

Why are Customs Important?
Customs of the Seder (1)
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TORAH MITZION
BEIT MIDRASH

1. Philo, The Special Laws IV, 149-150 (c. 25 BCE-50 CE, Alexandria, Egypt)

"Thou shalt not move thy neighbours' landmarks which the former men have set up." And this injunction is given, as it seems, not only with respect to inheritances, and to the boundaries of the land... but also as a guard to ancient customs; for customs are unwritten laws, being the doctrines of men of old, not engraved on pillars or written on paper which may be eaten by moths, but impressed in the souls of those living under the same constitution. For the children ought to inherit from the father of their being the national customs in which they have been brought up, and in which they have lived from their cradle, and not to despise them merely because they are handed down without being written. For the man who obeys the written laws is not justly entitled to any praise, inasmuch as he is influenced by compulsion and the fear of punishment. But he who abides by the unwritten laws is worthy of praise, as exhibiting a spontaneous and unconstrained virtue.

2. Whose customs? a. Minhag HaMakom – the custom of the place; b. Minhag Avot – family custom; c. Minhag HaEdah – custom of the ethnic group; d. Minhag Yisrael – custom of the Jewish people
3. What kind of customs?: a. Non-Halachic customs; b. Mistaken customs; c. Customs to rule in accordance with a particular position d. Customs to accept religiously valuable activities/prohibitions

4. Talmud Pesachim 50a-b

One who goes from a place where the [the custom is to work on Erev Pesach] to a place where they don't work, or from a place where they don't work to a place where they do work – we give him the stringencies of the place he left and the stringencies of the places he went to...The children of Beishan were accustomed not to go from Tyre to Sidon on the eve of the Sabbath. Their children went to R. Yohanan and said to him, For our fathers this was possible; for us it is impossible. He said to them, "Your fathers have already taken it upon themselves, as it is said, 'Hear my son, the instruction of thy father, and forsake not the teaching of thy mother.'"

5. Pri Toar Yoreh Deah 39 (Rabbi Chaim ben Atar [1696-1743], Morocco)

"Benei Beishan" are really members of the Beishan family, literally.

6. Talmud Chullin 105a

Mar Ukba said: In this matter I am as vinegar is to wine compared to my father. For if my father would eat meat now he would not eat cheese until this hour tomorrow I do not eat [cheese] in the same meal but I do eat it in my next meal.

7. Responsa Chavot Yair 126, (Rabbi Yair Bachrach [1639-1702], Germany)

The verse "hear my son the rebuke of your father" is just an *asmachta*... We should note that it is only a public acceptance in a community, that was established together...That which R"Y was stringent on Benei Beishan was because of the **place**.

8. Pitchei Teshuva Yoreh Deah 214:5 (Rabbi Avraham Eisenstat, 1813-1868, Russia)

A son is not obligated to follow the customs of his father, besides for those that the son was accustomed to after he became an adult.... This is not the case if the son did not start following the good custom of his father...

9. Rabbi Yosef Shalom Elyashiv, Comments to Pesachim page 293 [Israel, 20th-21st century]

And an individual who accepted upon himself a good custom, this obligates his children as it says "do not abandon the teachings of your mother". However, an individual does not have to choose all the customs of his father and act like it – only those things that his father accepted also on his children after him.

10. Rabbi Maimon, father of Maimonides, Composition on Prayer

Those who developed the custom [showed] alacrity and effort... and you should not deride the custom of the nation. The Prophet said "do not abandon the teachings of your mother" – do not leave the religion of your nation.

11. **Can the children nullify the vows?** Chatam Sofer, Orach Chaim 122: Fathers can, children cannot; Pri Chadash Orach Chaim 496, Fathers can, and children even more obviously can nullify it

12. Pri Chadash Orach Chaim 496, Rabbi Chizkiyah Di Silva ([1656-1695], Italy and Israel)
Maharshdam YD 40 (summary): Only customs to forbid things which are permitted are considered vows and can be nullified. A custom to follow a stringent position in a rabbinic dispute cannot, as one is choosing to treat it as forbidden.

PC: This is only if they don't have a Rabbi. If they have an established scholar, he can rule leniently, for they only became accustomed like this based on that authority who forbade because they thought the law was like him. Since the rabbi has proof to contradict that authority, they are only obligated to follow the judge in their days... That first custom, based on that authority, is a mistaken custom, and I have already written that mistaken customs can be permitted without nullification.

13. Pri Chadash, Ibid

Members of a city that are exiled and establish their residence in another place which has different leniencies and stringencies from those they were accustomed to – how should the exiled one act? ... Any new city – if it is known where most people came from, the custom will follow the place they came from. The reason is that it is a new city. However, if they came to a city that has a quorum, even if those who come are more numerous, they are like individuals and must follow the stringencies of the place they came to and the stringencies from the place they came from have been removed.

14. Ibid 468, citing Keneset Hagedolah in name of Maharit

The stringencies of the place they left are not removed until they establish themselves in a city that has a lenient custom, but not in a city that has no established custom. [*Sefer Tal Amarti* (153): You need a new custom to replace the old one.]

15. Responsa Rashba 253, Rabbi Shimon b. Aderet ([1235-1310], Spain)

In R. Eliezer's place, they would cut wood to make charcoal to make the knife, and the sages did not protest as they were acting like their teacher...Based on this, whenever they have accustomed themselves based on one of the great authorities, [such as] the places where they act in all their actions based on the laws of Rif z"l, and the places where they always act based on Rambam's code -they have made these great ones their teachers. However, if there is a sage worth of ruling, and he sees a proof to forbid what they permitted, he can forbid it, for this is not actually their teacher, and if they were to act differently than their actual teacher in his place, it would be lessening the honor of their teacher in his place. [**Basis of subsequent acceptance of Shulchan Aruch and Rama**]

16. Igrot Moshe Yoreh Deah 2:75, Rabbi Moshe Feinstein (20th Century, United States)

A Yeshiva student who has different customs from his father's house and in Yeshiva there are other customs, in his house in private he can follow his father's customs, but in Yeshiva he must follow the Yeshiva's customs.

17. Siach Nachum 30, Rabbi Nachum Rabinovitch (Current, Israel)

With all customs like this, a person must take into account his family and friends, not to "sit among the standers or stand among the sitters," for this seems arrogant and leads to strife and gossip. Because of the emotional element in this issue, I advise all who ask me to do as their father's do, so as not to embarrass their fathers, G-d forbid, even if their fathers forgive it...and the honor of fathers is great.

18. Talmud Pesachim 66a

[Hillel said]: I heard this law and forgot it. Rather, leave Israel – if they are not prophets, they are the children of prophets.

19. Shiurim L'Zecher Aba Mari, Rabbi Joseph Solovetichik (20th Century, United States)

[This is] the practical tradition, based on the customs of Israel in keeping of the commandment, based on the verse "ask your fathers and they will tell you, your elders and they shall say it to you." proofs and logic cannot prove anything about the tradition of "ask your fathers and they will tell you." There, the logic does not decide, but the tradition itself. This is how the fathers acted, were seen, and this is how they children must act. [**Nefesh HaRav** 88-89: History proves the truth or falsehood of certain positions.]

20. Maimonides, Hakdama to Yad Chazaka ([1140-1205], Egypt)

We will explain the customs and decrees that were decreed or became the custom in each generation, as per the courts of that generation. For it is forbidden to stray from what they said, as it says “do not stray from what they tell you right or left.”

21. Talmud Berachot 47a

R. Judah the son of R. Samuel b. Shilath said in the name of Rab: The guests may not eat anything until the one who breaks bread has tasted. R. Safra sat and stated: The statement was, ‘May not taste’. What difference does it make [in practice]? — [It teaches that] one must repeat the exact words of his teacher

22. "A Tribute to the Rebbitzin of Talne," Tradition 17:2, pp. 76-77)R. Joseph B. Solovetichik

What is *torat imekha*? What kind of a Torah does the mother pass on?... Permit me to draw upon my own experiences. I used to watch her arranging the house in honor of a holiday. I used to see her recite prayers; I used to watch her recite the sidra every Friday night and I still remember the nostalgic tune. I learned from her very much. Most of all I learned that Judaism expresses itself not only in formal compliance with the law but also in a living experience. She taught me that there is a flavor, a scent and warmth to mitzvot. I learned from her the most important thing in life - to feel the presence of the Almighty and the gentle pressure of His hand resting upon my frail shoulders. Without her teachings, which quite often were transmitted to me in silence, I would have grown up a soulless being, dry and insensitive. The laws of Shabbat, for instance, were passed on to me by my father; they are a part of *mussar avikha*. The Shabbat as a living entity, as a queen, was revealed to me by my mother; it is a part of *torat imekha*. The fathers knew much about the Shabbat; the mothers lived the Shabbat, experienced her presence, and perceived her beauty and splendor. The fathers taught generations how to observe the Shabbat; mothers taught generations how to greet the Shabbat and how to enjoy her twenty-four hour presence.

23. Rupture and Reconstruction, Rabbi Dr. Haym Soloveitchik (Current, United States)

In 1959, I came to Israel before the High Holidays. Having grown up in Boston and never having had an opportunity to pray in a haredi yeshiva, I spent the entire High Holiday period—from Rosh Hashanah to Yom Kippur—at a famous yeshiva in Bnei Brak. The prayer there was long, intense, and uplifting, certainly far more powerful than anything I had previously experienced. And yet, there was something missing, something that I had experienced before, something, perhaps, I had taken for granted. Upon reflection, I realized that there was introspection, self-ascent, even moments of self-transcendence, but there was no fear in the thronged student body, most of whom were Israeli born. . Nor was that experience a solitary one. Over the subsequent thirty-five years, I have passed the High Holidays generally in the United States or Israel, and occasionally in England, attending services in haredi and non-haredi communities alike. I have yet to find that fear present, to any significant degree, among the native born in either circle. The ten-day period between Rosh Hashanah and Yom Kippur are now Holy Days, but they are not Yamim Noraim—Days of Awe or, more accurately, Days of Dread—as they have been traditionally called. I grew up in a Jewishly non-observant community, and prayed in a synagogue where most of the older congregants neither observed the Sabbath nor even ate kosher. They all hailed from Eastern Europe, largely from shtetlach, like Shepetovka and Shnipishok. Most of their religious observance, however, had been washed away in the sea-change, and the little left had further eroded in the “new country.” Indeed, the only time the synagogue was ever full was during the High Holidays. Even then the service was hardly edifying. Most didn’t know what they were saying, and bored, wandered in and out. Yet, at the closing service of Yom Kippur, the Neilah, the synagogue filled and a hush set in upon the crowd. The tension was palpable and tears were shed. What had been instilled in these people in their earliest childhood, and which they never quite shook off, was that every person was judged on Yom Kippur, and, as the sun was setting, the final decision was being rendered (in the words of the famous prayer) “who for life, who for death, / who for tranquility, who for unrest.” These people did not cry from religiosity but from self interest, from an instinctive fear for their lives. Their tears were courtroom tears, with whatever degree of sincerity such tears have. What was absent among the thronged students in Bnei Brak and in other contemporary services—and, lest I be thought to be exempting myself from this assessment, absent in my own religious life too—was that primal fear of Divine judgment, simple and direct. To what extent God was palpably present on Yom Kippur among the different generations of congregants in Boston and Bnei Brak is a matter of personal impression, and, moreover, it is one about which opinions might readily and vigorously differ. The pivotal question, however, is not God’s sensed presence on Yom Kippur or on the Yamim Noraim, the ten holiest days of the year, but on the 355 other—commonplace—days of the year: To what extent is there an ongoing experience of His natural involvement in the mundane round of everyday affairs? Put differently, the issue is not the accuracy of my youthful assessment, but whether the cosmology of Bnei Brak and Borough Park differs from that of the shtetl, and if so, whether such a shift has engendered a change in the sensed intimacy with God and the felt immediacy of His presence?