

THE BAIS HAVAAD

HALACHA JOURNAL

Family, Business, and Jewish Life through the Prism of Halacha



VOLUME 5782 · ISSUE XXIII · PARSHAS PEKUDEI



CUSTOMS DECLARATION: THE ORIGINS OF MINHAGEI PURIM

Adapted from the writings of Dayan Yitzhak Grossman

VINNews reports:

Rabbi Shlomo Chaim Aviner, the rabbi of Beit El and head of the Ateret Kohanim yeshiva, has called on Israelis not to eat hamantaschen this year, in the wake of a significant hike in their price in Israel. Rabbi Aviner wrote that: a) there is no source for eating hamantaschen, b) they are unhealthy, and c) the price has risen steeply. Regarding the source for hamantaschen, Rabbi Aviner writes that there is no early source for such a custom, and even though all kinds of explanations were given for the custom, they cannot establish the custom. The actual source for the term has nothing to do with Haman's ears, but rather a stuffed pastry containing poppy seed and known in German as *mohntaschen*, which became confused with hamantaschen.

As for the prices, in Israel a kilo of hamantaschen used to cost between 30-50

shekels, but currently the price has reached NIS 140 in some stores. Rabbi Aviner cites the Mishnah Brurah (242) who says that "if the fishmongers are hiking the prices, it is correct to make a ruling not to buy fish for a few weeks until the price returns to normal." Thus there is a basis for not purchasing even a religiously required food like fish for Shabbos if the price has risen beyond the means of average people, and certainly hamantaschen can be boycotted if their price rises so steeply.¹

We have previously discussed the application of the Tzemach Tzedek's responsum² (the original source of the passage in the Mishnah Brurah cited by Rav Aviner) to gourmet Chanukah doughnuts.³ In this article, we

(continued on page 2)

¹ After Significant Price Hike, Rabbi Aviner Says: Don't Buy Hamantaschen This Year. VINNews. (Original Hebrew version: HaRav Aviner Bikriah: Al Tochlu Oznei Haman. Srugim.)

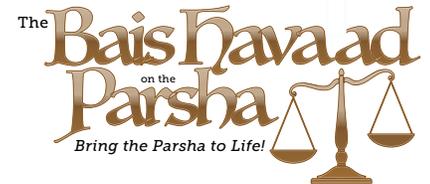
² Shu"t Tzemach Tzedek (Krochmal) siman 28.

³ Too Much Dough: Can Doughnuts Be Overpriced? Bais HaVaad Halacha

A PUBLICATION OF THE
BAIS HAVAAD HALACHA CENTER
105 River Ave. #301, Lakewood NJ 08701
1.888.485.VAAD (8223)
www.baishavaad.org
info@baishavaad.org
Lakewood • Midwest • Brooklyn • South Florida

לע"נ הרב יוסף ישראל
ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of
HaRav Yosef Grossman zt"l



PARSHAS PEKUDEI

MINIMUM AGE

Excerpted and adapted from a shiur by
Rav Moshe Zev Granek

A beka for each head, half a shekel in the shekel of the Sanctuary, for every one that passed the counting, from twenty years of age and up, for the six hundred three thousand, five hundred fifty.

Shmos 38:26

Rashi (Shmos 30:16) notes that the number of people recorded in this counting coincides precisely with the total recorded in Sefer Bemidbar (1:46). Since many people would have turned twenty or sixty between these counts, how can the number be unchanged? Rashi suggests that Rosh Hashanah is everyone's halachic birthday, and since there was no Rosh Hashanah between the counts (the first was in Tishrei and the second in Iyar), the number did not change. The Ramban argues with Rashi and maintains that one's date of birth is his halachic birthday, and that was used here as it is elsewhere in the Torah (see Arachin 18b).

It is possible that Rashi and the Ramban disagree fundamentally as to whether age is counted from one's date of birth

(continued on page 2)

Q&A from the
BAIS HAVAAD
HALACHA HOTLINE
1.888.485.VAAD(8223)
ask@baishavaad.org

The Great Leap Forward

Q My son was born in Adar thirteen years ago, in a non-leap year. In which Adar this year does he become a bar mitzvah?

A Discussing the same question with regard to *yahrzeits*, *Rishonim* disagree. The Shulchan Aruch rules that such *yahrzeits* are commemorated in Adar Sheini, while according to the Rama, they are marked in Adar Rishon (see O.C. 568:7).

Although there is also a *machlokes* concerning a bar mitzvah, the accepted halacha seems

(continued on page 2)

(continued from page 1)

discuss another Ashkenazi Purim custom with decidedly murky origins, which has also been criticized—in much stronger terms—by some Sephardi *poskim*: the wearing of masks and costumes.

The first mention of this custom is in a responsum of R' Yehudah (Mahari) Mintz, written about six centuries ago. One aspect of the custom was already quite controversial at that time: the wearing of women's clothing by men and vice versa, in apparent violation of the Torah prohibition against doing so. The Mahari Mintz notes that this was done in the presence of "many *gedolim* and *chassidei olam*" who did not object to it, and he accordingly justifies the practice on various grounds,⁴ but subsequent *poskim* are divided on whether there is really any satisfactory justification for cross-dressing on Purim. The Rama in his Darchei Moshe concludes that although there are some grounds for leniency, it is nevertheless "good to be stringent and to serve Hashem with joy, and for there to be rejoicing with trembling."^{5 6} In his glosses to the Shulchan Aruch, however, the Rama cites both opinions and merely notes that the minhag follows the lenient opinion, without further comment.⁷ The Mishnah Brurah, commenting on the latter statement of the Rama, records the stringent position of numerous later authorities.⁸ About a century and a half ago, an even more provocative objection was raised, claiming that the custom originates from the observance of Carnival, a Christian

festival that falls around the time of Purim.⁹ Some thinkers reject this connection as preposterous:

But our minhag did not come from the Roman Carnival. It is not that we believe that cultural diffusion does not exist. We do. But its application must be tempered with rational precision and reason. We must always display a cautious intellectual approach. Scholars who know what Klal Yisrael is actually all about, know that this particular type of cultural diffusion is about as likely as eggnog consumption and Xmas caroling affecting the behavior of Yeshiva boys on Purim.

It simply would not have happened. End of story. The apperception of the Roman Carnival in Torah circles was beyond the pale of acceptable activity even to mimic. This cannot be the source—especially so close to the time of Rav Yehudah Mintz, who sanctioned its use.¹⁰

But R' Meir Mazuz maintains that while there are some allusions to and bases for the custom in Jewish sources,

These are merely hints and [non-explicit] references, but no true source for the custom exists, and it is nearly certain (*karov levadai*) that it evolved from the customs of the non-Jewish inhabitants of Europe on their holidays, where they arrange Carnival festivities and men disguise themselves as women and women as men, and they sink into the fifty gates of impurity, as is known...

Rav Mazuz subsequently clarified that he did not call for the abrogation of the custom (despite it being "a late custom of our Ashkenazi brethren" which "is not mentioned at all by the *Rishonim*"), but merely to warn against giving it outside

9 Wikipedia contributors. Carnival. In Wikipedia, The Free Encyclopedia. <https://en.wikipedia.org/w/index.php?title=Carnival&oldid=1072131935>.
10 R' Yair Hoffman, Purim Costumes—A History, Reasons, and Origin. The Yeshiva World.

Journal, Dec. 10, 2021.

4 Shu"t Mahari Mintz *siman* 16.

5 See Tehillim 2:11.

6 Darchei Moshe O.C. end of *siman* 696.

7 Shulchan Aruch *ibid.* *se'if* 8.

8 Mishnah Brurah *ibid.* s.k. 30. Cf. Bach Y.D. *siman* 182; Taz *ibid.* s.k. 4; Knesses Hagedolah O.C. *siman* 695 Hagahos Bais Yosef s.v. *Levishas Hapartzufim* bePurim; Ba'air Heiteiv O.C. *siman* 696 s.k. 13; Shu"t Yabia Omer *cheilek* 5 *siman* 14; Moresheet Maran—Minhagei Purim.

(continued from page 1)

to be that it happens in Adar Sheini (see Rama O.C. 55:10). Still, there are grounds to be *machmir*—with regard to both *yahrzeit* and *bar mitzvah*—to accommodate both opinions if possible (see, e.g., Gra O.C. 568:7).



In light of this preference to be strict, R' Shmuel Vosner rules (Sheivet Halevi 6:9, 10:105) that even those who do not normally begin donning tefillin thirty days before the bar mitzvah should be *machmir* in this case, to accommodate the *shittah* that Adar Rishon is the actual bar mitzvah.

Those who do begin *hanachas* tefillin thirty days in advance may normally delay it a bit where necessary (e.g., if one wishes to daven with a *gadol* the first day of *hanachas* tefillin and receive a *bracha*). In our leap year scenario, however, for the reason stated, it is recommended that one begin a full thirty days before the Adar Sheini bar mitzvah.¹

Note that if a boy is born in a leap year Adar, and the year of his bar mitzvah is also a leap year, he becomes a bar mitzvah in the Adar of his birth.

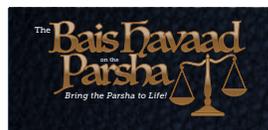
1 The Sheivet Halevi in the second *teshuvah* cites from the Bais Shlomo that one should not begin on the exact day of Adar Rishon that the bar mitzvah falls on in Adar Sheini, so that people don't mistakenly think that the halacha follows the Maharash Halevi that the bar mitzvah is really in Adar Rishon.

importance and emphasizing it over the more important mitzvos of Purim. In the course of his earlier discussion, he urges the reinstatement of the traditional custom of burning Haman in effigy, which dates back to the Gemara,¹¹ as explained by the Aruch,¹² which had been practiced "throughout the Sephardi diaspora until our day," but which has lately been forgotten and abandoned in favor of the costume practice.¹³

11 Sanhedrin 64b, "*kemashvarta dePuraya*."

12 Aruch *erech* עורר.

13 Vekaneh Lecha Chaveir, *siman* 103—*Minhag Hatachposet* BePurim.



(continued from page 1)

or from Rosh Hashanah (as *orlah* is counted

from Rosh Hashanah; see Rosh Hashanah 9b). But R' Yaakov Kamenetsky suggests (Emes LeYaakov, Parshas Ki Sisa) that Rashi agrees with the Ramban with respect to individuals, but for *machatzis* hashekel,

which counted all of Klal Yisrael, it would be impractical to check each person's birthday, so a uniform standard was imposed to count age from Rosh Hashanah.

A third approach is alluded to by the Maharam Schick (O.C. 189), that for some halachos, birthdate is used (see Arachin 18b concerning *eved ivri*, *sdei achuzah*, etc.), but for other halachos (e.g., *orlah*), we use Rosh Hashanah.

Rashi and the Ramban only disagree which group *machatzis* hashekel is in.

Scan here to receive the weekly email version of the Halacha Journal or sign up at www.baishavaad.org/subscribe

Elevate your Inbox.



BHJJ SPONSORS
Rabbi Kalman Katz

To become a corporate sponsor of the BHJJ or disseminate in memory/zechus of a loved one, email info@baishavaad.org