

MINHAG IN JUDAISM

HAROLD KAMSLER

The people of Israel had settled in the land and they soon followed the practices of the other nations they found there. Moses had given them laws to follow, but they constantly backslid and soon were in a precarious position. There was no king or authoritative leader, and the rule of thumb became *every man did what was right in his own eyes* (Jud. 17:6). The people came to believe in the need for a king, who would set down laws and establish a stable society, and Samuel appointed Saul as the first king.

Along with the biblical and the civil laws there grew up *minhagim* [customs], suggested and inspired by the Bible, and these became rules for the people to live by. It was the objective of all Jewish communities to have their members live in accordance with Jewish customs and traditions. The patterns may have been different in different places but all were inspired by faith and devotion. The spiritual leaders in many communities throughout the world sought to preserve the folk thinking and the character of the Jewish community. The people were willingly led to adopt such practices.

The word *minhag* [מִנְהַג] is derived from a root meaning "to lead." The *minhag* was a time-hallowed, authorized practice, as valid and binding as Torah. The Talmud states: "The *minhag* of our fathers is Torah" (Menahot 20b). The Shulchan Arukh adds: "No man may deviate from the *minhag* of his city" (Orach Hayyim 425:1). At times, *minhagim* even superceded Jewish law, as the Talmud notes: "*Minhag* overrules law" (Baba Metzia 7:1).

There are three types of *minhagim*:

(1) those which serve as fences around the law (to safeguard against inadvertent violation of a law);

(2) those which inspire the Jew who might have become indifferent to the teaching of Torah;

(3) those that provide an embellishment for the Jew who expresses his love for the *mitzvot*; for example the singing of *zemirot* on Shabbat eve, or the use of a beautiful covering for the *hallot*.

Harold Kamsler is rabbi emeritus of Congregations Tiferet Israel and Bnai Jacob in Pennsylvania and taught in the Department of Sociology at New York University. He is now living in Ra'anana, Israel.

Some Jewish communities exposed to the influences of non-Jewish communities even adopted their customs. For example, British rabbis who wear clerical collars, Hasidim who wear the long coats and *streichel* of the Polish nobility, and the participation of bridesmaids at a wedding.

The usages were handed down from generation to generation. Although the *halakha* was developed in great detail by the rabbis as the most important element in Jewish life, the *minhag* was often as binding as the *halakha*. Thus, popular usage was most important and often overrode law.

Philo of Alexandria in his book on Special Laws, wrote: "Customs are unwritten laws, the decisions approved by men of old, not inscribed on monuments or leaves of paper which the moth destroys, but on the souls of those who are partners in the same society."

Maimonides wrote:

Man should try to understand why he is asked to observe precepts and customs, but even when he fails to fathom the reasons he should not hastily pronounce them as trivial. For customs of religious import are not to be equated with those of a mundane nature; they are in a category by themselves (Hilkhot Meilah 8:8)

Moses Isserles collected a large number of *minhagim* and added them to the *Shulhan Arukh* as glosses, accepted as binding by the Ashkenazim. Sephardim, who have *minhagim* in abundance, follow Joseph Karo's *Shulhan Arukh* and not the additions by Isserles.

The outcome of all this is that a living, growing tradition is nourished by their sources; its classic sacred texts from which new customs arise out of the active, continuing creativity.