

Un-A-Customed

PARSHA INSIGHTS - MISHPATIM (5760)

SOMETIMES WE MUST ABANDON A MARVELOUS CUSTOM

Do we Jews ever give up *minhagim* [accepted customs]? The answer is that *minhagim* are generally meant to be observed meticulously. There are exceptions, however. Three illustrations will be explored today.

In our *parsha* [Torah portion], 24:4, we read about *matzaivos* [pillars]. “Moshe wrote all the words of Hashem, and rose up early in the morning, and built an altar under the mount, AND TWELVE PILLARS, according to the twelve *shevatim* [tribes] of Yisroel.” *Rashbam* explains that these twelve *matzaivos* testified that all the divisions of *Klal Yisroel* [the Jewish people] agreed to the ratification of the *bris* [covenant] with Hashem to observe the Torah. We see that the pillars were desirable and significant.

Rav Zalman Sorotzkin makes an observation. In former times, as in the years of the forefathers and the *Bnai Yisroel* [the Children of Israel] in the wilderness, these special pillars, *matzaivos*, were precious to Hashem. Notice other such occurrences in *Sefer Beraishis* [the Book of Genesis]. However, this attitude changed drastically with time. Once the pagan nations utilized *matzaivos* for idolatrous purposes, they became hateful in the eyes of Hashem. “Do not set up a pillar (*matzaiva*) for yourself, which Hashem your G-d despises” (*Parshas Shoftim* 16:22). This *din* [law] was transmitted to the second generation in the wilderness, as we know regarding *Sefer Devarim* [the Book of Deuteronomy] in general. This is a fine example of something practiced by former generations, which had to be abandoned because it was subsequently used for *avoda zara* [idolatry].

Here is second situation where Jews had to discontinue a certain *minhag* [custom] because of its use by another religion. The *Mishna Brura* in 494:10 mentions, in the name of the *Magen Avraham*, that we have a custom to place trees in our *shuls* [synagogues] and houses in honor of the *Yom Tov* of *Shavuos* [Holiday celebrating the giving of the Torah]. What is the reason? The world is judged concerning its supply of fruits of trees during *Shavuos* (*Mishna Rosh Hashana* 16A). To bring this lesson close to home, each family and synagogue has a “*Shavuos* tree” or trees. Have you displayed one of these in your house in recent years? The *Mishna Brura* remarks that the *Gra* (Vilna Gaon), cited by the *Chayai Adam*, abolished this *minhag*. But how can we simply do away with a holy Jewish custom? The reason is clear to everyone. It has now become the practice of gentiles to have trees in their houses on their festival.

An additional case comes to mind, and there might be others as well. In *Shulchan Aruch Orach Chaim* 605:1, the *Mechaber* (Rav Yosef Karo) proclaims that we should not perform the *kapporos* [atonements] ritual with a chicken. The sources mentioned by the *B'air Hagola* are the *Rashba* and the *Ramban*. (You are familiar with *kapporos*— a chicken, or money, is swung over the head on *Erev* [the eve of] *Yom Kippur*. Special prayers are said, and the item is donated to charity. See the *D'var Torah* [lesson] of *Vayikra* 5759 for an extensive discussion of *kapporos*.) Rav Karo suggests that the *minhag* be abandoned. Why? The *Mishna Brura* explains his view: It resembles the practices of the gentiles, similar to the ideas mentioned in the above cases. Do not worry, however, if you perform *kapporos* with a bird each year. The *Rama* (Rav Moshe Isserles, supreme *Ashkenazic Posek* [decider of Jewish law]) sides with the opinions that it may be done in this manner, and poses no *halachic* [legal] problem. Much of the world steadfastly follows this approach.

☞ Copies of the essay on *Vayikra* are available by clicking the following link, or online at TorahMax.com under: “Sefer Vayikra”, “Parshas Vayikra”, “[How A Sacrifice Atones for Sin](#)”- R. Moshe Heigh.

We see that *minhagim*, customs, must be cancelled IF THE HALACHIC AUTHORITIES instruct us to do so. Even though we might have been observing them before any other nation, the fact that non-Jews have adopted them as idolatrous rites makes it more advisable for us to abstain from them. Of course, this rule never applies to the actual HALACHOS, compulsory laws, of the Torah or the *Rabanan* [rabbis]. It is only relevant to some specific customs.

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