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Sincerely,

Rabbi Yehoshua Werde
Director

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ב"ה



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Minhagim

The Centrality of Minhag

Jewish culture is rich with ritual. How we conduct ourselves, even outside of the arena of religion, is guided by a set of rules and customs about how a Jew should behave. From how we tie our shoes in the morning, to all of the rich customs that we observe at the seder, they are what give Yiddishkeit its flavor.

Imagine what Judaism would look like without minhagim! There would be no apple dipped in honey on Rosh Hashanah, no kittel or kreplach on Yom Kippur, no Hoshaanos on Sukkos, no dancing with the Torah on Simchas Torah. We wouldn't have to add a new candle each night of Chanukah, dress up or make noise on Purim, or have a seder plate on Pesach—and there would be no cheesecake on Shavuos!

We wouldn't have to wear a yarmulkeh or tzitzis, we wouldn't recite hallel on Rosh Chodesh, and we would be able to skip most of the davening.

How are minhagim different to mitzvos? If we weren't instructed to do them, why must we do them? And why are minhagim so important?

There are two biblical sources for the requirement of adhering to a minhag (while they would not be considered binding like an obligation that is a *de'oraisah*, the concept of staying true to ones minhagim is alluded to by the Torah). The first is from Devarim:

Biblical Origins of Jewish Custom

Devarim 19:14

לֹא תִסֵּיג גְבוּל רֵעֶךָ אֲשֶׁר גָּבְלוּ רֵאשׁוֹנִים

*You shall not pull back your neighbor's landmark,
which the earlier ones have set as borders*

Responsa, Rav Sherirah Gaon

אשר גבלו ראשונים - מכאן דמנהגא מילתא היא

*Which the earlier ones have set: From this we learn
that a custom is something to be reckoned with.*

The second biblical reference to the obligation to keep minhagim is from Mishlei:

Mishlei 1:8

שְׁמַע בְּנִי מוֹסֵר אָבִיךָ וְאַל תַּטֵּשׁ תּוֹרַת אִמְךָ:

*Hearken, my son, to the discipline of your father,
and do not forsake the instruction of your mother;*

The Gemarah speaks of a community that requested from Rabbi Yochanan to be released from a certain minhag:

Pesachim 50b

בני ביישן נהוג דלא הוו אזלין מצור לצידון במעלי שבתא. אתו בנייהו קמיה דרבי יוחנן, אמרו לו: אבהתיין אפשר להו, אנן לא אפשר לן. - אמר להו: כבר קיבלו אבותיכם עליהם, שנאמר (משלי א) שמע בני מוסר אביך ואל תטש תורת אמך.

The people of Beishan had the custom not to travel from Tyre to Sidon on Erev Shabbos. [Years later,] their children came before R' Yochanan and said to him: It was impossible for our forefathers [to refrain from going to the market and doing business on Friday, since they were wealthy men. However,] it is not possible for us [to do so, for we lack the financial cushion. Must we still adhere to their custom? R' Yochanan.] said to them: Your fathers have already accepted this custom upon themselves [and it becomes a binding law for you] as it is stated: (Mishlei 1:8) "Hear, my child, the discipline of your father, and do not forsake the teaching of your mother."

Why didn't Rabbi Yochanan release them from this custom, even though the reasoning was no longer applicable in the same way it was when the custom was first established (people were no longer able to afford to miss out on doing business on Friday)?

An Oath by Practice

When a person accepts a certain stringency upon himself that he is not required to do according to Torah law, he becomes bound to continue practicing that stringency since Torah considers it as if he had made an oath to do so:

Kitzur Shulchan Aruch 67:7

מי שנהג איזה חומרא בדברים המותרים מדינא מחמת סיג וגדר ופרישות, כגון תעניות שבימי הסליחות, או שלא לאכול בשר ושלא

לשתות יין משבעה עשר בתמוז ואילך וכיוצא בו אפילו לא נהג כן רק פעם הראשונה, אלא שהיה בדעתו לנהוג כן לעולם, או שנהג כן שלש פעמים, אף על פי שלא היה בדעתו לנהוג כן לעולם, ולא התנה שיהא בלי נדר, ורוצה לחזור מפני שאינו בריא, צריך התרה, ויפתח בהרטה שהוא מתחרט על מה שנהג כן לשם נדר. לכן מי שהוא רוצה לנהוג באיזה חומרות לסיג ופרישות, יאמר בתחלה שאינו מקבל עליו כן בנדר, וגם יאמר שאין בדעתו לנהוג כן אלא בפעם ההיא, או בפעמים שירצה, ולא לעולם.

A person who accepted a stringency upon himself in matters permitted by Torah law (in order to cultivate self-control and austerity) - e.g., fasting during the days of selichos, refraining from eating meat or drinking wine beginning from the seventeenth of Tammuz, and the like - and does not desire to continue observance of this practice must absolve his commitment according to the accepted rite.

The above applies even when a person observed the practice only once, as long as he had the intention of continuing its observance forever (or if he observed the practice three times even though he did not have the intention of accepting the practice forever, as long as he did not specify that he was performing it bli neder - without the obligation of a vow).

[When requesting the absolution of one's commitment,] one should begin by making a statement of regret, [explaining why] one regrets

accepting the practice as a vow.

[In order to avoid these restrictions,] a person who wishes to observe a stringency in order to cultivate self-control and austerity should, before carrying out the practice, state that his intention is to perform it only on the present occasion or only when he desires, but not at all times.

All customs and stringencies that a person accepted upon himself are considered oaths, and in order to free himself from the oath, he must demonstrate his regret before three sages (or one highly respected sage) and request to be freed from the oath.

A Public Oath

There is also a concept of a public oath, in which families and communities can adopt certain practices upon themselves which become binding for their descendents or for all residents of their city for all time:

Shulchan Aruch, Yoreh Deah 214:2

קבלת הרבים חלה עליהם ועל זרעם; ואפילו בדברים שלא קבלו עליהם בני העיר בהסכמה, אלא שנוהגין כן מעצמם לעשות גדר וסייג לתורה; וכן הבאים מחוץ לעיר לדור שם, הרי הם כאנשי העיר וחייבים לעשות כתקנתן

When the public accepts [a certain practice] upon themselves and their descendents; even concerning matters that the residents of the city did not [officially] arrive at an agreement to accept, but

did so on their own to make a fence and boundry [to protect] Torah law; and even those who come to reside there from outside the city are considered like the inhabitants of the city and are obligated to do as was instituted.

A Custom is More than Just an Oath

Rabbi J. B. Soloveitchik (1903–1993) explains that when the people of Beishan came to Rabbi Yochanan, they were not merely asking for the “public oath” to be recinded, but there was an additional component to the minhag that could not be revoked as easily as an “oath” could:

Rabbi J.B. Soloveitchik, Torah Shebaal Peh vol. 41 p. 34

הפשט בדברי רבי יוחנן הוא שיש שני טעמים. א) משום נדר דרבים דכבר קיבלו אבותיהם עליהם, ויש בזה דין נדר, ב) משום בדין אל תמוש תורת אמך. ויש ביניהם נפקא מינא לדינא. משום שמהטעם של נדר אפשר לישאל על הנדר. אבל הטעם של “אל תמוש תורת אמך” עליו אי אפשר לישאל.

The simple meaning of Rabbi Yochanan’s statement is that there are two reasons [for not abandoning their ancestor’s custom]: 1) Because of a public oath, since their forefathers already accepted it on their behalf, and it has the status of a binding oath. 2) Because of “do not forsake the teaching of your mother.” And there is a practical difference [between the two reasons]. For the reason of the oath, it is possible to request to be freed from the oath, however, for the reason of “do not forsake the

teaching of your mother” one cannot request to be freed.

Minhag is Considered Torah

Tosafos writes that a minhag is considered like Torah:

Tosafos, Menachos 20b

כל תענית שלא שקעה עליו חמה לא שמיה תענית ומנהג אבותינו
תורה היא שהכל נוהגין עד צאת הכוכבים

Any fast that was not [observed until] sunset, is not considered a fast. And the custom of our fathers—which is Torah—is that we all are accustomed [to fast] until the stars come out.

Minhag is Like Any Rabbinic Edict

The Rambam writes, that one who transgresses a minhag established by our Sages, transgresses the biblical obligation of listen to the Sages:

Rambam, Laws of Mamrim 1:2

כל מי שאינו עושה כהוראתן עובר בלא תעשה שנאמר לא תסור
מכל הדבר אשר יגידו לך ימין ושמאל, ואין לוקין על לאו זה מפני
שניתן לאזהרת מיתת בית דין, שכל חכם שמורה על דבריהם מיתתו
בחנק שנאמר והאיש אשר יעשה בזדון וגו', אחד דברים שלמדו אותן
מפי השמועה והם תורה שבעל פה, ואחד דברים שלמדום מפי דעתם
באחת מן המדות שהתורה נדרשת בהן ונראה בעיניהם שדבר זה כך
הוא, ואחד דברים שעשאוים סייג לתורה ולפי מה שהשעה צריכה והן
הגזרות והתקנות והמנהגות, כל אחד ואחד מאלו השלשה דברים מצות

עשה לשמוע להן, והעובר על כל אחד מהן עובר בלא תעשה, הרי הוא אומר על פי התורה אשר ירוך אלו התקנות והגזירות והמנהגות שיוורו בהם לרבים כדי לחזק הדת ולתקן העולם, ועל המשפט אשר יאמרו אלו דברים שילמדו אותן מן הדין באחת מן המדות שהתורה נדרשת בהן, מכל הדבר אשר יגידו לך זו הקבלה שקבלו איש מפי איש.

Any person who does not carry out their directives transgresses a negative commandment, as Ibid. continues: "Do not deviate from any of the statements they relate to you, neither right nor left."

Lashes are not given for the violation of this prohibition, because it also serves as a warning for a transgression punishable by execution by the court. For when a sage rebels against the words of the court, he should be executed by strangulation, as the following verse states: "A person who will act deliberately..."

We are obligated to heed their words whether they:

- a) learned them from the Oral Tradition, i.e., the Oral Law,*
- b) derived them on the basis of their own knowledge through one of the attributes of Biblical exegesis and it appeared to them that this is the correct interpretation of the matter,*
- c) instituted the matter as a safeguard for the Torah, as was necessary at a specific time. These*

are the decrees, edicts, and customs instituted by the Sages.

It is a positive commandment to heed the court with regard to each of these three matters. A person who transgresses any of these types of directives transgresses a negative commandment. This is derived from the continuation of the above verse in the following manner: "According to the laws which they shall instruct you" - this refers to the edicts, decrees, and customs which they instruct people at large to observe to strengthen the faith and perfect the world. "According to the judgment which they relate" - this refers to the matters which they derive through logical analysis employing one of the methods of Biblical exegesis. "From all things that they will tell you" - This refers to the tradition which they received one person from another.

Why is it so important to keeping minhagim?

The Value of Minhag

Even when the reasoning behind a particular minhag is not understood to us, it is possible that the minhag was originally established with solid reasoning, and over time, that rationale was forgotten. For this reason, the Rema writes:

Rema, Shulchan Aruch Orach Chaim 690:17

אין לבטל שום מנהג או ללעוג עליו, כי לא לחנם הוקבעו.

One should not cancel any minhag are laugh at it, for they were not established for nought [i.e. without reason].

The Role of Minhag in Determining Halalacha

The Gemarah lends a tremendous amount of credibility to minhagim (i.e., the way people are accustomed to doing things). For example, the Gemarah tells of the Bnei Beseirah who consulted Hillel concerning certain laws surrounding the bringing of the Korbon Pesach. When it came to one of the laws, Hillel said that he had forgotten what his teachers Shmaya and Avtalyon had taught, but advised the Benei Beseirah to wait and see what people are accustomed to doing (i.e., what they will do without any directives) and follow that:

Pesachim 66a

הנח להן לישראל אם אין נביאים הן - בני נביאים הן.

Leave Yidden to their devices, for if they are not themselves prophets, they are the sons of prophets, (and will certainly take the proper course of action).

In the end, the Gemarah relates, that when Hillel saw what the people did, he remembered that indeed that was consistent with what Shamaya and Avtalyon had taught.

When Minhag Overrides Halachah

Halachah lends so much validity to minhag, that it sometimes tells us to follow the minhag even when it involves practices that are different to what halachah would advise. To the extent that there is a principle that “minhag overrides halachah:”

אם יבוא אליהו ויאמר שאין חולצין במנעל שומעין לו שאין חולצין
בסנדל אין שומעין לו שהרי הרבים נהגו להיות חולצין בסנדל והמנהג
מבטל את ההלכה

If Eliyahu Hanavi would come and say that we do not perform chalitzah with a [regular] shoe, we listen to him, that we do not perform chalitzah with a sandal, we do not listen to him, since the masses are accustomed to perform chalitzah with a sandal and the custom overrides the law.

An example of this in practice:

Until recently, most of the frum Jewish world (outside of Israel) was not careful about observing the laws of Chodosh, i.e., the a biblical prohibition against eating the grain of the new year until the korbbon omer was brought on the 16th day of Nissan.

There is a radically novel lenient approach presented by the Bach (Rabbi Yoel Sirkis 1561–1640) who permitted the consumption of Chodosh if it belonged to a non-Jew outside of Israel. While this appears to be against normative halachah, the Tzemach Tzedek (Shu”t Yoreh Deah 118) rules that since there is an opinion to rely upon that supports the way people are accustomed to behaving, we say that “the custom overrides the law,” and one need not be careful about the laws of chodosh when it belongs to a non-Jew, outside of Israel. (It should be noted that the Rebbe Rashab was known to avoid eating Chodosh, and nowadays, when yoshon flour and baked goods are readily available, there certainly is very little reason for people to be persistent about not keeping the laws of

Chodosh).

Unacceptable Minhagim

Maseches Sofrim 14:16

אין הלכה נקבעת עד שיהא מנהג, וזה שאמרו מנהג מבטל הלכה, מנהג וותיקין, אבל מנהג שאין לו ראיה מן התורה, אינו אלא כטועה בשיקול הדעת.

A law (legislated by the rabbis) is not set until it becomes established as a custom. That which the Sages said that a custom overrides law, refers to an ancient custom, however, a custom that has no supporting evidence from the Torah, is considered nothing more than mistaken judgement.

Conflicting Minhagim in the Same Community

Yevamos 13b

לא תתגודדו, לא תעשו אגודות אגודות (רש"י: דנראה כנוהגין ב' תורות כשקורין כפרים את המגילה ביום כניסה ועיירות גדולות ב"ד ומוקפין חומה בט"ו.)

“Lo tisdodedu” - you shall not form separate factions. (Rashi: Since it appears as if they are following two different Torahs when they read the megillah in the villages on the market day and in the big cities on the 14th [of Adar] and in the walled city on the 15th.)

When Husband and Wife have Different Minhagim

Brachos 24a

אשתו כגופו

His wife is as his body

Shut Radvaz 3:179

במקומות שיש קהלו' חלוקו' בתקנותיהם שהם כמו שני בתי דינין בעיר אחת פלג מורין כב"ש ופלג מורין כב"ה דלית ביה משום לא תתגודדו לא תעשו אגודו' אגודו' כדאיתא בפ"ק דיבמו' ("ד ע"א). ונשא איש מאנשי קהלה אחת אשה מאנשי קהלה אחרת אין ספק שהאש' היא נכללת עם בעל' בכל חיובו דאשתו כגופו בכל הדברים ונפטר' מקהלת בית אביה. ודבר זה מלתא דפשיטא היא ואין בו ספק שלא יהיו שנים מסובין על שולחן אחד חלוקין בעסותיהן האסור לזה מותר לזה

In places where there are communities that have different minhagim, like, for example, when there are two Jewish courts in one city, and half rule like Beis Shammai, and half rule like Beis Hillel, it is not in violation of "lo sigdodedu - do not form factions" as is stated in the first chapter of Yevamos (14a). Thus, when a man from one community marries a woman from the other community, there is no doubt that the wife is included in all of her husband's obligations, since his wife is considered as his body in all matters and is exempt from [the obligations of] her father's community. This is an obvious matter, and there is no doubt that there should not

be two people sitting at one table with different [regulations concerning their] bread, i.e., that what is prohibited for one is permitted for the other.

Traditional Tunes

Minhag applies to details in practice that many would consider to be minor. The Rema writes that even when it comes to the tunes that a Chazan sings when he davens, one should not deviate from the local customs:

Rema, Shulchan Aruch Orach Chaim 619:1

ואל ישנה אדם ממנהג העיר, אפילו בניגונים או בפיוטים שאומרים שם

A person should not deviate from the custom of the city, even with regards to the songs and poems recited there.

Minhag = Gehinom

Responsa Divrei Chachomim, Orach Chaim 58

ויש מנהג שהוא היפך ההלכה, אם יש למנהג ההוא סמך מדברי אחד הפוס' או הגאונים. בזה אומרים מנהג דוחה את ההלכה כיון דהנהוג כחד מרבוותא ואין להזחיקם ממנהגם. אבל אם יש מנהג שאין לו כל שורש ויסוד משום פוסק, זהו מנהג העולה גהנם ומצוה לבטלו.

There is a concept of a minhag that runs against halachah, if the minhag has support from the words of the Poskim or Geonim, in such a situation we say that the custom overrides the law, since he is conducting himself in line with one of the

Sages, such a person should not be discouraged from his minhag. However, if he is practicing a custom without any source or foundation from any commentator in Jewish Law, this is a minhag that spells out “gehinom” (pergatory) [i.e., the letters of minhag are the same as the letters of the word gehinom] and it is a mitzvah to be rid of such a custom.

Hoshaanos - The Oldest Minhag

The oldest known minhag, is the custom to walk around the bimah seven times and hit aravos on the ground on Hoshaanah Rabbah. This custom was established in the times of the prophets:

Rambam, Laws of Shofar, Sukkah, and Lulav 7:22-23

וערבה זו הואיל ואינה בפירוש בתורה אין נוטלין אותה כל שבעת ימי החג זכר למקדש אלא ביום השביעי בלבד הוא שנוטלין אותה בזמן הזה, כיצד עושה לוקח בד אחד או בדין הרבה חוץ מערבה שבלולב וחובט בה על הקרקע או על הכלי פעמים או שלש בלא ברכה שדבר זה מנהג נביאים הוא.

בכל יום ויום היו מקיפין את המזבח בלולביהן בידיהן פעם אחת ואומרין אנא ה' הושיעה נא, אנא ה' הושיעה נא, וביום השביעי מקיפין את המזבח שבע פעמים, וכבר נהגו ישראל בכל המקומות להניח תיבה באמצע בית הכנסת ומקיפין אותה בכל יום כדרך שהיו מקיפין את המזבח זכר למקדש.

Since the willow is not explicitly mentioned in the Torah, it is not taken on each of the seven

days of the festival as a remembrance of the Beis Hamikdash. Rather, at present it is taken only on the seventh day.

What is done? One takes one branch or many branches in addition to the willow of the lulav, and hits the ground or a utensil with them two or three times. No blessing is recited, because this practice is a custom instituted by the prophets.

On each day of the festival, they would walk around the altar once, carrying their lulavim in their hands, reciting: "Please, Hashem, save us. Please, Hashem, grant us success" [Tehillim 118:25]. On the seventh day, they would walk around the altar seven times.

It has become universally accepted Jewish custom to place the bimah in the center of the synagogue and walk around it each day, as they walked around the altar in remembrance of the Beis Hamikdash [service].

The Minhag to Recite Hallel on Rosh Chodesh

While we have the custom that the chazan recites a brochoh on the recitation of Hallel on Rosh Chodesh, it is not actually considered an obligation, but a minhag:

Taanis 28b

רב איקלע לבבל, חזינהו דקא קרו הלילא בריש ירחא. סבר לאפסוקינהו.

כיון דחזא דקא מדלגי דלוגי, אמר שמע מינה מנהג אבותיהם בידיהם.

Rav visited Bavel and saw the people there were reciting Hallel on Rosh Chodesh. He considered stopping them [because the recitation of Hallel on Rosh Chodesh is not obligatory.] But when he saw that they were omitting certain sections, he said: From this it is evident that [their recitation of Hallel on Rosh Chodesh] is a custom of their fathers that they are upholding.

Wearing a Yarmulkeh

While wearing a yarmulkeh at all times is the hallmark of a Torah observant Jew, the requirement is not a Torah requirement, or even an enactment of the Sages, but a custom.

The Rambam writes that this custom is binding specifically when one davens:

Rambam, Laws of Prayer 5:5

לא יעמוד בתפלה...בראש מגולה

One should not pray...bareheaded

However, Shulchan Aruch extends the obligation to not walking 4 cubits without it:

Shulchan Aruch, Orach Chaim 2:6

לא ילך ד' אמות בגילוי הראש (מפני כבוד השכינה)

One should not walk 4 cubits bareheaded (because of the honor of the Divine Presence).

Other authorities in Halachah extend it even further:

Magen Avraham, Orach Chaim 2:6

מדת חסידות אפי' פחות מד"א

It is an attribute of piety [to not walk bareheaded] even less than 4 cubits

Shaarei Teshuvah 2:12

מה שאסור לילך ד"א בגילוי הראש לאו דוקא הליכה אלא אפי' בעמידה וישיבה צריך לזיזהר

That which it is forbidden to walk 4 cubits bareheaded, does not specifically mean walking, but also refers to standing and sitting where one should take care [not to be bareheaded].

Covering A Head with a Hand

When one is not wearing a Yarmulkeh, it doesn't help to use one's hand to cover one's head, as the Mishnah Berurah explains:

Mishnah Berurah 2:12

וכ"ש שאסור לברך וה"ה ללמוד בגילוי הראש ולא מהני בזה כיסוי היד דיד וראש חד גופא איננו ואין הגוף יכול לכסות את עצמו ויש מקילין בזה בשעת הדחק כגון בלילה שרוצה לשתות ואין לו כובע בראשו דדי במה שמכסה ראשו בידו אבל יותר טוב לנהוג כמו שהעולם נוהגין שממשיך הבית יד של הבגד על היד ומכסה בו ראשו דאז הוי שפיר כיסוי לכו"ע

And certainly it is prohibited to recite a blessing or study Torah bareheaded, and for this covering with one's hand does not help, since the hand and the head are part of one body, and the body cannot cover itself. However, some are lenient about this during pressing times, for example at night when one wants to drink but does not have a hat upon one's head, then it is sufficient to cover one's head with his hand, but nevertheless, it is good to do what the world does, to extend the sleeve of one's clothing onto his hand and use it to cover his head, for then it is considered a covering according to all opinions.

Reason for Wearing a Yarmulkeh

Shabbos 156b

אימיה דרבי נחמן בר יצחק אמרי לה כלדאי: בריך גנבא הוה. לא שבקתיה גלויי רישיה. אמרה ליה: כסי רישך, כי היכי דתיהוי עלך אימתא דשמיא, ובעי רחמי. לא הוה ידע אמאי קאמרה ליה. יומא חד יתיב קא גרים תותי דיקלא, נפל גלימא מעילויה רישיה דלי עיניה חזא לדיקלא, אלמיה יצריה, סליק פסקיה לקיבורא בשיניה.

The astrologers once told Rav Nachman bar Yitzchak's mother: Your son will be a thief. She never allowed him to uncover his head. She told him: Cover your head so that the fear of Heaven should be upon you and pray for Hashem's mercy [that the evil inclination should not dominate you]. He never knew why she told him this. One day, he

sat studying under a palm tree, and the cloak fell off his head. He lifted his eyes and saw the palm. His evil inclination overpowered him, and he went up and chopped off a cluster of dates with his teeth [the palm tree did not belong to him, so this was stealing].

Kidushin 31a

רב הונא בריה דרב יהושע לא מסגי ארבע אמות בגילוי הראש, אמר:
שכינה למעלה מראשי

Rav Huna son of Rav Yehoshua did not go four amos with his head uncovered. He said: The Divine Presence is above my head.

This is one of the reasons why we call our headcovering a “Yarmulkeh” which is short for “Yarei Malkah,” “fear of the king;” wearing a yarmulkeh is a constant reminder that we are bound to a higher authority and may not act as we wish.

It is said that those who have true yiras shomayim will not allow their yarmulkeh to fall off of their head, even when they are in a deep sleep.

Tzitzis

While the mitzvah of tzitzis is a biblical one, it only applies when one already owns and wears a four-cornered garment. The fact that we go out of our way to buy and wear a four cornered garment in order to have the opportunity to fulfill the mitzvah, is a minhag (not a chiyuv):

Bamidbar 15:38

דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם וַעֲשׂוּ לָהֶם צִיצִית עַל פְּנֵי בְגָדֵיהֶם
לְדֹרֹתָם וְנָתַנּוּ עַל צִיצִית הַכֶּנֶף פֶּתִיל תְּכֵלֶת:

Speak to the children of Israel and you shall say to them that they shall make for themselves fringes on the corners of their garments, throughout their generations, and they shall affix a thread of sky blue [wool] on the fringe of each corner.

Devarim 22:12

גְּדָלִים תַּעֲשֶׂה לָּךְ עַל אַרְבַּע כְּנֻפּוֹת כְּסוּתֶךָ אֲשֶׁר תִּכְסֶה בָּהֶן:

You shall make yourself twisted threads, on the four corners of your garment with which you cover yourself.

Rambam, Laws of Tzitzis 3:11

אע"פ שאין אדם מחוייב לקנות לו טלית ולהתעטף בה כדי שיעשה בה ציצית אין ראוי לאדם חסיד שיפטור עצמו ממצוה זו, אלא לעולם ישתדל להיות עטוף בכסות המחוייבת בציצית כדי שיקיים מצוה זו,

Even though a person is not obligated to purchase a tallis and wrap himself in it so that he must attach tzitzis to it, it is not proper for a person to release himself from this commandment. Instead, he should always try to be wrapped in a garment which requires tzitzis so that he will fulfill this mitzvah.

אע"פ שאין אדם חייב לקנות טלית בת ארבע כנפות כדי שיתחייב בציצית אלא דוקא אם רוצה להתכסות בטלית בת ד' כנפות חייב להטיל בה ציצית מ"מ טוב ונכון להיות כל אדם זהיר וזריז במצות ציצית שיהיה לו בגד קטן מצוייץ שילבש אותו כל היום כי עיקר מצותה על זכירת המצות ובכל שעה ובכל רגע צריך לכך דוגמא לדבר כאדם המזהיר לחבירו על ענין אחד שקושר קשר באזוורו כדי שיזכרנו וע"כ יש בה ה' קשרים כנגד ה' חומשי תורה וד' כנפים שבכל צד שיפנה יזכור

Even though a person isn't obligated to buy a four-cornered garment in order to obligate himself in the mitzvah of tzitzis, only if he wants to cover himself with a four cornered garment is he required to attach tzitzis to it, nevertheless, and it good and proper for ever person to be scrupulous and expeditious in the performance of the mitzvah of tzitzis that he should have a small garment with tzitzis that he wears throughout the entire day since the primary function of the mitzvah is to remember the mitzvos, which is something that one needs every hour and every moment, for example, a person who urges his friend about a certain matter, and ties a knot at his loins to remind him. This is why tzitzis have five knots corresponding to the five books of Torah, and four corners, that on every side and corner, one should remember.

מי שיש לו טלית בת ארבע כנפים ומחזור עלילות כדי להיפטר מן המצות נענש ודוקא בימיהם שהיו רגילים (*לטליתות) [*ללבוש טליתות] בת ארבע כנפים אבל אנחנו אין דרכנו (*בכגדים) [*בכגדי] ארבע כנפים אפי' בעידן ריתחא לא מיענשי ומיהא מצוה מן המובחר היא כדאמרינן לא נתאוה משה ליכנס לארץ משום פירותיה אלא כדי לקיים מצות התלויות בה [*וה"ה בציצית שגדולה מאד] ומתן שכרה מרובה כדאמר ששקולה כנגד כל המצות.

One who has a garment of four corners and seeks ways to exempt himself from the mitzvah, receives punishment (from Heaven). This was specifically in those days when it was customary to wear garments of four corners, but nowadays, we are not accustomed to wear garments with four corners, therefore, even at a time of (Heavenly) anger one isn't punished. Nevertheless, it is still considered an exemplary performance of a mitzvah, as our Sages said: Moshe did not desire to enter Eretz Yisroel to partake of its fruits, but to fulfill the mitzvos that are dependent on the land, and the same is true of tzitzis which is considered a great mitzvah and with a bountiful reward, and is said: it is equal to all of the mitzvos (combined).

Kitniyos

One of the common customs that is specific to Ashkenazi Jews is to not eat kitniyus on Pesach. Some find a source for this in Gemarah that if slaves were permitted to bake using legume flour, they may confuse regular flour for legume flour

and will come to bake chametz for their masters:

Pesachim 40b

רב פפי שרי ליה לבורדיקי דבי ריש גלותא לממחה קדירה בחסיסי.
אמר רבא: איכא דשרי כי האי מילתא בדוכתא דשכיחי עבדי? (תוס':
בחסיסי קמח של עדשים דאין דרכם לבא לידי חימוץ כל כך)

Rav Pappi gave permission to the bakers of the house of the Reish Galusa to thicken a pot with flour made of chasisi. Rava said: Is there anyone who would permit such a thing in a place where slaves are common? [i.e., the slaves would likely end up mistakenly using chametz flour] (Tosafos: Chasisi is the flour of lentils that do not normally become leaven)

One of the earliest mentions of the custom to refrain from eating kitniyos on Pesach is from Rabeinu Peretz's notes to the Semak (13th century):

Rabeinu Peretz's notes to Sefer Mitzvot Katan 222

ועל הקטניות... וכיוצא בהם, רבותינו נוהגים בהם איסור שלא לאוכלם בפסח כלל... וגדולים נוהגים בהם היתר, ומורי רבינו יחיאל היה נוהג לאכול בפסח פול הלבן שקורין פווי"ש, וגם היה אומר כן בשם גדולים, ומביא ראיה דאפילו באורז דחשיב ליה רבי יוחנן בן נורי מין דגן לגבי חימוץ קאמר תלמודא: 'לית דחש לה להא דרבי יוחנן'. מיהו קשה הדבר מאוד להתיר דבר שנוהגין בו העולם איסור מימי חכמים הקדמונים... ולכך נראה לקיים המנהג ולאסור כל קטנית בפסח ולא מחמת חימוץ... אלא מטעם גזירה הוא דכיון דקטנית מעשה קדרה הוא, ודגן נמי מעשה קדרה הוא... אי הוי שרינן קטנית אולי אתי לאחלופי ולהתיר דייסא...

וגם יש מקומות שרגילים לעשות מהם פת כמו מחמשת המינים, ולכך
אתי לאחלופי לאותן שאינם בני תורה.

Regarding legumes...and the like, our rabbis regarded them as prohibited and refrained from eating them at all on Pesach...however great rabbis regarded them as permitted, and my teacher, Rabbi Yechiel would be accustomed to eat white bean on Pesach which is called "Paweish," and he would quote great rabbis who said the same, and he would bring support that even rice, which Rabbi Yochanan ben Nuri considers to be a type of grain with regards to becoming leaven, the Talmud says; "there are none who are concerned about the opinion of Rabbi Yochanan." However, it is very difficult to permit something that the world considers to be forbidden yet from the days of the Sages of old...Therefore it appears one should uphold the custom and prohibit all legumes on Pesach, and not because they will become leaven... but because of a rabbinic edict that since legumes are a cooked dish, and grain is also a cooked dish... if legumes were allowed, perhaps they would come to permit oatmeal...And there are also places where they are accustomed to make bread out of the five grains, therefore they will come to switch them [legumes for grain] for people who are not Torah scholars.

While nowadays, this custom has spread to all Ashkenaz

communities, in the earlier years of the custom, not all Ashkenazim agreed. Rabeinu Yerucham (1290–1350, a contemporary of Rabeinu Peretz) writes in astonishment at the custom:

Rabeinu Yerucham

אותם שנהגו שלא לאכול אורז ומיני קטניות מבושל בפסח - מנהג שטות הוא, זולתי אם הם עושין להחמיר על עצמן, ולא ידעתי למה

Those who are accustomed to not eat rice and types of cooked legumes on Pesach, it is a foolish custom, unless they are doing so to be stringent upon themselves, and I do not understand why [they would do such a thing].

Rabbi Yaakov Moelin (1365–1427) is well-known in the world of Jewish literature for his collection of Ashkenazi customs that the Rema later used as a reference for his addition of Ashkenaz custom in his notes to R' Yosef Karo's Shulchan Aruch. The Maharil is considered the foremost authority on minhagei Ashkenaz, and he writes regarding kitniyos:

Minhagei Maharil 25

קטניות כל מיניהן אמר מהר"ש דגזרינן שלא לבשלן בפסח אף על פי שלא מחמיצין כי אם ה' מינים... ואל יאמר אדם כיון שאין איסור מדאורייתא אין לחוש, דכל דגזרו רבנן, העובר עליו חייב מיתה ועובר על לא תסור מן הדבר אשר יורוך

Legumes of all types: our teacher Rabbi Shimon said that there is a rabbinic edict against cooking them on Pesach, even though they do not become

leaven, as do the five types [of grain]...A person should not say, since there is no scriptural prohibition there is no reason for concern, since whatever the rabbis decreed to prohibit, one who transgresses it is liable with a death penalty [so to speak] and they transgress [the scriptural prohibition of] do not turn astray from the thing that they will teach you.

Kaparos

One of the most highly debated customs is that of Kaparos. The earliest mention of this minhag is from Rabbi Shoshna Gaon (8th century):

Teshuvos, R' Shoshna Gaon (Rosh end of Yoma)

וששאלתם שאנו רגילים לשחוט ערב יוהכ"פ תרנגולים, ואין אנו יודעים מנהג זה למה, אי משום תמורה מאי שנא תרנגול מבהמה וחיה? והשיב רב שושנא גאון: הא ודאי קושיא היא ויש לומר בה שני טעמים. אחד שתרנגול מצוי בביתו של אדם מבהמה וחיה, ועוד יש במקומנו עשירים שעושים תמורה אילים, עיקר ממבעלי קרניים דומות של יצחק אבינו, לפיכך לא דבר קבוע הוא. ועוד שמענו מחכמים הקדמונים שאף על פי שיש מי שעושה תמורה בבהמה שדמיה יקרים, תרנגול מובחר לפי שישמו גבר...

And that which you ask that we are accustomed to slaughter chickens on the eve of Yom Kippur, and we do not know the reason for this custom, why it is, if it is meant as a replacement [instead of the person] why is a chicken different from any

domsticated or wild animal? Rabbi Shoshna Gaon answered: This is certainly a question, and one can ascribe two reasons to the custom: One is that chickens are more commonly found in people's houses, more so than domestic and wild animals, moreover, there are in our locale wealthy people who use rams in their stead, mainly from animals with horns, similar to the one that was used to replace Yitzchak Avinu, therefore the matter is not set. However, we have heard from the sages of old, that although there are those who use a costly animal in their stead, it is preferable to use a chicken because it is called a "Gever" ["Gever" can also mean "a man"].

Minhag Nashim

Yerushalmi, Pesachim 4:1

מנהג שנוהגות הנשים שלא לעשות מלאכה בראש חודש, מנהג טוב ונכון הוא

The custom that women are accustomed to not performing labor on Rosh Chodesh is a good and worthy minhag.

This custom of not working on Rosh Chodesh is unique to women, to the extent that men may not accept such a custom upon themselves, as the Pri Megadim writes:

נראה לי דלאנשים ראש חודש הוא כשאר ימות החול, ואם נהגו שלא לעשות בו מלאכה, הווי מנהג בורות ולא בעי התרה, וזוהי המעלה

שניתנה לנשים שאם ירצו שלא לעשות מלאכה בראש חודש, הוא מנהג טוב ואין לבטלו.

It is apparent to me that for men, Rosh Chodesh is as any other weekday, and if they accepted a custom to not perform any work, it is considered an ignorant custom for which one does not need to be released from. This is the advantage that was given to women, that if they desire to not perform work on Rosh Chodesh, it is a worthy custom that should not be abolished.

There is a similar minhag that is specific to women, to not perform any work on Chanukah while the candles are burning.

The Uniqueness of Minhagim

Lekutei Sichos vol. 19 p.385

דער תכלית הכוונה איז, אז אידן זאלן מאכן די דירה בתחתונים דורך זייער אייגענער עבודה, עבודה בכח עצמם...אע"פ אז די "דירה", וואס אידן שאפן בכח עצמם, ווערט אויפגעטאן דורך דער עבודה פון כל התומ"צ בכל פרטיהם...אין דעם ענין פון מנהגי ישראל, היות אז אויף זיי איז ניטא קיין ציווי מלמעלה און במילא קומען זיי אינגאנצן בכוחם פון אידן אליין.

Hashem's ultimate intention is for us to make this world into "a home" for Hashem through our own effort and initiative....

Although this is accomplished through all of

Torah and mitzvos, this accomplishment is most apparent...when we observe Yiddishe minhagim, inasmuch as they are not commandments from above but initiated entirely by the Yidden.

Take-aways

- » Many aspects of Yiddishkeit are not determined by halachah, but rather by minhag.
- » The requirement to follow Minhag is more than just a communal oath to follow a certain stringency.
- » There are instances where minhag overrides halachah, this is because it is assumed that the community's practice is more reliable than our understanding of how Halachah ought to be.
- » Notable minhagim include: Hoshaanos, Kaparos, Kitniyos, wearing a yarmulkeh, to take initiative and wear a garment to voluntarily obligate oneself in tzitzis, to recite hallel on Rosh Chodesh, for women to refrain from work on Rosh Chodesh. Obviously these are only a small sampling on thousands of customs that have developed over the ages.
- » The uniqueness of minhagim is in our ability to create a home for Hashem in this world, not by following Hashem's directives (mitzvos) but by taking initiative and instituting our own stringencies and practices to create a home for Hashem.