

THE BAIS HAVAAD

HALACHA JOURNAL

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



VOLUME 5783 · ISSUE XXXV · PARSHAS KORACH



PARTY BOSS: BAS MITZVAH CELEBRATIONS IN HALACHA

Adapted from the writings of Dayan Yitzhak Grossman

JNS reports:

Former U.S. President Donald Trump's granddaughter celebrated her bat mitzvah over the weekend, her mother announced on Tuesday. Arabella Rose Kushner, the eldest child of Ivanka Trump and Jared Kushner, marked her bat mitzvah—the coming-of-age ceremony for Jewish girls—several weeks before her 12th birthday. Miss Kushner may be the first First Granddaughter in U.S. history to have a bas mitzvah celebration. In this article, we survey the halachic literature on such events.

These festivities are apparently a relatively recent innovation; there is no mention of them before a couple of centuries ago, and the halachic discussions of them, most of which are from the past century, commonly note the novelty of the practice. This is in contrast to *bar* mitzvah celebrations; although they also apparently lack any explicit source in Chazal or the

Rishonim, they at least were already acknowledged and endorsed almost five centuries ago by R' Shlomo Luria (the Maharshah), who adduced a Gemara in support of them:

Rav Yosef said: At first I used to say that if someone would tell me that the halacha accords with the view of R' Yehudah, who said that a blind person is exempt from mitzvos, I would make a holiday for the *Rabanan*, because that would mean that I am not commanded to do the mitzvos, and yet I do them. But now that I heard what R' Chanina said, that one who does something having been commanded to do so is greater than one who does it without having been commanded, on the contrary—if someone would tell me that the halacha does *not* accord with the view of R' Yehudah, I would make a holiday for

(continued on page 2)

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

In memory of R' Zev Aryeh Solomon z"l
זאב ארי" בן יעקב שמואל ז"ל

נפטר ח' חשוון

Dedicated by
Rabbi and Mrs. Raphael Wurzburger

The Bais Hava'ad
on the
Parsha
Bring the Parsha to Life!

PARSHAS KORACH

BEGGING TO DIFFER

Excerpted and adapted from a shiur by Dayan
Yitzhak Grossman

Korach gathered the entire assembly against them at the entrance of the Ohel Mo'ed, and the glory of Hashem appeared to the entire assembly.

Bemidbar 16:19

Korach's rebellion against Moshe raises the question of when one *chacham* is permitted to disagree with earlier *chachamim* in matters of halacha, concerning which we will cite here just a few out of many sources. The *Ra'avad* argues that if a *dayan* rules against a *Gaon* (from the *tekufas haGeonim*), he is deemed a *to'eh bidvar* Mishnah (errant in an explicit matter), concerning which the halacha says he must retract his ruling. In the *Ra'avad's* understanding, one may never disagree with *Geonim* unless he has a very "famous question" against them, which he says is uncommon.

The *Rosh* holds that if the *dayan* is familiar with the *Gaon's* view and cites proofs against it that are accepted by the other *gedolim* in his generation, he is permitted to disagree. In support of his position, the *Rosh* cites the Gemara that one can only go to the authority in his generation (even if he is of lesser stature than earlier authorities that ruled differently). If the later *chacham* has no proofs and his view is not accepted by other *chachamim* in his time, he may not disagree with an earlier *chacham*.

(continued on page 2)

Gratuitous Instruction

- Q Walmart's same-day delivery service automatically adds a \$4 tip for the driver to my bill unless I opt out. Must I remove it due to *lo sechaneim*?
- A The Gemara (Avodah Zarah 20a) says that *lo sechaneim* (Dvarim 7:2) prohibits giving gifts to idol worshippers. The *Sefer Hachinuch* (mitzvah 426) explains that this prohibition prevents us from bonding with them, pursuing their love, and being influenced by their ways. While some *poskim* limit the *issur* to idol worshippers, the *Shach* (Y.D. 151:18) rules that it applies to all non-Jews except a *ger toshav*, who formally accepts the mitzvos *bnei* No'ach (Rambam *Hilchos Avodah Zarah* 10:4).

Traditionally, it has been accepted practice to give gifts to non-Jewish employees (like holiday bonuses) or business associates, based on the *Tosefta* cited by the *Rosh* (Avodah Zarah 1:19): "One may give a

(continued on page 2)

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

(continued from page 1)

the *Rabanan*.¹

The Maharshal accordingly rules:

It would seem that there is no greater *se'udas* mitzvah than the bar mitzvah meal that the Ashkenazim make; they make a *simcha* and they give praise and thanks to Hashem for the boy's meriting to become a bar mitzvah. There is a clear proof of this from [the above Gemara]...Even though R' Yosef was in actuality already obligated in mitzvos, he nevertheless planned to make a festive day upon receiving the tidings (that he was indeed obligated), and a fortiori is it appropriate to make a festive day when the time [of obligation in mitzvos] actually arrives...²

One of the first major authorities to discuss the *bas* mitzvah celebration is R' Yosef Chaim of Baghdad (the Ben Ish Chai):

Agirl as well, on the day that she becomes obligated in mitzvos, although the minhag is not to make her a *se'udah*, she should nevertheless rejoice on that day and wear Shabbos clothing...and some have the minhag to make one's birthday each year into a festive day, and it is a propitious sign (*siman yafeh*), and this is the custom in our home.³

R' Ovadia Hedaya Yosef⁴ and R' Ovadia Yosef⁵ both infer from the language of the Ben Ish Chai that he holds it is indeed appropriate in principle to celebrate a *bas* mitzvah with a *se'udah*, despite it not being the minhag in the Ben Ish Chai's time, so in a place where celebrating with a *se'udah* is indeed customary, it is commendable.

R' Aharon Walkin (the *rav* of Pinsk-Karlin in the interwar period), however, was vehemently opposed to *bas* mitzvah celebrations, at least in the context of his time, insisting that they are absolutely prohibited, as they involve aspects of both idolatry and licentiousness (*abizra da'avodah zarah* and *abizra da'arayos*): Because the intent is "certainly" to ape the non-Jews (i.e., Christians, who hold "confirmation" ceremonies for teenagers) as well as the Jewish evildoers, the adherents of the Reform movement, they fall under the prohibition of "do not follow their traditions,"⁶ and since they involve the mingling of men and women and boys and girls, they are considered a major breach of modesty (*pritzus*).⁷

The problem of *pritzus* obviously depends on both the specific nature of the celebration as well as local

modesty norms, which can vary between communities and—at least in some contexts—change over time.⁸ Indeed, R' Ovadia Yosef, who is unequivocally supportive of *bas* mitzvah celebrations, still adds the condition that they be conducted in accordance with "the rules of *tznius* that are demanded by the Torah," and directs the reader to Rav Walkin's *teshuvah*.

Rav Walkin's other objection to the *bas* mitzvah celebration, that it constitutes a prohibited aping of non-Jewish customs, is also accepted at least in principle by at least some proponents of *bas* mitzvah celebrations. R' Yechiel Yaakov Weinberg penned a famous *teshuvah* in defense of such celebrations, in which he engages in a lengthy analysis of the various interpretations of the *Rishonim* and the Vilna Gaon on the scope of "do not follow in their traditions," and while he ultimately inclines toward allowing *bas* mitzvah celebrations, this is only because he believes that there are strong *chinuch* considerations in favor of them, but he explicitly acknowledges that their legitimacy hinges on motive:

In practice, it depends on the intentions of those who desire to innovate this custom of celebrating the *bas* mitzvah, whether they intend it for the sake of mitzvah or *chailah* for the sake of aping the sectarians.

He explains that in earlier generations, such celebrations were unnecessary, because girls imbibed Torah, *yiras shamayim*, and *Yahadus* from their homes and communities, "and they virtually nursed *Yahadus* from their mother's bosom." Contemporary society, however, is vastly different: The influence of the street tends to uproot every vestige of *Yahadus* from children, and girls are educated in non-Jewish or secular schools, so logic and pedagogic principles virtually mandate the celebration of *bas* mitzvah, and not to do so would be seen by girls as offensive.⁹

R' Moshe Feinstein, however, dismisses such arguments out of hand. In several *teshuvos* written in the late 1950s, he repeatedly insists that *bas* mitzvah celebrations are at best religiously neutral (*reshus*) and meaningless (*hevel*)¹⁰ and are rooted in Reform and Conservative Judaism, and while they are not strictly prohibited, it would be preferable to refrain from holding them. R' Moshe is quite pessimistic about the *chinuch* benefits of even *bar* mitzvah celebrations, declaring that

It is known that they do not bring anyone closer to Torah and mitzvos, not even the *bar* mitzvah (boy),

1 Kidushin 31a.
2 Yam Shel Shlomo Bava Kama perek 7 siman 37.
3 Ben Ish Chai (Shanah Rishonah) Re'ei siman 17.
4 Shu"t Yaskil Avdi cheilek 5 O.C. siman 28.
5 Shu"t Yabia Omer cheilek 6 O.C. siman 29 as 4, Shu"t Yechaveh Da'as cheilek 2 siman 29.
6 Vayikra 18:3.
7 Shu"t Zkan Aharon cheilek 1 siman 6.

8 See, e.g., Levush Hachur, Minhagim, siman 36.
9 Sridei Eish cheilek 3 siman 93.
10 In R' Moshe's second *teshuvah*, he explains why, in his view, a *bas* mitzvah is less subject to public celebration than a *bar* mitzvah; in Yabia Omer and Yechaveh Da'as ibid., however, R' Ovadia Yosef dismisses R' Moshe's distinction as unpersuasive and lacking a foundation in halacha.
11 Shu"t Igros Moshe O.C. cheilek 1 siman 104; cheilek 2 siman 97; and cheilek 4 siman 36.

(continued from page 1)



The Rama rules like the Rosh, and some later *poskim* also permit contradicting earlier authorities in some cases. For instance, the Rid says that the later generations are compared to dwarfs on the shoulders of giants, who can use the knowledge of the giants to arrive

at their own ruling, even if they are of lesser stature. In recent times, R' Moshe Feinstein wrote to R' Menashe Klein (who sought to rule against R' Moshe, the *gadol hador*) that it was permitted to disagree with him, and even a lesser chacham has the right to express his view. The

issue is complex,¹ but in practice, most recent *poskim* will not disagree with a large group of significantly earlier *Rishonim* or *Acharonim*, but they may disagree with individual *poskim* from

the century before them.

Other issues to take into account include the fact that some *Rishonim* cite the Gemara mentioned above as proof for the opposite approach (that one may not disagree with earlier authorities), the assumption that *Rishonim* do not generally disagree with *Amoraim*, and the idea that repeating the *gezeirah* of an earlier *bais din* may be different from disagreeing on the halacha.

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

O&A from the
BAISHAVAAD
HALACHA HOTLINE
1.888.485.VAAD(8223)
ask@baishavaad.org

(continued from page 1)

gift to a non-Jewish friend or neighbor, because it is like selling to him." The Levush (Y.D. ibid.) explains that a gift to an acquaintance is more investment than gift, as one can expect reciprocation.



Tippling a waiter or barber is permitted for another reason: It is standard practice, so it is seen as part of the payment rather than a gift. Because of this, it is permitted even if reciprocity is unlikely, so a traveler may tip a waiter even if he expects never to return to the restaurant.

It's hard to determine whether tipping Walmart delivery drivers is standard practice. And reciprocal favors are unlikely, as the connection between driver and customer is limited. In most cases, though, tipping is permitted—recommended, even—to maintain peaceful relations. If Walmart drivers got the impression that Jews weren't tipping, it could cause animosity, and the Shulchan Aruch (C.M. 249:2) says one may give a gift for *darchei shalom*. This is especially true if the delivery is to a visibly Jewish neighborhood.

not even for a single hour, and on the contrary, in many places they cause chillul Shabbos and [the violation of] other prohibitions.

R' Moshe's third *teshuvah* is to someone who had apparently argued for the *chinuch* benefits of such celebrations. R' Moshe stands his ground and reiterates that they are not actually beneficial and are even harmful, as above, and to the extent that his correspondent believes that they are beneficial, the benefits can be achieved by simply holding an ordinary shul kiddush, at which the girl may speak in honor of her *simcha*.¹¹

In summary, *bas* mitzvah celebrations are a relatively recent development in Jewish history. Sephardi authorities have been largely in favor of them, while Ashkenazi ones have been much more skeptical, likely in large part due to their understanding of the practice as being motivated by assimilative tendencies and rooted in Reform and Conservative Judaism.

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

Elevate your Inbox.



ALLURE HEALTHCARE SERVICES
Mr. and Mrs. Michael Nudell

BHHJ SPONSORS
Mr. Shmuel Caro