

THE BAIS HAVAAD

HALACHA JOURNAL

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



A PUBLICATION OF THE
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ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of
HaRav Yosef Grossman zt"l

VOLUME 5783 • ISSUE XX • PARSHAS TETZAVEH-ZACHOR



PLAYING WITH FIRE: ADOPTING CHUKOS HAGOYIM

Adapted from the writings of Dayan Yitzhak Grossman

The Yeshiva World reports:

HaGaon HaRav Yitzhak Zilberstein on Monday published a letter, signed by Rosh Yeshivah HaGaon HaRav Gershon Edelstein, against firecrackers ahead of the upcoming holiday of Purim.

"My dear brothers. I came to warn about the spilling of innocent blood, ולא ארץ לא יכפר לדם, (במדבר לה ג) . אשר שפך בה (במדבר לה ג) Hakadosh Baruch Hu gave us the holy day of Yom Hapurim which is like Kipurim, and unfortunately, it has been transformed into a day of bloodshed. I know of children who threw firecrackers and caused women situations of *pikuach nefesh mamash*, there are children whose fingers were cut off, and people who were blinded.

"One who sells firecrackers or a father who

allows his children to use them—what will he answer on Yom Hadin?

"And it's written in the Sefer Mo'ed Lechol Chai (in the introduction)¹ that the use of gunpowder stems from the nations of the world, and it's not appropriate for the Jewish nation in any place and at any time to do so, and the one who does so violates "You shall not do as their deeds."²

"And he writes that at first, the *bais din* would inform the *bnei hagolah* (Diaspora) when Rosh Chodesh was determined by raising torches, and they would light up the entire *golah* like a bonfire. It wasn't announced by a 'reed of fire' or the like,

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¹ Mo'ed Lechol Chai (Bnei Brak 5774) p. 21.
² Shmos 23:24.



PARSHAS TETZAVEH-ZACHOR ANNUAL REMEMBERSHIP

Excerpted and adapted from a shiur by
Rav Baruch Penfil

Remember what Amaleik did to you
on the way, when you were leaving
Mitzrayim.

Dvarim 25:17

Chazal mandated the annual reading of Parshas Zachor to fulfill the mitzvah of *zechiras Amaleik*. The Magen Avraham (O.C. 60) asks why a special *krias haTorah* was instituted for *zechiras Amaleik* and not for the five other mitzvos *zechirah*: remembering *yetzias Mitzrayim*, *matan Torah*, the *eigel hazahav*, what happened to Miriam, and Shabbos.

The Magen Avraham answers that we already remember *matan Torah* on Shavuos, *yetzias Mitzrayim* on Pesach, and Shabbos every week. Miriam's story and the *eigel hazahav*, on the other hand, don't have their own readings because they are incidents of *genai* (shame).

There are two ways to understand the Magen Avraham. The Machatzis Hashekel says the Magen Avraham assumed in his question that we fulfill all six mitzvos

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Manos Mail

Q *May mishlo'ach manos* be shipped with UPS before Purim if it will arrive on Purim?
A One may certainly fulfill the mitzvah through a bona fide *shliach*—a Jew that is a *bar da'as*—because *shlucho shel adam kemoso* (a person's proxy is like him). It is even preferable to do so, as Shu"t Binyan Zion (44), quoted in the Mishnah Brurah (695:18), contends that *mishlo'ach manos* might require a *shliach*, as that is meaning of *mishlo'ach*. Still, the consensus of contemporary *poskim* is that one certainly fulfills the mitzvah even if he handed over the *manos* directly.

But can one fulfill the obligation through a non-Jewish agent like a UPS courier?

We find three views on the purpose of *mishlo'ach manos*: a) The Trumas Hadeshen

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for they are weapons and instruments of death which are designed for calamity—because the *mo'adei* Hashem were given for life and not death.

“And even if there is nothing deadly in it, its sound alone, when it’s set off suddenly, can cause a person to tremble and panic. These instruments of death shouldn’t be used in any form, even on Purim and at weddings.”¹³

The concern for safety is certainly a straightforward matter; as we have previously discussed, it is indeed forbidden to risk one’s own life or the lives of others without justification.¹⁴ The invocation of the prohibition of “you shall not do as their deeds,” however, is far less clear, and would seem to hinge upon a fundamental dispute about the scope of the prohibition.

While some interpret this prohibition (based on the context of the *pasuk*) as referring specifically to idolatry,¹⁵ others understand it as forbidding “the ways of the Emori”¹⁶—various superstitious practices of the ancient pagans.¹⁷ The practice of non-Jewish customs is more commonly understood to be forbidden by the prohibitions of “do not follow their statutes (*uvechukoseihem lo seileichu*)”¹⁸ and “Do not follow the traditions (*bechukos*) of the nation that I expel from before you.”¹⁹ As the Rambam writes:

We may not follow the statutes of the idolaters or resemble them in their [style of] dress, coiffure, or the like, as it says (Vayikra 20:23), “Do not follow the traditions of the nation,” and it says (Vayikra 18:3), “Do not follow their statutes,” and it says (Dvarim 12:30), “Be careful, lest you be distracted by them.”

All these *psukim* share a single theme, warning us not to resemble them. Rather, the Jew should be separate from them and

known by his dress and his other deeds, just as he is in his mindset and his ideas, as it says (Vayikra 20:26), “I have separated you from among the peoples.”¹⁰

A number of *Rishonim*, however, understand that the prohibition of following gentile customs is limited, either a) to *chukim* (practices that have no rational justification)¹¹ or b) to those that are characterized as folly and nonsense and are rooted in idolatry¹² or c) to those that constitute immodesty and haughtiness and thus contravene Jewish norms.¹³ We do not find a single *Rishon* who explicitly rejects this view, the Rama codifies it as normative halacha, and as we have previously discussed,¹⁴ various later authorities accept it as well.

The Vilna Gaon, however, disagrees and extends the prohibition to gentile customs in general,¹⁵ and some *Acharonim* recommend that one act stringently and follow his view, at least in certain contexts.¹⁶ Thus, R’ Betzalel Zolty forbids military funeral ceremonies involving the laying of floral wreaths and the firing of guns, based on the position of the Gra, although R’ Yechiel Yaakov Weinberg rejects his view as excessive stringency.¹⁷

Incidentally, if one wishes to act stringently and follow the position of the Gra, a good case can be made for refraining from dressing up on Purim,¹⁸ since as we discussed last year,¹⁹ some Sephardi *poskim*, including R’ Meir Mazuz, maintain that it is nearly certain (*karov levadai*) that the custom

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

10 Rambam Hilchos Avodah Zarah 11:1 (cited in brief in Tur and Shulchan Aruch ibid.).

11 Shu”t Rivash siman 158; Shu”t Maharik shoresh 88 (cited in Bais Yosef ibid.).

12 Ran Avodah Zarah p. 2b in Rif pagination.

13 Maharik ibid.

14 Article published in the Bais HaVaad Halacha Journal in 2017; I do not know the exact date or title.

15 Cf. R’ Yehuda Spitz, Adorning the Shul with Greenery on Shavuos: Part 2, Ohr Sameach: Insights into Halacha, Week ending 9 Sivan, 5777/Dune 3, 2017.

16 Buir HaGra ibid. os 7.

17 R’ Betzalel Zolty, Kovetz No’am Vol. 2 p. 170; Minchas Asher, Vayikra siman 33 os 4.

18 Sridei Eish cheilek 3 siman 93 p. 297 s.v. Uvermakom zeh alai leha’ir.

19 As we noted in n. 14 of the article referenced in n. 14 above, a similar point, in the form of a reductio ad absurdum objection to the reported opposition of the Gra to the custom of decorating synagogues and homes on Shavuos with greenery on the grounds that Christians have a similar custom on their holiday of Pentecost, is made by R’ Gedalya Oberlander: “According to the opinion of the Gra, is it necessary to abrogate every Jewish custom to which the gentiles are accustomed as well, such as the custom of dressing up on Purim, to which the gentiles are accustomed as well on their holiday?” Hanachas Asabim Veho’omados Ilanos BeChag Hashavuos: Kiyumah Vehishloteilusah, in Or Yisrael, Sivan 5760-Year 5 Gilyon 4 (20), p. 145 n. 69.

20 Uktnei Lecha Chaver, siman 103—Minhag Hatachposet bePurim.

21 See Shu”t Yabia Omer cheilek 3 Y.D. siman 24 os 6 pp. 242–43; Minchas Asher ibid. os 4.

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says it is to ensure that everyone has food for the *seudah*. b) The Manos Halevi and the Chida say it is to increase friendship and *achdus*. c) The Aruch Hashulchan and others say it is to increase happiness by giving to others. According to the first two views, as long as the recipient receives the package on Purim, the sender fulfills the mitzvah. But according to the third, the sender must do his act of giving on Purim, so he must either appoint a halachic *shliach*—even in advance, for delivery on Purim—or ship it with a courier on Purim for same-day delivery. The general consensus of contemporary *poskim* seems to follow the first two views, so they permit sending *mishlo’ach manos* via a non-Jew before Purim if it will reach the recipient on Purim.



DAYAN YEHOASHUA GRUNWALD

is known.²⁰

The assertion of the Mo’ed Lechol Chai that the use of gunpowder violates the prohibition against practicing gentile customs would seem not to be correct according to the lenient, narrower understanding of the prohibition articulated by the *Rishonim*, although it might be consistent with the stricter view of the Gra. Additionally, some authorities have asserted that invocations of the prohibition by *poskim* were not always intended in a literal, rigorous sense, but were sometimes merely used to express vehement condemnation of a practice that while not technically a violation of the prohibition was nevertheless intolerable due to its setting within a context of religious reform and assimilation.²¹

3 Gedolei Yisrael Against Firecrackers: “They Turned a Yom Kadosh into Bloodshed,” The Yeshiva World, <https://www.yeshivaworld.com/news/headlines-breaking-stories/2167746/gedolei-yisrael-against-firecrackers-they-turned-a-yom-kodosh-into-bloodshed.html>.

4 See Counter a Tax: Disincentivizing Unhealthy Behavior. Bais HaVaad Halacha Journal, Jan. 19, 2023, and the earlier articles cited in n. 11 there.

5 See Ramban ibid.; Rashi Sanhedrin 60b s.v. Over belo so’aseh.

6 See Maseches Shabbos Mishnah 610, Bavli 67a-b, and Tosefta perek 7, Encyclopedia Talmudis Vol. 7 columns 706-12.

7 Rashi Avodah Zarah 11a s.v. Velo midarchei haEmori and Chulin 77a s.v. Darchei haEmori; Sefer Yereim (569); cheilek 1 siman 313 [88] pp. 174a-b (cited in Hagahos Maimoniyos, Hilchos Avodah Zarah perek 11 os 1 and Bais Yosef Y.D. siman 178). While the Sefer Yereim understands that the category of *darchei* haEmori is limited to the practices enumerated by Chazal, which “are not based on logic, but on a received tradition,” the Bach ibid. disagrees. In any event, it is clear from the entire halachic discussion of the topic that the general prohibition against gentile customs is universally assumed to extend beyond the practices enumerated by Chazal.

8 Vayikra 18:3.

9 Ibid. 20:23.

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de'Oreisa of *zechirah* once a year when we read them in the regular *krias* haTorah. His question was why Chazal instituted an additional *krias* haTorah for Amaleik but not for the others, and his

answer is that some do have an additional reading, but Chazal did not institute special readings for matters that relate to *aveiros*. Another possible understanding of the Magen Avraham is that all the mitzvos of *zechirah* apply daily.¹ (The Rambam

(Melachim 5) appears to refer to remembering Amaleik as a mitzvah *temidis*.) The Magen Avraham is asking why there is an additional yearly *krias* haTorah for *zechiras* Amaleik alone, and he answers that in fact there is

one for those *zechiros* that do not invoke *genai*.

1 See the Arizal (cited by the Magen Avraham) who says that

one should have these mitzvos in mind each day when reciting specific words in Ahavah Rabah. The Magen Avraham writes this explicitly in his *pirush* on the Sifra (Zayis Ra'anam, Parshas Bechukosai).

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