

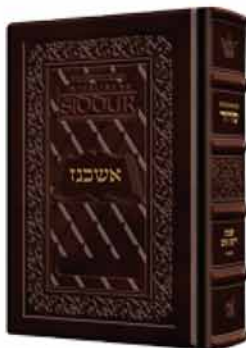
HALACHICALLY SPEAKING

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{ TOPIC }

DIFFERING CUSTOMS BETWEEN HUSBAND AND WIFE



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► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky zt"l*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, zt"l* on current issues.

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DIFFERING CUSTOMS BETWEEN HUSBAND AND WIFE

For hundreds of years, people chose spouses from the same basic area, and their customs were the same. In recent times, people marry from different backgrounds, and their customs will be different because of this. Does the wife need to follow her husband's practices? Are there any exceptions? What about her husband's stringencies?

Custom in One's Place

Today's communities around the world do not have one custom, since people come from all over the world to settle in various places. One example of this is New York. Each person should follow the custom of his origin.¹

When a husband and wife come from two different communities, which customs should be followed?

Woman Follows Husband's Custom

Once she marries, a woman follows the customs of her husband.² There are two reasons given for this. First, it would be highly disruptive to the marriage if there were two customs followed in one home.³ In addition, one's wife is an extension of himself. This is known as *ishto k'guf*.⁴

Many such cases will be brought below.

1. *Igros Moshe*, O.C. 1:158, E.H. 1:59.

2. *Igros Moshe*, O.C. 1:158, Y.D. 4:3:1, E.H. 4:32; *Yesodei Yeshurin* 6:page 239-240; *Minchas Yitzchak* 4:83; *Yabia Omer*, O.C. 5:37; *Natei Gavriel Nisu'in* 2:118:1; *Halichos Beisah* 18:11; *Banim Chavivim* pages 98-99; *Imrei Baruch* pages 82-83.

3. Refer to *Yom Tov Sheini K'hilchaso* 19:18:footnote 50.

4. *Tashbeitz* 3:179. See *Yabia Omer*, O.C. 5:37; *Bnei Banim* 3:29.

איך ללמוד להלכה של אמונתו של הבעל? איך ללמוד להלכה של אמונתו של הבעל? (ברכות ה.)

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כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

When Does It Start

It is apparent that the woman follows her husband's customs from the time of the *chuppah*.⁵

After the Husband Dies

Even after the husband dies, his wife should follow his customs.⁶ If she had no children with her husband, she reverts to her father's customs.⁷

Stringencies

Many men have certain stringencies which they have accepted throughout different stages of life. The question arises whether the wife needs to adopt these stringencies as well. For example, if the husband is stringent with *chalav stam*,⁸ waiting seventy-two minutes after Shabbos,⁹ or not relying on certain *hashgachos*,¹⁰ does she need to follow suit?

The *poskim* maintain that following the stringencies of one's husband is not required.¹¹

Nusach Ashkenaz or Sephard

When a woman gets married, some maintain that she

5. *Yom Tov Sheini K'hilchaso* 19:18:footnote 50. In regard to how long a woman should wait from when she is impure to start her seven clean days and the ramifications it has with a Sephardic woman who marries an Ashkenazic man, *Ben Ish Chai, Tzav* 2:7; *Taharas Habayis* 2:pages 392-393; *Yabia Omer, Y.D.* 1:15:13; *Chut Shani Niddah* page 261:14; *Imrei Baruch* pages 88-91.

6. *Tashbeitz* 3:179.

7. *Yabia Omer, O.C.* 5:37. See *Halichos Beisah* 18:footnote 54*.

8. It is reported that although Harav Moshe Feinstein *zt"l* was stringent with only eating *chalav Yisrael*, his wife was not (*Gray Matter* 3:page 132).

9. *Shevet Halevi* 3:129.

10. *Bnei Banim* 3:29.

11. *Yalkut Yosef, O.C.* 318:12; *Igros Moshe, E.H.* 2:12; *Shevet Halevi* 3:129; *Sinai* (journal) 85:page 5. See *Shraga Hameir* 2:35.

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should follow her husband's *nusach* in *davening*.¹² However, if the husband wishes he may be *mochel* and allow her to continue in the *nusach* with which she was brought up.¹³

Does Not Interfere with Peace at Home

A woman's practice which does not interfere with the *shalom bayis* (peace in the home) may be continued if she desires. One example is making a *brachah* on a *lulav* on Sukkos.¹⁴

Father's Customs and Switches

If a woman continued following her father's customs when she got married (since the husband was *mochel* her from following his customs), and now she wishes to switch and follow her husband's customs, she needs to be *matir neder*.¹⁵

Kitniyos on Pesach

A woman from a Sephardic background, who ate *kitniyos* all her life, may not do so if she marries an Ashkenazi. However, if the husband agrees, she may follow her former custom. If an Ashkenazic woman gets married to a Sephardi then she may eat *kitniyos*,¹⁶ and there is no need to be *matir*

12. *Otzer Halachos* 1:page 359:10; *Yom Tov Sheini K'hilchaso* 19:18.

13. *Halichos Shlomo Tefillah* 1:7.

14. *Asei Lecha Rav* 8:20; see *Asei Lecha Rav* 2:33; *Techumin* 6:pages 84.

15. *Yom Tov Sheini K'hilchaso* 19:18:footnote 53.

16. *Moed L'chol Chai* 2:23; *Yabia Omer, O.C.* 5:37; *Minchas Yitzchak* 4:83; *Siddur Pesach K'hilchaso* 16:13; *Beis Yitzchak* (journal) 39:page 519; *Orchos Rabbeinu* 2:page 87:15; *Moriah* (journal) 378-380:pages 218-220; *Pesach K'halachah* page 44:13; *Hamesivta* 1987:page 163. Refer to *Yismach Lev* 1:page 258 which quotes the opinion of Harav Elyashiv *zt"l*, who argues. Also see *Ashrei Ha'ish, O.C.* 3:page 384:2.

אינן על להקב"ה בעולמו אלא יד אמות של הלכה בלבד... (ברכות ח')



neder beforehand.¹⁷ She cannot be forced to eat, but she is required to cook it for her husband.¹⁸

Some maintain that this would especially be so if this marriage is taking place in Eretz Yisrael, which has a status of *Bnei Sephard*.¹⁹ Accordingly, if a Sephardic woman marries an Ashkenazic man she may eat *kitniyos* when she is at her father's home in Eretz Yisrael.²⁰

If an Ashkenazic Jew finds himself in a Sephardi's home on Pesach, he may eat food that was cooked in pots that were used to cook *kitniyos*.²¹ Others say that one can be lenient only if the pot is an *eino ben-yomo*.²²

Gebrochts

It is very common for a husband and wife to come from two families which follow different customs all year round, and especially on Pesach. One of these customs is whether they *brok*. Some will not even go to the other side of the

17. *Yabia Omer*, O.C. 5:37; *Halichos Shlomo Moadim* page 91; *Madanei Shlomo* page 17; *Beis Yitzchak* (journal) 39:page 519; *Halichos Beisah* 18:11-12; see *Shalmei Moed* page 413. Refer to *Kaf Hachaim Palagi* 2:23 which says a man can force his wife to do like his custom. Refer to *Igros Moshe*, O.C. 1:158; *Minchas Yitzchak* 4:84. However, if the woman did like her husband and now she wants to go back and do like her father's custom then she needs to be *matir neder* (*Madanei Shlomo* *ibid.*, *Halichos Beisah* *ibid.*). See *Yalkut Yosef Pesach* page 46:8; *Kitzur* 453:8; *Orchos Rabbeinu* 2:page 87:15; *Shevet Halevi* 6:59; *Ashrei Haish*, O.C. 3:page 384:2.

18. See *Seder Pesach K'hilchaso* page 352; *Mitzvos Avreich* 37.

19. *Yabia Omer*, O.C. 5:37.

20. *Yabia Omer*, O.C. 5 in index page 355.

21. *Yechaveh Da'as* 5:32; *Az Nidberu* 8:20:4; *The Laws of Pesach: A Digest* 2006 pages 38-39; *Banim Chavivim* pages 415-419 in depth. Harav Elyashiv *zt"l* holds that one may not eat *kitniyos* in the above case (*Haggadah* page 12). One should even lend his utensils to a Sephardi on Pesach (*Az Nidberu* 8:20:4). There is no *lo sigodidu* when two people are practicing two different customs on Pesach in the same house (*Moed L'chol Chai* 2:15). Harav Ephraim Greenblatt *zt"l* says an Ashkenazi who eats by a Sephardi on Pesach should make sure that separate utensils are used (as quoted in *Gray Matter* 1:page 249).

22. *Haggadah of Harav Elyashiv zt"l* page 12.

כל השנה הלכות בכל יום מובטח להשתדל לא עולם הפא... (נדדה עני)

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family if they *brok*.²³ The question arises whether the wife must follow the husband's custom in this regard.

The consensus of the *poskim* is that the wife should follow the custom of her husband, and there is *no* need to be *matir neder* beforehand.²⁴ Since she did not know who she will marry when she was single, she never accepted her father's customs upon herself.²⁵

If her husband wants he can let her follow her father's custom.²⁶

If a merchant sells items which are *gebrokts* he should inform his customers of this fact.²⁷ However, the *hashgachos* usually mention if there is matzah meal in the product and people know to look for it.

Hair Covering

The *minhag* in most Ashkenazic communities is to permit a married woman to wear a *sheitel*²⁸ even if it looks like

23. One should try to work it out that one side gives in and the family should spend the Yom Tov together (Harav Yisroel Belsky *zt"l*; see *Moadim Lsimchah* *ibid.* pages 438-439:footnote 6).

24. *Halichos Shlomo Pesach* 4:20:footnote 32; *Teshuvos V'hanhagos* 1:304, 2:231; *Yom Tov Sheini K'hilchaso* 19:18:footnote 51; see *Orchos Rabbeinu* 2:page 87. If the husband wants her to do like her father and not like his custom she may do so (*Teshuvos V'hanhagos* 2:231). Refer to *Yismach Lev* 1:page 258 which quotes the custom of Harav Chaim Kanievsky *shlit"a*, who is lenient. See *Igros Moshe, O.C.* 1:158.

25. *Yom Tov Sheini K'hilchaso* 19:18:footnote 51, quoting the opinion of Harav Shlomo Zalman Auerbach *zt"l*.

26. *Halichos Shlomo Pesach* 4:footnote 32; *Yom Tov Sheini K'hilchaso* 19:18:footnote 53. See *Banim Chavivim* pages 100-101.

27. *Yechaveh Da'as* 1:10.

28. Refer to *Shiltei Giborim Maseches Shabbos* page 29:1; *Rama* 75:2; *Levush* 2; *Magen Avraham* 75:5; *Be'er Heitiv, E.H.* 115:10; *Shulchan Aruch Harav* 75:4; *Teshuvah M'ahavah* 1:47; *Mishnah Berurah* 75:15; *Aruch Hashulchan* 6; *Kaf Hachaim* 19; *Ohr Yisrael* 21:pages 42-45, 93-96, 22:pages 29-66 in great depth; *Sha'arei Halachah U'minhag, E.H.* 50; see *Journal of Halachah and Contemporary Society* 30:pages 97-100; *Shevet Halevi* 5:207:2; *Hide and Seek* pages 164-177 on the opinion of the Lubavitcher Rebbe *zt"l* on this topic.

איננו להלכה של אבותינו ולא ידוע לנו מה הלכה נכונה (ברכות ט)

כל השומה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)

natural hair.²⁹ However, some *chassidish* communities only permit a *sheitel* if there is a covering over the *sheitel*.³⁰ Others prohibit a *sheitel* completely.³¹

One should allow his wife to follow her mother's practice in relation to wearing a *sheitel*.³²

There is a dispute in the Sephardic community whether a married woman may wear a *sheitel*. Harav Ovadiah Yosef *zt"l*³³ is of the opinion that a married woman may not wear a *sheitel*. Rather, she should cover her hair with a *tichel*³⁴ and ensure that no hair shows. Other Sephardic *poskim* disagree and permit a *sheitel*.³⁵

A woman should follow the practice of her mother. However, regarding shaving her head (which is practiced in many *chassidish* communities), if she wishes to shave her head and he does not want that, she should listen to him.³⁶

Ba'al Teshuvah

Normally, a woman follows the customs of her husband. When the husband is a *ba'al teshuvah* from an irreligious

29. *Rivevos Ephraim* 6:page 574; *Minhag Yisrael Torah Nisu'in* pages 53-56; *Avnei Yushpei* 5:145:4. *The Practical Guide to Tznius* page 26 is stringent. Harav Yisroel Belsky *zt"l* added that one should try to make sure the *sheitel* does not look too real.

30. *Minchas Elazar* 5:35; *Nemukei Orach Chaim* 75.

31. Refer to *She'eilas Ya'avetz* 1:9, 2:7-8; *Krayna D'igrisa* 2:124:page 132. See *Journal of Halachah and Contemporary Society* *ibid.* page 103.

32. *Igros Moshe, E.H.* 2:12, 4:32. See *Sinai* (journal) 85:page 6.

33. *Yabia Omer, E.H.* 4:3:3, 5:5 *milu'im* pages 351-352; *Sova Smachos* 1:pages 176-180:2, see page 177:footnote 2; *Rivevos Ephraim* 6:page 574, 8:82; *Teshuvos V'hanhagos* 2:692, 4:294:page 368. Refer to *Orchos Rabbeinu* 4:page 241:38.

34. Refer to *Modesty* pages 254-255.

35. *Yaskil Avdi, E.H.* 7:16; *Pnei Yitzchak, E.H.* 6:6; see *Igros Moshe, E.H.* 2:12; *Avnei Yushpei* 5:145:1; opinion of Harav Chacham Refoel Harari *shlit"a* (Brooklyn, N.Y.) as related by Harav Webster *shlit"a*. Refer to *Lev Ita* page 4.

36. *Igros Moshe E.H.* 1:59. See *ibid. E.H.* 4:100.

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family and his wife's family is religious, the husband should follow the practices of his wife's family.³⁷

***Beis Yosef* Meat**

The Sephardim are stringent and only allow *Beis Yosef* meat, which has a stricter level of kashrus.³⁸ Some maintain that in Eretz Yisrael a woman must eat *Beis Yosef* meat even if she married an Ashkenazic man.³⁹

37. *Beis Yitzchak* 39:page 519, quoting the opinion of Harav Hershel Schachter *shlit"á*.

38. An *Ashkenazi* can eat this meat as well (Harav Yisroel Belsky *zt"l*).

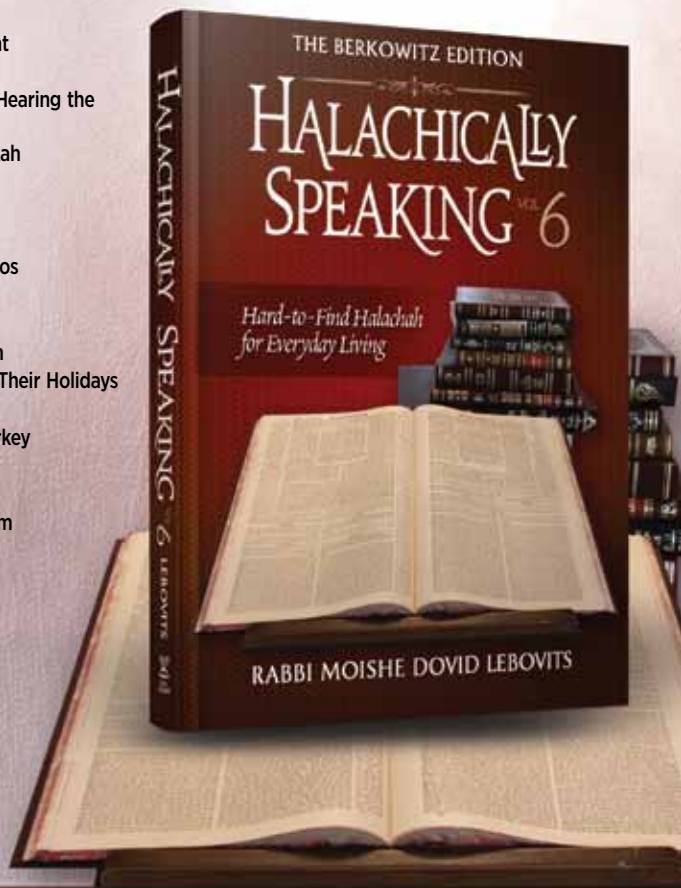
39. *Yabia Omer*, *O.C.* 5 in index page 355; *Yechaveh Da'as* 3:56.

אין על להקפיד"ה בעולמו אלא די אמות של הלכה בליבד".... (ברכות ה.)

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