

Understanding Minhagim

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Q I have done much research into my family heritage, and discovered that my great-grandparents originated from a town in western Germany where they waited just one hour between eating fleishigs and milchigs. Is this a minhag that I may now choose to follow?

IMPORTANCE OF MINHAGIM

A Minhagim are part of the very essence of Torah life. The Gemara in Pesachim (51b) refers to minhagim as "Toras Imecha", the "Torah of your mother." Rav Yitzchak Berkowitz shlita explains that a mother's teachings are not transmitted with rhetoric or specific instruction; rather, she demonstrates the normal and natural way a person is to live. Similarly, following minhagim is the natural way to live a Torah life.

The Rema (OC 690:17) warns of belittling any minhag, even one as "trivial" as the banging at the mentioning of Haman's name in the Megillah on Purim. When asked about abolishing this minhag, Rav Chaim Kanievsky zt"l responded "chas veshalom!" (See the words of the Maharil, Hil. Yom HaKippurim 11, regarding how dangerous it is to ignore a minhag, such as which piyutim to say in the davening, can have dangerous repercussions.)

MINHAG OF A COMMUNITY

The Gemara in Pesachim 50b states that if a town has accepted upon themselves a certain practice, the future generations living in that town are beholden to that minhag. The Rivash (399, cited

by the Shulchan Aruch YD 214:2), explains, in the name of the Ramban, that when a community or any group adopts a minhag, it becomes the minhag of the tzibbur as a whole. As each person joins the community, whether through birth or by moving in, they automatically become part of that tzibbur, which include the obligations of being a member. He adds that this is not only in cases when the tzibbur conscientiously accepts the minhag. Even a practice which spread by osmosis and is now considered the normative behavior in the town, has the status of a minhag that is halachically binding. Similarly, the Rivash explains that a minhag accepted by all of Klal Yisroel, such as men wearing a yarmulka, is universally binding on all Jews.

The Chavas Yair (126) derives from the words of the Rivash, that only a minhag founded by a community is binding on future generations, but not a minhag taken on by an individual. Therefore, the only true authentic minhagim can be found today in kehillas of people following these minhagim, perhaps in places such as Washington Heights or in Chassidic courts. A kehillah can be made up of a smaller group of people as well. Even a single shul can be its own kehillah in this regard, creating minhagim for its members (Minchas Yitzchok 4:83:5, Rav Henkin). Someone who is new to Torah observance and does not have minhagim, should attach himself to a kehillah, and take on those minhagim.

Based on this idea, the Chavas Yair writes that if the city in which the minhag originated is no longer inhabited by Jews and the minhagim are not being upheld in its original place, those minhagim are no longer binding. This is the case with minhagim originating from towns in Eastern Europe. Many Poskim concur with this opinion, including the Pri Chadash (OD 496:7), Chayei Adam (127:11), Shulchan Aruch HaRav (OC 468), and Aruch HaShulchan (YD 214:19). Rav Moshe Feinstein zt"l refers to this Chavas Yair in his Igros Moshe (YD 1:81; OC 3:64).

According to these Poskim, since many of the cities and kehillos that established these minhagim no longer exist, it is unclear what binds the future generations to continue to follow them. If a group of people from the original place unite in a new city and continues their minhagim, these are considered full-fledged minhagim as well, for they have created a new kehillah. These formed the nuclei of many of the new kehillos established in America years ago.

If one does choose to continue these practices on his own and not within a kehillah setting, it will be as an individual, not as a group, and they will not necessarily be binding on his children (see Igros Moshe OC 3:64.) Even so, once a child begins to follow the parent's minhag, he now has his own obligation to uphold the minhag (IgM ibid, Pischei Teshuvah 214:5, Aruch HaShulchan 19). The Pri Toar (author of Ohr Hachaim HaKadosh on Yoreh Deah) writes that a family can establish its own minhag by following a custom over a few generations. The Steipler Gaon zt"l (Kreina Delgrasa 2:81) also maintains that there is such a concept of a family Minhag, and that remains with a person wherever he lives.

Therefore, a ba'al teshuvah certainly does not have to research his family roots to find out what his family minhagim are, as they were most likely minhagim of the place they lived, not of their specific family. It is however a positive thing to connect to one's mesorah in some form or fashion. However, since who chooses to do so, would be doing so as an individual, and would not be able to take on any leniencies that are not commonly followed by most of Klal Yisroel, such as only waiting one hour between fleishigs and milchigs.

MOVING PLACES

If one permanently changes his community, he will adopt the minhagim of his new location, as he is now part of a different community (Chullin 18b, Shulchan Aruch OC 468). Even if one does not necessarily move away, but becomes associated with a different kehillah in the same city, one would be obligated only in the minhagim of the new place (see Rav Elyashiv zt"l in Koveitz Teshuvos 1:12). If one leaves only temporarily, he must retain the minhagim of the first location, as well as those of the second location. This is very relevant to the issue of keeping two days of Yom Tov in Eretz Yisroel, which is a discussion in its own right.

However, the Shulchan Aruch HaRav (OC 468) makes an important caveat to this rule (see also Biur Halachah ibid. "chomrei makom"). The halachah that a change in community or kehillah will change one's minhagim, only applies if the new place has a different minhag. However, if the new place does not have any defined minhag in this regard, one should continue his minhagim from the first place. Large cities that have many different kehillos, such as Yerushalayim, as well as big cities in the U.S., might be considered places that don't have any established minhagim. Therefore, people should follow their old minhagim even in these cities (Igros Moshe OC 1:159, EY 1:59 and Yom Tov Sheini Kehilchasah in the name of R. Shlomo Zalman Auerbach zt"l, pg. 311).

WHEN MINHAGIM MAY CAUSE MACHLOKES

The Gemara in Pesachim 51b states that when one has different minhagim than others in his surroundings, he may not deviate from the norm of that place, for doing so might cause friction and strife. The Sfas Emes (ibid.) and Tzitz Eliezer (Vol. 16:3) explain that although acceptance of and adherence to a minhag are like making a neder, there is an unspoken and obvious clause to every minhag that it will not be kept in a location where it will create strife. Therefore, if one can manage to follow his minhag in a discreet way, he may do so (Mishnah Berurah 468:14).

WHEN THE HOSTS AND GUESTS HAVE DIFFERENT MINHAGIM

One situation that may arise is in the area of kashrus. The Rema (YD 212) states that one who is careful to eat only pas yisroel and is a guest of someone who is not as scrupulous, should forego his normal minhag, in order to avoid hard feelings. However, this rule applies only to matters involving chumros. If it is a question of a true issur, even one that is derabbanan, while he certainly should be as diplomatic as possible, he may not violate any halachah for the sake of peace (Pri Chadash 496:16, Graz 468:14, Mishnah Berurah ibid). In a situation where the host is lenient based on a minority opinion and the guest is following the halachic norm, such as chodosh, this Rema would also not apply, and the guest must adhere to his minhag, despite the risk of insulting the host.

While this is the general rule, the Shach (YD 219:20) makes an important distinction. He points out a contradiction in the Rema, who writes elsewhere

(YD 219:7) that one may be a guest somewhere and not be nervous about being served something that violates his minhagim, for the host would certainly be sensitive not to serve food that his guest may not eat. This seems to imply that one must follow his own minhagim, even as a guest in someone else's home. The Shach explains, that the first Rema applies only to bread, in which failure to partake in the main part of the meal would be obvious, and may create machlokes. Other foods that are not as essential, one should keep to his minhag, because refraining from eating it would not be noticeable.

In addition, he cites the Teshuvos Maharalbach (21) who makes another distinction. He explains that a chumrah based on a family minhag has the status of a real issur that one should always keep to, as opposed to a personal minhag that one can override when being hosted. This explains why if one is hosting a son-in-law that is makpid not to eat gebroktz, being that it is a widespread family minhag, you may not serve him anything inconsistent with that minhag.

However, if his personal stringency is at odds with the custom of the entire city and he cannot be discreet about it, he must follow the local minhag (MB ibid).

DIFFERENT MINHAGIM IN DAVENING

When one davens a specific nusach, either Sefard or Ashkenaz, and he is in a shul that davens differently, what should he do? The Pas Hashulchan (Hil. Eretz Yisroel 3:19) writes that it is forbidden to daven a different nusach than the tzibbur, even in silent Shemoneh Esrei. However, the Netziv (Meishiv Davar 1:17) and Rav Moshe Feinstein (Igros Moshe, OC 2:23) argue that the tefillos that are said quietly will not lead to any machlokes, and therefore one can daven his own private nusach. The same would apply for any part of davening that can be said quietly, such as pesukei d'zimra or viduy before tachanun, since no one will detect the difference (Igros Moshe OC 2:22). Any recognizable deviation, such as banging one's chest during the "ashamnu" before tachanun, or davening as the shaliach tzibbur according to his own minhagim, is prohibited (see Igros Moshe OC 4:33 & 4:19).

Both the Netziv and Rav Moshe write that there is an exception to this rule. The parts of davening that may only be said with a tzibbur, such as kedushah and kaddish, must be said in the official nusach of

the tzibbur, even if he himself will say it silently. The reasoning is that these parts of davening can't be said by individuals, only within a quorum or tzibbur. Because his performance of this mitzvah is dependent on the group, he must follow the minhagim of that tzibbur.

In general, there are different opinions about changing one's nusach. The Magen Avraham (siman 68) writes in the name of the Arizal that there are 12 gates of Tefillah, one for each of the Shevatim. Therefore, each minhag of tefillah is important and should not be changed. Based on this idea, the Mishnah Berurah (ibid: 4) states that one should not change his/her minhag either way. However, the Chida (Keshet Godel 12:9) and others say that the nusach sefard, which is based on the Arizal, is a nusach which can enter all 12 of the gates of Tefillah. Therefore, one may switch from Ashkenaz to sefard, but not vice versa. (See however the Chasam Sofer, OC: 15-16, who takes issue with this claim.) There is yet a third opinion. Rav Moshe Feinstein (Igros Moshe OC 2:24) was asked about a boy who grew up davening sefard, the nusach of his father. He then went to yeshivah and davened ashkenaz along with the other talmidim. Does he have to change back to his father's nusach? Rav Moshe answered that the real minhag of his ancestors is in fact ashkenaz, for that was the standard nusach in all of Eastern Europe before the Baal Shem Tov. Accordingly, switching from sefard to ashkenaz would not be considered a deviation from his minhag.

AN IMPORTANT EXCEPTION

Lastly, if keeping one's minhag will result in the violation of any prohibition in the Torah, there is no power to that minhag at all (Pri Chadash 496:15). The Tzitz Eliezer (ibid) writes that it was for this reason that gedolei Yisroel such as Rav Yisroel Salanter and the Chofetz Chaim willingly forfeited certain stringencies in halachah which would come at the expense of another Jew.

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