larger practice, with *gelt* being one way to fulfill it. [Cynics suggest that much of the excitement about *Chanukah* gifts derives from a similar practice of the gentiles at this time of year. There might be some truth to that. Though our own practices have ancient sources, some of us have, unfortunately, often used some of them to make pretenses of assimilation. The evidence for this is that somehow, the gift giving on *Chanukah* seems to have more publicity than that of other *Yomim Tovim*!]

There is also a much more practical basis for the giving of gifts. On a regular *Yomtov*, one gives gifts. This is part of the *mitzvah* of *simchas Yomtov*, rejoicing on a holiday. One must ensure that his family members enjoy the *Yomtov*. To accomplish this, each is given a gift that suits his or her needs. In addition, it was customary to send gifts of food, portions called *manos*, to one's friends on *Yomtov*. Ideally, these were sent to those who had not prepared for their festive meals. The purpose was to ensure that no-one was left out of the celebrations. There is also a practice in some communities to send *manos* on *Shabbos* [see next section]. Since *Chanukah* was also instituted as a holiday, *manos* were also sent. Unlike Purim, whose celebration commemorates physical deliverance, *Chanukah* celebrates spiritual deliverance. Accordingly, the *seudah*, eating and drinking, is an integral *mitzvah* of Purim. On Chanukah, the main *mitzvah* is thanksgiving. The *seuda* eaten by many is a manifestation of general joy. Some attach it to the *chanukas hamizbaiach*, original dedication of the altar, which is connected to *Chanukah*.

Thus, the sending of portions on *Chanukah* does not seem integral to the holiday. Nonetheless, there seems to be a strong custom to give gifts on this holiday. This is, first and foremost, to create joy as for any *Yomtov*. On *Yomtov* the only reasonable gifts would be food and drink, because money may not be given. On *Chanukah*, however, a gift of money makes more sense. The recipient can do what he wishes with it. It is reported that some always give the *Chanukah gelt* on the 5<sup>th</sup> night, that never lands on *Shabbos*. [See Re'ay 16:11 14 Esther 9:19 22 Nechemiah 8:10-12. Shabbos 22a, Psachim 109a, Poskim. Tur Sh Ar OC 529:2 (MB 19) 670:1-2, MA (Chanukas Habayis p. 33), Ar Hash 9, Minhag Yisroel Torah 4, commentaries. Sefer Hatoda'ah.]

### **B) Availim giving gifts**

Many of the restrictions on one in mourning are derived from the *Navi Yechezkel*. He was told to remain silent in mourning. This is taken to mean that he should not extend greetings, known as *she'ailas shalom*. Greetings are generally seen as a form of socializing. They are meant to be upbeat and joyful. The *avail* should be grieving, as a reflection of the judgment visited upon him, and in respect for the person for whom he mourns. It is certainly forbidden for others to extend greetings to an *avail*, if they know he is in mourning. This is the opposite of sharing in his grief and comforting him.

As the *availus* progresses through its phases, this restriction is progressively relaxed, according to many poskim. The first three days of mourning are the days of weeping. In

this period the *avail* may greet no-one. If another person greets him he may not respond in kind, but must inform his greeter that he is in mourning. This is because the word *shalom*, peace, is inappropriate at this time. For the remainder of the *shiva*, the *avail* may not greet, but may respond to a greeting extended by a person to whom he is obliged to show respect. For the remainder of the *shloshim*, thirty days of mourning, or the year when mourning a parent, the *avail* may greet others, who are in 'peace'. However, others who know of his situation may still not greet him. Some poskim show leniency with regard to the types of greeting that do not include the word *shalom*. Others maintain that all greeting involves pleasant wishes to the same effect, and would be forbidden.

Mourning practices are affected by *Shabbos* and *Yomtov*. One may not make any public display of mourning on these days. Only private mourning practices are observed, and only when they are not obvious. The Talmud discusses greeting an *avail* on *Shabbos* and *Yomtov*. Refraining from greeting is considered somewhat like a public display of mourning. Therefore, it depends on the local custom. In places where the precedent is not to greet, one may not do so. However, many poskim maintain that on *Shabbos* *she'ailas shalom* is permitted.

Giving or sending gifts is considered a true form of *she'ailas shalom*. In fact, it is an even more obvious case of joyful and pleasant social activity. Therefore, one may not send a gift to an *avail*. In addition, while an *avail* in the later phases may respond or even initiate greetings to others, he should not engage in gift giving. The reason for laxity in his greeting others is that unlike him, they are in a state of peace. Giving a gift involves the giver more than a greeting involves the greeter. However, there is a slight difference between the *avail* giving others gifts, and others giving them to him, as shall be shown.

As mentioned in the last section, there is a practice in some communities to send *manos* on *Shabbos*. The poskim discuss sending these *manos* to an *avail*. The consensus seems to be that the locales that forbid greeting on *Shabbos* also forbid sending *manos*. It seems that this would apply both ways, forbidding the *avail* sending *manos* to others as well as forbidding others to send them to him.

What about the *mitzvah* of *mishloach manos* on *Purim*? After the initial stage of *aninus*, bereavement, the *avail* is obliged in all basic *mitzvos*. This means that he must fulfill the *mitzvos* of *Purim*, including *mishloach manos*. Some poskim maintain that his restrictions of *she'ailas shalom* override his obligation of *mishloach manos*. Some poskim maintain that he must fulfill the minimum *mitzvah*, by sending a package of two portions to one recipient. The content should be plain food, rather than fancy or sweet, to minimize the joyful aspect of it. Others may not send *mishloach manos* to him at all, since this is not necessary for his own fulfillment of the *mitzvah*. Some maintain that *Purim* may be compared to *Shabbos*. Those who permit greeting on *Shabbos* would permit greeting on *Purim*, according to this view, however, this does not automatically translate into permission to exchange *mishloach manos*. Gift giving is, as mentioned, more problematic than plain greeting.

Exchanging *manos* on a regular *Yomtov* would seem to be treated the same way as greetings. Nonetheless, as mentioned, gifts must always be considered more social than a greeting. However, giving gifts to one's own family members is part of the basic *mitzvah* of *simchas Yomtov*. This is part of a larger Scriptural obligation. An *avail* must certainly