

"Halacha Sources" Highlights - Pesach Charity

Question: What special charity collection is made in preparation for Pesach?

Answer: We will discuss the source and applications of the "Pesach Wheat" (or "flour"), in three steps:

- (1) the *source* of the *minhag* to have a special "wheat" charity for Pesach,
- (2) the *difference* between this *minhag* and the usual obligation to provide for the poor,
- (3) some *fine points* (from the *Mishnah Berurah*)

Part 1: The Source of the Minhag to Have a Special "Wheat" Charity for Pesach

The *Mishnah Berurah* writes that "Pesach wheat" is an ancient *minhag*, from the time of the Gemara. It is therefore stringent enough that the people of the city have the right to force one another to participate.

Its source is the following *Yerushalmi* (*Bava Basra* 2a, cited by the *Ohr Zarua* [*Rabbeinu Yitzchak ben Moshe* of Vienna, ~1190 - ~1260]): "It was taught in a Baraisa: If one spent thirty days in a city, he is thereby considered like the people of the city. However, later it was said [as the final Halacha that] for becoming obligated to contribute toward the walls and for other local taxes, the amount of time [to have spent in the city] is twelve months. R' Yose of the house of R' Bun said: This is also true for 'the Pesach wheat', 'whether for receiving or for giving'."

The *Ohr Zarua* writes that the explanation of this last statement is as follows: "If someone spent twelve months in the city, [then] if he is 'wealthy' [i.e. not poor] he has to give his share, and if he is poor - they [i.e. the 'wealthy' inhabitants] give to him." As for the term "Pesach wheat", he explains: "The *minhag* of [all] the congregations is to levy a tax upon the congregation for the wheat needs - to supply the poor of the city on Pesach."

Accordingly, in the *Shulchan Aruch* (O.C. 429:1), the *Rema* codifies: "The *minhag* is to purchase wheat, [in order] to distribute it to the poor for the sake of Pesach; and anyone who is [already] living in the city [for] twelve months must contribute toward this."

Part 2: The Difference Between This Minhag and the Usual Obligation to Provide for the Poor

Providing the poor's needs is of course required by the strict Halacha, and does not depend on any special time of year. The *Mishnah Berurah* (in his *Sha'ar HaTziyun*) writes that perhaps the "*minhag*" here is that instead of giving the poor the money and making them do their own buying, we "bring the benefit closer" to them by giving them wheat. (In fact, he writes [in the *Mishnah Berurah* itself] that "in our areas", the *minhag* is to distribute flour, which "brings the benefit closer" to the poor even more.)

In any case, the sources clearly say the *minhag* only applies to the *local* poor. However, the *Mishnah Berurah* writes that even a poor person who merely "passes through" must be given *matzah* on Pesach (just that he does not have to be given enough flour for the entirety of Pesach all at once), just as he must be given two meals for every weekday he spends in the city, and three for Shabbos. This, then, constitutes a further difference between "Pesach Wheat" and year-round charity: Only in the case of "Pesach Wheat" is it that a week's needs are provided all at once.

With this in mind, the *Mishnah Berurah* (in his *Sha'ar HaTziyun*) addresses the question: Why was it instituted that specifically Pesach should have such a charity? He answers: Either (a) to enable everyone to sit down and relate the story of the Exodus in happiness and security (for, as above, part of the uniqueness of this charity is that the local poor receive enough for all of Pesach *at once*), or (b) because *matzah* (which is the only "bread" one can eat on Pesach) is not always readily available for sale, and if it not obtained for the entire Pesach this can result in hunger or other problems.

Perhaps we can suggest an additional approach: Some authorities explain that it is only before Pesach that a period of advance preparation was instituted, specifically for focusing on its Halachos. (The *Beis Yosef* explains that this is because for the other *Yamim Tovim* a day or two in advance suffices, because most *sukkahs* and four species are valid and no great effort is needed to prepare them, and Pesach alone requires a month in advance to go over the Halachos and to remove *chametz* from the homes and utensils and make *matzahs*.) If so, then the special purpose of this charity could be that it enables even the poor to "be prepared in advance" for Pesach. This could be alluded to by the fact that the authors of the *Shulchan Aruch* placed the *minhag* of the "Pesach wheat" in the very same *se'if* (O.C. 429:1, as above) as the Halacha of focusing on the Halachos of Pesach for a month in advance.

Part 3: Some Fine Points (from the *Mishnah Berurah*)

The amount to be given is the poor person's needs for the entirety of Pesach. This obviously includes baking costs, if someone is so poor that he himself does not have the means to bake his *matzah*, since for him such costs are part of "the sufficient [amount] for [providing] the lacking [things] which he lacks" (see *Devarim* 15:8). And when it comes to this levy, even a Torah scholar (who is exempt from taxes in general) must contribute. In fact, anyone's avoiding contributing is an *aveirah*. The poor depend on this, and just as the Gemara says (*Sanhedrin* 35a), "Any fast day in which the charity is delayed overnight is like spilling blood, as it says (*Yeshaya'ah* 1:21) '[the city was] filled with justice, charity is delayed overnight, and now murderers'," and Rashi explains, "Charity would usually be given on the night [following] a fast day, and the eyes of the poor are raised up towards this, and if it is delayed overnight the poor will go hungry - for they depended upon it"; the same applies here.

As for the period of time which renders someone an "inhabitant of the city", the *minhag* was changed subsequently to require only thirty days [instead of twelve months] for all such charity issues. However, the delay does not apply at all to "someone who came to the city to settle there", such a

"wealthy" person who bought a home (and perhaps even someone who merely rented one). And one final point: The distribution of the costs is based on each person's estimated assets.

© 2013 by Rabbi Dovid Lipman (feel free to contact by e-mail at feedback@learnhalacha.com). "*Halacha Sources*" *Highlights* is part of the *Halacha Sources* project (for more information "About the Project", see www.learnhalacha.com/about.php). To receive these "Highlights" by e-mail (as each is posted), send an e-mail to halachafriends@learnhalacha.com, with "subscribe" as the text or the subject line.